



AMERICAN INDUSTRIAL HYGIENE ASSOCIATION
NORTHERN CALIFORNIA SECTION

2019 Technical Symposium

Legal Cannabis: A Blunt discussion of Health and Safety Issues in the Emerging Cannabis Industry and the Impact of Legal Adult Use in the Workplace

Thursday April 18, 2018, 7:30am-4:30pm

SLAC National Accelerator Laboratory

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Renée Meyer

Science, Evaluation & CEQA Unit Chief
Inspection & Compliance Section
Manufactured Cannabis Safety Branch
California Department of Public Health

Renée joined the Manufactured Cannabis Safety Branch of the California Department of Public Health (CDPH) in January 2018 as a Senior Environmental Scientist Supervisor. She has taken on lead roles in both the Northern California Inspection & Compliance Unit and the Science and Evaluation Unit, allowing her the opportunity to participate in developing the cannabis manufacturing inspection program as well as the product remediation program, in addition to providing technical insight to the manufactured cannabis license review process. Prior to this, Renée was the Senior Environmental Scientist Lead for the Environmental Investigation Unit with the Childhood Lead Poisoning Prevention Branch of CDPH, which targets the identification and reduction of environmental sources of lead in children's housing. Renée holds a BS in Botany from Humboldt State University and an MPA from San Francisco State University.

Manufactured Cannabis in California: An Overview of Licensing & Compliance

Commercial cannabis manufacturers in California are evaluated by the California Department of Public Health in a multi-step process that encompasses a review of the license application, and manufacturing procedures, as well as onsite inspections of manufacturing facilities. The license application process includes a review of standard operating procedures (SOPs) for transportation, security, waste management, inventory management, and quality control, as well as confirmation from the local jurisdiction that the manufacturer is in compliance with all local laws and ordinances. Additionally, onsite inspections are performed at least once each year to ensure that commercial cannabis manufacturers operate safe, sanitary workplaces and follow good manufacturing practices to produce products that are free of contaminants, meet product guidelines and are properly packaged and labeled.

Current Regulations:

https://www.cdph.ca.gov/Programs/CEH/DFDCS/MCSB/CDPH%20Document%20Library/DPH17010_FinalClean.pdf



Rob Kleinerman, MPH, CIH

Principal

Kleinerman & Associates Environmental Health & Safety Consulting

Rob is the Principal of Kleinerman & Associates, a professional consulting firm located in the San Francisco Bay Area of California, providing environmental health and safety consulting services to businesses in the western United States. His expertise includes development and implementation of Occupational Health and Safety Management systems, EHS program management, OSHA compliance, industrial hygiene, laboratory safety, control of potent pharmaceutical compounds, environmental protection and emergency preparedness & response.

Prior to consulting, Rob has worked for the Los Angeles County Health Department's Hazardous Materials Program, was an Industrial Hygiene Management Consultant with Cal/OSHA and has held several Corporate Environmental Health and Safety Management positions in the chemical, biopharmaceutical, and technology industries.

He holds a M.P.H. degree in Occupational and Environmental Health Sciences from the University of California at Los Angeles with an emphasis in industrial hygiene and a minor in environmental management. He is certified by the American Board of Industrial Hygiene in the Comprehensive Practice of Industrial Hygiene, is a past-President of the Northern California section of the American Industrial Hygiene Association, has served as a member of the ANSI Z9.11 subcommittee that developed a standard for Laboratory Decommissioning and is currently serving on both the AIHA Legal committee and as the Chair of the AIHA Cannabis Industry Health and Safety Task Force.

Overview of the Emerging Cannabis Industry and AIHA's Cannabis Industry Health and Safety Task Force

The American Industrial Hygiene Association has set up a Cannabis Industry Health and Safety Task Force to study the hazards, controls and other health and safety issues associated with the growing number of workers in the cannabis industry. Currently, 34 states and the District of Columbia have legalized medicinal cannabis and 10 states have legalized it for adult use. Both adult and medicinal cannabis has also become legal in Canada as of October 2018. This emerging industry will result in hundreds of thousands of new jobs where worker health and safety could be impacted.

This presentation will provide an overview of the emerging Cannabis Industry and will address the hazards and controls within different sectors of the supply chain (i.e. cultivation, manufacturing and distribution), review a brief history of cannabis regulations, and provide a synopsis of the issues being addressed by the AIHA Task Force including laboratory accreditation and defining impairment.



