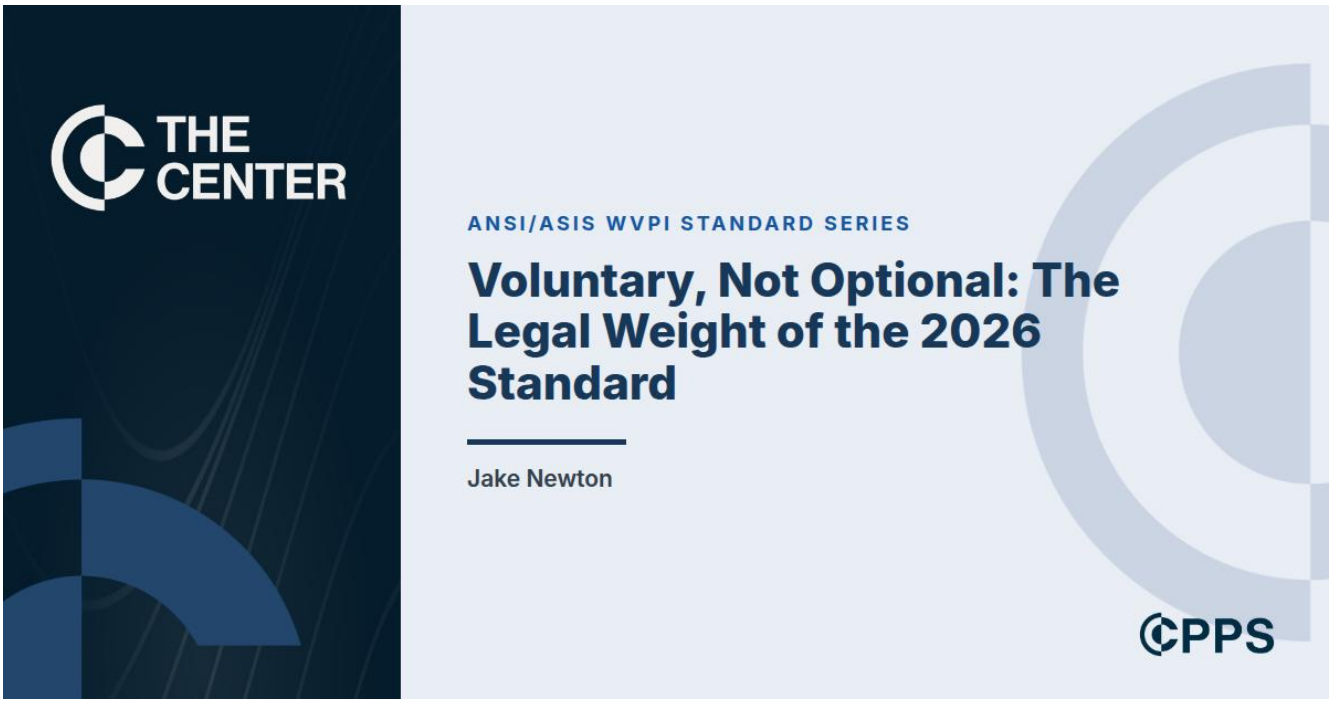


ANSI/ASIS WVPI STANDARD SERIES

Voluntary, Not Optional: The Legal Weight of the ANSI/ASIS WVPI-2026 Standard

Jake Newton | CPPS

In October 2021, an unarmed security supervisor at Boise Towne Square approached a patron openly carrying a handgun to explain the mall's firearms ban. He began to walk away, then turned back and shot her.[1] When OSHA cited her employer, a contract security firm, under the General Duty Clause, its first proposed fix was a program built on the ASIS workplace violence standard.[2]

That was the 2020 edition, which described policies organizations "can adopt."[3] The 2026 edition is different in kind: it "provides requirements."[4] It carries no force of law, and ASIS disclaims any power to enforce it.[5] But you can expect regulators and plaintiffs to use it to measure reasonable care, whether or not an employer adopts it. How much it applies will vary.

Under American National Standards Institute (ANSI) convention, "shall" is mandatory and "should" is a recommendation.[6] The 2026 edition uses "shall" to require a multidisciplinary threat management team, a security risk assessment at least every three years, and documentation of how its results shape the program. New sections require annual program evaluation, corrective action for nonconformities, audits, and top-management review.[7] The active-assailant annex is gone, though procedures for immediate threats, including active threat situations, remain a requirement.[8]

Applied as written, the standard asks organizations to account for every potential source of violence. Its definition reaches external as well as internal relationships, and the program should account for customers and visitors.[9] Again, the extent to which the standard is applied will depend on the case at hand. In Boise, the judge found a threat

management team modeled on the 2020 edition infeasible for a mall contractor. The standard's fact-gathering assumes access to the subject's supervisors, HR records, and personnel files; the officers did not even know the patron's name.[10] The citation was vacated.[11] The ruling binds only the parties in the case,[12] but the lesson holds: how much the standard applies will turn on the employer's role and reach. With the added clarity of the 2026 edition, the standard is likely to carry more weight in future cases.

