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March 1, 2018

Juliann Sum
Chief, DOSH
Amalia Neidhardt
Senior Safety Engineer

Via Email: rs@dir.ca.gov; ANEidhardt@dir.ca.gov

Re: Marijuana/Cannabis Industry - Cal/OSHA Regulations

Dear Chief Sum and Ms. Neidhardt,

We appreciate the opportunity to comment on the development of the Cannabis industry. Worksafe is a non-profit organization committed to advocating for the occupational health and safety of California's workers.

California labor Code section 147.5 (Assembly Bill 266), which legalized Cannabis, has presented us with a unique opportunity to improve working conditions for workers in this unique and new industry.

At this time, we recommend that Cal/OSHA promulgate rules regarding:

- Workplace violence specific to the cannabis industry;
- Mandating a 30-hour general industry training requirement for the cannabis industry.

We also request that Cal/OSHA gather and provide more information to stakeholders about the specific issues faced by this industry, especially unique chemicals or toxins, and the injuries experienced by workers in this industry.

Workplace Violence in the Cannabis Industry

Due to the current FDIC rules around Cannabis and other factors, this industry still remains largely cash-based with potentially large quantities of cash and product maintained on site and by drivers, making workers in this industry vulnerable to workplace violence. Worksafe is currently working in coalition with other stakeholders on the Workplace Violence General Industry Standard. In its June 2, 2017 findings, Cal/OSHA signaled that this general industry workplace violence regulation would suffice for the cannabis industry. That will depend on how stringent the new standard is in protecting workers from violence arising out of robberies and similar violent crime. Based upon information from United Food and Commercial Workers Union (UFCW), which represents cannabis workers, the likelihood of workplace violence is elevated in this industry. Worksafe calls for a strong general standard that includes requirements that reduce the risk of injury from violent crime. Alternatively, if Cal/OSHA does not require strong across-the-board protections, there should be special provisions for cannabis industry workers and other workers at elevated risk from this type of workplace violence, such as convenience and liquor store workers. We concur wholeheartedly with the

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UFCW's comments regarding the elements that should be included in a standard covering cannabis workers, whether in a general standard or a stand-alone standard.

Lack of Awareness and Training of OSH issues in the Cannabis Industry

Due to the prior illicit nature of the industry, many workers and their supervisors in this industry have not been trained and therefore do not have basic information or awareness of occupational health and safety issues. In addition, due to the previous nature of this industry, there may be resistance to incorporating occupational health and safety rules as well. Thus, we believe that Cal-OSHA should **require** that within one year of receiving a license, a supervisor and one employee **must** complete the Cal/OSHA 30-hour General Industry Course given by an OSHA-authorized training provider, certified by an OSHA Training Institute Education Center.

Lack of Data About Injuries and Illnesses in the Cannabis Industry

This industry, which previously operated underground, is currently in the process of legalizing. As such, there are many issues that are now just coming to light. Cannabis contains chemicals that may have hallucinogenic effects on workers. These chemicals are concentrated by extraction and refining in manufacturing thus presenting unique hazards to workers when they are exposed to the chemicals. At this early stage in the industry, the long term effects of exposure to these chemicals are unknown, putting workers at risk for possible injuries and illnesses they may not realize until many years down the line. Having knowledge of the exact chemicals and their short term and long term effects on workers is vital to understanding what regulations are sufficient or not, and what new regulations are necessary to protect these workers.

Thus, the reality of this situation is that it is difficult to gauge whether or not an industry specific standard is necessary because of the current lack of data on the industry and the working conditions. There is no information on the impact of current laws with respect to worker protection, no information on what workers' compensation issues may come up in the industry, and no data on on-the-job injuries. Because of this and general absence of oversight in cannabis production, we believe it is still too early to definitively state that the current health and safety regulations are sufficient to protect workers in this industry. We believe more time, data, and analysis are needed as this industry begins to legalize.

Second-hand smoke exposure

Finally, with respect to second hand smoke and the addition of cannabis into the current rules regarding second hand smoke in the workplace, we support this addition and think that it is important to provide as much clarity as possible to employers with regard to second-hand smoke. Sufficient evidence

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safety, health, and justice for workers

seguridad, salud y justicia para los trabajadores

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exists that exposure to second-hand marijuana smoke has detrimental health effects to support this addition.¹ One proposal put forth by cannabis smoking lounges that we found problematic was a worker “opt out” of exposure to secondhand smoke. We would oppose any such provision since it puts workers at significant risk in this industry where there are vulnerable, low-income and immigrant workers. It also sets a dangerous precedent for other industries.

If you have any questions, please contact me at jtrang@worksafe.org.

Sincerely,



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¹ See e.g. Wang X, Derakhshandeh R, Liu J, Narayan S, Nabavizadeh P, Le S, Danforth OM, Pinnamaneni K, Rodriguez HJ, Luu E, Sievers RE, Schick SF, Glantz SA, Springer ML; One Minute of Marijuana Secondhand Smoke Exposure Substantially Impairs Vascular Endothelial Function.; Journal Of The American Heart Association; 2016.