



June 1, 2026

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Via Email to: rs@dir.ca.gov

**RE: Proposed Regulations for Implementation of Workplace Violence Prevention
Under Senate Bill 553 (Cortese, 2023) – April 23, 2026, Working Draft**

Dear Deputy Chief Berg,

The California State Association of Counties (CSAC), Association of California School Administrators (ACSA), and California Special Districts Association (CSDA) appreciate the opportunity to provide input on the draft proposed regulations well before they are considered by the Occupational Safety and Health Standards Board (OSHSB). We extend our thanks to the staff and leadership for your efforts to make the process inclusive and transparent.

Local government agencies and local educational agencies value our workforce and take our responsibilities to protect their health and safety as an imperative duty. Due to several concerns, including the expansion of temporary restraining order (TRO) filing authority and administrative burdens that cannot be recouped through cost recovery, local governments opposed Senate Bill 553 (Cortese, 2023). Our deliberation of SB 553 yielded some changes from the original version, some of which were absolutely critical. Ensuring that some of these provisions do not return in the proposed regulations, and that the proposed regulations are workable within public agency operational requirements, remain priorities for us.

Local governments and schools have a duty to provide essential public services, and our workforce must conduct their work in a variety of environments, some of which have increased risk than others due to the nature of our work. Local governments and schools already work constantly to mitigate those hazards and take actions necessary to keep our workforce safe. We have general concerns about policies that raise legal risks for local governments that are simply trying to provide essential public services. These concerns are heightened by an environment in which we face budget crises at the state and local level, limitations in our ability to raise revenue needed to meet heightened service delivery expectations, and crushing legal liabilities brought by recently enacted legislation, leading to fiscal pressures of both legal expenses and insurance costs.

With those thoughts in mind, we share the following comments on the version of the proposed regulations dated April 23, 2026. We look forward to future opportunities to share our perspective on these regulations throughout this year and during formal rulemaking.

§3343(a)(1)

Exception 6 would apply to places of employment not accessible to the public if the employer has fewer than 10 employees at the place of employment at all times during the preceding 365 days and is in compliance with section 3203.

This adds additional qualifications not found in statute, which simply measures 10 employees “at any given time.” This exception is important for public agencies that maintain small places of employment, and should be aligned with statute. Further, the note referring to total employees on payroll is vague as to how and where it is measured, potentially opening up a vastly different calculation – the note diminishes clarity and should be struck.

Additional language notes that the exception does not apply to “security services,” among others. In our comments on the May 13, 2025, draft we requested additional clarity to define the meaning of security services for this purpose, as some local agencies and local educational agencies have in-house security. We reiterate that request here in connection with the April 23, 2026, draft.

§3343(b)(3)(J) and (K)

We previously addressed comments to the addition of “visibility improvements,” to the list of engineering controls (§3343(b)(3)(J)). We would like to note that the legislature is presently considering a package of bills which may have the direct or indirect effect of limiting or restricting the use of workplace technologies that enhance the safety of public sector places of employment, including certain Artificial Intelligence and Automated Decision Systems, as well as certain workplace surveillance tools.¹ We are greatly concerned that, if enacted, this legislation could inhibit the use of tools to prevent workplace violence incidents and slow down response times for all types of violence under the Standard, but particularly Type 3 violence – and contradict the requirements of this definition. These concerns also extend to video monitoring and recording included at 3343(b)(3)(K), as well as other areas where technology could enhance employee safety and compliance with the regulation (e.g., §3343(b)(3)(A), (B), and (L)).

Employers will be stuck in the middle of conflicting goals in statute and regulation. We would urge the Division to take note of, and consider engagement in, that legislative conversation. If these bills pass as written, the Division would need to consider how the regulations could accommodate legislation that restricts our ability to prevent workplace violence.