Expect the standard in three arenas. First, OSHA has no workplace violence regulation, but ANSI standards already drive OSHA compliance in two ways. Some are written into OSHA rules: eye protection, for example, must meet ANSI Z87.1.[13] Perhaps you've seen the "Z87" marking on the inside of safety glasses. Where no rule exists, OSHA cites the General Duty Clause and offers a consensus standard as evidence that a hazard is recognized and abatement is feasible.[14] The 2026 edition would follow that second path. That use has limits, however: OSHA's own field manual bars relying on a consensus standard alone to mandate a specific fix.[15] Control matters: citations have held up where the employer controlled the setting and the proposed fixes.[16] In February 2026, the Tenth Circuit affirmed a citation against Cedar Springs Hospital that rested on OSHA guidance and expert testimony; the opinion does not mention the ASIS standard.[17] This reinforces the point: the standard is a strong candidate to be cited, but the extent of its use will vary.

Second, in civil suits, industry practice is evidence, not proof, of reasonable care. Workers' compensation can bar employees' negligence claims, leaving visitors, customers, and other third parties as likelier plaintiffs.[18]

Third, under state law, the standard does not by itself satisfy the workplace violence mandates enacted so far, but it is a strong means to implement them.[19] For example, an organization that uses the standard to comply with California's SB 553 will address many of the law's requirements.

Here's how organizations can think about the impact. The new standard contains many "shall" statements that organizations adopting it must address. Documented conformance is strong evidence of reasonable care. A program that claims the standard but cannot provide evidence hands opposing counsel a strong argument, and an employer's own written rules can be admitted as evidence of what due care required.[20] The standard itself requires documentation that demonstrates compliance.[21] Records matter. In *Cedar Springs*, the Tenth Circuit upheld adverse inferences against the hospital for failing to preserve video, meaning the tribunal could assume the missing video would have hurt the hospital's case.[22]

The answer is neither blind adoption nor avoidance. Adopt the requirements you can, and document why for those you can't. Map the program to every applicable statute; the standard itself requires identifying legal, regulatory, and contractual obligations.[23] Preserve records, and conduct assessments and audits in partnership with counsel, which can help protect confidentiality and privilege.[24] The standard is "voluntary," but the scrutiny it invites is not.

Notes

1. *Sec'y of Labor v. Prof'l Sec. Consultants, Inc.*, OSHRC No. 22-0597, slip op. at 23–24 (ALJ Dec. 26, 2024).
2. *Id.* at 40–41.
3. ANSI/ASIS WVPI AA-2020, *Workplace Violence and Active Assailant—Prevention, Intervention, and Response*, Scope.
4. ASIS Int'l, Workplace Violence Prevention and Intervention Standard, post-ballot draft (July 17, 2026), § 1.
5. *Id.*, Notice and Disclaimer.
6. *Id.*, Foreword.
7. *Id.* §§ 7.1, 7.1.4, 7.2.1, 9–10.
8. *Id.* §§ 7.2.3, 8.8; *compare* ANSI/ASIS WVPI AA-2020, Annex A (active assailant).

9. Post-ballot draft, *supra* note 4, §§ 3.40, 5.3.
10. *Prof'l Sec. Consultants*, slip op. at 43–46.
11. *Id.* at 51.
12. *See* 29 U.S.C. § 661(j); *Leone Constr. Co.*, 3 BNA OSHC 1979, 1981 (No. 4090, 1976) (unreviewed ALJ decision is not binding precedent).
13. 29 C.F.R. §§ 1910.6, 1910.133(b).
14. OSHA, Field Operations Manual, CPL 02-00-164, ch. 4, § III.
15. *Id.*
16. *Prof'l Sec. Consultants, slip op. at 33, 43–44 (control as a factor in feasibility); see, e.g., BHC Northwest, UHS Westwood Pembroke, Cedar Springs*.
17. *Cedar Springs*, slip op. at 15–18.
18. *See, e.g.*, Colo. Jury Instr., Civ. ch. 9 (industry custom as non-conclusive evidence of reasonable care); Practical Law, *Workplace Violence*, Practice Note 7-505-7511 (negligence claims where workers' compensation exclusivity does not apply).
19. Cal. Lab. Code § 6401.9; N.Y. Lab. Law § 27-e.
20. *See, e.g.*, *The Admissibility of a Defendant's Written Policies and Procedures as Evidence of the Standard of Care*, Plaintiff Magazine (discussing California authority).
21. Post-ballot draft, *supra* note 4, § 6.7.
22. *Cedar Springs*, slip op. at 39–42.
23. Post-ballot draft, *supra* note 4, § 5.4.
24. Patrick Cooper & Glen E. Kraemer, *From Policy to Practice: Establishing and Training a Multidisciplinary Threat Management Team*, ATAP Threat Management Conference (Aug. 12, 2026); *see also* post-ballot draft, *supra* note 4, § 8.6.

Learn more about the new standard

Visit **cpps.com/new-asis-ansi-standard** for resources on the 2026 ANSI/ASIS WVPI Standard and to connect with our team.