



July 18, 2022

Mr. Kevin Graulich,
Senior Safety Engineer
Division of Occupational Safety and Health-Research and Standards Unit
Submitted by email to KGraulich@dir.ca.gov

SUBJECT: Revised Workplace Violence Prevention regulations dated May 17, 2022

Dear Kevin,

Housing Contractors of California is a non-profit trade association of specialty contractors and material suppliers in the construction industry. Our members operate in most of California, and in most segments of construction, but primarily in the new housing construction arena.

We appreciate the continued efforts to make changes to the proposal for Workplace Violence Prevention regulations. We believe some industries have an exposure for workers that warrants specific regulation, versus utilizing the IIPP. We also strongly believe, however, that many industries have a low exposure level that will be well covered by utilizing the IIPP.

Due to the potential scope of this regulation, we believe an advisory committee should be convened. And, we strongly believe that the advisory committee should be co-hosted by yourself and a representative of the Cal/OSHA Standards Board, for the following reasons:

1. The Standards Board has a very good track record of working through issues to achieve a consensus regulation. A consensus regulation achieves a triple goal. Legitimate employers embrace the provisions of the regulation, and implementation is quick and efficient. Labor advocates are able to help educate workers on the provisions of the regulation, as it is clear and understandable to all parties. Cal/OSHA can enforce against bad actors, because compliance is clear; and both employer and worker advocates will report serial violators to Cal/OSHA enforcement.
2. A regulation will come into effect faster with the dual hosting. There will be far less delay in the regulatory procedures of the Standards Board, when their staff and all stakeholders have worked together to produce a consensus regulation.

We believe the following changes are very important to make to this regulation, preparatory to the advisory committee.

1. Under (a) Scope and Application, an exception should be added for employers whose employees are subject only to Type 3 or 4 violence, for the following reasons:
 - a. California employers are already one of the most regulated groups in the country. Any new regulation would be added to an already significant amount of money and resources.
 - b. Any regulation should show necessity for promulgation, there is no showing of necessity here for employers with only Type 3 or 4 exposures. Any unnecessary regulation emboldens the underground employers, who won't pay the cost or resources to comply, thereby having even greater economic advantage over compliant employers.
 - c. The IIPP is well suited to respond to the Type 3 or 4 exposures.
 - d. An example of this type of industry is construction. The public has no business at, or is usually allowed at; jobsites or construction offices. If a thief wants to steal material, this is attempted overnight, when all employees have left the jobsite. It is relatively easy to disallow former employees or someone who an employee is concerned about; from entering the jobsite or office.
2. Under (b)(2) Definitions, the following should be changed:
 - a. The word "threatening" should precede the word "statement".
 - b. The word "physically" should be re-inserted.
 - c. The "union representative" sentence should be re-inserted.
3. Under (b)(3)(A) Definitions, the word "stress" should be removed. It is far too broad and subjective for a serious regulatory standard.
4. Under (c), the phrase "union representative" should replace all instances of "authorized employee representatives". Again, this is too broad of a statement.
5. There are multiple changes that need to be made to the procedures to implement, investigate, and log workplace violence incidents. Letters to you from the Phylmar Regulatory Roundtable and the California Chamber of Commerce are very detailed and thorough here, and we would align with those comments.

Thanks again for all your work on this Kevin,

Sincerely,



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