

**Marijuana/Cannabis Advisory Committee Meeting**  
**January 31, 2018**  
**1515 Clay Street, Room 1**  
**Oakland, CA 94612**

**Meeting Chairs:** Amalia Neidhardt, Eric Berg, Chris Kirkham, Willie Nguyen  
**Notes:** Valerie Royo, Garrett Keating

**MEETING ATTENDEES**

<b><u>Name</u></b>	<b><u>Affiliation</u></b>
Haley Andrew	Dixon Wellness
Jason Ayres	Not provided
Alex Beck	Better Nature
Deanna Callahan	Consultant, Root Essential
Rosie Cano	AgSafe
Joe Chambers	Oakland Fire Department
Tabitha Chavez	California Department of Food & Agriculture, CalCannabis
Wilson Cinker	Steep Hill Cannabis Labs
Floyd Dela Cruz	Loss Prevention Specialists LLC
Camille Dixon	California Department of Insurance
Crystal D'Souza	California Department of Food & Agriculture
Jeanne-Mairie Duval	California Department of Industrial Relations
Melissa Eidson	California Department of Food & Agriculture, CalCannabis
Sylvia Fontes	Forensic Analytical Consulting Services
Patrick Fosdahl	San Francisco Department of Public Health
Shay Gilmore	The Law Office of Shay Aaron Gilmore
Ross Gordon	California Growers Association
Jassy Grewal	UFCW States Council
Stephanie Hopper	Canndescent
Jere Ingram	AIHA Cannabis Safety Council
Necosha Johnson	Utopia Farms
Anne Kelson	Kelson Law Group
David Kernazitskas	Occupational Safety & Health Standards Board
Shea Kho	Founder (CEO), Compliance Manager
James Kilpatrick	State Compensation Insurance Fund
Rob Kleinerman	AIHA Cannabis Health & Safety Task Force
William Krycia	Not provided
Debra Lilly	Horizon Water & Environment
Amber Lopez	Magnolia Wellness
Melanie Luthern	Schwartz, Steinsapir, Dohrmann & Sommers Law
Ryan Markley	Sturdivant Ventures
Mary Malendia Mccree	AIHA Cannabis Health & Safety Task Force

<u>Name</u>	<u>Affiliation</u>
Christina Morales	California Department of Public Health
Beatriz Nava	Loss Prevention Specialists LLC
Joanna O'Donnell	Liana Limited
Jesse Parenti	Nine Point Strategies
Richard Parrott	California Department of Food & Agriculture, CalCannabis
Katie Rabinowith	Magnolia Wellness
Alka Ramchandani	Jackson Lewis P.C.
Steve Ricci	Owen-Dunn Insurance
Grace Rinck	The California Industrial Hygiene Council
Fred Rutt	Not provided
Joshua Sablan	Bloom Farms
Kevin Schnepf	California Department of Food & Agriculture
Ken Smith	University of California
Mark Starr	California Department of Public Health
Traci Stevens	Governmental Associates, Inc.
Tony Sui	Privilege Group, Inc.
Jora Trang	Worksafe
Justine Weinberg	California Department of Public Health
Pamela White	Loss Prevention Specialists LLC
Liz Williams	American Nonsmokers' Rights Foundation
Janine Young	San Francisco Department of Public Health

**Below are detailed notes of the advisory meeting. These notes do not represent a transcript of the meeting, and are simply a summary of the notes taken by the people conducting the meeting. Although every effort has been made to accurately reflect the opinions expressed in the meeting, they should not be considered to be a verbatim record of the proceeding.**

### **Welcome, Introductions, Review of Handouts and Purpose**

**Amalia Neidhardt, Acting Principal Engineer, Cal/OSHA**, welcomed attendees and explained that this second advisory meeting was being held in response to Labor Code (LC) 147.6 which mandates the Division of Occupational Safety & Health (Cal/OSHA) to evaluate the need to develop industry-specific regulations related to the marijuana industry. In October 2016, Cal/OSHA held an advisory meeting to evaluate the need to develop industry-specific regulations for occupational hazards associated with medical marijuana. Now, due to Proposition 64 and this new Labor Code, Cal/OSHA is seeking input on regulations that may be needed to protect workers employed in both the adult/recreational-use and medical cannabis industry. **Amalia Neidhardt** also briefly reviewed the handouts provided.

