



June 1, 2026

California Occupational Safety and Health Standards Board
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Sacramento, CA 95833
Submitted via: rs@dir.ca.gov

**RE: Written Comments — April 23, 2026 Revised Discussion Draft, Title 8,
California Code of Regulations, Section 3343, Workplace Violence Prevention in
General Industry**

Dear Chairperson and Members of the Standards Board:

Phylmar Regulatory Roundtable (PRR) appreciates the opportunity to submit written comments on the April 23, 2026 revised discussion draft of the proposed Workplace Violence Prevention in General Industry regulation (Title 8, §3343). PRR members represent a broad cross-section of California employers across multiple industries, and we support the goal of protecting employees from workplace violence through practical, effective, and enforceable requirements.

PRR previously submitted formal comments on July 14, 2025, concerning the May 13, 2025 discussion draft. We acknowledge that Cal/OSHA has made meaningful progress in response to earlier stakeholder input, including the removal of several overly broad hazard examples and the restructuring of the stalking provision. However, a number of substantive concerns raised in our July 2025 submission remain unaddressed, and this revised draft introduces or clarifies provisions that raise new concerns requiring comment.

Consistent with our overarching position, PRR urges the Board to ensure that the final regulation is practical, clear, and enforceable; provides employers reasonable latitude to develop workplace violence prevention plans appropriate to their industry and circumstances; and does not impose requirements that exceed the scope and intent of Labor Code Section 6401.9 as enacted by SB 553.

This submission is organized as follows: Section I addresses new concerns arising from the April 2026 draft. Section II reiterates prior comments that remain unaddressed or only partially addressed.



SECTION I: New Comments on the April 23, 2026 Draft

I.1 Scope of Application — Employer-Provided Housing and Transportation [§3343(a)]

Status: [NEW COMMENT]

The April 2026 draft expands the scope of the regulation to cover all employers, employees, places of employment, employer-provided housing, and employer-provided transportation. While PRR supports comprehensive employee protection, the breadth of these additions raises significant practical concerns that require clarification before the regulation is finalized. Neither "employer-provided housing" nor "employer-provided transportation" is defined in the regulation.

Employer-Provided Housing

Stakeholders have raised the question of whether hotel or motel stays during business travel or mutual aid assignments are included within "employer-provided housing." This ambiguity is consequential: utility companies, construction firms, and other employers that dispatch crews across state lines on temporary assignment could find incidents occurring in hotels treated as workplace violence events subject to this regulation, even when occurring in another state. PRR recommends that Cal/OSHA define "employer-provided housing" with precision, clarifying whether temporary lodging during travel qualifies, whether the definition extends to out-of-state stays, and how this intersects with prior Cal/OSHA guidance issued during COVID-19 regarding employee housing and travel. Those precedents should be referenced explicitly to provide consistency.

Employer-Provided Transportation

The inclusion of employer-provided vehicles and fleet transportation creates ambiguity for employers who dispatch lone workers in trucks or field vehicles. A single employee driving a company vehicle who encounters a threatening customer or member of the public may be viewed as a workplace violence scenario, yet the notion of adequate staffing for a vehicle assignment is, by definition, often a single person. This creates an untenable compliance burden for employers with mobile workforces.

Suggested Action:

- Provide a clear definition of "employer-provided housing," specifying whether temporary lodging such as hotel or motel stays during business travel is included, and whether the geographic reach extends to out-of-state incidents.



- Acknowledge that staffing criteria for mobile or field workers in vehicles must account for the nature of the work and industry norms, not a fixed headcount.
- Consider referencing the Cal/OSHA COVID-era guidance on employee housing and travel to establish precedent-based definitions.

I.2 Definitions of "Authorized Employee Representative" and "Designated Representative" [§3343(b)(1) and (b)(2)]

Status: [NEW COMMENT]

The April 2026 draft revised both definitions. PRR is pleased that the authorized employee representative definition was aligned more closely with recognized collective bargaining relationships. However, multiple concerns remain with both definitions.

