

STATE OF CALIFORNIA
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

**NOTICE OF PROPOSED MODIFICATIONS TO
CALIFORNIA CODE OF REGULATIONS**

**Proposed Modifications to Proposed California Code of Regulations Title 8,
Division 1, Chapter 3.2, Subchapter 1, Article 2.5, [Proposed] Section 331.8**

**Subject Matter: Employer Representative and Representative Authorized by
Employees During Workplace Inspections**

Pursuant to Government Code section 11346.8(c), the Department of Industrial Relations, Division of Occupational Safety and Health (Division) gives notice of the opportunity to submit written comments on the above-named standard in which modifications are being considered as a result of public comments and/or Division staff consideration.

On April 1, 2026, the Division held a Public Hearing to consider its proposal to adopt the following section of the California Code of Regulations, title 8: section 331.8. The Division received oral and written comments on the proposed addition. The proposed new section has been modified as a result of these comments and Division consideration.

A copy of the full text of the standard as originally proposed, with the modifications clearly indicated, is attached. Anything that has been added is indicated by an underline and anything that has been removed is indicated by a strikethrough.

Any written comments on these modifications must be received by the Division by 11:59 p.m. on **July 16, 2026**. Only comments related to the modification of the text will be considered.

Written comments may be submitted as follows:

1. By email to: walkaroundrule@dir.ca.gov. It is requested that email transmissions of comments, particularly those with attachments, contain the regulation identifier "Employer Representative and Representative Authorized by Employees" in the subject line to facilitate timely identification and review of the comment.
2. By mail or hand-delivery to Silas Shawver, Staff Counsel, at Cal/OSHA Legal Unit, 1515 Clay Street, Suite 1901, Oakland, California 94612.

All comments, regardless of the method of transmittal, should include the commenter's name and U.S. Postal Service mailing address or e-mail address to enable the Division to provide the commenter with notice of any changes to the proposed amendments on which additional comments may be solicited.

Inquiries concerning the proposed changes may be directed to Silas Shawver, staff counsel, at: sshawver@dir.ca.gov.

Date: July 1, 2026

PROPOSED MODIFICATIONS

(Deleted regulatory language is shown in strike-out and new regulatory language is shown in underline.)

TITLE 8. INDUSTRIAL RELATIONS
DIVISION 1. DEPARTMENT OF INDUSTRIAL RELATIONS
CHAPTER 3.2. DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
SUBCHAPTER 1. REGULATIONS OF THE DIRECTOR OF INDUSTRIAL RELATIONS

ADDING ARTICLE 2.5: INSPECTIONS

ADOPTING SECTION 331.8 REGULATING THE PROCESS FOR REPRESENTATIVES OF
EMPLOYERS AND AUTHORIZED REPRESENTATIVES OF EMPLOYEES TO
ACCOMPANY THE DIVISION DURING WORKPLACE INSPECTIONS

(All text to be added to the California Code of Regulations.)

Article 2.5. Inspections

§ 331.8

a) A representative of the employer and a representative authorized by employees shall be given an opportunity to accompany the Chief or their representative during the inspection of any workplace for the purpose of aiding such inspection. The Chief or their representative may permit additional employer representatives and representatives authorized by employees to accompany them during the inspection. For purposes of this section, the Chief or their representative shall have authority to resolve all disputes as to who are the representatives authorized by the employer and the employees.

b) For purposes of this section, the representative(s) authorized by employees may be an employee of the employer, a third party, or the collective bargaining representative. When the representative(s) authorized by employees is not an employee of the employer nor the collective bargaining representative, they may accompany the Chief or their representative during the inspection if, in the judgment of the Chief or their representative, good cause has been shown why their ~~participation~~ accompaniment is reasonably necessary to the conduct of an effective and thorough physical inspection of the workplace (including, but not limited to, because of their relevant knowledge, skills, or experience with hazards or conditions in the workplace or similar workplaces, or language or communication skills).

c) The Chief or their representative shall be in charge of inspections. During the inspection of a worksite, the Chief or their representative is authorized to limit the scope and extent of the employer and employee representatives' engagement with each other and with any employees involved in the inspection to ensure that the inspection is fair, effective, and limited to the appropriate subject matter. The Chief or their representative is authorized to deny the right of

accompaniment under this section to any person whose conduct interferes with a fair and orderly inspection.

d) Upon the request of an employer, any authorized representative of employees in an area containing trade secrets as defined by Civil Code Section 3426.1(d) shall be an employee in that area or a representative authorized by the employer to enter that area. Where there is no such representative or employee, the Chief or their representative shall consult with a reasonable number of employees who work in that area concerning matters of safety and health.

Note: Authority: Sections 50.7, 54, 55, 59 and 6314, Labor Code. Reference: Section 6314, Labor Code; Section 1903.8, Title 29, Code of Federal Regulations.