

APRIL 13, 2026 | CAL/OSHA RULEMAKING & STANDARDS

CMC's Employer Coalition Files Comments and Testifies on Cal/OSHA's Proposed Walkaround Rule

BY RACHEL L. CONN, ERIC J. CONN, DARIUS ROHANI-SHUKLA & MARK M. TRAPP

As we wrote about [in February](#), Cal/OSHA has issued a Notice of Proposed Rulemaking that would significantly expand who may accompany agency inspectors during workplace walkaround inspections. The proposed regulation — 8 CCR § 331.8 — would, among other things, allow third parties such as union organizers, attorneys, and outside consultants to accompany Cal/OSHA compliance officers during inspections of non-union workplaces, so long as the inspector finds “good cause” for their participation.

In response, Conn Maciel Carey continues to organize and advocate on behalf of a coalition of employers and trade associations for a reasonable outcome in this rulemaking. On the coalition's behalf, we submitted written comments to Cal/OSHA and testified at the agency's April 1, 2026, public hearing. [A copy of our comments is available here.](#)

Public Hearing Testimony

Both Rachel Conn and Eric Conn appeared and testified at the April 1 public hearing. Rachel addressed the coalition's substantive concerns and recommendations regarding the proposed rule, while Eric focused on the rulemaking process itself — in particular, the unnecessary speed with which Cal/OSHA is pushing this proposal forward while a federal court decision on the legality of Fed/OSHA's similar [Walkaround Rule \(which Conn Maciel Carey had success in revising through written comments\)](#) could come at any time. Notably, other industry stakeholders, including the California Chamber of Commerce, endorsed the coalition's comments during their own testimony.

Key Themes in Our Comments

Our comments raised a number of concerns about the proposed rule, including:

- The proposed rule opens the door for union organizers, plaintiff's attorneys, and other third parties to access non-union workplaces under the guise of assisting with safety inspections; creating significant risks of workplace disruption, litigation exposure, and trade secret compromise.
- Cal/OSHA is rushing this rulemaking without justification, particularly given the pending federal court challenge to Fed/OSHA's analogous rule. The U.S. Chamber of Commerce and several trade groups have filed suit in the Western District of Texas, and a decision on summary judgment could arrive any day.

- The coalition urged Cal/OSHA to convene an advisory committee process before sending any proposal to the Cal/OSHA Standards Board. An advisory committee would allow for more meaningful stakeholder engagement, including the opportunity to review and comment on draft regulatory text — a step that has been absent from this process so far.

What Comes Next

We are hopeful that Cal/OSHA will take up our recommendation to slow the process and convene an advisory committee. Regardless, we will continue to monitor the rulemaking and look for every opportunity to engage — both informally with the agency and formally through the Cal/OSHA Standards Board process that would follow if Cal/OSHA proceeds.

It's still an excellent time to get involved with our coalition, as the rulemaking process is ongoing and there are many opportunities ahead to shape the outcome. Employers can play an important role by sharing their perspectives and securing a seat at the table. Early engagement ensures your voice is heard as decisions are being made. Please reach out to us for more information about CMC's Employers Cal/OSHA Walkaround Rulemaking Coalition.