

**First Cal/OSHA Advisory Meeting  
Medical Marijuana Industry  
Tuesday, October 25, 2016  
Oakland, CA**

**Meeting Chairs:** Steve Smith, Eric Berg, Amalia Neidhardt

**Notes:** Valerie Royo, Keummi Park

**Attendees:**

<u>Name</u>	<u>Affiliation</u>	<u>Name</u>	<u>Affiliation</u>
Sam Rodriguez	UFCW	La Tanya Linzie	CannaBusiness Law
Emilio Eizner	Altai Brands	Kathy Mossburg	MVM Strategy Group
Neil Hall	SCI Consulting Group	Jon Zimmerman	MGO CPA
Kerry Arnold	Candescent	Josh Mayo	Moxie Extracts
Laura Schniedweed	Schnied Weed Legal Svcs	Max Esdale	Meadow
Traci Stevens	Gov. Advocates	Jacob Enslein	
Cyntia Kensinger	Hashman Infused	Dale Sky Jones	Oaksterdam University
Deanna Garcia	Alternative Farms	Kimberly Cargile	A Therapeutic Alternative
Haley Andrew	A Therapeutic Alternative	Joey Ereñeta	Let it Grow Consulting
Maria Longoria	Caliva California	Alex Beck	Cannabis Consultant
Belinda Thielen	UFCW Int'l Union	Ellen Komp	Cal Norml
Katie Reiter	Pistil and Stigma	Paul Kennelly	Kind Courier
Eric Heard	Investor	Patrick Goggin	Attorney
Lia Coito	Scot Candell & Assoc	Michelle Ramsland	CHASM Inc. Consulting
Ryan Bush	Meadow	Darci Sears	Speaker's Office
Kalle Snyder	Elemental Wellness Ctr	Jessica Castiglione	Basa Farm
Bryan Little	California Farm Bureau	Joshua Reish	SPARC Collective
Shane Gusman	BG Law & Teamsters	Kevin Shi	CannaBliss
Victoria Hassid	DIR	Amy Jenkins	CCIA Platinum Advisors
Joshua Sablan	Bloom Farms	Sarah Rodebaugh	Nutraceutical Facility Solts
AnnaRae Grabstein		Charlie Pappas	Berkeley Medical Cannabis
Daniel Curry	Attorney, UFCW	Noah Jacobsen	Aquerre Technologies
Bradley King	NIOSH	Anne Katten	CRLA Foundation
Leonard Tong	Cal OSHA PV	Kevin Carmichael	Attorney Harvest Law Grp
Chris Esposito	Dark Heart Nursery	M Millam	Joyous Place
Kevin Dolan	BHOGART	Michael Hicks	CEO, THCA Inc.
Liana Held	Liana Limited HR	Nate Bradley	CA Cannabis Ind Assoc
S. Nikki Slade	Sci, Blankinship & Assoc	S. LoGrossman	CDPH
P. Horbachevsky	Berkeley Patients Grp	Esther Montoya	The Nug
Orville Meaux	The Portal	Sabrina Skondin	BASA
Mark Spoden		Brian McMorro	
Carlos Campos	CHASM Inc.	Ngina Nguyen	Bay Tower Group
Lori Ajax	Chief BMCR	Chris Emerson	Metta Medical
Alex Zavell	Advsr-Robert Raich	Stephen Shub	SFO-TECH
Alladan Flinn	Growithez	Kaliyah Eyre	Harborside Dispensary