Authorized Employee Representative — Subsection (b)(1)

The draft includes as an authorized employee representative "an employee organization that has been formally acknowledged by a public agency as an employee organization that represents employees of the public agency." This language appears internally circular — an organization must be acknowledged by a public agency and must also represent employees of that same public agency — and may contain a typographical error. More substantively, the phrase "acknowledged by a public agency" does not require that the organization be specific to occupational health and safety, nor that it represent the employees of the particular employer whose records are at issue. Environmental justice organizations, community advocacy groups, or other entities acknowledged by public agencies in unrelated contexts could potentially claim representative authority under this language. PRR recommends the language be revised to require that any acknowledged employee organization specifically represent employees of the employer in question in connection with workplace safety or labor matters, consistent with the definition in Title 8, Section 403(k).

Designated Representative — Subsection (b)(2)

The definition of "designated representative" as any "individual or organization given written authorization by an employee to exercise a right of access" is excessively broad. It does not restrict designation to organizations with relevant expertise, established labor relationships, or any connection to occupational safety. As written, it could encompass law firms, advocacy organizations, or any individual with no expertise in workplace safety, gaining access to sensitive workplace records including incident investigations, hazard assessments, and personally identifiable information. Additionally, the current definition does not prevent a union that lacks a collective bargaining relationship with the employer from acting as a designated representative,



potentially circumventing the more carefully drawn authorized employee representative definition. PRR recommends the Division look to Section 3204, Access to Employee Exposure and Medical Records, which provides a narrower and more appropriate model for balancing employee access rights with privacy and operational concerns.

PRR also recommends that the Board examine how this definition interacts with the Cal/OSHA worker walkaround rule, which separately addresses who may participate in inspections. Overlapping and potentially inconsistent definitions across regulatory schemes could create confusion and enforcement conflict.

Suggested Action:

- Revise the authorized employee representative definition under the public agency acknowledgment prong to require a specific relationship to workplace safety and to the employees of the employer in question, and correct the apparent typographical redundancy.
- Limit the definition of designated representative to individuals or organizations with a recognized connection to workplace safety or labor representation, consistent with Section 3204.
- Add language clarifying that a union not holding a collective bargaining agreement with the employer may not serve as a designated representative under this section.
- Coordinate with the Cal/OSHA worker walkaround regulation to ensure consistent terminology and prevent unintended overlap.

I.3 Threat of Violence — Exception Language [§3343(b)(7)]

Status: [NEW COMMENT]

The exception to the definition of "threat of violence" in subsection (b)(7) currently provides that the employer is not responsible for certain texts, electronic messages, or social media posts "that are not brought to the attention of the employer or that the employer could not otherwise be reasonably be aware of." This language is ambiguous and grammatically problematic.

PRR recommends revising the exception to read:

"...that is brought to the attention of the employer or that the employer is aware of."

As an alternative, if Cal/OSHA retains the current structure, PRR recommends revising to:



"...that is brought to the attention of the employer or that the employer should otherwise reasonably be aware of."

The current phrasing could be read to impose a broad constructive awareness standard that many employers would be unable to satisfy, effectively rendering the exception meaningless. The same issue affects the stalking language in subsection (b)(10)(K), and PRR recommends consistent treatment across both provisions.

Suggested Action:

- Revise the exception in subsection (b)(7) to replace "could not otherwise be reasonably be aware of" with "is aware of," or at minimum replace "could" with "should" to establish a more objective standard.
- Apply the same revised language to subsection (b)(10)(K) for consistency.

I.4 Work Practice Controls — "Staffing" and "Maintain Order" [§3343(b)(9)]

Status: [NEW COMMENT — builds on prior Comment 3a]

Subsection (b)(9) defines "work practice controls" to include "procedures, rules, and staffing" and adds as an example "[a]ppropriate staffing levels to maintain order in the facility and respond to workplace violence incidents in a timely manner." The Division's explanatory note indicates this language was imported from Section 3342, Violence Prevention in Healthcare.

Remove "Staffing" from the Definition

Including "staffing" within the definition of work practice controls creates a risk that Cal/OSHA will use this provision during inspections to conduct headcounts and prescribe minimum staffing levels for employers across all general industries. This type of direct staffing oversight is not authorized by the Board and would impose significant operational and financial burdens, particularly on employers in industries where workforce deployment is highly variable. This concern is reinforced by the continued inclusion of "inadequate staffing" as a workplace violence hazard in subsection (b)(10), addressed further in Section II.3 below.