Meeting attendees were invited to provide comments, issues, and advice during the meeting, along with their name and affiliation. Written comments were highly encouraged. Written

comments should be sent via email after the meeting. Attendees were also reminded to sign in so that Cal/OSHA can send information to interested parties.

### **Background on the Advisory Committee and Rulemaking Process**

**Amalia Neidhardt** clarified that there are several other state agencies that have their own regulations concerning cannabis. Cal/OSHA's mission is to protect workers in California, enforce standards, educate and conduct outreach.

- There are several components to Cal/OSHA:
  - Enforcement Branch – enforce standards and conduct inspections.
  - Occupational Safety & Health Standards Board (separate from Cal/OSHA) – adopts, amends and repeals regulations
  - Occupational Safety & Health Appeals Board (separate from Cal/OSHA) – if an employer is issued a citation, the employer has a right to appeal, and the Board hears the appeal.
  - Consultation Services Branch
  
- There are existing regulations that already apply to the cannabis industry:
  - Injury and Illness Prevention Program (IIPP).
  - Repetitive Motion Injury Prevention.
  - Hazard Communication (Hazcom) Program.
  - Heat Illness Prevention Plan.

Workers have a right to a safe workplace, and they have the right to call the Enforcement Branch to file an anonymous complaint.

**Chris Kirkham, Senior Safety Engineer, Cal/OSHA**, provided a brief explanation of the Cal/OSHA Consultation Services Branch:

- Consultation Services does the following:
  - Assists employers in understanding how to comply with existing regulations.
  - Provides a 1-800 number for employers to ask questions.
  - Conducts site visits and walkthroughs to discuss the nature of hazards and provides confidential reports that summarize their findings.
  - Maintains confidentiality. Consultations are not shared with Enforcement.

Cal/OSHA Consultation is a free resource, and while some preference is given to smaller employers in high hazard industries, the service is available to all business owners.

**Amalia Neidhardt** explained that the advisory meeting is an informal input-seeking process and distinctly separate from a formal rulemaking process. Cal/OSHA first needs to determine whether or not there is a need to modify or adopt a new regulation related to the marijuana industry. If a determination is made that a new regulation is needed or that an existing regulation needs to be amended, then Cal/OSHA will go through the steps of developing an occupational

safety and health standard. The rulemaking flow chart, which was provided as a handout, lays out the steps in the regular rulemaking process.

## **Discussion of the Unique Health and Safety Hazards Faced by Workers Employed in the Marijuana Industry:**

### **1. Exposure to Secondhand Marijuana Smoke**

**Amalia Neidhardt** explained that existing regulation section 5148 prohibits indoor tobacco smoking, and that Cal/OSHA is considering an additional prohibition for the smoking of cannabis in the workplace.

**Liz Williams, Americans for Nonsmokers' Rights**, advocated for inclusion of cannabis smoke in this particular regulation, and stated that workers are exposed to second-hand marijuana smoke. The Cal/OSHA panel asked for data on second-hand smoke for cannabis. **Liz Williams** said that they can provide some information, and while research has been hard, combustion and inhalation of particulate matter are respiratory risks.

**Stephanie Hopper, CannDESCENT**, asked how this would affect legalized consumption spaces for the public. **Eric Berg, Cal/OSHA Deputy Chief of Health** explained that there are exceptions currently in LC 6404.5 that exclude retail tobacco shops that have smokers' lounges. However, there is nothing currently like that for cannabis.