Bob Ford	CDPR	Don Duncan	PRD Consulting
Tsion Lencho	Attorney	Christel McLean	RVR
Eric Flores	UFCW, WSL	Amna Hawatky	CDPH
Roger LaChance	Berkeley Patients Grp	Anthony Rangel	Natures Remedy COLL
Elizabeth Welsh	MCD Lawyer	Joanna Cedar	Press Tree
Ashley Bargaquast	Tully-Weiss	Layla Ross	W Vapes
M. Stevenson	Horizen Water and Envir	Jane McKay	Dark Heart Nursery
Kathryn Scott	Scott Capitol Partners- Verdant Distribution	Paul Hansbury	Cultivator, Medicine Maker
Daniel Steigman	BHOGART	Gita Dombrowski	Verdant Dynamic
Ian Greene	Las Farms	Erik Lomo	Oaksterdam University
Isamarie Perez	Get Meadow	Grace Koch	Cal Govt Operations
Jason Stirling	Cultivator, SPARC-SF	An-Chi Tsou	BMCR-DCA
Jeff Ferro	Director UFCW INT'I	Edison Gomez-Krauss	GK Farms
David Bonnar	Blankinship & Associates	Hannah Nelson	Attorney
Gordon Vrdoljak	CDPH	Ron Edwards	Owner, CKa Nursery
Deanna Callahan	CPO, Ametrine Wellness	Max Mikalonis	Office of Asmb R Bonta
Luke Garvey	Anastassiou & Assoc	Jeremy Valverde	Attorney, CDFW
Lance Lister	State of CA Waterboard	William Krycia	Cal OSHA
Myk Caruana	Bud Barber	Haley Andrew	ATA Human Resources
Adrian Moore	Bloom Farms	Cyo Nystrom	Meadow
James Kleier	Grow X	Jason Ayres	
Susan Tibbets	Cal Growers Assoc	Steve Shue	

### **Meeting Minutes:**

Steve Smith Research & Standards Health Unit principal engineer opened the meeting, welcomed attendees and introduced panel members and other Research and Standards staff assisting with the meeting. Cal/OSHA convened this advisory meeting to seek advice from the medical marijuana industry as to whether there is a need to go over and beyond existing regulations. Since this is the first advisory committee meeting on the topic, Mr. Smith asked all medical marijuana attendees to introduce themselves.

Everyone in the audience then introduced themselves.

Eric Berg, Deputy Chief of Research and Standards thanked them once again for attending and encouraged everyone to participate as much as possible with suggestions or comments. Information on the industry would help guide the process.

Mr. Smith spoke about Labor Code Section 147.5 which was enacted in 2015 by Assembly Bill 266. Under the Medical Marijuana Health and Safety Act, Cal/OSHA was tasked with convening a meeting to solicit advice on whether there is a need to create or revise current regulations that may apply to the medical marijuana industry. Since the Cal/OSHA program may be new or unfamiliar to those in the industry, Mr. Smith reviewed the handouts provided and highlighted the User's Guide to Cal/OSHA. He also spoke about the Cal/OSHA website and went over the Pressure Vessel unit permit requirement handout. Mr. Smith then provided background and explained the Advisory Committee and Rulemaking Process.

Amalia Neidhardt spoke about the mission of the Division of Occupational Safety & Health (DOSH), also known as Cal/OSHA and listed the different units. She talked about the current health and safety laws and regulations that are enforced by Cal OSHA and which exist to protect workers within California. She indicated that Cal/OSHA Consultation is a free service that helps employers understand these health and safety regulations. It is separate from Cal/OSHA Enforcement, which is the branch that enforces these regulations.

Ms. Neidhardt stressed that workers have the right to a safe workplace so if a worker feels that they are being exposed to a hazard, they can file a confidential complaint with Cal/OSHA, and Enforcement will investigate. Examples of existing regulations that employers in the medical marijuana industry should currently abide by are: Injury and Illness Prevention Plan (IIPP) and the Hazards Communication. Employees have the right to know what chemicals they are being exposed to while at work, and employers are required to communicate the information. Employees should also be educated and trained on protective measures.

Likewise, cultivators should be aware of any agricultural or general industry standards. Cultivation can be outdoors or indoors, and various regulations can apply to either or both. Outdoor cultivators would have to be aware of heat illness prevention and field sanitation. Indoor cultivators would have to be aware of carbon dioxide and both will need to address repetitive strain injuries and other ergonomic issues.

Manufacturers need to be aware of regulations on flammables and other fire safety regulations. Our Pressure Vessel Unit has also provided a handout on permits that might be needed if compressed gases are used. Other potential hazards include burns and scalding, slips, trips and falls, personal protective equipment, use of portable ladders, use of machinery and violence in the workplace.

Again, the goal of the meeting is to seek input on whether there is a particular or unique hazard in the medical marijuana industry that needs to be addressed and is NOT covered by any of the existing regulations.

Mr. Smith said that the discussion will be centered on the hazards and various aspects of the industry and that cultivators would have the opportunity to provide input first. Stakeholders were asked to focus their comments on the health and safety issues and which may not be addressed through existing regulations.

