JULY 9, 2026 | CAL/OSHA RULEMAKING & STANDARDS

Cal/OSHA Responds to Stakeholder Feedback on Proposed Walkaround Rule

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Cal/OSHA has issued a Notice of Proposed Modifications to its proposed walkaround regulation following its review of the written and oral comments submitted during the initial public comment period. While the revisions are relatively narrow, they directly reflect CMC's Employers Cal/OSHA Walkaround Rulemaking Coalition's comments and testimony.

Proposed Revisions Reflect Coalition Recommendations

Among the most significant changes, Cal/OSHA has revised the proposed rule to clarify that any third-party representative accompanying an inspection must do so **"for the purpose of aiding such inspection."** The agency also replaced references to a representative's **"participation"** in the inspection process with the more limited term **"accompaniment."**

These revisions directly address concerns raised by our coalition during both the written comment period and the public hearing. We urged Cal/OSHA to clearly distinguish between a third-party representative accompanying an inspector to assist with an inspection and language that could be interpreted as allowing outside representatives to actively participate in the inspection itself.

The proposed modifications appear responsive to those recommendations and represent meaningful improvements to the original draft.

Progress Made—But Important Concerns Remain

Although these changes are encouraging, they do not resolve all the coalition's concerns with the proposed regulation as previously outlined in our April 13, 2026 and February 23, 2026 blog posts.

In addition, the employer coalition challenging the federal OSHA walkaround rule and fed OSHA have jointly requested that the U.S. District Court for the Western District of Texas decide the case based on the existing briefing without oral argument. This approach is intended to expedite a judicial decision.

Because California's proposed regulation closely mirrors the federal rule, a court decision—particularly one addressing constitutional issues—could have significant implications for California's proposal. If the federal regulation is invalidated, especially on constitutional grounds, the ruling could substantially affect, or even

determine, the legality of California's corresponding regulation.

For that reason, the coalition continues to believe that Cal/OSHA should pause this rulemaking until the federal litigation has been resolved.

Next Opportunity to Comment

Cal/OSHA is accepting comments on these proposed modifications through **July 16, 2026**, although the agency has limited this comment period to issues directly related to the proposed revisions.

The coalition anticipates submitting comments that:

- Support the proposed clarifications regarding the role of third-party representatives.
- Reiterate the coalition's position that Cal/OSHA should delay final action until the federal courts resolve the pending challenge to OSHA's federal walkaround rule.

Stay Engaged

This latest development demonstrates that employer participation in the rulemaking process can make a meaningful difference. The coalition encourages employers and interested stakeholders to remain engaged as the process continues and to share any additional concerns that fall within the scope of the current comment period.

We will continue monitoring developments, preparing supplemental comments as appropriate, and advocating on behalf of employers throughout the remainder of the rulemaking process.