**Katie Rabinowith, Magnolia Wellness**, explained that onsite consumption was granted by city permit, which allows for both patients and consumers. **Katie Rabinowith** stated that their company does not recommend additional regulations because they have never had issues with second-hand smoke or vapor. They have three controls in place to provide a safe workplace, and these are HVAC systems, carbon filters and negative ion generators.

**Amalia Neidhardt** asked for clarification on whether **Katie Rabinowith** referred to an open or enclosed space, and whether workers are there as well, as Cal/OSHA only has jurisdiction over worker exposure. **Katie Rabinowith** confirmed that she referred to a closed space with a main dispensary and lounge, and that they have several rooms in a building. A staff member oversees the clients' use of volcanos and vape-pens. She also stated that they have a policy that prohibits intoxication of staff, and that they have never had an issue with secondhand smoke.

**Eric Berg** asked for an email for more details on the way in which they control exposure. **Willie Nguyen, Cal/OSHA Attorney**, also asked if these controls were required by the permitting process or by another entity. **Katie Rabinowith** clarified that the permit process was specific for them, as they were the only one for a while in Oakland that was permitted to allow onsite consumption. They crafted their plan with the City of Oakland, and it was approved by the City Council in September 2016. Their director ran an onsite consumption agency and had experience on what they needed to obtain the permit. They also have staff who are trained to recognize client overconsumption, and rotate shifts so that exposure to second hand smoke can be limited to two to four hours. They have made adjustments as necessary. Additionally, their company has

also met with the Fire Marshal. The ventilation system is to lessen exposure to other building residents and protect against second-hand smoke in their business.

**Mark Starr, CA Department of Public Health**, provided background on the Tobacco Education and Research Oversight Committee's (TEROC) work in providing oversight in expenditures for tobacco tax revenues. Marijuana is on the Proposition 65 list as a carcinogen, so there is concern with secondhand smoke. Statistical data shows that the method of consumption for marijuana is 80% smoking and 20% vaporizing. Their data also shows that 89% of adults support smoke free environments. They are concerned that use among high school students will increase. TEROC believes that inhaled cannabis should be incorporated into existing laws to maintain a clean indoor air quality. California has a smoke-free workplace protection, but these protections should be extended to workers employed in specific businesses, such as smoking lounges and establishments that provide similar opportunities for cannabis use, to protect against exposure to secondhand tobacco and marijuana smoke.

**Eric Berg** asked for data to be sent to DOSH, and **Mark Starr** agreed to share their data. **Willie Nguyen** asked if **Mark Starr** had specific thoughts on the proposed language, and he said that specific input will be provided.

**Anne Kelson, Kelson Law Group**, stated that she represents stakeholders that would be affected by cannabis regulations, especially for those who will be applying for onsite consumption. She believes that the byproducts from tobacco smoke are not the same as the ones from marijuana smoke. However, because marijuana is a schedule I substance, there are not enough studies specific to cannabis smoke exposure and cannabis should not be bootstrapped to tobacco studies. In response to the concerns that teen use of cannabis might rise, she spoke of a project conducted in the city of Los Angeles, by their cannabis task force, in which they introduced statistics from the state of Colorado showing that usage of cannabis fell among teens. Anyhow, workers employed in California establishments need to be 21 years old or up. Cal/OSHA should consider an approach used in Europe called the "Precautionary Principle," where cannabis is assumed not to be harmful until shown otherwise. She was unaware of any incidents of cancer that occurred because of exposure to cannabis smoke. If needed, Cal/OSHA could consider rotations for staff for set periods of time to reduce exposure to second hand smoke.

**Amalia Neidhardt** asked for clarification on the methods her clients use to protect workers. **Anne Kelson** responded that one of her clients does not have an onsite lounge yet, but intends to have an area for seniors and other patrons to consume onsite. Ordinances in Alameda and the city of Oakland have different odor abatement requirements for onsite consumption, and she referred to Magnolia Wellness's efforts with their HVAC system.