Paul Hansbury, Cultivator and Medicine Maker said that Cal/OSHA is mostly complaint-driven in terms of inspections and that it had been mentioned several times that complaints were anonymous. He asked about the length of time it would take Cal OSHA to respond to a complaint and the consequences of being investigated.

Mr. Smith replied that the handouts describe the compliance program and how Cal/OSHA is mandated to respond to complaints. The response to complaints is dependent on the perceived degree of the hazard, and can be anywhere from one day to 14 days. If violations of Title 8 regulations are found, there may be citations with monetary penalties.

Mr. Hansbury asked if someone was to file a spiteful-complaint, will Cal/OSHA stop their operations while the crop is still ripening in the field. He also asked if the regulations were thick enough that violations will always be found.

Mr. Berg replied that if the complaint is regarding a non-serious violation, then Cal/OSHA will send a letter, and not necessarily send someone to automatically investigate. An employer can respond to that letter, but again, it depends on the severity of the hazard mentioned in the complaint.

David Bonnar, Blankinship & Associates asked whether Cal/OSHA coordinates with the Office of Environmental Health Hazard Assessment (OEHHA) and CalEPA.

Mr. Smith responded that Cal OSHA does coordinate with those other state agencies and for example has a memorandum of understanding (MOU) with CalEPA's Department of Pesticide Regulation regarding worker exposure to pesticides. DPR is typically the lead agency on regulating worker exposure during the application of pesticides in the field. Cal/OSHA has jurisdiction over worker exposure to pesticides during the manufacturing and distribution of the pesticide.

Carlos Campos, CNH Safety Management, Chasm Inc. commented that he works with the Sonoma County Growers Alliance. He thanked the panel for the opportunity to work towards common goals. He said that he has been doing this work for two decades, and that he is painfully aware that there is a severe lack of education of safety and best practices. He agreed that there are regulations that already exist, that apply to this industry and which require employers to come into compliance. There are benefits in doing so and employers need to be proactive in avoiding injuries and illnesses. Workers should know their rights and responsibilities. Mr. Campos asked Cal/OSHA do outreach and sustain stewardship in the industry.

Hannah Nelson, Attorney said she does cannabis compliance work and has a lot of experience in dealing with non-cannabis issues. She noted that Cal/OSHA has the best website, that it is incredibly useful with practical information. She asked that industry-specific information be made available as the website helps employers and attorneys keep costs down. She noted that when it comes to cultivation, a distinction should be made between outdoor versus indoor and other issues such as immature versus mature plants should also be taken into account. In manufacturing, there should be a distinction between hazards of using finished products versus raw materials, as those circumstances might trigger different concerns.

She added that small farms, or small group of friend-farms, are not allowed under California law to make a profit unless some clarifying legislation is made. Aside from the whole Fed issue, small operators cannot make a profit, so there is no easy way to take on the financial burden of coming into compliance with existing regulations. There is a small farmers' employment guide available that goes through safety and workers' rights, so this might be an opportunity to expand it to include wage and hour information. She added that the main difference between brick & mortar shops versus a small rural farm is the challenge of coming into compliance without any resources.

Belinda Thielen, UFCW International Union said that they represent workers in every aspect of the industry, and are involved with workers and employers to make sure the industry provides safe jobs. Enforcement of Cal/OSHA's standards will cover most hazards, but UFCW has identified unique issues which are characteristics of this industry, such as the risk of explosion. UFCW's proposal is to require employers to designate a qualified representative who will be in charge of compliance with Cal/OSHA standards. Employers put employees in danger because of lack of understanding and unsafe work practices which have been institutionalized with very little knowledge. Employers need to be reeducated and learn to provide safe workplaces; and that a designated Cal/OSHA certified representative should be present on every cannabis worksite.

Sam Rodriguez, UFCW said that they represent 160,000 workers in the grocery and pharmaceutical industry, and that many people are at this meeting because they want to collaborate and learn how to be compliant. He noted that it is important to require a licensed or designated Cal/OSHA expert who has working knowledge of establishing an IIPP, establishing safety training of employees on harmful substances, and ensuring safety while using equipment. All of this is already covered in existing law, and they would like cannabis workers to be properly trained. UFCW is especially concerned with the safety of women and people of color working in the industry and who are far from urban areas.

