

July 14, 2025

Dear Mr. Berg,

I am writing to offer several comments on the latest draft of the Cal/OSHA Workplace Violence Prevention in General Industry standard (Title 8 Section 6401.9).

Overall, I believe the draft standard as currently written offers a strong framework for planning and prevention of workplace violence across a wide variety of workplaces, along with important measures when incidents occur. The adaptation of language from the existing workplace violence prevention standard for healthcare (Title 8 Section 3342)—particularly the inclusion of sample WPV risk factors and control measures—is a smart approach given the robust nature of that existing regulation.

I offer the following suggestions on the current proposed language to Workplace Violence Prevention in General Industry standard:

(a) Scope and Application: EXCEPTION 6: Places of employment that are not accessible to the public if the employer meets the following conditions: (A) Has less than a total of 10 employees, and (B) Is in compliance with section 3203.

The framing of this exception around places of employment that are “not accessible to the public” is inconsistent with the four WPV types as described in Section (b)(7), particularly Type 3 violence “against an employee by a present or former employee, supervisor, or manager.” I recommend including language (either here or elsewhere) to ensure that even in small workplaces not accessible to the public, Type 3 workplace violence is considered as a potential hazard during the employer’s periodic inspections to identify unsafe conditions and work practices as required under 3203, and that employers maintain records of workplace violence incidents for subsequent evaluation and response.

(b) Definitions: (1) Authorized employee representative, for purposes of this section only, means an organization that has a collective bargaining relationship with an employer or an organization acknowledged by a public agency as representing its employees.

I recommend replacing the use of “authorized employee representative” with “designated representative,” referring to “any individual or organization to whom an employee gives written authorization to exercise a right of access,” with “a recognized or certified collective bargaining agent [...] treated automatically as a designated representative.” This approach is consistent with several other Cal/OSHA standards (e.g., Title 8 Section 3203, Title 8 Section 3204) and allows workers nonunion workers to obtain support for concerns when needed.

(b) Definitions: (6) “Threat of violence” means any verbal or written statement...that conveys an intent, or that is reasonably perceived to convey an intent, to cause physical harm or place someone in fear of physical harm, and that serves no legitimate purpose.

The phrase referring to a threat of violence that “serves no legitimate purpose” was included in earlier versions of this draft language as well. It’s not clear to me under what circumstances a threat of violence may be considered legitimate. I recommend removal of this phrase from the standard.

(c)(11)(c) Offer or make available individual trauma counseling to employees affected by the incident upon request.

Any employee experiencing an instance of workplace violence should be offered trauma counseling without having to request it from their employer. The current language places an unnecessary burden on employees to have to request counseling services rather than employers proactively providing them. I recommend removing the phrase “upon request.”

(c)(11) EXCEPTION: Employers are exempt from subsections (c)(11)(D) through (G) for involuntary or unintentional type 2 workplace violent incidents that are repetitive if all of the following conditions apply...

These exceptions exempt employers from conducting debriefings, hazard evaluations, corrective measure assessments, and employee consultation following repetitive incidents provided no serious injury, death, or use of weapons occurred. This sweeping exemption essentially tells employees that if they survive repetitive workplace violence without serious physical harm, they should expect no meaningful post-incident response procedures or changes in their workplaces to prevent future violent incidents. These exemptions are inappropriate for a standard seeking to prevent any and all instances of workplace violence and should therefore be eliminated.

Thank you for your continued work to move forward with this urgently needed standard.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Riley", with a stylized flourish at the end.

Kevin Riley, PhD MPH

Director, UCLA Labor Occupational Safety and Health (LOSH) Program

Principal Investigator, Western Region Universities Hazmat Worker Training Consortium

kriley@irle.ucla.edu

310-617-8288