Reese Benton

Owner & Founder
Posh Green Collective

San Francisco native, Reese Benton founded Posh Green Collective. Joining the strong but few minority owners in the cannabis industry. Reese has traveled the cannabis industry's vast terrain to find only the best cannabis products available.

Dubbed the "Nordstrom of Cannabis", Posh Green offers top-shelf premium cannabis products. As a Cannabis connoisseur, Reese believes in supporting local farmers and greenhouse vendors. She has dedicated herself to health and wellness education and aspires to always be in front of the medical miracles cannabis offers us all. Posh Green is committed to providing the community a resource for education, product assurance, and professionalism.

<https://www.poshgreencollective.com/who-we-are.html>

Cannabis 2019

A few key talking points will include:

- Cannabidiol (CBD) vs Tetrahydrocannabinol (THC).
 - What are the different benefits and differences
- Effects and dosing
 - For the different methods
- Laws on products and mandatory testing
- Effects of the War on Drugs on Cannabis Industry



Roberta Smith MSPH, RN, CIC, COHN-S, CIH

Roberta Smith MSPH, RN, CIC, COHN-S, CIH, has spent her career exploring the many facets of public health. She has over 18 years of experience in the fields of public health, occupational health, industrial hygiene, safety and infection control. She holds Bachelor of Science degrees in environmental health and in nursing. She holds a Master's of Science in Public Health and certifications in infection control, occupational health nursing specialist, and in industrial hygiene. She currently is the Occupational Health Program Manager at the Colorado Department of Public Health and Environment. In this role, she conducts surveillance for occupational health indicators in Colorado, promotes safe working practices in all Colorado industries, and provides resources to Colorado occupational health nurses and safety professionals. Roberta was the collaborating lead author on the most recent "Guide for Worker Safety and Health in the Marijuana Industry," a comprehensive guide for marijuana workers in Colorado. She has provided safety training for workers within the marijuana industry as well as training for the Colorado agencies that help to regulate the industry.

Identifying and Reducing Hazards in Cultivation Facilities- A Colorado Perspective

BACKGROUND: In 2014, the use of recreational marijuana was legalized in the state of Colorado. Prior to this legalization, medical marijuana had been legalized in the November 2000 election. The legalization of recreational marijuana started a new industry in Colorado involving the cultivation and selling of an agricultural product that is not recognized as a legal agricultural product at a federal level. The emergence of a new industry led occupational health and safety professionals to find ways in which they could begin understand what health and safety risks might exist for employees in the marijuana cultivation business. Currently, there are not many studies that describe these risks that have been published. It was also recognized that employers themselves may not be aware of the OSHA and other regulations needed to make sure their employees were protected on the job.

METHODS: The Colorado Department of Public Health and Environment and its partners recognized that employers and employees in this new industry may not understand how to develop and implement a worker safety and health program. A multi-disciplinary group of industrial hygienists and safety professionals was formed to understand the potential risks within the industry. The goal was to develop a comprehensive guide to help those employers within marijuana industry build an industrial safety program that follows best safety and health practices outlining OSHA and other federal requirements. State specific regulations such as fire safety and pesticide were also included in the document resource.

RESULTS: The result of the collaboration was the publishing of a health and safety guide accessible to the marijuana industry. We expect this document to be the foundation of health and safety training programs for the marijuana industry in the state and a model of practice for other states that are facing this new industry. Although this guide is directly focused on the potential hazards in the marijuana industry, the collaborative process used and the resulting guide can be used as a model of outreach to emerging industries.

CONCLUSIONS: The legalization of recreational marijuana developed a new large-scale industry in Colorado where occupational health risks had not been previously addressed. Developing a best practice guide for occupational health and safety through industry and subject matter expert collaboration can help new industries understand what is needed to build a culture of safety in their workplace.

PRESENTATION OBJECTIVES:

- Understand the challenges involved in identifying health and safety standards in a new industry
- Understand how health and safety stakeholders came together to produce a guideline for worker safety.
- Describe hazards identified in the marijuana industry and how they are addressed in federal safety standards/ regulations.
- Describe training methods used to reach the marijuana industry workers and the results of that training.



Hieu Williams, J.D.