Remove "Maintain Order" and Strike Subsection (b)(9)(A)

The phrase "maintain order" carries a specific meaning in healthcare and correctional settings that does not translate to general industry workplaces. Many employers do not operate facilities where maintaining order is a relevant operational concept. Applied broadly, this phrase could be interpreted inconsistently across industries and used as enforcement authority in contexts far removed from the healthcare setting that inspired it. The example in subsection (b)(9)(A) as a whole should be removed, as it was



imported from a specialized context that does not reflect the diversity of general industry workplaces.

Suggested Action:

- Remove "staffing" from the definition of work practice controls in subsection (b)(9).
- Strike subsection (b)(9)(A) in its entirety.
- Remove all references to staffing levels from the regulation and relocate any substantive guidance to non-binding implementation guidance documents.

I.5 Post-Incident Trauma Counseling — "Affected Employees" and "Initial Counseling" [§3343(c)(11)(C)]

Status: [NEW COMMENT]

The April 2026 draft revised the trauma counseling provision by removing "upon request" and providing that counseling must be offered or made available, with workers' compensation and employee assistance programs (EAPs) identified as means of satisfying the requirement. PRR views the removal of "upon request" as a positive development, but requests clarification on two terms.

"Affected by the Incident"

The draft requires trauma counseling to be offered to employees "affected by the incident." PRR requests clarification on the standard for determining who is "affected." Requiring employers to proactively identify and notify every employee who may have been psychologically impacted would impose a significant and subjective administrative burden. Employers should have reasonable discretion to determine, based on available information, which employees were directly involved in or proximately affected by the incident. PRR recommends an objective standard based on direct involvement or witnessing of the incident.

"Initial Counseling" and EAP Satisfaction

The term "initial counseling" is not defined. PRR requests clarification as to whether this refers to a single intake or triage session, a referral to EAP services, or some other intervention. Many employers already provide EAP resources and workers' compensation services that are continuously available to all employees. PRR's position is that where an employer maintains a continuously available EAP program, ongoing availability satisfies the "offering or making available" standard without requiring a new incident-specific notification process for each event. PRR requests that the regulation



confirm this interpretation explicitly, consistent with the Division's own explanatory note that EAP treatment satisfies the requirement.

Suggested Action:

- Define "affected by the incident" using an objective standard such as employees who were direct participants in or witnesses to the incident, and clarify that employers have reasonable discretion to make this determination based on available information.
- Define "initial counseling" or clarify that referral to an existing EAP or workers' compensation program satisfies the requirement without requiring incident-specific notifications.
- Confirm that where an employer maintains a continuously available EAP program, that ongoing availability satisfies the "offering or making available" standard. Specifically, recite in the rule that "Offering EAP satisfies this requirement".
- Additionally, remove section (c)(11)(G) entirely regarding soliciting from employees involved in the incident their observations and whether any measure would have prevented the incident, since security has limited resources to potentially make changes to every measure recommended by employees.

I.6 Training — Interactive Response Requirement [§3343(e)(1)(F)]

Status: [NEW COMMENT]

The April 2026 draft provides that where training is not conducted in person, interactive questions must be "answered within one business day" by a knowledgeable person. PRR supports the underlying intent of ensuring meaningful interaction in non-in-person training, but has serious concerns about the one-business-day response requirement.

In practice, employees submitting questions through online training systems may do so over weekends, during holidays, or at times when the responsible person is unavailable. Many questions may require coordination across multiple functions including safety, legal, human resources, and security before a complete answer can be provided. A one-business-day turnaround is not realistic in these situations and could expose compliant employers to citation for what are, in effect, administrative delays. Many employers' existing protocols already contemplate five to ten business days for training-related inquiries.

Suggested Action:



- Revise the response window from "one business day" to "five business days" to allow adequate time for research and multi-function coordination.
- Alternatively, require that an acknowledgment of receipt be provided within one business day, with a substantive response within five business days.
- Clarify that the response obligation applies to the employer's designated training contact and does not require the individual who conducted the training to personally respond.

I.7 Record Access — Scope of Records Made Available to Employees and Designated Representatives [§3343(f)(6)–(7)]

Status: [NEW COMMENT]

The April 2026 draft significantly broadened the records that must be made available upon request to all employees and their designated representatives. PRR understands that the catalyst for this provision was a specific situation in which an individual involved in an incident had difficulty accessing their own records. However, the new provision is far broader than that rationale supports: it requires all covered records to be made available to all employees, not just those involved in the incident, and to any designated representative.