Jason Stirling from SPARC-SF said that he appreciates that Cal/OSHA has provided a format to learn more about all of this. He inquired if there was a cannabis organization currently pushing for Cal VPP status and whether Cal/OSHA had any way to collect that kind of information. He also asked Cal/OSHA to explain how the agency was trying to apply existing law to the industry.

Mr. Smith explained for those who are not familiar with the program that Cal VPP stands for California Volunteer Protection Program which is something that the Consultation Branch provides services for. Businesses can apply for special recognition and accolades of having highly motivated health and safety programs. He is not aware of employers in the medical marijuana industry who take part in the VPP program, but added that there are less than 200 businesses in the VPP program.

Mr. Stirling inquired about the steps that Cal/OSHA takes to use existing laws and apply them to the industry.

Mr. Smith reiterated that the goal is to look for regulatory gaps that might exist in this industry. From the advice received so far, efforts are needed to bring employers up to speed and help them be aware of their current obligations. Any worker in California has a right to a safe and healthful workplace and Cal/OSHA wants to make sure that every worker is protected. This legislation and other activities will bring more awareness, and Cal/OSHA will work with agencies and communities to target the advice.

Request was made from the audience to improve the website and to target the information towards the medical marijuana industry.

Deanna Garcia, Alternative Farms & Cottage Farmer noted that most of her questions were answered with the previous statements. She added that people have been farming and regulating themselves for a long time by making up rules. She extended an invitation to welcome Cal/OSHA to their facilities in Sacramento for a tour. She noted that they have indoor cultivation sites, and would like each party to learn from each other and share insight in order to create good regulations.

Joey Ereñeta from Let It Grow Consulting noted that it would be helpful to have a separate webpage dedicated to this industry which could list existing regulations. To avoid overwhelming people, the information on the website should be specific to each segment of the industry. There are specific concerns depending on the kind of cultivation, such as CO2 supplementation, UV exposure from the growing lights, using volatile solvents, using stakes to support the plants, hand or other repetitive injuries from plant-trimming and slips and falls. Other concerns include: working with different agencies/groups, obtaining permits from the local jurisdiction, fire prevention, etc. The website would help people to access information to understand early-on how to comply with existing regulations; particularly when designing facilities, rather than making modifications afterwards.

Eric Heard, an investor, thanked Cal /SHA for the opportunity to provide input. He said that the industry needs to be taught what can or cannot be done in order to get into compliance. But added that they

also have to know how much it is going to cost. He noted that as an investor, he does not want to put money into things if he is not going to get a payout. He stated that there is no need to make new rules, to use what already exists or enhance them. Labs have to be certified. He noted that the Cal/OSHA website is beautiful and suggested to continue to use it to keep everyone informed.

Ron Edwards, Owner of CKa Nursery noted that with regards to the current regulations, such as the use of gloves; that gloves can work for one task, but not another. He asked Cal/OSHA to keep in mind that requirements like these, can cause more accidents rather than prevent them.

Mr. Smith asked next if there were any issues or concerns from manufacturers.

Josh Mayo, from Moxie Extracts, inquired whether Cal/OSHA was mandating Fire Safety Codes.

Mr. Smith replied that the local fire departments oversee fire codes including public safety, and that Cal/OSHA's fire safety is similar to what the fire departments are doing, except focusing on workers. NFPA guidance documents apply to both public and worker aspects.

Mr. Mayo asked whether Cal/OSHA is mandating, when it comes to worker training, pressure vessel training. He said that there still isn't an understanding on what's required for pressure vessels. They need to know what to do to inform operators on compressed gases since it might be different for this industry. Cal/OSHA should mandate that employers train as much as possible so that accidents don't happen. Mr. Mayo recommends that a laundry list of training topics be made available for both employees and employers.

Emilio Eizner from Altai Brands commented that he has gone to Colorado to see facilities, and that even in Colorado, there are discrepancies. He recommends that prior to designing and building facilities, the requirements are hammered-out so that they can be in compliance. Mr. Eizner recommended beefing up existing regulations and adding specifics to help the industry understand the basics. Requirements to consider while writing the law include things like training, what operators can and cannot do, alarms to increase security and prevent armed robberies.

