

CALIFORNIA INDUSTRIAL HYGIENE COUNCIL

*Advancing public policy to improve the health and safety
of workers and the community.*

July 14, 2025

Via email: eberg@dir.ca.gov

Cc: jlandaverde@dir.ca.gov

Dr. Erig Berg
Deputy Chief of Health
Cal/OSHA
Oakland, California

**RE: Discussion Draft for Proposed Regulation on Workplace Violence Prevention in
General Industry**

Dear Dr. Berg,

The California Industrial Hygiene Council (CIHC) appreciates the opportunity to comment on the discussion draft for a proposed regulation on Workplace Violence Prevention in General Industry. Our comments are based on the discussion draft dated May 13, 2025, and CIHC offers the following comments and suggested changes. We also have questions for further discussion, which we will present at the upcoming monthly OSHSB meeting on July 17, 2025.

In general, CIHC supports the development of a General Industry regulation related to the prevention of workplace violence. CIHC supports codifying the language related to workplace violence prevention that is currently in Labor Code 6401.9, effective July 1, 2024. This language appears to be sufficient in protecting workers from workplace violence related hazards. Adopting language that is significantly different from the Labor Code language can result in overcomplication, which can ultimately result in confusion and lack of understanding for employers and lead to poor compliance. As you know, poor understanding of regulation requirements and reduced employer compliance can impact worker health and safety.

Where changes to the current Labor Code language are necessary, CIHC recommends that these changes be limited to providing examples for further clarification and to assist with increased compliance. Such examples (e.g., workplace violence hazards, engineering controls) may be helpful to further employer understanding and compliance.

§3343(b)(7)(A)

CIHC recommends adopting the following language:

“This includes the crime of stalking as defined in California Penal Code 646.9 that occurs at a place of employment, or in connection with a place of employment that are brought to the attention of the employer ~~or that the employer could otherwise be reasonably aware of.~~”

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Requiring employers to reasonably be aware of stalking places a burden on the employer, who may not be qualified or trained to identify stalking activities, or to interpret when the crime of stalking occurs.

§3343(c)

For the written Workplace Violence Prevention Plan, CIHC recommends including a statement regarding development of the program under the guidance of a qualified person, an example of whom may be a CIH or CSP.

§3343(c)(11)

CIHC recommends codifying the language currently listed in Labor Code 6401.9, which provides room for the employer to decide which “effective” procedures are feasible for them to implement. The proposed language is more prescriptive than the Labor Code language and some employers may be unable to implement the requirements. CIHC recommends codifying the existing Labor Code language while also providing examples of effective procedures that employers may choose to implement into a publicly posted resource, such as an exemplar Workplace Violence Prevention Plan that is separate from the regulation.

§3343(c)(11)(C)

While CIHC recognizes that trauma counseling may be a valuable resource for employees following a workplace violence incident, the occurrence of a workplace violence incident, even when an effective Workplace Violence Prevention Plan is in place, is often outside of the employer’s control. Therefore, the burden of covering counseling does not seem to be an employer responsibility outside of services available through workers compensation and/or employee assistance programs.

§3343(c)(11)(E)

Where language related to identifying and evaluating workplace violence hazards that may have contributed to incidents falls on the employer as part of a requirement to conduct a post-incident debriefing, language requiring appropriate training for the incident response team should also be adopted.

§3343(c)(11)(G)

Where the “EXCEPTION” language is adopted, examples of “involuntary or unintentional type 2 workplace violence” (e.g., special needs or neurodivergent education environments) should be provided in the regulation as the intent of this exception is not intuitive.

The CIHC, founded in 1990, represents the occupational and environmental health profession in California and is affiliated with the national American Industrial Hygiene Association (AIHA), an 8,000-member organization. The CIHC is formally comprised of occupational and environmental health and safety professionals who are members of the five California AIHA local sections represented by the CIHC Board of Directors. The CIHC’s mission is to provide

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sound scientific and technological input to the regulatory and legislative process, and establish a legislative presence in the state Capitol through professional representation. CIHC appreciates the opportunity to provide comments to the Occupational Safety and Health Standards Board. Please let us know if there are any questions concerning the above-stated comments. On behalf of CIHC, I may be reached by telephone at 858-247-1050 or email at megan.canright@facs.com.

Very truly yours,
California Industrial Hygiene Council



Megan Canright Racicot, MPH, CIH
President, CIHC