**Willie Nguyen** clarified that Cal/OSHA is interested in the types of steps being taken to protect workers within the establishment. **Anne Kelson** replied that if the risk being considered is substantial enough that Cal/OSHA is considering not permitting onsite consumption, then an employer can institute practices to ensure that employees in these smoking areas cycle through with meal and rest breaks, to reduce exposure to secondhand smoke. But, employees in the cannabis industry, particularly in retail smoke lounges, may not even be concerned of their

exposure to secondhand cannabis smoke or vaporizers. There is not enough data to make a blanket exception that workers cannot be present within a consumption area.

**Deanna Callahan, Root Essential consultant**, stated that she is not opposed to adding cannabis to section 5148 if employees do not want to be exposed to secondhand smoke. Cannabis regulations currently do not allow for cannabis consumption in public areas. Written language is needed that specifies that employees will be protected with certain critical controls, such as the HVAC ventilation system mentioned by Magnolia Wellness. There should not be any issues as long as the controls are in place and employees are limiting the time they spend inside the smoking areas. In manufacturing they conduct research and development tasting sessions, so great care has to be taken because cannabis is also a medicine. In the quality control stages, oil is tested to ensure that it is going to have a smooth vapor consistency. So, in some cases employees may be exposed to vapor. There currently isn't research on secondhand cannabis smoke, so there is no current research that states that cannabis smoke or vapor has the same ramifications as tobacco smoke. While any kind of second hand smoke is not good for the respiratory system, vapor is different as there are no combustion products. Any time you are combusting material there are fine particles that can get into the respiratory system. But, vaping products are heated differently, and no combustion products come from that. Cannabis vapor may be harmless in secondhand exposure, but this is also something that needs to be looked at further. During the research and development processes, after curating oils and manufacturing them, employees will voluntarily vape oils in order to describe the medicinal effects to their clients. There has to be room for development and for employees that choose to be exposed, especially on the medicinal side.

**Amalia Neidhardt** thanked Ms. Callahan for the insight into the development side and inquired about how employers currently deal with the hazard communication regulation. **Deanna Callahan** explained that employees who assist in the manufacturing process have full understanding of the chemicals they are separating and are exposed to. Employees generally are cannabis users, so they have already been exposed on a regular basis.

**Amalia Neidhardt** inquired about safety data sheets. **Deanna Callahan** explained the difficulty in sending products to test labs and how information on the chemicals in the products are not readily available, but they can share what they currently have.

**Jora Trang, Worksafe**, stated that her organization supports language that protects workers against secondhand smoke and are not opposed to language that would carve out requirements for cannabis smoke lounges. **Jora Trang** also expressed concern on comments that employees understand and are fine with being exposed to secondhand smoke because they are also users. For the purpose of protecting workers in all industries, a precedent should not be set that workers are okay with exposures. **Worksafe** will oppose any language that would allow an employee to opt out or would require an employee to sign that they are OK with being exposed to secondhand smoke.

**Joanna O'Donnell, Liana Limited consultant**, stated that most comments thus far have missed the supply chain, and workers are also exposed to agricultural pesticides, solvents, the materials

that they handle, and noncombustible particulate matter. She asked if those situations would fall under agriculture regulations or manufacturing regulations.

**Amalia Neidhardt** answered that employers have to comply with existing regulations, and if existing regulations are not sufficient, then input is needed on that. **Joanna O'Donnell** stated that existing regulations are perfectly acceptable, but suggested adding a requirement to use gloves to prevent exposure by skin contact to particulates when handling raw cannabis product, plant matter, and dust.

**Eric Berg** stated that airborne contaminants will be discussed later in the meeting according to the agenda, but also asked if any specific data could be provided. **Joanna O'Donnell** responded that she did not have any to provide, and asked if Cal/OSHA had anything similar to protect people in bars from alcohol-exposure intoxication. **Eric Berg** said no. **Joanna O'Donnell** then stated that non-smoke particulates are in the air during various processes.