Deanna Callahan from Ametrine Wellness thanked Cal/OSHA for opening up this type of forum. She noted that the industry has been working in a gray area where practices have been adopted but are not safe. They are trying to be compliant, but there is a fear of OSHA. She asked when it comes to regulatory walkthroughs, about the penalties or fines that these inspections entail. She is concerned about the Feds being called to shut down operations. She stated that they use CO2 extraction, and that it would help to have a certification program for the people who handle gases under high pressure or gases that are highly volatile. Certifications need to be established for those working in these dangerous situations.

Ashley Bargaquast from Tully & Weiss recommends that a distinction be made between the different types of manufacturers. There is a concern between making edibles after the extraction versus actually performing the extraction. Currently, these processes are not considered separate. People running a bakery should behave different than someone who is doing the extraction.

Kevin Dolan from BHogart, a manufacturer of closed systems, stated that they have ASME pressure vessel closed systems, so they can certify people to operate them. They also have a show room and can teach various safety measures; if anyone is interested in reaching out to them, they can discuss after the meeting.

Michael Hicks, THCA, noted that a common concern is that regulations are non-compliant driven, so he wants to know how Cal/OSHA evaluates the worksite. He believes that most complaints are based primarily on moral or ethical-issues from people trying to push them out of the area, as opposed to complaints based on actual evidence of safety hazards. For instance, they get complaints of produce leaving the state even though they haven't left the farms yet. They are concerned about frivolous complaints.

Myk Caruana from Bud Barber said that they make medicated edibles and topicals, which involves two different types of manufacturing processes. He noted that there are also volatile and non-volatile manufacturers to take into account. He believes that non-volatile should not be subject to the same regulations.

Mr. Smith clarified that Title 8 regulations apply to all workers as applicable. He noted that in this industry, there are workers that perform a wide range of operations varying from agriculture, manufacturing, laboratory, etc.; and that regulations are applied specifically to the type of work being performed.

Jacob Enslein inquired about how Cal/OSHA ensures that existing regulations are interpreted uniformly and added that the interpretation shouldn't be left up to employers to decide.

Mr. Smith explained that Cal/OSHA is a regulatory agency that sets minimal standards for health and safety and depends on workplaces to voluntarily comply. Cal/OSHA enforces mostly through complaints and accidents, but does follow-up when those are classified as serious.

A follow-up comment was made stating that Cal/OSHA shouldn't wait for someone to get hurt and that currently there is an educational gap.

Mr. Smith said that outreach to this industry is not as up-to-speed as it is for other industries and that this is one of the topics that Cal/OSHA will look at. In addition, the focus is to see whether there is a need for new regulations or to revise existing regulations. He acknowledged the overarching need of educating this industry.

Dale Sky Jones, from Oaksterdam University, said that they have been educating since 2007, have educated almost 2000 people and that they recently completed an intensive 2-day training program. They also engaged for 2 years on information gathering to determine how best to bring-in early education on best practices and have provided tours to help teach responsible behavior.

Someone mentioned the issue of recordkeeping requirements and the lack of compliance within the industry.

Mr. Campos stated that there should be in-house training instead of waiting until a rule is passed. He reiterated that there is a big educational gap which they can help bridge, and expressed their interest in discussing with the Division what their organization has learned.

Susan Tibbets, CGA Growers stated that she works with and represents small farmers in the northern counties of California. She would like the Agency's website to talk about microbusinesses, such as cottage industries, where there is a sole proprietorship and 2-3 workers, who gross under \$50,000. She asked about Cal/OSHA's impact on small farmers.

Mr. Smith replied that Cal/OSHA looks at the employer-employee relationship. If a business is a sole proprietor, with no employees, then Cal/OSHA has no jurisdiction. He explained that the Division looks at the employer-employee relationship regardless of monetary value. Regulations apply to places of employment. When there are questions on employer-employee relationships, the Legal Unit helps and those cases are dealt with on a case-by-case basis.

Hannah Nelson, Attorney, noted that since the Division just started the process of gathering information, it would be beneficial to take people up on their offers to collaborate and tour their facilities. She said that she also has quite a few clients who would love to take the Agency on a tour of their facilities. There is a difference between rural and urban areas, and Cal/OSHA should see the different extraction methods as well as big versus small. She agreed that there is a recordkeeping gap and noted that there is a difference between the various local law enforcement agencies because some still say that marijuana is illegal.

