

2025 Cal/OSHA Webinar Series

CONN
MACIEL
CAREY



Annual Cal/OSHA Enforcement and Regulatory Update: *Are You Ready for 2026?*

December 18, 2025

Rachel L. Conn
California Practice Chair

Megan S. Shaked
Partner

Andrea O. Chavez
Senior Counsel

Conn Maciel Carey LLP's California Practice Group



Scan the QR code
below for V-card



Rachel L. Conn

rconn@connmaciel.com • 415-866-4849

Rachel L. Conn is a Partner and Chair of **Conn Maciel Carey's** California Practice. She is based out of the firm's San Francisco office.

- Focuses on OSH compliance and litigation, including inspections, audits, investigations, and enforcement actions involving Cal/OSHA, fed OSHA, and other State OSH Plans.
- Represents employers and trade associations in Cal/OSHA and fed OSHA rulemakings.
- Previously, Rachel was a partner and led the national OSHA Practice at an AmLaw 100 law firm.

Megan Stevens Shaked

mshaked@connmaciel.com • 415.268.8882

Megan Stevens Shaked is a Partner in **Conn Maciel Carey LLP's** San Francisco office, where she focuses her practice on a wide range of workplace safety and employment challenges employers face:

- Represents employers in inspections, investigations and enforcement actions involving Cal/OSHA
- Defends employers in employment litigation and administrative actions in California
- Counsels employers on compliance with employment laws and OSHA regulations



Scan the QR code
below for V-card



Andrea O. Chavez

achavez@connmaciel.com • 562.513.2040

Andrea O. Chavez is a Senior Counsel in **Conn Maciel Carey LLP's** Los Angeles office. Her practice focuses on Cal/OSHA, labor law, California employment law advice and counseling, and complex employment litigation.

- Litigated California's first citations under the Cal/OSHA Aerosol Transmissible Disease standard on behalf of a leading healthcare system.
- Defended and settled wage-and-hour class actions under federal and state law involving overtime calculations, meal and rest periods, vacation policies, unlawful deductions from wages, bonuses, exempt classification, and California Private Attorneys General Act actions.



Scan the QR code
below for V-card



Agenda

1 Enforcement Review

2 Rulemaking Overview

3 Appeals Board Decisions

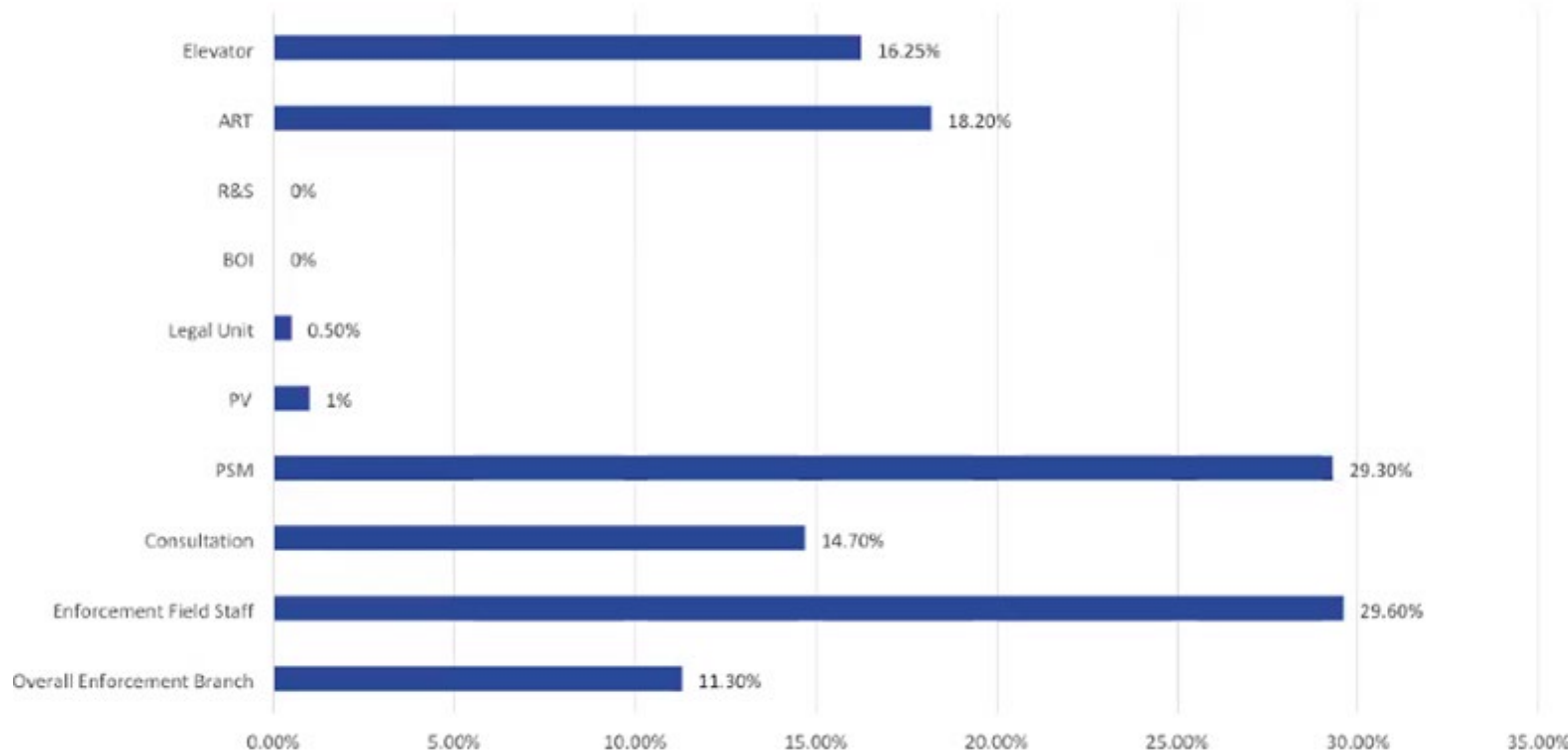
A wide-angle photograph of the Golden Gate Bridge in San Francisco, California. The bridge's iconic red-orange towers and suspension cables are prominent against a clear blue sky with a few wispy clouds. The bridge spans across the dark blue water of the Golden Gate Strait. In the foreground, a rugged, brownish-orange rock formation is visible on the left side. The overall scene is bright and clear, suggesting a sunny day.

Enforcement Priorities

Enforcement-Cal/OSHA Staffing Vacancies

- Cal/OSHA still struggling with vacancies:

Vacancy Rate by Branch/Unit - as of July 1, 2025



Source: Cal/OSHA Advisory
Committee Meeting
November 13, 2025

Bureau of Investigations (BOI)



- Specialized investigative unit within Cal/OSHA dedicated to investigating the most serious workplace injuries and fatalities.
- Expansion
 - 8 investigators co-located with enforcement offices throughout the state in Redding, Sacramento, Oakland, Modesto, Fresno, Bakersfield and San Diego.
 - 7 attorneys along with a new attorney supervisor position focused on advancing BOI cases and supporting the unit's work.
- Updating policies and training

New High Hazard List 2025-2026

- New High Hazard list- <https://www.dir.ca.gov/dosh/high-hazard-unit.html>
- The High Hazard Unit inspects employers with the highest incidence of occupational injuries and illnesses and workers' compensation losses.
- Employers may also be selected and targeted by utilizing data sources such as, but not limited to, workers' compensation loss data, history of Cal/OSHA citations, and other data sources as provided in Labor Code section 6314.1.
- The annual High Hazard Industry List is based on "days away, restricted or transferred" (DART) rates for private sector employers. Employers in high hazard industries may be subject to an inspection by High Hazard Unit.