## **2. Potential Risks of Fire and Explosion**

**Rob Kleinerman, AIHA Cannabis Health and Safety Task Force**, stated that his organization identifies and evaluates safety and health controls in the workplace for cannabis, and they are partnering with other stakeholders to learn more, such as other regulatory agencies, states, the Colorado Department of Public Health, and NIOSH. They are leaning toward a recommendation that Cal/OSHA adopt a cannabis specific standard that would require a written program for the cannabis industry throughout the supply chain, from manufacturing to retail to distribution. There are concerns with the cultivation and manufacturing process, which may include solvents, pressurized systems, chemicals, and particulates. There should be some form of organized plan to address those issues as people start up their business. The language should require that the manufacturing production plan be reviewed by a qualified person such as a certified industrial hygienist (CIH).

**Amalia Neidhardt** asked for clarification if the recommendation was to modify the IIPP and/or Hazcom regulations, or if the recommendation was for the addition of a new regulation. **Rob Kleinerman** confirmed that they are inclined toward a new regulation, but that it will take them some time to understand fully what is needed for a newly legalized industry. A new regulation for a new industry would be less confusing and might be more effective.

**Amalia Neidhardt** asked for written comments on identifying regulations that need expanding. **Chris Kirkham** mentioned again that Cal/OSHA Consultation helps employers understand existing regulations, and asked if there was a particular machine in the industry or a particular process that would need a regulation. **Rob Kleinerman** answered that they are all still learning about the industry and that it is evolving rapidly. Their committee is concerned that there needs to be monitoring, like what is done for asbestos. Exposure monitoring should be done by a CIH.

**Pam White, Loss Prevention Specialists, LLC**, was concerned with the recommendation that an industrial hygienist conduct reviews of an employer's program. OSHA standards do not require an industrial hygienist, and this requirement would be expensive for the small grower. Existing standards seem to cover fire guidelines, which are general industry standards and are

well laid out. There has to be a balance between making requirements and making it hard for smaller businesses to operate.

**Rob Kleiner** clarified that he was not suggesting that all businesses be required to conduct exposure monitoring. He stated that it should only be conducted when necessary, and it should be done by someone qualified and well-versed in industrial hygiene.

**Jeff Chambers, Oakland Fire Department**, stated that they have been putting out a lot of fires associated with cannabis operations, and would like more guidance from Cal/OSHA on firefighter safety. These cannabis operations have new kinds of equipment and processes that firefighters are not familiar with.

**Stephanie Hopper** stated that as a consultant she helped write rules and regulations in Denver in 2014, and that Cal/OSHA could use what other states have already created. Firefighters need to know what operations employees are running in those extraction rooms. In Colorado they have seen explosions in hotels. Some people involved in this industry are high school dropouts. Guidance is needed in dealing with fire and explosions and educating the fire departments in the equipment they should require from cannabis establishments to prevent fires. If regulations become too expensive, smaller employers will go to the black market.

**Melanie Luthern, United Food and Commercial Workers International Union representative**, stated that there is outreach to both employers and employees, but it is difficult to get information on extraction methods because some methods are considered trade secrets, which are not accessible. She supports previous comments for the need for education and training in the industry. They have submitted comments, including a need for a 30-hour industry training which requires that at a minimum, one supervisor and one employee to be trained in a Cal/OSHA general industry course with appropriate certifications. These are necessary in the industry's infancy, and onsite training is not yet adequate. None of the licensing regulations require any proof of Cal/OSHA compliance in their licensing applications. Comments were submitted to close this loophole, and she urges Cal/OSHA to talk to other state agencies and counterparts regarding the application and renewal process. Their hope is to submit a detailed analysis before October 2018.

**Amalia Neidhardt** inquired if the union has employees already working in manufacturing or in other processes. **Melanie Luthern** answered that employees are working throughout the entire chain except distribution.