Mr. Caruana said that about 4 months ago, the health department was called to inspect their kitchens. The inspector was confused when looking at the operation, and said that they fall under “wholesale” in food and agriculture and not a restaurant; the inspector told him that he was not authorized to regulate them. If they do wholesale, then they should be regulated as wholesale and not as a retailer.

Mr. Smith replied that the particular incident mentioned was an example of dealing more with public safety instead of worker safety. Cal/OSHA does not make a distinction between retailer and wholesaler. Both fall within this new bill, so Cal/OSHA is looking at the existing regulations to determine whether there is a need to expand them.

Mr. Mayo asked the panel about where the standards will be drawn from, especially with regards to extraction, manufacturing, laboratory or fusion.

Mr. Smith replied that Cal/OSHA regulations cover general industry orders, and apply to a whole gamut of operations from cultivators to manufacturers to dispensers. Some regulations cover specific or unique issues such as laboratory safety.

Someone asked if those regulations would be applied to their laboratories.

Mr. Smith explained that the laboratories that are currently covered are more analytical and not production, and that an inspector takes the difference into account. Cal/OSHA inspectors can be in a farm one day and at a construction site the next day, so they check that regulations are applied appropriately to the observed hazards, not categories. At this moment, Cal/OSHA is gathering information on hazards or issues unique to this industry to determine whether there is something unique that requires a specific regulation. After evaluating the advice and recommendations received, Cal/OSHA will make that determination.

Max Esdale from Meadow said that a common theme expressed among attendees is the need for education and added that some came as concerned patients. He asked about Cal/OSHA views on someone getting injured on the job while under the influence of cannabis. Since alcohol is a reportable event, he asked if self-medication would be treated as reportable.

Mr. Smith replied that since the question is a little beyond traditional worker safety, and touches upon worker’s comp, it would be deferred to them. He added that Cal/OSHA does not have specific standards on workplace drug testing or alcohol testing.



Someone commented that they were under the impression that OSHA gets involved in those matters.

Mr. Smith noted that it goes beyond OSHA. He said that no matter the testing method, retaliation is a concern, and that retaliation is a larger concern of labor standards enforcement and workers' compensation.

Someone commented that they hope cannabis will be looked at as medicinal, and as opposed to the Federal government which does not see eye-to-eye with 25 states; they hope that California will keep that into consideration.

Upon inquiry, the panel and stakeholders agreed to continue the meeting instead of breaking for lunch.

Mr. Smith noted that the Division will hear from the last of the commenters as there are not many left. He clarified the issue of Federal OSHA versus Cal/OSHA. California is a state OSHA program that is authorized by Federal OSHA to enforce health and safety at the state level. There are 25 other states that also have state OSHA programs. As a state agency, the Division does not have the same restrictions, like the state of Colorado, which is a Federal OSHA state and must enforce Federal OSHA regulations. Washington is like California where the state program does enforcement, so Cal/OSHA does not mandate Federal law.

Bradley King, an Industrial Hygienist with NIOSH, thanked Cal/OSHA for the presentation and for listening to the issues. For those not familiar with NIOSH, he explained that they are the main Federal agency that has been charged with worker safety and research, and was created alongside OSHA in the 1970s. NIOSH is not a regulatory agency. They do research and provide recommendations, and they have been asked to look into the worker safety concerns in this industry.

Mr. King noted that he is interested in continuing the discussion on potential hazards at worksites so that NIOSH can make better recommendations. The Health Hazard Evaluation (HHE) program is a mechanism they use, which is free of charge, and where they respond to requests from employers, employees, or union officials who have concerns on potential exposures. It is a way for them at the Federal level to get a handle on newer or emerging safety issues. For example, NIOSH will have reports available online hopefully at the start of next year on HHE done at some sites in Minnesota regarding issues like mold exposure due to high humidity levels and ergonomic issues with trimming. By investigating issues like these, NIOSH hopes to make recommendations for the industry, especially for those who are new. NIOSH does not name the facilities of those sites visited, and they have no regulatory authority. Visit the NIOSH website: <http://www.cdc.gov/niosh>; and check out the HHE program.