New High Hazard List 2025-2026

Industry Group	NAICS	Industry	DART	Establishments	Employees						
Agriculture	11211	Beef cattle ranching and farming, including feedlots	6.3	667	4863		32199	All other wood product manufacturing	9.6	322	4971
	1123	Poultry and egg production	5.2	162	2506						
Construction	23813	Framing contractors	7.1	934	24148		32212	Paper mills	7	0	0
Manufacturing	31122	Starch and vegetable fats and oils manufacturing	5.8	60	1473		324191	Petroleum lubricating oil and grease manufacturing	5.6	36	643
	3113	Sugar and confectionery product manufacturing	4.5	228	6893		327331	Concrete block and brick manufacturing	4.4	41	1128
	311511	Fluid milk manufacturing	4.2	91	7058						
	3116	Animal slaughtering and processing ⁽²⁾	4.2	360	22840		3312	Steel product manufacturing from purchased steel	4.5	83	2087
	311812	Commercial bakeries	6.1	535	15704		331511	Iron foundries	4.7	31	549
	31183	Tortilla manufacturing	4.4	104	5908		331512	Steel investment foundries	5.2	9	1105
	31194	Seasoning and dressing manufacturing	7.2	192	5868		332321	Metal window and door manufacturing	5.3	182	6057
	31199	All other food manufacturing	4.4	541	16946		33311	Agricultural implement manufacturing	4.8	180	4426
	312111	Soft drink manufacturing	7.9	149	9122		33392	Material handling equipment manufacturing	6.1	154	2945
	3212	Veneer, plywood, and engineered wood product manufacturing	4.3	94	3052						

New High Hazard List 2025-2026

Wholesale Trade	42314	Motor vehicle parts (used) merchant wholesalers	4.3	215	2120	Administrative and Support and Waste Management and Remediation Services	56179	Other services to buildings and dwellings	4.1	2377	13113	
	4233	Lumber and other construction materials merchant wholesalers	5	2076	23078		Healthcare and Social assistance	6219	Other ambulatory health care services	6	1383	34790
	4241	Paper and paper product merchant wholesalers	4.8	1043	12381			6221	General medical and surgical hospitals	4.2	624	387471
	4442	Lawn and garden equipment and supplies stores	4.3	1376	12893			6223	Specialty (except psychiatric and substance abuse) hospitals	4.1	171	23740
Retail Trade	44511	Supermarkets and other grocery (except convenience) stores	4.9	7887	313106	6231		Nursing care facilities (skilled nursing facilities)	4.7	2122	138598	
	Transportation & Warehousing	4811	Scheduled air transportation	6.3	277	49739	6233	Continuing care retirement communities and assisted living facilities for the elderly	8.3	4515	99183	
492		Couriers and messengers	9.8	2905	135362	6243	Vocational rehabilitation services	4.4	999	31405		
493		Warehousing and storage	5.7	2634	246309	Accommodation and Food Services	72111	Hotels (except casino hotels) and motels	4.6	6216	200320	
Real Estate and Rental and Leasing	5321	Automotive equipment rental and leasing	5.7	1992	23711		7223	Special food services	5.7	5435	77990	
						Other Services (except Public Administration)	8122	Death care services	4.8	990	12004	

Complaints Received and Citations Issued



CY ▲	# of Complaints Received ¹ ⇅	# of VALID ² complaints Received ⇅	# of Citations ³ Issued ⁴ ⇅	Total # of Serious/ Willful/ Repeat Citations Issued ⁴ ⇅	Total Initial Penalty ⇅	Total Current Penalty ⇅
2015	10,844	8,741	17,080	3,695	\$37,148,853	\$21,583,612
2016	12,027	9,503	20,340	4,688	\$49,718,988	\$27,456,615
2017	12,835	10,439	20,804	5,263	\$58,054,654	\$31,750,260
2018	12,045	9,600	20,253	5,223	\$58,040,303	\$32,478,446
2019	11,700	9,581	18,593	4,740	\$51,755,849	\$30,879,997
2020	18,045	14,982	13,398	3,453	\$36,190,099	\$21,952,872
2021	12,081	10,064	11,618	3,256	\$42,758,215	\$26,301,429
2022	12,326	9,813	13,779	3,105	\$37,858,969	\$27,797,578
2023	12,383	10,206	14,045	3,079	\$37,576,597	\$29,814,592
2024	12,808	10,761	12,834	2,993	\$37,554,726	\$32,245,338

¹ Totals may include duplicate employers (i.e. 2 employees call in complaints for the same employer), invalid complaints, and unprocessed complaints.

² A complaint is valid if it alleges a workplace hazard or a violation of a Title 8 Safety Order which has a reasonable basis in fact and does not represent willful harassment of the employer.

³ Citation count includes all citation items issued in the specified calendar year. The citations could be a result of a inspection opened the previous calendar year.

⁴ Citations may subsequently have been reclassified or deleted as part of a decision by an administrative law judge or a settlement.

Source:
<https://www.dir.ca.gov/dosh/statistics/Complaints-and-citations.html>

Cal/OSHA Inspection Overview

Cal/OSHA Inspection Type	2015	2016	2017	2018	2019	2020**	2021**	2022	2023	2024
- Accident	2,291	2,350	2,422	2,449	2,249	2,062	2,136	2,220	2,214	2,161
- Complaint	2,040	2,228	2,148	2,174	2,046	1,350	1,274	1,456	1,575	1,367
- Fatality/Catastrophe	190	186	197	214	216	454	419	242	273	278
- Other Unprogrammed Inspections	845	726	674	741	661	464	405	599	479	437
- Referral	603	530	708	443	467	765	559	599	590	375
Total Inspections ¹	7,690	7,862	7,910	7,816	7,558	6,021	5,494	6,428	6,820	6,367
Total Programmed ² Inspections	1,721	1,842	1,761	1,795	1,919	926	701	1,312	1,689	1,749
Total Unprogrammed ³ Inspections	5,969	6,020	6,149	6,021	5,639	5,095	4,793	5,116	5,131	4,618

**Note: This data is subject to change as information is updated and discrepancies are addressed.*

¹ Inspections include Comprehensive, Partial, and Records Only inspections. Does not include inspections marked "No Inspection".

² Programmed inspections are planned inspections of worksites which have been selected based upon objective criteria.

³ Unprogrammed inspections are initiated as a result of a notification of a fatality, accident, complaint, or referral.