**Deanna Callahan**, stated that business owners are having trouble understanding regulations that apply to them as they transition from a black market to a young compliant market. Summarizing applicable regulations that apply to each of part of the process chain would help, like a free audit checklist. Exposure limits don't yet exist for some gases in the cannabis industry. Finding remedies in situations, such as a vial exploding in a lab technician's hand, is hard to do, so this should be taken into consideration. Personal protective equipment (PPE) should be specified for the different operations, which would be beneficial for the industry. For example, during harvesting, some people are allergic to the product, which can cause skin irritation. Workers should be trained to put on PPE to prevent that exposure. Regarding fire and explosions, there is

technology that is used in other industries for the extraction of oil, and that technology is being adapted to the use of cannabis specifically. The difference is in concentration. It can be overwhelming for the fire department to walk into situations that they do not fully understand. New technologies may change or affect the workplace. Something to consider is the adaptations being made to the equipment and the potential hazards that can result. There are also hazards associated with cash handling in distribution and retail. These companies don't have access to banks, so there is heightened risk there.

**Amalia Neidhardt** clarified that the Division is working on creating a website, but also emphasized that Cal/OSHA's Consultation Services can be contacted to help understand regulations. **Chris Kirkham** stated that the DIR website provides publications and educational materials.

**Chris Kirkham** asked for clarification on the allergic reactions. **Deanna Callahan** explained that in the cannabis plant, trichomes function as a defense mechanism. Exposure to large amounts of trichomes can cause itchiness, rashes, skin irritation, and mild allergic reactions. **Chris Kirkham** asked if sensitization over time is possible. **Deanna Callahan** replied that she has not seen initial exposure in small amounts leading to a later severe reaction. Exposures are more prominent during harvesting and moving plants, but there might not be as many trichomes present during cultivation.

**Lunch Break. Meeting reconvened at 12:55 pm**

### **3. Potential Risks of Exposure to Airborne Contaminants**

**Amalia Neidhardt** gave a reminder for attendees to sign in and provide their email addresses, and **Chris Kirkham** asked for input on issues or concerns with airborne contaminants.

**Jesse Parenti, Nine Point Strategies (NPS) Insurance Services**, stated that NPS evaluates worksites, and listed several deficiencies that they have observed. Cal/OSHA can help address: lack of proper PPE, no IIPP, no hazardous material plan, no emergency action plan, and fire extinguishers not up to code. Other deficiencies include N100 respirators onsite, but no verification of training or fit testing, and no full emergency shower station. Issues like use of splash-proof goggles, loading docks without guardrails, and heat stress can be addressed by existing Cal/OSHA standards and with trainings required by Cal/OSHA. Trimmers need puncture-proof gloves and hepatitis B training.

**Jesse Parenti** said that businesses fear Cal/OSHA, but the message needs to get across that Cal/OSHA wants to help. Businesses will not come forward if they are afraid of being penalized. Thousands of business need support, but Cal/OSHA needs staff to provide support and educate the industry.

**Willie Nguyen** asked if there are any airborne contaminants during the trimming process that are unique to the industry. **Jesse Parenti** answered that they cannot compare to other industries, but that during trimming from flower to bud, there are plenty of contaminants that go into the air.

**Willie Nguyen** inquired if existing regulations are sufficient for that. **Jesse Parenti** emphasized that PPE should be required, like gloves and eye protection. As part of agriculture, best practices for that should be taught to the cannabis industry.