Scope Exceeds the Stated Justification

The stated purpose of the amendment was to ensure that employees who were victims of workplace violence could access records relating to their own incidents. A provision limited to that purpose would be appropriate and proportionate. The April 2026 draft instead imposes a general right of access for all employees and their designated representatives to records maintained under multiple subsections, regardless of involvement in the underlying incident. This expansion was not specifically noticed or discussed in the context of a general access policy, and it goes well beyond the stated rationale for the change.

Confidentiality of Investigation Records and the Chilling Effect on Reporting

Records of workplace violence investigations will necessarily contain names, statements, and personal details of reporting employees, witnesses, and subjects of investigations. Employees who report workplace violence incidents — particularly those who report anonymously — are likely to refrain from reporting if they know that investigation files will be accessible upon request to other employees or to any designated representative. This outcome would directly undermine the regulation's own anti-retaliation and anonymous reporting provisions.



Training Records Exception Creates a De-Anonymization Risk

The draft permits employers to redact personal identifying information from records generally, but carves out training records from the redaction permission. If an employee requests both an incident investigation report (where names may be redacted) and training records (where names are not redactable), the two can be cross-referenced to effectively de-anonymize the investigation record. Additionally, it is unclear what "training records" are intended to capture. If limited to trainer names and training dates, the concern is reduced, but if training records include trainee names, the exception is broader than intended and should be narrowed accordingly.

Suggested Action:

- Revise subsection (f)(7) to limit record access to employees who were directly involved in the incident that generated the records, rather than all employees and their designated representatives.
- Clarify that investigation records, including witness statements and anonymous reports, are not subject to access by employees or designated representatives, to protect the integrity of investigations and encourage reporting.
- Strike or narrow the training records carve-out from the redaction permission; at minimum, limit "training records" to trainer names, training dates, and topics — not trainee identities.
- Specify that Cal/OSHA and OSHSB access to records for regulatory purposes is separate and appropriate, and should not be conflated with employee and designated representative access rights.

SECTION II: Reiterated Comments from July 14, 2025 Not Fully Addressed

The following comments were submitted in PRR's July 14, 2025 written comment letter on the May 13, 2025 discussion draft. They remain unaddressed or only partially addressed in the April 23, 2026 revised draft and are respectfully reiterated here. PRR requests that the Board provide written responses to each unaddressed prior comment before the regulation is finalized.

II.1 Authorized Employee Representative — Collective Bargaining Definition [§3343(b)(1)]

Status: [REITERATED — PARTIALLY ADDRESSED]



PRR previously recommended aligning the definition of "authorized employee representative" with the existing definition in Title 8, Section 403(k), which limits such representatives to labor organizations with a collective bargaining relationship with the employer and representing affected employees, or employee organizations formally recognized by a public agency as representing those employees. The April 2026 draft made some revisions to the definition but, as noted in Section I.2 above, significant ambiguity remains around the public agency acknowledgment prong. PRR reiterates its recommendation to limit the definition to recognized collective bargaining units, consistent with Section 403(k).

Suggested Action:

- Revise the definition to strictly limit "authorized employee representative" to organizations with a collective bargaining relationship with the employer, consistent with Title 8, Section 403(k), and remove or clarify the public agency acknowledgment language.

II.2 Self-Defense Provision — Legal Standard and Employer Guidance [§3343(c)(10)(B)]

Status: [REITERATED — PARTIALLY ADDRESSED]

PRR previously noted that the anti-retaliation provision for employees engaged in lawful self-defense or defense of others, while an improvement over the prior approach, creates ambiguity regarding the standard of review and the employer's obligations. The April 2026 draft retains this provision without the clarifying language PRR suggested. PRR reiterates its recommendation that the provision be revised to make clear that the employer's non-retaliation obligation is assessed based on information available to the employer at the time, using a reasonableness standard. PRR's suggested language is:

"The employer shall not retaliate against an employee for engaging in an act of self-defense or defense of others that, based on the information available to the employer at the time, is reasonably believed to be lawful under applicable law. This provision does not limit the employer's ability to investigate the incident or to take appropriate corrective action if the employee's conduct during the incident involved misconduct beyond the lawful act of self-defense or defense of others."