** The COVID-19 global pandemic caused by the novel coronavirus SARS-CoV-2 occurred during this time.

Source:
<https://www.dir.ca.gov/dosh/statistics/Inspection-overview.html>

Inspection Types by Industry

Inspection¹ Types Opened per North American Industry Classification System (NAICS) Sector² - Top Ten Sectors

Report Run Date: 10/20/2025

Covers activities entered in OIS between 1/1/2020 and 10/19/2025

Results based on OIS data entry. May include OIS data entry errors.

*Note: Due to processing lag time these numbers may not be accurate. This data is subject to change as case files are adjudicated and as errors are corrected.

Inspection Type and Calendar Year (CY)	11		23		31-33		42		44-45		48-49		56		62		72		81		All Other Sectors ³		Grand Total	
	Agriculture, Forestry, Fishing and Hunting		Construction		Manufacturing		Wholesale Trade		Retail Trade		Transportation and Warehousing		Administrative and Support and Waste Management and Remediation Services		Health Care and Social Assistance		Accommodation and Food Services		Other Services (except Public Administration)					
	Sector Total ⁴	% of Sector ⁵	Sector Total	% of Sector	Sector Total	% of Sector	Sector Total	% of Sector	Sector Total	% of Sector	Sector Total	% of Sector	Sector Total	% of Sector	Sector Total	% of Sector	Sector Total	% of Sector	Sector Total	% of Sector	Sector Total	% of Sector	Total (All)	% of All
Accident/Fatality	56	24%	179	26%	115	44%	23	38%	36	28%	56	50%	77	41%	24	35%	14	12%	15	17%	133	41%	728	32%
Complaint	43	19%	145	21%	54	20%	20	33%	79	61%	36	32%	39	21%	39	57%	67	55%	28	32%	111	34%	661	29%
Follow-Up	0	0%	24	4%	4	2%	1	2%	0	0%	0	0%	0	0%	0	0%	2	2%	0	0%	3	1%	34	1%
Referral	2	1%	57	8%	3	1%	2	3%	1	1%	1	1%	16	9%	0	0%	0	0%	0	0%	3	1%	85	4%
Unprogrammed Related	8	3%	69	10%	8	3%	7	12%	4	3%	9	8%	19	10%	0	0%	3	2%	0	0%	15	5%	142	6%
Programmed	123	53%	208	30%	80	30%	7	12%	10	8%	10	9%	37	20%	6	9%	35	29%	44	51%	57	18%	617	27%
Q3 - 2025 YTD	232	100%	682	100%	264	100%	60	100%	130	100%	112	100%	188	100%	69	100%	121	100%	87	100%	322	100%	2,267	100%

¹Inspections include Comprehensive, Partial, and Records Only inspections. Does not include inspections marked "No Inspection".

²The industries listed represent the 10 NAICS sectors where Cal/OSHA inspection activity is most concentrated based on enforcement data. NAICS divides the economy into 20 sectors. Industries within these sectors are grouped according to the production criterion. More information can be found at <https://www.census.gov/naics/>

³Remaining sectors are grouped under "All Other Sectors" (NAICS sectors 21, 22, 51, 52, 53, 54, 55, 61, 71, 92) due to lower inspection volume distributed across these industries.

⁴Total inspections opened for the listed sector.

⁵Percentage of total inspections opened for the time period for the listed sector.

Source: Cal/OSHA Advisory Committee Meeting Report November 2025

Inspection Data

Report Run Date: 10/20/2025

Covers activities entered in OIS between 1/1/2020 and 10/19/2025

Results based on OIS data entry. May include OIS data entry errors.

*Note: Due to processing lag time these numbers may not be accurate. This data is subject to change as case files are adjudicated and as errors are corrected.

Quarter and Calendar Year (CY)	On-site Inspections ¹ /Letter Investigations ²								Resulting Violations - Issued ⁷						Resulting Violations - Current ⁸								
	Total On-site Inspections/Letter Investigations Opened	Letter Investigations Opened	On-Site Inspections Opened	% of On-site Inspections that were Program Planned ³	% On-site Inspections found to not be in compliance ⁴	% On-site Inspections found to be in compliance ⁵	% Not in Compliance Inspections Contested ⁶	% Not in Compliance Inspections Still Under Contest	Violations Issued per Not in Compliance Inspection	Avg ⁸ Serious/Willful/Repeat Issued	Avg ⁸ Other than Serious Citations Issued	% Abated Before Issuance	% Serious/Willful/Repeat Abated Before Issuance	% Other Than Serious Abated Before Issuance	Current Violations per Not in Compliance Inspection	Avg ⁸ Serious/Willful/Repeat Current	% Serious/Willful/Repeat Retained ¹⁰	Avg ⁸ Other Than Serious Current	% Other Than Serious Retained	% Violations Currently Under Appeal	% Currently Abated	% Serious/Willful/Repeat Currently Abated	% Other than Serious Currently Abated
CY - 2020	18,816	12,795	6,021	13%	68%	32%	53%	1%	2.98	0.87	2.11	56%	65%	52%	2.77	0.64	80%	2.13	97%	2%	97%	98%	96%
CY - 2021	14,813	9,319	5,494	10%	73%	27%	48%	2%	2.81	0.67	2.14	58%	71%	53%	2.63	0.52	81%	2.10	97%	3%	95%	99%	95%
CY - 2022	14,151	7,723	6,428	18%	76%	24%	43%	5%	2.95	0.66	2.29	62%	74%	58%	2.82	0.57	86%	2.25	98%	7%	92%	96%	91%
CY - 2023	15,544	8,724	6,820	21%	71%	29%	41%	9%	2.96	0.65	2.31	64%	75%	61%	2.85	0.58	90%	2.28	99%	10%	90%	95%	89%
Q1 - 2024	3,625	2,066	1,559	17%	69%	31%	40%	12%	2.94	0.66	2.28	66%	75%	64%	2.84	0.60	94%	2.23	99%	12%	90%	93%	89%
Q2 - 2024	4,150	2,513	1,637	23%	66%	34%	42%	18%	2.90	0.69	2.21	63%	71%	60%	2.83	0.65	93%	2.18	99%	21%	85%	92%	82%
Q3 - 2024	4,670	2,778	1,892	29%	65%	35%	41%	21%	2.70	0.63	2.07	67%	73%	65%	2.64	0.58	91%	2.06	99%	24%	88%	92%	87%
Q4 - 2024	3,368	2,078	1,290	24%	69%	30%	38%	24%	2.98	0.74	2.24	67%	67%	67%	2.92	0.71	95%	2.21	99%	26%	84%	86%	83%
CY - 2024	15,813	9,435	6,378	23%	67%	33%	40%	19%	2.87	0.67	2.20	66%	71%	64%	2.80	0.63	93%	2.17	99%	21%	87%	91%	86%
Q1 - 2025	3,476	2,076	1,400	22%	70%	29%	35%	25%	3.03	0.70	2.34	65%	64%	66%	2.99	0.66	93%	2.33	99%	26%	81%	83%	81%
Q2 - 2025	4,504	2,629	1,875	23%	47%	25%	22%	17%	2.94	0.71	2.23	67%	71%	66%	2.92	0.69	97%	2.23	100%	18%	74%	78%	73%
Q3 - 2025	5,130	2,863	2,267	24%	12%	9%	15%	12%	2.42	0.40	2.02	83%	84%	82%	2.39	0.40	99%	2.00	100%	16%	85%	86%	84%