**Mary Malendia Mccree, AIHA Cannabis Health & Safety Task Force**, stated that it is unknown if the cannabis industry has unique respiratory hazards. However, as a manager of a respirator program, she has experience dealing with chronic dust exposures in agricultural operations. They have had to permit the voluntary use of respirators, to accommodate challenging situations in which people are exposed to particulate dust that have no permissible exposure limits. There are aromatics and particulate dust exposures that come from plants, like when harvesting rosemary. So it isn't just cannabis, but the cannabis plant might be a sensitizer. New regulations might not be necessary or useful; existing regulations on agricultural operations could suffice to address these hazards. Cal/OSHA should look at the issues being raised by the cannabis industry and compared them to the ones present in greenhouses, or other agricultural operations. So rather than looking solely at cannabis operations, maybe protections for agricultural workers are not robust enough and the agricultural regulations need to be revised. Another area to look at is section 3456. It refers to handheld tools, and prohibits hand weeding and hand trimming in stooped postures. The cilantro industry has similar hazards.

**Amalia Neidhardt** clarified that even if respiratory issues are not addressed in the agriculture safety orders, the general safety orders can address those issues. The cannabis industry must comply not only with agricultural safety orders, but also the general-industry safety orders.

#### **4. Potential Risks of Armed Robberies and Other Workplace Violence Issues**

**Amalia Neidhardt** stated that there was also an advisory committee meeting for workplace violence in general industry, and that the Division's website has information regarding that. She opened the floor for comments on potential risks of armed robberies and other workplace violence issues.

**Joanna O'Donnell** stated that roughly 80% of companies don't have bank accounts. Great amounts of cash are a danger for businesses, especially when storing cash offsite. There are other regulatory pressures, which also makes banking difficult. There aren't many options beyond storing cash offsite. Cash is handled at the retail level in dispensaries, and delivery operation drivers are also at a risk. There are no standards for this, and it would be nice to have a standard as a baseline. Those who are predisposed to conduct violence see delivery services and dispensaries as easier robbery targets than banks. Federal authorities do not want guns and cannabis in the same location, so businesses cannot be required to have guards. There had been a situation where an owner's driver was held at gunpoint but was not harmed. There should be more training for drivers' safety.

**Amalia Neidhardt** asked that the businesses who have been affected by these types of situations submit comments to provide more information and lessons learned. **Joanna O'Donnell** stated that she would reach out to businesses. She added that the cash issue is difficult, especially with businesses' inability to obtain bank accounts.

**Amalia Neidhardt** asked about methods being used to deal with large amounts of cash. **Joanna O'Donnell** answered that some businesses will store cash offsite, and the weak link is the transport of that cash. There are some services that provide armored cars but they are expensive. There are also tax burden issues where the cost of complying with regulations is not tax deductible.

**Joshua Sablan, Bloom Farms Manufacturing Supervisor**, stated that his company uses, as a preventative measure during the transportation of products to retail, GPS-tracked vehicles with vortex alarms that can be remotely locked from a computer. He also has access to a drop box where his employees can drop off cash. Another issue is that farmers get accustomed to cash payments, so there is resistance to wire-transfer or check payments. Cultivators want to comply but money needs to be exchanged in a safe way. Some resort to armored cars, military contractors, etc.

**Stephanie Hopper** stated that businesses may also deal with mentally disabled or difficult people, and asked who to call for assistance other than 911. Training is needed to run people through various scenarios.

**Chris Kirkham** asked if there were any studies that looked at these types of issues in the industry. **Stephanie Hopper** replied that data is different for each city. When businesses report to the police, cannabis is placed into the drugs category, so information cannot be pulled on cannabis alone when it is lumped in with other substances.

**Melanie Luthern** stated that, in regards to workplace violence, human trafficking should also be taken into consideration. There are onsite living situations for cultivation workers. Businesses deal with patients that have mental health issues, and the current workplace violence in healthcare regulation is more stringent than the workplace violence in general industry regulation. That may be something to consider for cannabis. The workplace violence in healthcare regulation requires a prevention plan, procedures, risk factors evaluation, violent incident log, and recordkeeping. Cal/OSHA should cite the exact title 8 code when responding to comments. These would help them when doing outreach to workers. Another advisory meeting, especially in Los Angeles, would be helpful because there are 1500 unionized workers there that would be able to speak to their own experiences in the industry.

