



United Food & Commercial Workers Union

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To: Amalia Neidhardt, Senior Safety Engineer, DOSH, CA Dept. of Industrial Relations

From: Sam Rodriguez, Legislative Director UFCW

Date: July 12, 2016

Re: Regulation in California's medical marijuana industry

Background:

UFCW Western States Council represents almost 1,500 workers in the Cannabis Industry mostly in the City of Los Angeles. Last year the passing of the Medical Marijuana Regulatory and Safety Act (MMRSA) has presented an opportunity to improve working conditions and protections for employees in the medical marijuana industry.

Major Issues:

Currently, standards and protections for workers specific to marijuana cultivation and production are threadbare. The biggest challenge facing reform efforts in the industry is a lack of data. Because of the absence of oversight in marijuana production, any information on workplace safety measures come from the industry, which cannot be relied on as impartial. Statistics on worker protections, compensation, and on-the-job injuries are not available. The lack of worker protections could negatively impact marijuana industry workers. The absence of standards also increase risks for medical marijuana patients, in particular the lack of restrictions on pesticides used in production having the potential to put users and workers in harm's way.

Regulation in other States:

The Washington state Department of Agriculture has released their Worker Protection Standard (WPS) Requirements for Marijuana Growers that offers insight and specificity into other legalized industries' expected practices.

- Washington requires all workers and handlers to be trained in pesticide safety by a WPS qualified trainer every five years, and an employer must provide a bilingual translator if necessary. This training may be conducted by an employer qualified by the Washington State Department of Agriculture or arrange for one or more employees to become qualified.
- Routine washing and decontamination regulations specifying all handlers have a clean change of clothes in case of contamination, as well as an on sight plumbed or portable emergency eyewash station

- Under WPS information on a central notification board must include the name/description of a pesticide treated area, the product name, active ingredients, and EPA registration number, the restricted entry interval for the area, and the time and date of future application.

Colorado's safety measures for workers lag behind Washington. The Colorado Department of Agriculture has based its efforts on educating employers on compliance with the Federal Worker Protection Standard, but inspection and enforcement have not been present.

The Colorado Department of Public Health and Environment is in the process of creating a best practices guide for occupational health and safety in the marijuana industry. The guide is meant to provide a blueprint for occupational health and safety on industry-specific issues, from safety glasses use to proper trimming procedures. This guide will have no enforcement or regulatory power, and will serve as merely a suggestion for employers.

Recommendation:

Due to marijuana's illegal nature under federal law, the applicability of federal worker standards to marijuana employees remains unclear. The Federal Department of Labor has not clarified this issue. In response, the state must take initiative and draft industry-specific labor laws that provide comparable protection to medical marijuana workers.

Summary:

For medical marijuana laborers, industry-specific health and safety regulations must be adopted in California for employees' health and safety. Currently, labor specific issues can only be addressed by federal agencies enforcing federal labor laws. This kind of national involvement has been consistently lackluster. Until new regulations from state agencies are adopted, medical marijuana employees will live and work with limited worker protections.

If you have any questions or concerns, please contact Sam Rodriguez, Director of Legislative Affairs, at 916-849-4300, 916-612-7625 and/or samrodriguez@ufcwstatescouncil.org