Source: Cal/OSHA Advisory Committee Meeting Report November 2025

Policy Revisions

- Not yet released but according to Cal/OSHA includes:
 - C-1A: Inspection Procedures
 - C-7: Complaint Intake and Processing
 - C-11: Jurisdiction and Interagency Cooperation
 - C-36: Accident Report
 - C-45: Injury and Illness Prevention Program (IIPP)
 - C-90: Referral
 - C-170: Accident Investigation

<https://www.dir.ca.gov/samples/search/querypnp.htm>

A wide-angle photograph of the Golden Gate Bridge in San Francisco, California. The bridge's iconic red-orange towers and suspension cables are prominent against a clear blue sky with a few wispy clouds. The bridge spans across the water, with the city skyline visible in the distance. The foreground shows the rugged, rocky terrain of the bridge's base.

State Audit

State Audit

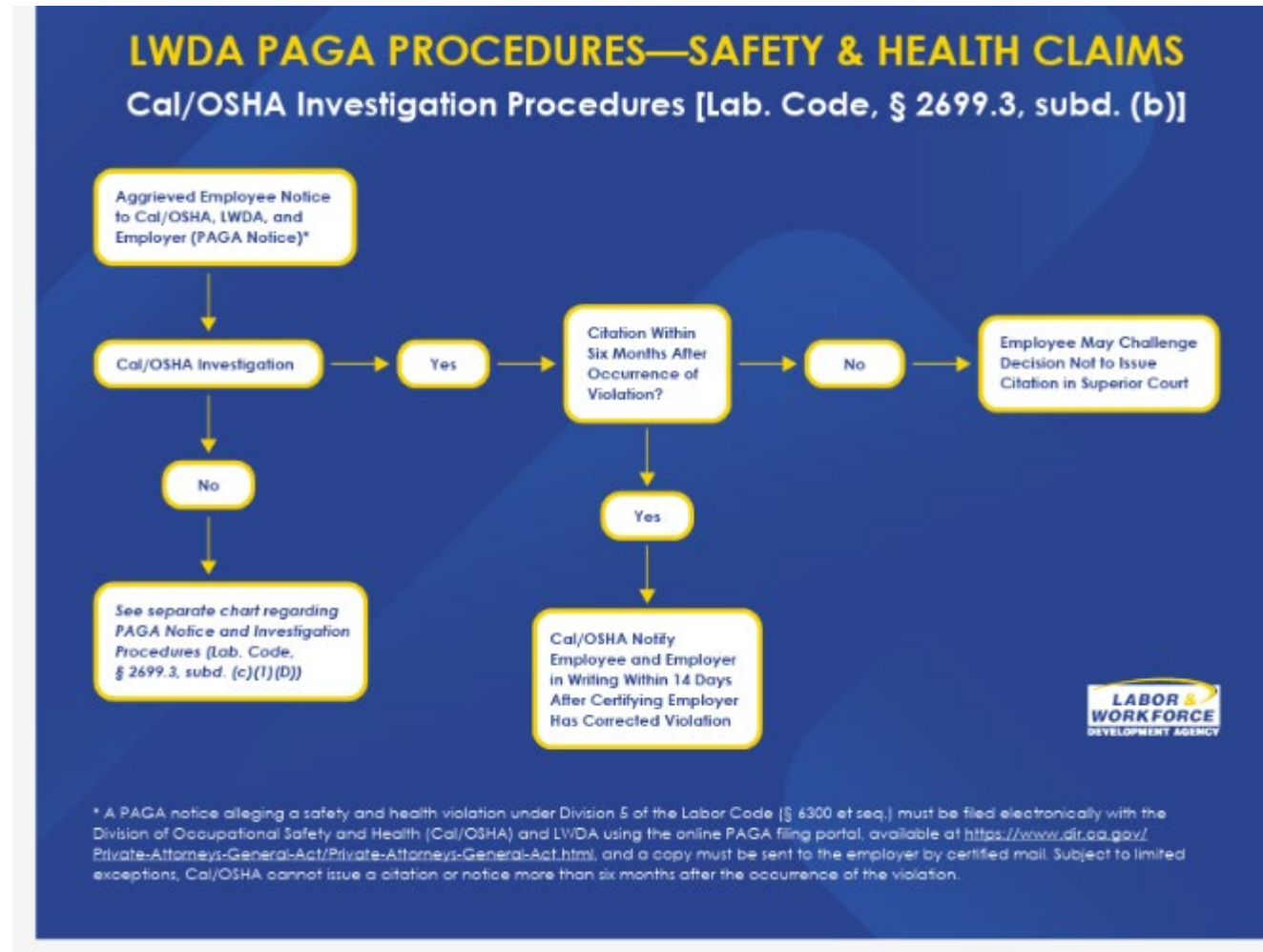
- Understaffing was a primary factor leading inspectors to skip in-person inspections of worksites even in cases where auditors found it was likely warranted.
- Auditors found staff didn't always investigate a complaint or inspect a worksite when they should have.
- Nearly 1/3 of DOSH's 800-plus positions were vacant last year, a rate that is even worse in some district offices and among some of the staff responsible for inspections and enforcement.
- The audit also questioned Cal/OSHA's practice of reducing the fines it issued to employers after citing them for safety violations.

A wide-angle photograph of the Golden Gate Bridge in San Francisco, California. The bridge's iconic red-orange towers and suspension cables are prominent against a clear blue sky with a few wispy clouds. The bridge spans across the water, with the city skyline visible in the distance. The foreground shows the rugged, rocky terrain of the bridge's base.

PAGA Enforcement

Rise of PAGA Cal/OSHA Claims

- For health and safety violations, Cal/OSHA must investigate any PAGA notice within six months of the alleged violations and can issue a citation to the employer.
- If Cal/OSHA issues a citation, the employee cannot file a PAGA lawsuit; if it does not issue a citation, the employee can appeal the decision in court or file a PAGA lawsuit.

