

Prepping For 2026 Shifts In Calif. Workplace Safety Rules

By **Rachel Conn** (December 10, 2025)

California employers can expect additional regulatory and enforcement changes heading into 2026. The state's occupational safety landscape will continue to be shaped by critical issues such as workplace violence prevention, heat illness prevention, staffing shortages, state audits and an expanded investigations unit.

Together, these issues paint a clear picture: California is preparing for significant shifts and increases in workplace safety regulation and enforcement.



Rachel Conn

Strengthening Enforcement Amid Structural Challenges

One consistent focus area in 2025 was that California's Division of Occupational Safety and Health, known as Cal/OSHA, continues to struggle with staffing shortages and resource constraints, even as inspection demands grow.

According to the data on Cal/OSHA's website about its staffing, vacancy rates remain high across program areas, affecting enforcement, consultation and administrative support roles.[1]

As discussed at an advisory committee meeting on Nov. 13, Cal/OSHA is pursuing solutions such as expanded hiring plans, consultant support and internship pathways to stabilize its workforce.

Despite limited resources, enforcement intensity is increasing after results of a recent state audit determined that inspectors have previously skipped in-person inspections of worksites, even in cases where auditors found it was likely warranted.

In July, the California state auditor found that staff didn't always investigate a complaint or inspect a worksite when they should have.[2] The audit also questioned Cal/OSHA's practice of reducing the fines it issued to employers after citing them for safety violations.

In 2026, employers can expect changes in Cal/OSHA enforcement in response to these findings. This will include an updated Cal/OSHA policies and procedures manual revising its inspection protocols and agencywide training.

According to an Aug. 12 press release from Cal/OSHA's criminal investigation unit, it is also expanding with additional attorneys and investigators, increasing Cal/OSHA's capacity to pursue criminal workplace safety cases — a trend that employers should watch closely.[3]

The high-hazard industry list for 2025-2026 has also been updated, signaling future inspection priorities.

A Packed Rulemaking Agenda

The California Occupational Safety and Health Standards Board has indicated that nearly 20 rulemaking projects are currently in motion, representing significant regulatory activity heading into 2026.[4]

These include high-profile standards for workplace violence prevention, enterprisewide and egregious classifications, heat illness, wildfire smoke and more.

Workplace Violence Prevention

S.B. 553, which pertains to workplace violence prevention, remains one of California's most consequential upcoming regulations. As stated at the advisory meeting, a new draft of the regulation is expected in January 2026, and adoption is expected by the statutory deadline of Dec. 31, 2026.

Several notable areas of debate emerged during the recent advisory committee meeting:

- Unions and advocacy groups continue to push to eliminate the exemption for employers with fewer than 10 employees.
- Concerns were raised that the definition of "authorized employee representative" is overly broad, potentially giving improper authority to unions without direct ties to a workplace.
- Questions persist about the inclusion of stalking in the definition of "workplace violence," with Cal/OSHA noting that excluding it could hinder enforcement.
- Stakeholders requested that lists of engineering and work-practice controls be moved to the appendices to prevent Cal/OSHA from treating them as checklists.
- Clarifications are being considered regarding employer responsibility for employee texts, social media messages and other communications that the employer could not reasonably know about.

Cal/OSHA further confirmed that employers must offer and pay for trauma counseling after workplace violence incidents when workers' compensation does not cover the service.

The latest draft also includes anonymous reporting, and enhanced communication and investigation procedures.

Heat Illness Standards

Draft revisions to the regulations for both outdoor and indoor heat illness standards — Title 8 of the California Code of Regulations, Sections 3395 and 3396 — were issued on April 23, revealing substantial changes ahead, including:

- Updated definitions, including defining "high heat" as 95 degrees Fahrenheit or above;
- Mandatory acclimatization schedules for new or returning workers; and
- Additional requirements around heat illness plan distribution.

These updates reflect Cal/OSHA's continued emphasis in addressing the health and safety risks that are associated with extreme heat.

