



United Food & Commercial Workers Union

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TO: Medical Marijuana Advisory Committee
Attention: Amalia Neidardt, MPH, CIH, CSP
DOSH Research and Standards Health Unit

FR: Sam Rodriguez, Director of Legislative Affairs
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RE: Cal-OHSA Health and Safety Standards and Workplace Protections for Cannabis Workers

In 2015, Governor Brown signed the Medical Marijuana Regulation and Safety (the Act), which, for the first time in the history of California establishes a comprehensive regulatory framework for the medical marijuana industry to ensure patient access, as well as to protect the environment, public safety and public health.

United Food and Commercial Workers Union has been the leading entity in the Cannabis Industry to help workers gain wage safeguards and workplace safety protections. With the passage of the Act, UFCW strongly supports the creation of a robust program to educate and train cannabis workers in the industry overseen by the State and its Agencies responsible to regulate the various segments of the Cannabis Industry.

Professional licensing and safety standards are widely accepted norms throughout the State of California for a variety of occupations and we should do the same and better for workers in the Cannabis Industry. Cannabis workers need a vital knowledge of their product and how best to serve the needs of people suffering from serious diseases.

UFCW Western States Council is committed to support a regulatory framework that will protect and enhance cannabis workers and consumers. We strongly support regulatory language establishing a "framework and standards to conduct health and safety skills training for cannabis workers" and other related worker protection efforts.

Moreover, regulatory Agencies responsible to oversee the licensing aspect of cannabis entities have a responsibility that the rights of workers are protected, health and safety standards are maintained and ongoing product knowledge and skills development are sustained with consistency throughout the cannabis industry similar to pharmacy laboratory technicians as an example.

We believe the California Safety and Health Act, known as Cal-OSHA and the federal Occupational Safety and Health Act known as Fed-OSHA provides the foundation for a sensible-straight-forward approach to provide licensing authorities significant prevue to administer and regulate a cannabis education and worker training process that will protect both workers and medical marijuana patients.

Under Cal-OSHA, cannabis employers must provide safety training, furnish protective gear and equipment, inform workers about hazardous chemicals or substances in the workplace, keep detailed safety and injury records, provide prompt medical attention when injuries occur and notify the appropriate government agencies of serious workplace illnesses or injuries.

Cal-OSHA requires that every employer shall furnish and use safety devices and safeguards and shall adopt and use practices, means, methods, operations and processes, which are reasonably adequate to render such employment and place of employment safe and healthful. The statute further requires that every employer shall do every other thing reasonably necessary to protect the life, safety and health of employees. (Labor Code section 6401)

Cal-OSHA's in-depth knowledge and experience in health and safety protections for workers can help guide licensing authorities to develop key strategies for cannabis entities in the some of the following areas;

- Establish an Injury and Illness Prevention Program (Labor Code 6401.7)
- Safety Training (Labor Code 6401.7©)
- Notification Process for Employees of Harmful Substances ((Labor Code 142.3©)
- Mandates to Monitor Exposure to Harmful Substances (Labor Code 6408 ©)
- Provide and Ensure Use of Safety Equipment (8 California Code of Regulations section 3383©)
- Post Hazard and Pesticide Restrictions (Labor Code 6406-6407)
- Mandated Workplace Violence Prevention Measures and Programs
- Universal Enforcement of Flammable, Liquids, Gases and Vapors (CA Code of Regulations, Title 8, Sec. 5451)

We greatly appreciate your efforts and commitment for workers in the Cannabis Industry to be properly trained, and to ensure and maintain a high level of health and safety standards in the workforce.

We thank you for your leadership and congratulate you for your commitment and passion to work on policy issues related to the Cannabis Industry and its workforce.

We look forward to continue to share our expertise and knowledge for your Committee's deliberations on how best to protect cannabis workers.



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5 August 2016

Sam Rodriguez
Director of Legislative Affairs
UFCW Western States Council

Dear Brother Rodriguez:

This note confirms that I am conducting research on health and safety risks facing cannabis workers in Colorado. The purpose of the research is to identify and analyze occupational health and safety issues experienced by cultivation workers, trimmers and budtenders in grow facilities and retail stores in the legal recreational cannabis sector. The University of Colorado Denver Office of Research Services provided funds for my study. The Colorado Multiple Institutional Review Board in the University of Colorado Denver approved the study.

Colorado is a leader in the legalization of cannabis and is the first in the nation and in the world to make the possession, use and regulated distribution of cannabis legal for adults. Colorado businesses, workers and trade unions are essential to Colorado's cannabis-related economic success. The local cannabis sector employs people in many high-risk jobs and the occupational risks of many new technologies are still unknown. Over 40,000 badged cannabis workers exist in Colorado and many of these are employed in 1,380 cultivations and 970 dispensaries. Cannabis workers are vulnerable to pesticide poisoning, powdery mildew and other occupational illnesses and injuries. My study approach is to prevent work-related injuries, illnesses and fatalities, thereby eliminating the financial physical and emotional hardships currently impacting cannabis workers and their families. My preliminary work shows that is imperative to ensure the health and safety of Colorado's cannabis workforce to lower business costs and improve worker productivity, thus ensuring the ongoing success of Colorado's cannabis sector.

Results of the study will be written up and shared among key stakeholders, contributing to debate and discussion about ergonomics, worker protection standards, and other compelling health and safety issues identified through interviews and surveys with study participants, community leaders and occupational health professionals. I believe that the study findings will bring greater visibility to a worker-based approach to cannabis and its implications for other states undergoing cannabis legalization where stakeholders engage with workplace safety and compliance issues.