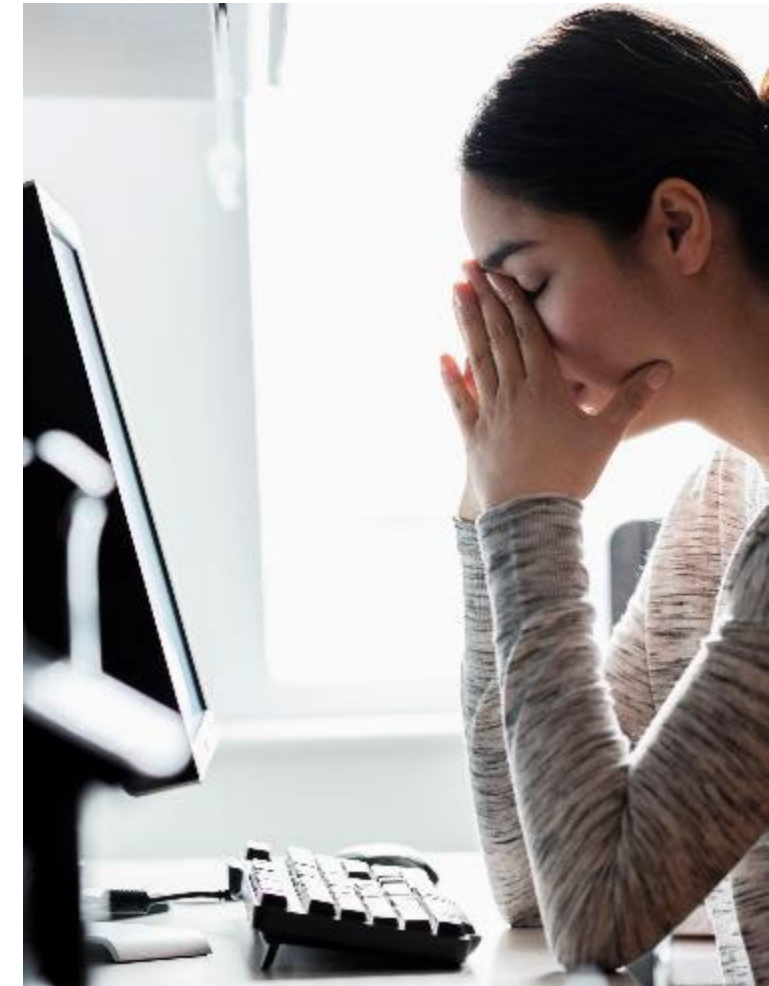


A high-angle, wide shot of the Golden Gate Bridge in San Francisco, California. The bridge's iconic red-orange towers and suspension cables are prominent against a clear blue sky with a few wispy clouds. The bridge spans across the dark blue water of the Golden Gate Strait. In the foreground, the rugged, reddish-brown rock of the bridge's approach is visible. The city skyline is faintly visible in the distance across the water.

Rulemaking Overview

Draft Workplace Violence Prevention Regulation

- Cal/OSHA is developing a draft workplace violence prevention regulation, as mandated by SB 553
 - Adoption required by December 31, 2026
- Currently on third iteration draft
- Public comments were due July 14, 2025
- Advisory meeting on November 12, 2025



Draft Workplace Violence Prevention Regulation

■ Employee Headcount

- Current law exempts employers with fewer than 10 employees “at a place” at any time, and that have compliant IIPP
- Draft: exemption applies only if employer has <10 total employees, and compliant IIPP
 - Security, janitorial, and domestic workers (Labor Code §1451) covered regardless of headcount

• Definitions

- Provides examples of “engineering controls,” “work practice controls,” and “workplace violence hazards”
- “Authorized employee representative” means recognized bargaining representative

■ Electronic Messaging Carve-Out

- Clarifies that employers are not responsible for employee texts, electronic messages, or personal social media posts threatening violence unless brought to the employer’s attention or reasonably knowable

Draft Workplace Violence Prevention Regulation

■ Workplace Violence Reporting

- Employers must accept, *evaluate*, and respond to:
 - Anonymous reports, and
 - Reports from authorized employee representatives
- Reporting process must not discourage reporting and must allow non-supervisor reporting for Type 3 violence (employee-on-employee)

■ Communication

- Employers must communicate with employees and *authorized representatives* about: 1) how to make reports, 2) how investigations occur, and 3) how results of investigations and corrective actions will be communicated

■ Inspections

- Requires new inspections and documentation whenever new substances, processes, procedures, or equipment introduce a new workplace violence hazard

Draft Workplace Violence Prevention Regulation

■ Shoplifter Rule

- Removes prior restriction prohibiting employers from requiring or encouraging employees to confront suspected criminals or violent persons

■ Post-Incident Response

- Specifies required employer actions after incidents, including:
 - Medical care or first aid
 - Trauma counseling for affected employees upon request
 - Post-incident debriefing
 - Identify persons involved
 - Gather employee feedback on causes and prevention
 - Identify and evaluate contributing hazards and corrective actions
- Type 2 violence (by customers, clients, patients, students, inmates, or visitors) may be exempt from post-incident briefing if the incident is repetitive, did not result in injury, did not involve a weapon, and was recorded on the log

■ Training

- Must train on all elements of the plan

■ Recordkeeping

- Employers must keep records of threats and reported concerns (including anonymous), evaluations and corrective actions taken, and post-incident follow-up documentation

Advisory Committee Meeting on Draft

November 12: Advisory Committee meeting on WVP draft

Key Discussion Points

■ Scope & Application

- Unions/employee advocates pushing for removal of less than 10 employee exemption

■ Definitions

- Authorized employee representative

- Industry argued against any definition that would enable any union with a collective bargaining agreement with “an employer” (not necessarily the employer controlling the workplace where the workplace violence occurred) to utilize the provisions of the Standard – despite having no actual connection to the workplace in question
- Labor advocates advocated for a broad definition so that labor organizations unrecognized by the employer could participate

Advisory Committee Meeting on Draft

Engineering Controls and Work Practice Controls

- Industry requested making the control list part of an appendix and not part of the definition
 - Concerned it would be used as checklist by Cal/OSHA
 - Also, concerned with vagueness

Threat of Violence

- Likely to be added as an exemption:
 - The employer is not responsible for employee's 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 be aware of



Advisory Committee Meeting on Draft

- Workplace violence
 - Should stalking, as defined by the CA penal code, be included in the definition?
 - Cal/OSHA is concerned that without it makes it hard to enforce recommendations around stalking
 - Considering requiring mandatory training on stalking
 - Industry is concerned with ALJs interpreting penal code statutes and voiced that not all stalking and harassing behaviors are threats of violence or violence.

Advisory Committee Meeting on Draft

- Workplace Violence Hazards
 - Industry representatives expressed concern about including “working with persons with a history of violence,” noting that the Ban the Box law prohibits employers from inquiring about an individual’s criminal history
 - Also concerns over vague terms such as “hostile work environment,” “inadequate staffing,” and “high crime areas”



Advisory Committee Meeting on Draft

- Other Key Discussion Points:
 - Cal/OSHA considering changes to the language: “The employer shall not retaliate against an employee involved in a lawful act of self-defense or defense of others”
 - Concerns that there is no way to discipline employees who do not follow company protocol
 - Cal/OSHA clarified that employers will be responsible for offering and paying for trauma counseling should workers’ compensation not cover it.



