



VIA E-MAIL (rs@dir.ca.gov)

August 17, 2026

CalOSHA
Regulations Coordinator
Department of Industrial Relations Office
1515 Clay Street, Suite 1901
Oakland, CA 94612

RE: NAIMA's Comments on CalOSHA's Workplace Violence Prevention in General Industry Rulemaking

To Whom It May Concern:

INTRODUCTION

The North American Insulation Manufacturers Association ("NAIMA") appreciates the opportunity to submit comments on the California Division of Occupational Administration Safety and Health's ("CalOSHA") Proposed Workplace Violence Amendments on Workplace Violence Prevention in General Industry.

NAIMA is the trade association for manufacturers of fiber glass, rock and slag wool insulation products. NAIMA promotes energy efficiency and pollution reduction through energy savings achieved through the use of thermal insulation products. NAIMA's members have three fiber glass manufacturing plants in the State of California.

CalOSHA released its most recent revised draft of workplace violence regulations for general industry. The regulations now explicitly apply to all employers, employees, and places of employment, as well as employer-provided housing and employer-provided transportation. The updated rules clearly define twelve specific structural elements that must be outlined in an employer's Workplace Violence Prevention Plan ("WVPP").

Employers are required to establish systems that allow employees to report Type 3 violence (worker-on-worker) to someone other than their immediate supervisor. The proposed amendments also significantly expand employee and designated union representative access to physical workplace violence records and investigation material.

NAIMA is concerned because these amendments are very broad and expansive. NAIMA sets forth herein specific issues urging CalOSHA to modify or remove these onerous provisions.

THE DEFINITION OF THREAT OF VIOLENCE IS TOO BROAD AND CREATES EXPANSIVE LIABILITY

Recent drafts removed carve-outs that would have protected employers from liability regarding text messages, social media posts, or electronic threats of which the employer had no realistic way of knowing.

The definition of a “threat of violence” captures online, text, or social media messages. Although earlier drafts floated carve-outs for electronic messages the employer had no realistic way of knowing about, subsequent revisions tightened or complicated this standard.

NAIMA and its members object to being held to a “constructive knowledge” or vague reasonableness standard regarding off-hours digital or social media chatter. Monitoring every platform or text thread creates an impossible surveillance and liability burden, exposing businesses to citations for digital threats they could not have anticipated or controlled.

THE PROPOSED AMENDMENTS EXPAND ACCESS TO CONFIDENTIAL INFORMATION

The draft expands union and designated employee representative access to sensitive internal workplace violence logs, investigation materials, and anonymous reports, subject to limited redactions.

This threatens internal corporate confidentiality, compromises employee privacy (especially for anonymous whistleblowers reporting peer harassment or Type 3 violence), and invites adversarial labor disputes or fishing expeditions into sensitive safety investigations.

NAIMA urges CalOSHA to prohibit such expansive access to confidential information.

These arguments apply with equal force to access to mandated post incident investigation reports.

REMOTE TRAINING AND RESPONSE REQUIREMENTS THAT ENCOMPASS TRANSPORTATION AND HOUSING IS FAR TOO BURDENSOME

The amendments expanding authority to include employer-provided transportation and housing forces fixed facility standards onto mobile environments.

Monitoring, assessing, and engineering safety controls for scattered fleet vehicles, carpools, or remote company-supplied housing creates an expansive, ambiguous liability zone that is difficult for non-industrial or distributed businesses to police.

TRAINING TURNAROUND TIME IS BURDENSOME

For remote or hybrid workforces, employers must answer employee interactive training questions within one business day.

This strict one-day turnaround imposes micro-management of training operations, forcing small businesses without dedicated HR or safety departments to maintain constant 24/7 staffing just to answer compliance inquiries.

SMALLER EMPLOYER DEFINITION SHOULD HAVE MORE FLEXIBILITY

A single temporary spike in headcount, a brief contractor overlap, or a minor shift in public accessibility over a full year strips a small business of the exemption. Industry groups contend this “zero-tolerance” rolling headcount forces micro-businesses into heavy, costly Workplace Violence Prevention Plan (“WVPP”) engineering and administrative structures meant for large enterprises.

WORKPLACE HAZARD SHOULD HAVE A MORE PRECISE DEFINITION

Cal/OSHA expects continuous, documented hazard identification, violent incident logging (even in zero-incident years), and distinct physical or operational correction workflows.

Because Cal/OSHA’s safety standards are interpreted stringently by the Cal/OSHA Appeals Board, vague expectations around what constitutes a “workplace hazard” leave businesses vulnerable to aggressive hindsight-driven citations. Minor paperwork lags or an unlogged near miss can be leveraged into “serious” violations carrying massive statutory fines.

CONCLUSION

For the reasons stated above, NAIMA urges Cal/OSHA to withdraw or significantly modify the proposed amendments to the workplace violence regulations.

Sincerely,



Angus E. Crane
Executive Vice President, General Counsel