§3343(b)(6)(C) & §3343(d) – Violence Incident Log

We appreciate the addition of an exception in response to the concerns we shared previously that the regulations could set up local agencies to fail by requiring them to find *all* public threats made and log them accordingly. We appreciate the adjustment to the language to account for threats made by the public at large, but fail to see why the exception should not cover the full spectrum of social media posts, not simply personal social media posts.

To that end, the note should read as follows:

NOTE: The employer is not responsible for texts, electronic messages, or personal social media that are not brought to the attention of the employer or that the employer could not otherwise be reasonably aware of.

§3343(c)(6), §3343(f)(4), and §3343(f)(7) – Concerns with addition of authorized employee representatives and designated representatives to those who are informed about investigations

We continue to have concerns with the addition of “authorized employee representative,” to §3343(c)(6). Unlike statute, the proposed regulations would require employers to inform employee representatives, in addition to employees, about the results of workplace violence investigations. We believe this addition goes outside of the scope of the law and have

¹ AB 1331 (Elhawary) would place restrictions on workplace surveillance tools generally, and specifically provides that a workplace surveillance tool in an employee-only breakroom or cafeteria shall not use generative artificial intelligence enabled video surveillance. See also AB 1883 (Bryan), which seeks to place restrictions on workplace surveillance technologies, including facial recognition technology; and, SB 947 (McNerney), which would limit the use of AI and automated decision systems to discipline or terminate employees.

concerns that it could challenge the ability for employers to maintain confidentiality in reporting on workplace violence investigations.

Further, we are concerned by the addition “designated representative” to §3343(f)(4), and §3343(f)(7). This term does not appear in statute and is defined to be broader than “authorized employee representative,” potentially exposing sensitive information to third parties.

We believe this concern is best addressed by striking the addition of reporting results of investigations and corrective actions to an “authorized employee representative” from §3343(c)(6)(B) and the requirement to provide information to “designated representatives,” in §3343(f)(4) and §3343(f)(7). Employee representatives are already well engaged in the process to update the plans to reflect new or growing threats to workplace safety and incident logs are available for review to meet this purpose.

In light of these requested edits, the “designated representative” definition in §3343(b)(2) does not serve a purpose and should be struck.

§3343(c)(9) – Changes needed to limit liability to public employers who are not aware of a hazard

Section 6401.9(c)(2)(I) requires employers to include in their workplace violence prevention plan procedures to, among other things, inspect workplace violence hazards whenever the employer is “made aware,” of a new or previously unrecognized hazard. The proposed regulations in §3343(c)(9) lack any similar language that would require an employer to have been aware of a new hazard and, instead, requires inspections when changes to the place of employment or job duties create new workplace violence hazards **and** whenever the employer is made aware of a new or previously unrecognized hazard.

Without the critical language that employers must be “made aware,” of a new hazard, we worry that this section sets public employers up for failure to be aware of unknown hazards.

Definitions of Workplace Violence Hazards – §3343(b)(10) and Work Practice Controls §3343(b)(9).

Serving the public and delivering essential services inherently requires public employees to conduct their work in the presence of many of the factors included in this section. The nature of their work may require employees to conduct their work alone, in the presence of the public, and late at night or early in the morning. Further, many public employers are required by law to have their worksites provide open access to the public and many public employers go above and beyond those requirements out of a duty to ensure their work is open to public scrutiny.

We appreciate the amendment to clarify that the items listed are factors to consider when identifying workplace violence hazards, rather than identifying them as examples of hazards. The edit is helpful to avoid a situation where public employers are compelled to correct hazards that are inherent to public service. The amendments in the new §3343(b) establish a much more reasonable standard: that public employers consider those conditions as aspects of a workplace hazard.

We continue to have concerns regarding the inclusion of staffing as a “work practice control.” This concern extends to security staffing. We believe this addition goes well beyond the categories of work practice controls established in statute and creates an unworkable obligation for public agencies. Public agencies are required to provide essential public services and deliver state mandated programs with minimal resources and cannot easily reassign employees due to memorandums of understanding with employees.