Workplace Violence Investigations

- Expansive investigations
 - Interviewing all employees involved, witnesses, relevant management, and other employees without direct connection to the incident to understand the overall environment
 - Asking management about *each* aspect of their workplace violence prevention plan
 - Examining prior incidents, and evaluating investigations and corrective actions taken
 - Inspectors differ as to what entails workplace violence, *e.g.*, some considered words without a clear threat of physical force to be workplace violence
- For abatement, requiring specific procedures on how employers at the same workplace will communicate during an emergency, and how employees will be informed of the details of the emergency

City of Marysville Police Department Citation



- Police department cited after the fatal wounding of an officer under:
 - Injury and Illness Prevention Program (IIPP) (e.g., lack of effective SWAT training)
 - Personal Protective Devices (e.g., inappropriate design of body armor)
 - Workplace Violence Prevention regulations (e.g., lack of a written plan, including ineffective procedures to identify hazards during warrant execution)
- Law enforcement agencies certified by the Commission on Peace Officer Standards and Training (POST) Program and compliant with IIPP regulations are exempt from SB 553 if all facilities meet IIPP requirements
- While details regarding POST certification are unknown, citing IIPP violations may provide a workaround to also cite under workplace violence

Draft Revisions for CA Outdoor and Indoor Heat Illness Prevention Regulations

- May 7, 2025: Cal/OSHA released a draft proposal to revise the outdoor and indoor heat illness prevention regulations
- AB 2243 requires the Division to submit a rulemaking proposal for the heat illness and wildfire smoke standards by Dec. 1, 2025
- Heat illness remains a high priority for Cal/OSHA
 - Inspectors consistently request indoor and outdoor heat illness prevention plans
 - According to a study by the Workers Compensation Research Institute, the outdoor heat standard has led to a significant reduction in work-related injuries on hot days in high-exposure industries
 - Reduced injuries by 15-17% in construction, 24-27% in agriculture, and 19-25% in transportation



Draft Revisions for CA Outdoor Heat

■ Definition Update

- “High heat area” = Any area where temperature equals or exceeds 95°F (aligns with high-heat procedures)
 - *i.e.*, employees working in high-heat areas must be closely observed by a supervisor or designee for the first 14 days of employment

■ Acclimatization

- For new employees and returning employees assigned to work areas *over 80°F*, the employer must either implement the high-heat procedures for 5 working days or implement the following work schedules:

New Employees:

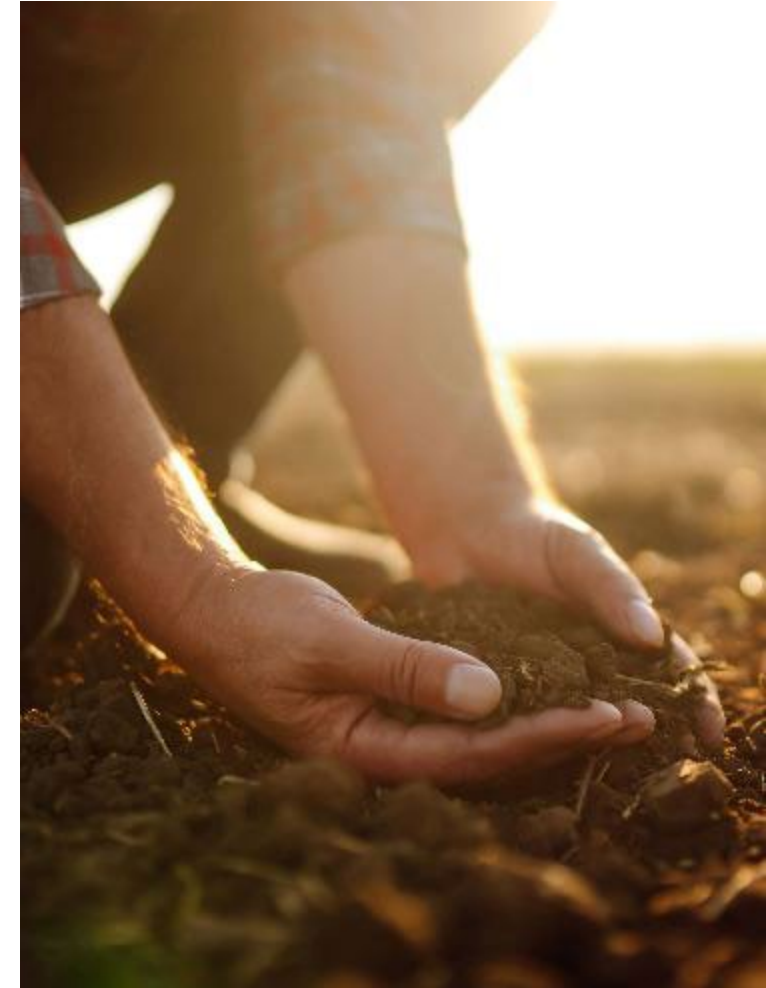
- Day 1: ≤ 20% of usual work duration
- Day 2: ≤ 40% of usual work duration
- Day 3: ≤ 60% of usual work duration
- Day 4: ≤ 80% of usual work duration

Returning Employees (absent >14 days):

- Day 1: ≤ 50% of usual work duration
- Day 2: ≤ 60% of usual work duration
- Day 3: ≤ 80% of usual work duration

Draft Revisions for CA Outdoor Heat

- EXCEPTION to acclimatization requirement for new or returning employees working in areas over 80°F:
 - requirements do not apply if the employer can demonstrate the employee consistently worked under the same or similar conditions as the employer's working conditions within the prior 14 days



Draft Revisions for CA Indoor Heat

■ Acclimatization

- For new employees and returning employees in a work area where the plan is applicable (i.e., over 82°F), the employer must:
 - Apply the “Assessment & Control Measures” from §3396(e)(2) for 5 days (excluding engineering controls in §3396(e)(2)(A)) or
 - Follow the phased acclimatization schedules from the draft outdoor heat illness regulation
- Note: Same exemption rules for outdoor heat apply to indoor environments

Draft Revisions for CA Outdoor & Indoor Regulations

- The plan must be distributed to new employees upon hire, during heat illness prevention training, and to every employee at least once a year. Employers are not required to distribute the plan to an employee more than twice a year.
 - *Electronic distribution (in lieu of hardcopies) of the employer's program would be permitted for employees able to receive electronic copies.*



Draft Revisions for Wildfire Smoke



- **Key Proposed Changes:**

- Revises AQI table: PM2.5 level of 301+ now classified as “hazardous” (previously 301–500)
- Employers must provide respirators to all employees when PM2.5 AQI is:
 - ≥ 151 and ≤ 300 for agricultural employers
 - ≥ 151 and ≤ 500 for all other employers
- Respirator use is required when PM2.5 AQI:
 - > 300 for agricultural employers
 - > 500 for all other employers
- Respiratory Protection Program & Fit Testing:
 - Only required if PM2.5 AQI exceeds 500

Takeaways from LA fires: DIR Guidance

- DIR posted guidance (Feb. 2025) for employers and workers on how to navigate the risks associated with fire debris removal and cleanup
- Health and safety protections offered regarding:
 - Physical Hazards
 - Hazard Communication
 - Cleanup, Debris Removal, and Restoration
- *Employment Crossover*: California provides various workers protections in hazardous situations (wages, anti-retaliation, and more)