Additionally, the April 2026 draft includes language permitting employer policies to "maintain order or protect employees." The phrase "maintain order" creates a conflict with the anti-retaliation provision for self-defense and does not translate cleanly from a



healthcare context to all general industry settings. PRR requests that "maintain order" be removed or clarified in this provision.

Suggested Action:

- Revise subsection (c)(10)(B) to include a "reasonably believed to be lawful based on information available at the time" standard as proposed above.
- Remove or clarify the "maintain order" language, consistent with PRR's recommendation in Section I.4 above.

II.3 Remaining Subjective Hazard Examples — Staffing References [§3343(b)(10)]

Status: [REITERATED — PARTIALLY ADDRESSED]

PRR appreciates the removal of "hostile work environments," "required and excessive overtime," "working in high crime areas," and "providing security services" from the workplace violence hazard examples. However, "inadequate staffing" and "lack of or inadequate security staffing" remain in the list. These terms are inherently subjective and do not provide employers with a clear compliance standard. Employers across different industries, locations, and operating models may reasonably arrive at different staffing approaches while maintaining effective workplace violence prevention programs. PRR reiterates its concern that these terms will be used by Cal/OSHA as a basis for headcount-based inspections and citations across a wide range of workplaces, imposing requirements that go beyond what employers can reasonably control or what SB 553 intended.

Suggested Action:

- Remove "inadequate staffing" and "lack of or inadequate security staffing" from the enumerated hazard list.
- Relocate staffing-related considerations to non-binding guidance documents, such as fact sheets, where they can inform employer decision-making without creating a prescriptive enforcement standard.
- Require employers to identify applicable hazards through vulnerability or risk assessments rather than applying a prescriptive list.

II.4 Stalking as a Workplace Violence Hazard [§3343(b)(10)(K)]

Status: [REITERATED — PARTIALLY ADDRESSED]



PRR acknowledges and appreciates the Board's decision to remove the stalking definition tied to Penal Code Section 646.9 from the definition of workplace violence. However, stalking has now been relocated as an example of a workplace violence hazard in subsection (b)(10)(K). Stalking is fundamentally an intentional, targeted behavior directed at a specific person — it is qualitatively different from the environmental, physical, and organizational conditions listed in subsection (b)(10), such as inadequate lighting, unsecured entrances, or inadequate security staffing. Treating stalking as a workplace hazard example in the same list as structural and staffing conditions creates ambiguity about employer obligations and appears misplaced.

PRR recommends either striking subsection (b)(10)(K) or incorporating stalking-like behaviors into the definition of workplace violence in subsection (b)(8) as a pattern of conduct that creates reasonable fear of harm, without reference to a Penal Code conviction. This would more accurately reflect the nature of the conduct and provide clearer employer obligations.

Suggested Action:

- Strike subsection (b)(10)(K); the conduct it describes is captured by other hazard and workplace violence definitions.
- Alternatively, incorporate stalking-like behaviors into the definition of workplace violence in subsection (b)(8) as a form of threatening conduct, providing clearer guidance on employer recognition and response obligations.
- Additionally for clarity, for (K) "Stalking", revise to read "*Stalking that occurs at a place of employment, or in connection with a place of employment that is brought to the attention of the employer-or that the employer could otherwise be reasonably be aware of.*"

II.5 Anonymous Reporting [§3343(c)(4)]

Status: [REITERATED — NOT ADDRESSED]

PRR previously requested removal of the mandatory inclusion of anonymous reports, or alternatively clarification that such reports must be evaluated for credibility and actionability before triggering investigation obligations. The April 2026 draft retains anonymous reporting requirements in subsection (c)(4) and in at least one additional location without modification. PRR reiterates that mandating anonymous reports in regulatory text, without limiting language requiring that they be credible and actionable before triggering a response, creates risk of misuse and unnecessary investigations. Confidentiality obligations should also be qualified as "to the extent permitted by law" to avoid conflicts with subpoenas and regulatory proceedings.



Suggested Action:

- Revise subsection (c)(4) to require investigation of anonymous reports only where they are credible and actionable based on the information provided.
- Add standard language that employee identities will be kept confidential "to the extent permitted by law."

