



Date: June 1, 2026

To: Eric Berg, Deputy Chief, Health and Research and Standards
Division of Occupational Safety and Health (Cal/OSHA)
1515 Clay Street, Suite 1901
Oakland, CA 94612

Introduction

AGC of California appreciates the opportunity to provide comments regarding the updated draft language for the proposed Workplace Violence Prevention Standard. While we support the overall intent of the regulation, we respectfully request additional clarification in several areas that may present implementation challenges for the construction industry due to the temporary, dynamic, and multi-employer nature of construction worksites.

1. Multi-Employer Responsibilities, Coordination, and Temporary Construction Worksites

Key Concerns

Construction projects involve multiple employers operating simultaneously with varying levels of authority and control, all while operating within temporary and constantly evolving work environments. Every construction jobsite is unique, with changing site layouts, staffing levels, hazards, trades, and operational conditions throughout the life of a project. Because of this, AGC of California believes additional discussion and clarification is needed regarding who ultimately “owns” and manages the workplace violence prevention program on multi-employer construction projects.

General contractors often maintain broader authority over site logistics and coordination, while subcontractors may have limited ability to implement sitewide corrective actions or enforce project-wide procedures. At the same time, workplace violence prevention efforts are likely to be most effective when all employers onsite are operating under the same expectations, communication procedures, reporting processes, and response protocols. Multiple independent workplace violence prevention plans operating simultaneously on a single project may create confusion and reduce overall effectiveness.

AGC of California believes ensuring all employers and workers are aligned under a coordinated approach is critical to successful implementation within construction environments.

Requested Clarifications

- Clarify responsibilities between controlling contractors and subcontractors.
- Clarify whether controlling contractors are expected to establish sitewide workplace violence prevention procedures.
- Clarify how Cal/OSHA intends to evaluate compliance under California’s multi-employer framework.
- Consider construction-specific implementation guidance recognizing the temporary and dynamic nature of construction worksites.



2. Employer-Provided Transportation and Company Vehicles

Key Concerns

AGC of California believes the transportation-related language within the proposed regulation may have been primarily intended to address mass employee transportation environments, such as agriculture-related transportation or organized employee transit systems, rather than traditional construction operations.

Construction employers frequently provide company vehicles for employees to travel between jobsites or perform project-related activities independently. Our concerns are specifically related to situations involving employees independently operating company vehicles and incidents that may arise from interactions with members of the public outside of the employer's control, such as road rage incidents, aggressive drivers, or confrontations initiated by third parties on public roadways.

Employers generally do not have the ability to control the conduct or actions of other drivers on public roadways, and additional clarification is needed to ensure employers are not assuming liability for situations occurring entirely outside of their practical control.

Requested Clarifications

- Clarify whether incidents involving members of the public on roadways would constitute workplace violence incidents under the regulation.
- Clarify distinctions between mass employee transportation environments and independently operated company vehicles.
- Consider exemptions or limitations where employers lack practical control over public roadway environments.

3. Employee Access to Investigation Records

Key Concerns

AGC of California appreciates the Division's efforts to address confidentiality concerns by allowing certain information to be redacted from investigation reports and by providing employers adequate time to respond to requests for records. While these additions are appreciated, significant concerns still remain regarding the disclosure of sensitive information contained within workplace violence investigations.

Incident investigations may contain confidential witness statements, personnel records, medical information, security-sensitive materials, and other sensitive information that employers believe should receive additional protections from disclosure. AGC of California believes additional safeguards and flexibility should be considered to further limit the amount of sensitive information required to be shared.



Requested Clarifications

- Provide additional flexibility regarding redaction of sensitive information.
- Clarify protections for witness statements, medical information, and security-sensitive materials.
- Clarify interaction with existing state and federal privacy obligations.

4. Staffing Adequacy Language

Key Concerns

Terms such as 'appropriate staffing levels' and 'inadequate staffing' appear subjective and may create inconsistent interpretations during enforcement activities. It remains unclear how staffing adequacy would be objectively measured or evaluated by inspectors in the field, which may lead to hindsight-based evaluations following incidents.

AGC of California is seeking additional clarity and consistency in enforcement to ensure compliance expectations are objective, measurable, and not overly dependent on interpretation by individual inspectors.

Requested Clarifications

- Define subjective terminology more clearly.
- Establish objective or performance-based criteria where feasible.
- Clarify how staffing adequacy evaluations will be conducted during inspections and investigations.

Conclusion

AGC of California appreciates the Division's continued efforts to strengthen workplace violence prevention protections for California workers and welcomes continued dialogue throughout the rulemaking process. We respectfully request additional clarification to ensure the final regulation remains practical, enforceable, and appropriately tailored to the operational realities of the construction industry.

Tresten Keys

Safety and Regulatory Affairs Manager
AGC of California

2026 EXECUTIVE
COMMITTEE
AGC
PRESIDENT
Ryan Aukerman
Griffith Company

PRESIDENT-ELECT

Allison Otto
Otto Construction

TREASURER

Mary Teichert
Teichert Construction

**VICE PRESIDENT
BUILDING**

Ray Haj
Swinerton

**VICE PRESIDENT
HIGHWAY &
TRANSPORTATION**

Geoff Lister
Guy F. Atkinson
Construction, LL

**VICE PRESIDENT
UTILITY &
INFRASTRUCTURE**

Brandon Pensick
Ferreira Construction
Company

**VICE PRESIDENT
SPECIALTY CONTRACTORS**

Henry Nutt III
Southland Industries

**IMMEDIATE PAST
PRESIDENT**

Pat Kelly
Granite Construction
Company

CEO

Peter Tateishi
AGC of California

HEADQUARTERS OFFICE

3095 Beacon Blvd.
West Sacramento, CA 95691
Office: 916.371.2422
Fax: 916.371.2352
member_services@agc-ca.org