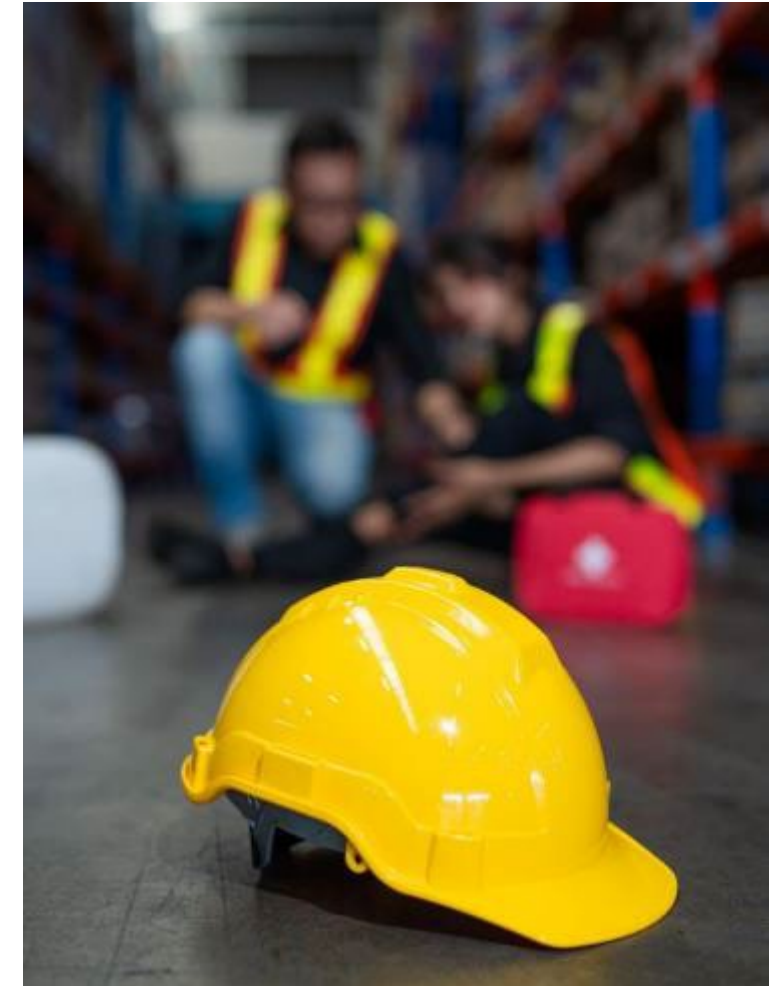
Enterprise-Wide and Egregious Violations

- 2021- Governor Newsom signed SB 606 into law as Labor Code secs. 6317 and 6317.8.
 - Amendments to:
 - 8 CCR 334-Classifications of Violations & Definitions.
 - 8 CCR 336-Assessment of Penalties.
 - Revisions to add “egregious” classification and “enterprise-wide” violation.
 - Proposed regulatory changes to implement the new law are being drafted by the Division
- An egregious violation is a *willful violation plus an egregious in the last 5 years* **or** one or more of the following:
 1. The employer, intentionally, through conscious, voluntary action or inaction, made no reasonable effort to eliminate the known violation.
 2. The employer has a history of one or more Serious, Repeat, or Willful violations or more than 20 General or Regulatory violations per 100 employees.
 3. The employer intentionally disregarded their health and safety responsibilities...
 4. The employer’s conduct, taken as a whole, amounts to clear bad faith in the performance of their duties to comply with occupational safety and health standards.

Enterprise-Wide and Egregious Violations

5. Within the five years preceding a citation for an egregious violation, the employer committed five or more violations that became final determinations.
6. The violations resulted in worker fatalities, a worksite catastrophe, or five or more injuries or illnesses. For purposes of this paragraph, 'catastrophe' means the inpatient hospitalization, regardless of duration, of three or more employees resulting from an injury, illness, or exposure caused by a workplace hazard or condition.
7. Within the 12 months immediately preceding the underlying violation, 10% of all employees at the cited worksite sustained workplace injuries or illnesses.

Note: New section 336(i) will require the Division to issue a separate citation and proposed penalty for each exposed worker, up to \$158,727.



Enterprise-Wide and Egregious Violations

- Provides for a rebuttable presumption that a violation is “**enterprise-wide**” when either of the following is true:
 - The employer has a **written policy or procedure that violates section of the Health and Safety Code or Labor Code, or**
 - The Division finds evidence of “**a pattern or practice of the same violation or violations involving more than one of the employer’s worksites.**”
- Initial penalty shall be multiplied by number of affected worksites, up to \$158,727.
- Daily penalties for failing to abate an enterprise-wide violation. No penalty adjustments/abatement credits.

Enterprise-Wide and Egregious

- Advisory Meeting August 19, 2024
- Revised proposed regulatory text
- Advisory Meeting March 25, 2025
(comments accepted through April 8)
- Anticipated formal rulemaking with hearing

Enterprise-Wide and Egregious

Revised proposed regulatory text ahead of March 25, 2025 meeting:

- Egregious:
 - Clarifying number of serious violations to trigger: 5 or more serious violations per 100 employees (rather than a single S)

- Enterprise-wide
 - Clarifying first of two triggers: employer has written policy/procedure that applies to more than 1 worksite that violates section 25910 of the H&S Code or any standard, rule, order, or regulation established pursuant to Ch. 6 of Div. 1, or Div. 5 of Labor Code

Enterprise-Wide and Egregious

Other takeaways from March 25, 2025 meeting:

- Discretion of CSHO and Division management how Enterprise-Wide violation penalties can be stacked
- Division reviewing potential impact on small employers
- Division cited author's intent to address low number of CSHOs as compared to the large number of employers and the availability of this as a tool to address violations discovered at one worksite to all non-compliant worksites

Lead (Construction Industry)

- Cal/OSHA clarified its [lead exposure prevention guidance for the construction industry](#) (May 2025)
- Amended lead standards went into effect on Jan. 1, 2025



A wide-angle photograph of the Golden Gate Bridge in San Francisco, California. The bridge's iconic red-orange towers and suspension cables are prominent against a clear blue sky with a few wispy clouds. The bridge spans across the water, with the city skyline visible in the distance. The foreground shows the rugged, rocky terrain of the bridge's base.

Appeals Board Update

Late Appeals

Appeals Board continues to hold that late appeals will almost never be allowed, but that fact-specific inquiry required.

Some recent examples:

- Board reversed on its own motion a decision to deny an appeal filed one day late. When totality of the facts considered, employer had demonstrated good cause for late appeal. *RJS Electric* (April 23, 2025)
- Employer demonstrated good cause for late appeal. *Golden Gate Bridge* (July 28, 2025)



Amendments

Appeals Board continues to allow liberal amendment of citations by the Division:

- Division made multiple motions to amend citation during proceedings, but only last motion, made after the hearing concluded, was granted.
- Last motion requested that if the ALJ did not find a violation of the original cited subsection, the citation should be amended to allege three other potential subsections.
- Board upheld the amendments, finding that the employer suffered no prejudice since the amendments were based on the same AVD.