II.6 Reporting to Supervisors — Type 3 Violence [§3343(c)(6)(A)(2)]

Status: [REITERATED — NOT ADDRESSED]

PRR previously requested revision to the requirement that Type 3 violence reports be made to a designated person "who is not a direct supervisor," arguing that this absolute prohibition prevents employees from reporting to trusted supervisors who are not involved in or associated with the incident. The April 2026 draft clarified that the requirement applies where "the supervisor is involved or associated with the incident," which is an improvement PRR welcomes. However, the phrase "involved or associated" remains broad and undefined. A supervisor who is tangentially connected to an incident could be treated as "associated" even where the employee would prefer to report to that supervisor and no conflict of interest exists. PRR's recommended language is:

"...may be made to a designated person other than the direct supervisor if the supervisor is the subject of the report or if the employee is uncomfortable reporting to the supervisor."

Suggested Action:

- Revise subsection (c)(6)(A)(2) to use the language proposed above, making clear that the reporting alternative applies where the supervisor is the subject of the report or where the employee affirmatively elects to report to a non-supervisor. This may also include a broader example for "person". It could be an organization, group, dispatch, clearinghouse, security operation center. If there is no change to the current language of "person" then employers will have to designate a role for this person.

II.7 Personal Identifying Information and Division Access [§3343(f)(6)]

Status: [REITERATED — PARTIALLY ADDRESSED]

PRR previously requested that subsection (f)(6) be revised to clarify that personal identifying information may be requested only "by the Division," to prevent the provision from being interpreted as authorizing employee or attorney access. PRR understands



that the phrase "by the Division" was added in the April 2026 draft, which is a welcome clarification. PRR reiterates the additional need for explicit data protection and non-disclosure language, ensuring that any PII accessed by the Division under this provision is used only for investigatory purposes and is not subject to inadvertent disclosure.

Suggested Action:

- Confirm that subsection (f)(6) specifies only Cal/OSHA and OSHSB, and not employees or designated representatives, may compel disclosure of personal identifying information.
- Add language affirming that PII collected under this provision will be protected from inadvertent disclosure and used only for investigatory purposes.

II.8 Record Retention — Consistency Across Periods [§3343(f)]

Status: [REITERATED — NOT ADDRESSED]

PRR previously requested that Cal/OSHA align recordkeeping retention periods across the subsections of Section 3343 and with federal OSHA or other California regulatory standards, to reduce redundancy and administrative burden. The April 2026 draft maintains inconsistent retention periods — five years for most record categories and one year for training records — without providing a rationale for the distinction. No change was made in response to PRR's prior comment.

Suggested Action:

- Standardize retention periods to align with existing Cal/OSHA, federal OSHA, or IIPP recordkeeping standards.
- If varying retention periods are retained, provide a clear documented rationale and a single-page compliance matrix for employer reference.

II.9 Training — Retraining Triggers [§3343(e)]

Status: [REITERATED — NOT ADDRESSED]

PRR previously requested that the regulation allow employer discretion in determining when retraining is warranted following an incident or procedural change, rather than mandating retraining after every such event. The April 2026 draft did not address this request. Requiring retraining after every incident or change, regardless of the nature or severity of the event, imposes an operationally burdensome obligation without proportionate benefit.

Suggested Action:

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- Revise subsection (e) to permit employers reasonable discretion to determine whether retraining is necessary based on the nature and severity of the incident or change, rather than requiring retraining after every incident or procedural update.

Conclusion

PRR and its member stakeholders remain committed to the goal of preventing workplace violence and ensuring that California workplaces are safe for all employees. The comments submitted herein are intended to help Cal/OSHA achieve a final regulation that is enforceable, practical, and appropriately calibrated to the wide range of workplaces covered by this regulation.

PRR respectfully requests that Cal/OSHA and the Standards Board carefully consider each of the above comments, including those reiterated from our July 2025 submission, that specific revised language be adopted where recommended, and that revised regulatory text be published for stakeholder review before the regulation is finalized. PRR welcomes the opportunity to discuss any of these comments further and to provide proposed alternative regulatory language for any provision upon request.

Respectfully submitted,

Phylmar Regulatory Roundtable