**Ross Gordon, California Growers Association**, stated that armed robbery issues, particularly with delivery, are dealt with by using regulations from other agencies. In every local and political process, the police have been brought in. There are other regulatory bodies that have discussed these issues, so he is unsure of what Cal/OSHA would do.

**Amalia Neidhardt** asked if **Ross Gordon** was recommending to not create new regulations, and he responded that other regulations already exist, and he would provide written comments.

## **5. Repetitive Strain Injuries**

**Amalia Neidhardt** opened the floor for comments.

**Jesse Parenti** stated that trimmers work for 10 to 14 hours straight without breaks, so it is recommended to have language specifically for this. Best practices should mirror what is happening in the agricultural industry, but those can also be improved. If it affects cannabis, it affects agriculture.

**Chris Kirkham** asked if there are any existing workers' compensation cases from repetitive motion exposure in the cannabis industry. **Jesse Parenti** answered that there are not any, but it will likely happen in time.

**Mary Malendia Mccree** stated that the current ergonomics standards are great, but that there is a challenging disincentive in the agricultural industry to report. More outreach and training should be done for ergonomic standards that apply to the agricultural industry, so that this industry is more proactive instead of waiting for workers' compensation.

**Pamela White** stated that the emphasis needs to be on flex and stretch, and businesses should train leaders and incentivize wanted behavior. Workers need solid new-employee orientations. Cal/OSHA has assisted employers, but further steps need to be taken to promote ergonomics at the very beginning. Fear factor is huge for employers who are trying to comply.

**Joshua Sablan** stated that their company has produced millions of products, but they are not automated yet. Low-level jobs are done manually, and guidance should be provided for that. **Chris Kirkham** asked if recommendations should be put out or if a new regulation is needed. **Joshua Sablan** stated that either works, and that if Cal/OSHA sends out recommendations, the industry will use them. The cannabis industry is a hybrid of agriculture and manufacturing, and there should be more stringent restrictions on it even if cannabis is an agricultural product.

**Deanna Callahan** stated that general industry standards are enough to broadly cover cannabis where ergonomics is concerned. Recommendations should be made clear to the cannabis industry: repetitive motion injuries are a big risk in many aspects of the supply chain because there is no automation yet, particularly in cultivation and manufacturing. As long as employers are aware that their IIPP needs addresses repetitive motion, then that should be sufficient. Applicable regulations need to be pointed out and summarized so that companies know what is required of them. This will create a safety culture in the industry, which currently does not exist. Recommendations should encourage employers to adopt more stringent, detailed policies regarding repetitive motion injuries, as well as other issues mentioned today.

**Anne Kelson** stated that Cal/OSHA should not reinvent the wheel. Those in the cannabis industry are required to carry workers' compensation. Injuries and incidents by specific job requirements will be tracked with job codes. Over time, Cal/OSHA can work with DIR to study the necessary data to address repetitive injuries. Trimming should be done by regular badged employees, but on a rotational basis to reduce injuries. California has regulated repetitive injuries in other fields, and Cal/OSHA is urged to work accordingly.

**Joanna O'Donnell** stated that trimming is paid by weight and very rarely by hours worked. Hand trimming is becoming less common and will be less of an issue as time goes on. The common practice in general industry is that trimmers are contractors rather than employees because it is a seasonal activity.

**Amalia Neidhardt** asked for any other comments on issues that may not have been listed in the agenda.

**Mary Malendia Mccree** inquired about the language used in the emergency regulations for licensing testing laboratories with regard to the use of respirators. **Amalia Neidhardt** replied that the Bureau of Cannabis Control has jurisdiction over that regulatory language.

**Camille Dixon, California Department of Insurance**, stated that she is available to provide technical assistance to any insurance provider.

**Amalia Neidhardt** expressed appreciation for all of the input and stated that written comment submissions are due March 1<sup>st</sup>. The Division will review data and comments, and will let all interested parties know when the minutes are posted on the website.

**Meeting adjourned.**