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Submitted electronically: EBerg@dir.ca.gov, rs@dir.ca.gov

RE: Proposed Workplace Violence Prevention Standard For General Industry – March 2026 Draft

Dear Deputy Chief Berg,

The California Cotton Ginners and Growers Association (CCGGA) and the Western Tree Nut Association (WTNA) appreciates the opportunity to comment on the March 2026 draft Workplace Violence Prevention in General Industry regulation.

CCGGA represents more than 300 cotton growers and cotton gins, while WTNA represents growers, hullers and processors of walnuts, almonds, pistachios, and pecans throughout the state of California. Our industries operate seasonal agricultural processing facilities, warehouses, maintenance shops, trucking operations, field offices, and employer-provided transportation systems that are often located in rural areas and staffed by a combination of permanent and seasonal employees.

We appreciate that Cal/OSHA has addressed several concerns raised by stakeholders during the advisory committee process. In particular, we support the removal of Penal Code references relating to stalking and self-defense, clarification of the supervisor-reporting provisions, and deletion of several workplace violence hazards that lacked objective standards. Despite these improvements, several significant concerns remain.

Small Employer Exemption

The March 2026 draft continues to require that an employer have fewer than ten employees at all times during the preceding 365 days to qualify for the exemption. Our businesses are highly seasonal. A cotton gin or tree nut hulling facility may operate with only a handful of employees for much of the year but temporarily exceed ten employees during harvest. Under the proposed language, a brief seasonal increase in staffing could eliminate the exemption for an entire year.

We continue to recommend a threshold based upon the number of employees present during any given shift during a 7-day period rather than total annual payroll counts. Such an approach would better align with the practical realities of agricultural operations, align with SB 553 and not be extremely burdensome for small operations.

Employer-Provided Transportation

Many agricultural employers can provide transportation between work locations, orchards, gins and tree nut facilities. Unlike a fixed workplace, transportation can occur in an environment that is largely outside the employer's control. Employees may encounter members of the public at fuel stations, rest stops, or while traveling on public roadways.

The proposal raises important questions regarding employer expectations. For example, are employers expected to evaluate transportation routes for workplace violence hazards, assess crime conditions along travel routes, or implement additional security measures in vehicles? It is also unclear how employers would be expected to prevent or control incidents involving members of the public, road-rage situations, or other unforeseeable events occurring during transportation.

The proposal does not clearly define the extent of an employer's responsibility for workplace violence hazards occurring inside vehicles or while traveling on public roads. Without clarification, employers face significant uncertainty regarding compliance obligations. We request clarification regarding the scope of required hazard assessments for transportation activities, the extent of employer liability for conduct occurring during transit and how employers are expected to evaluate and control hazards involving members of the public encountered during transportation. Without additional clarification, the scope of the regulation could become virtually limitless.

Appropriate Staffing Levels

Although the draft attempts to clarify staffing language, "appropriate staffing levels" remains listed as a work practice control. The determination of staffing levels is influenced by production demands, seasonal workloads, economic conditions, and labor availability. These are complex operational decisions fall outside the expertise of workplace violence enforcement personnel.

Agricultural processing facilities frequently operate during harvest seasons which can have fluctuating staffing levels dictated by crop deliveries and production schedules. We remain concerned that the regulation could be interpreted to allow staffing decisions to become a basis for workplace violence citations despite no demonstrated connection to violence prevention. We recommend removing "appropriate staffing levels" as a required workplace violence control.

Stalking

Although the Penal Code reference was removed, stalking remains listed as a workplace violence hazard. Unlike traditional workplace hazards, stalking frequently occurs outside the workplace and often involves personal relationships beyond the employer's control. Employers may have limited information regarding the credibility of allegations, the existence of law enforcement investigations, or court-issued protective orders. We remain concerned that employers may be cited based on an interpretation of stalking by enforcement personnel with no background in criminal law.

Access To Investigation Records

The draft expands employee access rights to records maintained under subsection (f)(4). Agricultural employers can conduct investigations involving multiple employees, seasonal workers, supervisors, contractors, and third parties. Even when personal identifiers are redacted, the nature of the incident may allow employees to determine the identities of witnesses or individuals involved. For example, a workplace violence incident occurring on a night shift, in a maintenance department may be readily identifiable despite redaction. Employers should be permitted to withhold witness statements or other information that could reasonably reveal the identity of employees participating in investigations.

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Agricultural processing facilities present unique operating conditions that differ significantly from traditional public-facing workplaces. Cotton gins, tree nut hullers, shellers, and processing facilities are often located in rural and isolated areas, operate seasonally with changing staffing levels, utilize temporary and seasonal workforces, experience significant contractor and trucking traffic during harvest and operate around the clock during peak production periods. Accordingly, any final regulation should provide flexibility for employers to tailor workplace violence prevention measures to the specific risks and operating conditions present within agricultural workplaces.

We appreciate the Division's efforts to address stakeholder concerns and improve the draft regulation. However, the issues identified above continue to create uncertainty and compliance challenges for the tree nut and cotton industries. We respectfully request that the Standards Board further revise the proposal to address these concerns before adoption. Please feel free to contact me at priscilla@cggga.org if you have any questions or would like to discuss further.

Thank you for your consideration.

Sincerely,

Priscilla Rodriguez
Assistant Vice President

California Cotton Ginners and Growers Association
Western Tree Nut Association