Wildfire Smoke Standard

Proposed updates to the protection from wildfire smoke regulation — Title 8 of the California Code of Regulations, Section 5141.1 — will require respirator distribution when the air quality index is greater than or equal to 151, and mandates use at AQI thresholds starting from over 300 or over 500 depending on the industry. For context, 301 and above is considered hazardous.[5]

Fit testing will be required only when the AQI is above 500, providing some relief for employers in low-frequency extreme events.[6]

Autonomous Vehicle Safety

Autonomous vehicles also continue to draw significant attention. Although few workplace injuries have been linked to autonomous vehicle operations to date, many have cautioned that oversight must remain vigilant given the fast-moving technological advancements.

Public commenters have expressed concern to the California Occupational Safety and Health Standards Board that inconsistent or overly restrictive processes between Cal/OSHA and the Department of Motor Vehicles could deter innovation and drive companies out of California.

Cal/OSHA has acknowledged the data-related challenges and the need for clearer frameworks as autonomous vehicle use expands across transportation and agriculture.

National and Regional Trends

California's efforts occur alongside major regulatory developments across the West Coast and at the federal Occupational Safety and Health Administration.

While President Donald Trump's administration has prioritized deregulation, the new head of OSHA, David Keeling, was confirmed in October.

California's neighbor states, Washington and Oregon, also continue to move aggressively on enforcement with several rulemaking priorities, such as ergonomics and farm labor safety — indicating a broader regional shift toward more expansive worker protections.[7]

A Transformational Year Ahead

As 2026 approaches, employers should take proactive steps to prepare for a year of increased Cal/OSHA enforcement, evolving rulemaking and expanded Bureau of Investigation activity.

Employers must ensure that their safety programs are comprehensive, up to date and ready for inspection. Reviewing injury and illness prevention programs, confirming that reporting procedures are well understood, and validating that site supervisors are trained on inspection protocol will help minimize enforcement risks as Cal/OSHA continues to respond aggressively to serious injuries, complaints and high-hazard industry trends.

For workplaces that are susceptible to heat illness hazards, both indoor and outdoor, the anticipated revisions to California's heat regulations — especially the enhanced acclimatization schedules — will require employers to revisit their written plans, training programs and monitoring procedures.

In reviewing their plan, employers should be mindful of the operational considerations around implementing these acclimatization schedules, and allocate additional time to train employees and supervisors on these changes.

The rise of Cal/OSHA claims that are based on the Private Attorneys General Act also make it more important than ever that employers actively identify and abate hazards in a timely manner. This can be done through site inspections, audits and reviewing training programs.

Employers should also review their OSHA 300 logs and any previous safety-related employee complaints to determine whether any areas may need improvement.

Organizations that invest now in compliance, training and hazard assessment strategies will be best positioned to meet the rapidly evolving expectations of Cal/OSHA in the year ahead.

Conclusion

The end of 2025 was marked by Cal/OSHA being in transition: confronting staffing shortages, modernizing internal processes, expanding regulations and responding to pressures from a state audit.

For employers, 2026 will demand proactive preparation. Key safety programs — including injury and illness prevention plans, workplace violence plans, and heat illness prevention procedures — must remain a focus.

Rachel L. Conn is a partner and the chair of the California practice at Conn Maciel Carey LLP.

The opinions expressed are those of the author(s) and do not necessarily reflect the views of their employer, its clients, or Portfolio Media Inc., or any of its or their respective affiliates. This article is for general information purposes and is not intended to be and should not be taken as legal advice.

[1] <https://www.dir.ca.gov/dosh/DOSH-Recruitment-Hiring.html>.

[2] <https://www.auditor.ca.gov/reports/2024-115/>.

[3] <https://www.dir.ca.gov/DIRNews/2025/2025-80.html>.

[4] Cal/OSHA Advisory Meeting.

[5] <https://www.dir.ca.gov/dosh/doshreg/Wildfire-Smoke/>.

[6] Id.

[7] <https://www.lni.wa.gov/safety-health/safety-rules/rulemaking-stakeholder-information/ergonomics-rulemaking>; <https://osha.oregon.gov/rules/making/Pages/proposed.aspx>.