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RE: PROPOSED WORKPLACE VIOLENCE PREVENTION STANDARD FOR GENERAL INDUSTRY – PROPOSED RULE DOES NOT ADEQUATELY ADDRESS MULTI-EMPLOYER WORKSITES IN CONSTRUCTION

Dear Deputy Chief Berg:

I write on behalf of the California Association of Sheet Metal and Air Conditioning Contractors National Association (CAL SMACNA) to submit additional comment on the April 23, 2026 proposed revision (April Revision). Please know we have co-signed the letter you received from the California Chamber of Commerce providing comprehensive comments on the April Revision and have chosen to send this separate letter to comment specifically on remaining issues related to "Multi-Employer Workplaces." Unless this issue is adequately addressed in the rulemaking; 1) employers on multi-employer worksites will not be able to confidently or legally comply with the rule subjecting themselves to violations and fines, and 2) Cal/OSHA will not be able to properly and fairly enforce the rule.

A multi-employer construction project typically has a general contractor (GC) and dozens of subcontractors (Subs) with hundreds of employees, collectively, on a jobsite at any given time. The GC is the entity that has the primary contract with the project owner and is the controlling employer for purposes of that jobsite. Subcontractors may have limited authority over site security, staffing, emergency response procedures or public access. In many construction environments, subcontractors may only have a few employees onsite for a short time and may have little or no ability to modify site conditions, implement security measures or control the actions of other employers or the public. Additional clarification is needed regarding how Cal/OSHA expects responsibilities to be divided and enforced on multi-employer worksites.

Implementation of The Workplace Violence Protection Plan on Multi-Employer Worksite. There is a lack of clarity on who supplies the Workplace Violence Protection Plan on a multi-employer job site. This plan is tailored to the unique specification of a workplace. Subcontractors do not have control over 'workplace violence hazards' on a jobsite that is being run by a GC. Is the GC in charge of coordinating the implementation of the Plan with the other employers on the jobsite? Would the GC provide a WVPP to the subcontractors to supply to their employees? Would every subcontractor on a job site be required to supply their employees with a unique WVPP? Cal OSHA fails to explain who is in charge of implementing this regulation on a multi-employer jobsite.

Incident Reporting on a Multi-Employer Worksite. Because subcontractors are only one employer on a multi-employer worksite there is confusion created by the current rule on how they are to legally comply with the rule when it comes to incident reporting and follow-up. For example, a mechanical (plumbing or HVAC) subcontractor has five employees working on a large hospital construction project. During a shift, an employee of another subcontractor becomes verbally aggressive and threatens one of the mechanical contractor's employees. The incident occurs in a shared work area and is witnessed by employees from several different employers. Following the incident, the regulation requires all employers whose employees experience the workplace violence incident to record the information in their violent incident log. This includes; collecting security footage and obtaining sensitive witness statements. It also stands to reason that every employer who had employees involved would need to interview all employees involved; meaning employers would be requiring their employees to be interviewed by companies they were not employed by.

Aside from the redundancy of these efforts there are practical concerns about access to necessary information. Significant questions remain under this scenario:

- How can a subcontractor conduct a complete investigation when security footage and critical information is controlled by another employer?
- Can a subcontractor rely on a GC's (controlling) investigation and post incident debriefing process?
- How should employee access to records be handled when investigation records contain information from and owned by multiple employers?
- Who is responsible for protecting employee confidentiality and sensitive information when multiple employers are involved?

Effective rulemaking relies upon the ability for affected parties to clearly and reasonably understand the requirements and be able to take the necessary steps to comply. Until the April Revision directly addresses "multi-employer worksites" the requirements will not make sense for the employers on these sites nor will they be able to comply with the rule.

For the reasons stated above, we respectfully request that staff address this issue prior to the final draft being circulated.

We appreciate the opportunity to provide comment.

Sincerely,

Chris Walker
Executive Vice President
California Association of Sheet Metal and Air Conditioning Contractors National Association