Furthermore, there is no definition in the regulations about what may be appropriate staffing, aside from a requirement that it be sufficient to maintain order in the facility and respond to workplace violence incidents in a timely manner,

leading public employers to navigate an undefined, unclear, and expensive mandate that would add to the workforce recruitment and retention challenges faced by all levels of government in California.

We believe these concerns are best addressed by removing “and staffing,” from the first sentence in the §3343(b)(9) introductory paragraph, “appropriate staffing levels,” from §3343(b)(9)(A), and “provision of dedicated security personnel” from §3343(b)(9)(B).

For the same reasons, we believe these concerns can be addressed by removing “inadequate staffing levels” from §3343(b)(10)(H) and “lack of or inadequate security staffing” from §3343(b)(10)(I).

§3343(c)(11)(C)

Trauma counseling was included in earlier versions of SB 553 but was removed and not included in the chaptered version of the bill. To the extent a workplace violence incident gives rise to a claim covered by workers’ compensation, the workers’ compensation system is already adequate to provide appropriate treatment. Therefore §3343(c)(11)(C) should be struck from the draft regulation.

Further, the April 23, 2026, draft’s deletion of “upon request” raises administrative and implementation concerns. Given the broad scope of the regulation, and the fact that trauma counseling is not required by the statute, a requirement to affirmatively offer trauma counseling is excessive, may not be appropriate in all instances, and raises the potential for disputes and litigation over whether the offer was made.

§3343(c)(11)(G)

Any post-incident response should naturally rely on discussing the incident with employees involved and using their observations to evaluate workplace controls and opportunities to improve workplace violence mitigation. We note one pending bill that could severely restrict the ability of employers to conduct this post-incident investigation: AB 1564 (Ahrens). AB 1564 would prohibit employers from questioning employees or employee representatives about certain communications made in confidence between the employee and their representative.

Should this bill be signed into law, this section would need to be reconsidered in order to avoid compelling employers from violating this law in response to requirements established in these regulations.

§3343(c)(11) Exception

Further, the April 23, 2026, draft deletes entirely the exception to §3343(c)(11)(D)-(G) for type 2 workplace violent incidents that are repetitive, subject to certain requirements. This exception should remain in place as it is relevant in education settings, particularly for students in special education where a student may manifest a disability in verbal or physical ways. In these instances, relief from certain aspects of the regulation is appropriate. We therefore request restoration of the exception without the “involuntary” and “unintentional” qualifiers which undermined the purpose of the prior exception.

§3343(e)(1)(F)

A previous draft required, in connection with training, that there be an opportunity for interactive questions and answers with a person knowledgeable about the employer's workplace violence prevention plan. The April 23, 2026, draft requires that training not given in person shall provide for interactive questions to be answered within one business day by a person knowledgeable about the employer's workplace violence prevention plan. Smaller agencies and departments may struggle to comply with such a short turnaround time. SB 553 is silent on timeframes for response, and requiring an arbitrary timeframe in this regulation does not account for the variety and complexity of questions that may be received. We request that the timeframe be struck, consistent with statute, or be limited to a "timely" response.

§3343(f)(6)

This section would require agencies to provide personal identifying information to the division upon request. We note that pending legislation, AB 1337 (Ward), would make this action illegal, as the sharing of data would not "further the purpose," for which the data were collected. Should that law take effect, this section would need to be reconsidered and amended to avoid compelling agencies to violate the law.

§3343(f)(7)

We welcome the April 23, 2026, draft's addition of permission for the employer to redact information that may reveal personal identifying information from the records to be made available under §3343(f)(7). However, we request that the exception for training records be struck. Protecting the full scope of PII from disclosure under §3343(f)(7) protects the privacy of employees.

Thank you again for the opportunity to provide comments on the draft proposed regulations. We appreciate the efforts of Cal/OSHA and its staff to solicit the input of impacted employers and hope that our comments help shape regulations that ensure our workers are safe without exposing public agencies to unnecessary administrative burdens or legal risk.

Sincerely,



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