Sutter Bay Medical Foundation dba Sutter East Bay Medical Foundation (January 9, 2025)

Implied Consent to Inspection

- Appeals Board broadens Cal/OSHA's ability to claim consent:
 - Whether an employer consents to inspection is "fact specific inquiry and requires examination of the particular circumstances under which the consent was granted."
 - Workers compensation insurance broker's statements and conduct supported a finding that it had authority to consent.
 - Even if the broker did not have authority, CSHO's "belief" that the broker had authority "was reasonable and based upon good faith."

A wide-angle photograph of the Golden Gate Bridge in San Francisco, California. The bridge's iconic red-orange towers and suspension cables are prominent against a clear blue sky with a few wispy clouds. The bridge spans across the water, with a small white sailboat visible in the distance. The foreground shows the rugged, rocky terrain of the bridge's base.

Top Cal/OSHA Violations 2024

Why Is This Information Available?

Per Cal/OSHA, the list of the top 10 most frequently cited standards is published to:

[A]lert employers about these commonly cited standards so they can take steps to find and fix these recognized hazards and prevent workplace injuries and illnesses – and keep Cal/OSHA from showing up. Far too many preventable workplace injuries, illnesses, and deaths are related to these top 10 most frequently cited standards.

<https://www.dir.ca.gov/dosh/statistics/Frequently-cited-standards.html>

Top Cal/OSHA Violations 2024

- 1 Injury & Illness Prevention Program
3 CCR 3203
- 2 Outdoor Heat Illness Prevention Outdoor
CCR 3395
- 3 IIPP – Construction
8 CCR 1509
- 4 Reporting Serious Injuries/Illnesses
8 CCR 342
- 5 Hazard Communication
8 CCR 5194
- 6 Lockout/Tagout
8 CCR 3314
- 7 Portable Fire Extinguishers:
8 CCR 6151
- 8 Respiratory Protection
8 CCR 5144
- 9 Occupational Exposures to Respirable
Crystalline Silica 8 CCR 5204 (General Industry)
- 10 Emergency Eyewash/Shower
8 CCR 5162

Fed/OSHA Top Violations 2024

- 1 Fall Protection General Requirements
(19.26.501)
- 2 Hazard Communication General Industry
(1910.1.200)
- 3 Control of Hazardous Energy (LOTO)
General Industry (1910.147)
- 4 Ladders Constructions
1926.1053
- 5 Respiratory Protection General Industry
1910.134
- 6 Powered Industrial Trucks General Industry
(1910.178)
- 7 Fall Protection Training Construction
(1926.503)
- 8 Scaffolding Construction
(1926.451)
- 9 Eye and Face Protection Construction
(1926.102)
- 10 Machine Guarding General Industry
(1910.212)

A wide-angle photograph of the Golden Gate Bridge in San Francisco, California. The bridge's iconic red-orange towers and suspension cables are prominent against a clear blue sky with a few wispy clouds. The bridge spans across the water, with the city skyline visible in the distance. The foreground shows the rugged, rocky terrain of the bridge's base.

2024/2025 Top Predictions

2025/2026 Top Predictions

2025 Predictions

- Continue to see IIPP and HIPP dominate
 - Will Indoor Heat Illness make the list?
- Rise in late/failure to report

Potentials for 2026

New/revised regulations/statutes

- Indoor heat
- Lead
- Silica
- Workplace Violence Prevention

Special Services

Advanced education opportunities to keep you current on key industry topics

Consulting services for complex issues

OSHA Inspection Masterclass

- Building and preparing your inspection team
- Preparation strategies
- Achieving successful outcomes
- Employers' and employees' rights
- Tips for managing each stage of an inspection
- Dealing with third-party participants

[LEARN MORE](#)

OSHA Injury and Illness Recordkeeping and Reporting Masterclass

- OSHA 300 Log recordkeeping
- E-Recordkeeping
- Serious injury and fatality reporting
- determining work-relatedness and reporting regulations

[LEARN MORE](#)

Stay Ready: Labor/Employee Relations and Collective Bargaining Masterclass Series

- Uncovering legal landmines: What Employers Need to Know About Labor Law and Labor Relations
- Positive employee relations and union organizing
- Collective-bargaining, contract implementation, and administration

[LEARN MORE](#)

California Workplace Violence Prevention Compliance Solutions

- Workplace violence prevention plans
- Hazard assessments
- Incident investigations and reports
- Violent Incident Logs
- Interactive employee and supervisor training
- Recordkeeping

[LEARN MORE](#)

CONN
MACIEL
CAREY

Blogs

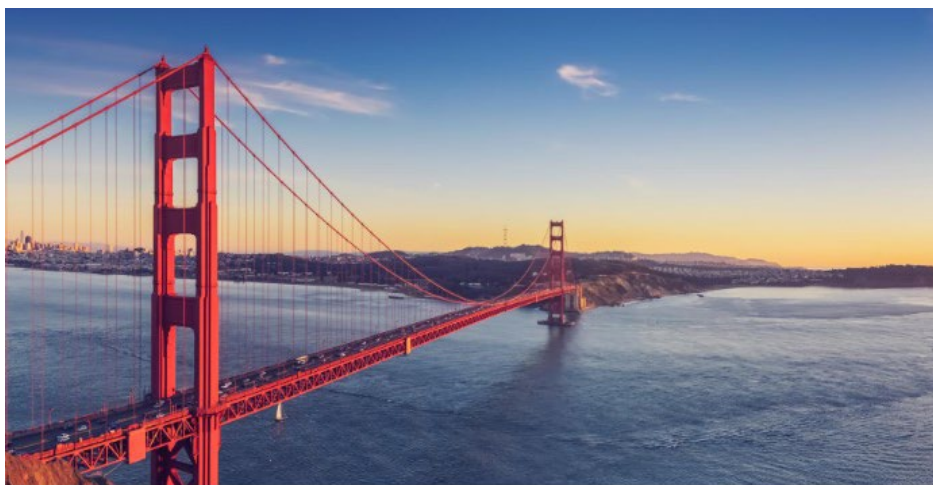
Subscribe to our
blogs to get the
latest insights



the **OSHA** Defense report



the **Employer** Defense report



the **Cal/OSHA** Defense report



the **MSHA** Defense report

Recognition



Conn Maciel Carey LLP is proud to announce that the firm has been recognized by Chambers USA as one of only three law firms ranked Band One nationally for OSHA Law

CONN
MACIEL
CAREY

Scan the QR
code below for
event updates.



Cal/OSHA & California Labor & Employment Law Summit in Northern & Southern California

*The Latest Rulemaking, Legislative, and
Enforcement Developments in the Golden State*

Two Dates and Locations to Choose From
Oct. 6 in Berkeley or Oct. 8 in Pasadena

Early Bird Admission - \$175

www.connmaciel.com/2026casummit

Questions



Contact Us



Rachel Conn

California Practice Chair

Conn Maciel Carey LLP

San Francisco, CA

415.866.4849

rconn@connmaciel.com



Megan S. Shaked

Cal/OSHA Lead & California Partner

Conn Maciel Carey LLP

San Francisco, CA

415.268.8882

mshaked@connmaciel.com



Andrea O. Chavez

Senior Counsel

Conn Maciel Carey LLP

San Francisco, CA

562.513.2040

achavez@connmaciel.com