Mr. King added that another concern that has been brought up is how illness and injury rates in this industry are recorded. To determine injury rates they look at NAICS codes, but there is no specific code or classification for marijuana. So an injury might be recorded under Pharmacy. In order for these injuries not to be misclassified, there would have to be greater specification at the state level.

Ms. Tibbets said that mold and mildew are endemic in Northern California, and that if the Division operates as a complaint-driven system, then the Division would have to be realistic in order to promote organic farming. They see mold and mildew at levels that do not pose a problem. She added that organic standards are under the Feds, so many farmers who use the organic process can't be certified as organic.

Ms. Callahan noted with regards of transportation, that they have to transport products along the coast. She said that there should be standards that apply when drivers drive long distances. She added that there is also the legality issue when a transporter is traveling from northern to southern California and has to go near a national park, where the feds have jurisdiction and where they risk being stopped and being sent to federal prison. She states that the driver is taking a risk and should be protected if arrested.

Mr. Smith clarified that motor vehicle safety and road hazards fall under the Highway Patrol. Although they are not included in this Act, they could have such questions addressed to them.

Mr. Heard asked about getting the different agencies to talk to each other so that interested parties don't have to keep going to each agency separately. He said that since they are being asked to come into compliance, they need a one-stop place that can provide information.

Steve Shue said that he used to work in a testing lab in Sacramento. He asked whether the Division has existing standards to address the transportation of testing equipment-mobile testing labs, unsafe handling of analytical chemicals and improper storage.

Mr. Smith noted that that the lab environment is unique and deals with analysis and large quantities of chemicals, and that there is a lab standard at the federal level for production labs, which was adopted by Cal/OSHA. The Division also has the hazard communications standard, where employees have a right to know what they're working with and proper handling; and this information needs to be available to them. The latter is for analytical testing as opposed to production labs. So for mobile testing labs, which is a type of lab application, there are other regulations that may apply.

Someone commented that there is a concern with mobile labs as opposed to brick and mortar establishments, who inherently take their equipment to the site where customers are. People need to be aware of the chemicals that are being transported. Any analytical lab needs to be highly regulated as much as possible as in other industries.

Ashley Bargaquast from Tully & Weiss said that not much is known yet about distributors, that it is based primarily on contractual obligations with cultivators and wanted to bring up a worry that was raised about independent contractors as a type of employee. She asked where independent contractors would go to file a complaint in a contract-based environment.

Mr. Smith said that as mentioned earlier; employer-employee relationships is something that always comes up in any new industry, and is dealt with on a case by case basis. So, there is no straight answer for every independent contractor.

Someone recommended, since they don't really know OSHA rules yet, to make these issues clear and include the information in a cannabis FAQ document on the DOSH website.

Gita Dombrowski from Verdent Dynamic recommended that Cal/OSHA make an effort to get as many operators as possible to create a good IIPP, especially small operators, as this would make a significant difference in this industry. She stressed that communication is important.

Mr. Smith thanked all attendees for their comments and noted for anyone interested in providing additional comments that our contact information and emails are on the Cal/OSHA webpage for this advisory process. Cal/OSHA will collect comments into the next month; will consider them along with

the comments provided at this meeting. The minutes of the meeting will be posted on the webpage. When Cal/OSHA comes up with final recommendations next year, it will also be posted on the webpage and interested parties will be notified. Everyone's contributions are welcomed and appreciated; and Cal/OSHA looks forward to interacting with everyone in the future.

Meeting was adjourned.

**Summary and Recap of main points provided during the meeting:**

- Concerns were expressed that the marijuana industry, for the most part, lacks knowledge of Cal/OSHA existing standards and worker safety requirements.
- Cal/OSHA should conduct outreach and target advice towards current obligations, to close the educational gap and bring employers and workers up to speed.
- Cal/OSHA should set-up a website with FAQ and industry-specific information.
- Cal/OSHA should require a licensed or designated Cal/OSHA expert at every cannabis worksite.
- Cal/OSHA should make available a list of industry related safety training topics.
- Cal/OSHA should establish certifications for those working in dangerous situations like with hazardous gases.
- Rather than creating new regulations, improve existing regulations so operations know what they can and cannot do.