



**CALIFORNIA RURAL LEGAL
ASSISTANCE FOUNDATION**
Advocates for Justice

August 30, 2018

Juliann Sum
Chief, DOSH
Amalia Neidhardt
Senior Safety Engineer

Sent 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 findings and recommendations on the need to develop industry-specific regulations for cannabis establishments. 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 industry.

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

- Prohibit smoking of cannabis in enclosed places of employment;
- Workplace violence specific to the cannabis industry; and
- Mandating a 30-hour general industry training requirement for the cannabis industry.

In addition, given the vulnerability of low wage and immigrant workers in this industry, we urge Cal/OSHA to disseminate educational information that employers can use to inform their workers about the potential legal risks of working in this industry.

Prohibition of Second-hand smoke exposure in enclosed places of employment

We support Cal/OSHA's recommendation to task the Standards Board with amending Title 8 section 5148 to prohibit the smoking of cannabis in enclosed spaces of employment. We echo the recommendation of the Tobacco Education and Research Oversight Committee (TEROC) in including parking lots within the definition of enclosed spaces of employment. We look forward to working with the Standards Board and stakeholders on the rule-making process regarding this issue.

Workplace Violence in the Cannabis Industry

Although we appreciate Cal/OSHA's reference to the current advisory process for a general industry workplace violence prevention standard, we still have concerns regarding the ability of the general industry standard to protect workers in this unique industry. As we stated before, 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 believes that what is needed is a strong general industry standard that includes requirements that reduce the risk of injury from violent crime. If the general industry standard fails to do this, Worksafe believes that there should be special provisions for cannabis industry workers and other workers at elevated risk from this type of workplace violence (i.e. convenience and liquor store workers). We concur the UFCW's comments, dated February 26, 2018 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

Worksafe remains unconvinced that the current regulations are sufficient to ensure that this new industry receive the trainings that they need in order to understand how best to protect their workers. For reasons stated in prior comments we still 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.

In the absence of this, we urge Cal OSHA to continue to provide materials to employers to assist them in understanding their duties and responsibilities - as well as to workers to understand their rights. In particular, we are concerned about the risk to low wage and immigrant workers. All employers, and employees, need to know that any non-citizen (Lawful Permanent Resident, Visa Holder, Asylee, DACA Recipient, etc.) engaged in any way with the commercial growth or sale of marijuana is in immediate risk of deportation should the federal government learn about their involvement in this industry. Given that immigration raids have occurred (and taking into consideration the current political climate), non-citizens are at risk if they are affiliated with the

commercial growth or sale of marijuana. As such, employers need to educate all of their employees in multiple ways about the legal risks associated with working in the marijuana industry. Educational materials that include this information would be extremely helpful especially since immigration-based retaliation has been reported to us by workers who report hazards in the workplace. Such information could take the form of a page in the employee handbook (in various languages); providing a brief presentation on the risks at the time of hire; and making this information available on the employer's web page.

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

Sincerely,

Jora Trang
Managing Attorney

Anne Katten
Pesticide and Work Safety Project Director