In solidarity,

Marty Otañez, PhD

Marijuana Employees Ask To Be Treated With The Same Respect As Their Merchandise

BY JOEL WARNER ON 12/18/15 AT 8:13 AM

Joel Warner is a Denver, Colorado-based staff writer covering the marijuana industry. Previously he was a staff writer at Westword newspaper, and his work has also appeared in WIRED, Slate, Men's Health, Bloomberg Businessweek, Popular Science, Men's Journal, Grantland and elsewhere.

DENVER — “This is my favorite right now: Grapefruit Diesel,” says Alana Walker, unscrewing the lid of a glass jar filled with marijuana buds so the customers she’s helping can sniff at the merchandise. For Walker, it’s been a slow **11-hour workday** at the marijuana shop where she works, probably because of the snowy Colorado weather. Plus it’s always slower on the medical marijuana side of the operation, where she works, compared to the half of the store dedicated to recreational marijuana. That side is always packed with confused first-timers.

Plus, Walker has seen enough to know working in the weed business is far from perfect. She left her first budtender job because the **operation cut too many corners**; she was always losing hours because the **business failed inspections** and had to close temporarily. She’s happier where she works now, but there are still challenges. **Like most workers in the cannabis industry, she doesn’t have benefits.** She worries that she’s pushing 30, since for **budtenders**, being young and pretty is often a top priority. And she knows that, even though she was never formally trained, **if she slips up on any of the various ever-changing rules she has to follow, like accidentally selling more than a quarter-ounce of product at a time to out-of-state visitors, or completing a sale after 7 p.m., she could land the business in hot water and end up out of a job.**

Even if she doesn’t screw up, Walker knows her continued employment is never guaranteed. **“We are marginalized,”** she says. “People assume it’s a job everybody wants to do, and employers treat us like **we’re expendable**. They feel like they can treat people who work in a dispensary a little poorer than if they worked at a normal business.”

In the booming legal marijuana scene, the folks at **the top of the food chain** get most of the attention – the **“Pot Barons”** bankrolling shops in Aspen and Seattle, the entrepreneurs hoping to develop the Facebook of cannabis. **Far less notice is paid to those laboring the front lines of the industry: the growers, trimmers and budtenders earning an hourly wage.** But in a business where improper production or sale of its key product could invite federal crackdowns, much is riding on those tending to and vending these all-important plants. And it’s increasingly clear that employees aren’t always up to the task, thanks to recent sweeping product recalls triggered by **growers using unauthorized pesticides on their crops and marijuana shops getting cited for underage sales.**

Despite these pressures, the world of marijuana workers may be the one corner of the cannabis industry where there's **a lack of regulations and oversight. Employees and outside observers say there's lax surveillance of workplace conditions, little in the way of mandatory worker training and minimal protections to ensure proper employee treatment.** So why is it that legalized marijuana is being carefully protected and regulated, while those in charge of its care say they're being treated like weeds?

Risky Business?

Susan Chicovsky... is the owner of Green Mountain Harvest, a 5-year-old harvest and trim company that grow-house operators hire to prepare their plants for sale. Chicovsky admits that trimming -- cutting away leaves, or manicuring the buds -- can be tedious work, but such services are in high demand. Chicovsky is currently booking her team of 76 Colorado-based trimmers -- all of whom have gone through her "Trimmer Training School" and start at \$10 an hour -- several months out and is planning on going national.

Chicovsky says some of her employees have ended up in emergency rooms after being exposed to marijuana infested with powdery mildew. One time, her trimmers encountered plants so infested with pests it was hard to see the buds. ("We'll just make it into hash," said the plants' owners when she told them her workers wouldn't trim their product.) Then there are the risks that are hard to spot. As an increasing number of Colorado marijuana products test positive for pesticides, Chicovsky is concerned that her **workers are being exposed to dangerous chemicals.**

...While the federal Occupational Safety and Health Administration is supposed to monitor workplace conditions in jobs like this, Chicovsky says that when it comes to marijuana trimming, "OSHA is not involved."

Along with potential contact with chemicals and mold, trimmers can suffer ergonomic injuries from repetitive hand motions. And even budtenders face the minor but still debilitating hazards of service-industry jobs, but without the long-established safety precautions of traditional jobs like restaurant workers and bartending. "It's not unlike other small businesses," says Mike Van Dyke, chief of environmental epidemiology for the Colorado Department of Public Health and Environment. "They spend all their resources trying to stay in business. And occupational health and safety isn't seen as a No. 1 way to stay in business."

...Marty Otañez, a University of Colorado Denver anthropology professor, has immersed himself in the marijuana industry, obtaining a state-issued marijuana employee badge and attending Green Mountain Harvest's Trimmer Training School. He has major concerns about workplace conditions and the lack of federal efforts to address them. **"This is a super new industry with very few parallels in recent history," he says. "OSHA can more fully meet its mission by being proactive and**

That's the conclusion of Lia Berman, an anthropology grad student at the University of South Florida who spent three months working at a Colorado dispensary as part of her thesis project — where she regularly saw marijuana being sold under the table. “The low wages in many ways caused a lot of this product to be sold in informal networks out of economic desperation,” she says. “I was supporting myself greatly through my own funds; I would never be able to survive working 40 hours a week at a dispensary.”