Partner

Hieu Tran Williams is a Partner in the Employment Litigation practice group of Gordon Rees Scully Mansukhani. She regularly defends employers against claims of discrimination, harassment, wrongful termination, retaliation, breach of contract, and wage and hour class action violations. Ms. Williams' employment law experience includes representing organizations, executives, and supervisors from various industries including but not limited to healthcare, education, food and beverage, and non-profit organizations.

Ms. Williams has successfully represented clients in state and federal court, as well as before a number of agencies, such as the Equal Employment Opportunity Commission (EEOC), the Department of Fair Employment and Housing (DFEH), the Department of Labor Standards Enforcement (DLSE), the National Labor Relations Board (NLRB), and the Worker's Compensation Appeals Board (WCAB). Ms. Williams' litigation experience also includes obtaining a unanimous defense verdict for four causes of action after two hours of jury deliberation in *Harnett v. Forensic Analytical Sciences, et al.* The Daily Journal selected this defense verdict as one of the 10 Top Defense Results of 2014. In 2018, Ms. Williams obtained a favorable jury verdict in *Blum v. Palo Alto Medical Foundation, et al.* Ms. Williams obtained an award of over \$1.2 million in fees and costs against the plaintiff.

In addition to being an experienced litigator, Ms. Williams provides advice and counseling to her clients, which includes drafting employee handbooks, policies and developing best practices, conducting harassment and management training sessions, and performing workplace investigations.

Prior to joining Gordon Rees Scully Mansukhani, Ms. Williams was an associate at a firm specializing in disability discrimination disputes.

Cannabis and Employment Issues

A few key talking points will include:

- Current Legal Landscape
- OSHA issues
- Policies and Practices to Keep Employees Safe in the Workplace (zero tolerance - or not)
- Impairment in the Workplace, Drug Testing and Discipline



Daniel H. Dressman, J.D.

Senior Counsel

Dan Dressman is Senior Counsel for Gordon Rees Scully Mansukhani's employment practice group. Mr. Dressman's practice focuses on defending employers against discrimination, harassment, wrongful termination, retaliation, breach of contract and wage and hour class action violations. Mr. Dressman also represents clients in product liability lawsuits for personal injury and wrongful death claims. Mr. Dressman has extensive discovery and law and motion experience. Mr. Dressman has prevailed on numerous discovery and dispositive motions on a broad range of litigation issues for clients in employment and product liability matters.

Prior to joining Gordon Rees Scully Mansukhani, Mr. Dressman worked as a research attorney in the Law and Motion Department for the Superior Court of San Francisco.

While in law school, Mr. Dressman was awarded the Academic Excellence Award for Civil Litigation. He competed in five national mock trial and moot court competitions. Mr. Dressman was awarded the post-graduate *Judge Lee Baxter Fellowship in Litigation*, where he taught litigation skills to law students and coached two teams in national mock trial competitions.

Mr. Dressman obtained his B.A. from the University of Notre Dame, where he played outfield on the Fighting Irish's NCAA Division I nationally ranked baseball team. He was named Senior Captain and earned four varsity letters.

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Douglas Weigand, PhD

Douglas Wiegand, PhD is a behavioral scientist within the Health Hazard Evaluation Program of the National Institute for Occupational Safety and Health. In this role, he responds to requests to investigate potential occupational health hazards and make recommendations for improving working conditions and worker safety and health. His primary focus involves the assessment of work organization and psychosocial risk factors for job stress and other negative health outcomes. Dr. Wiegand's recent work focuses on potential occupational hazards in the cannabis industry, including the health effects of secondhand cannabis smoke.

Occupational Health Hazards in the Cannabis Industry and Recent NIOSH Hazard Evaluations at Cannabis-related Worksites

Dr. Wiegand will present the results of two NIOSH health hazard evaluations (HHE) related to cannabis. The first involved evaluating potential hazards associated with harvesting and processing medical cannabis at an indoor/outdoor grow facility. The second involved assessing exposure to, and the health effects of, secondhand cannabis smoke among police officers providing security at an open-air stadium event. NIOSH recommendations and future directions will be discussed.



Michael J. Kosnett, MD, MPH

Associate Clinical Professor
Colorado School of Public Health
University of Colorado Anschutz Medical Campus

Dr. Kosnett is an Associate Clinical Professor in the Division of Clinical Pharmacology and Toxicology at the University of Colorado School of Medicine, an Associate Adjunct Professor in the Department of Environmental and Occupational Health at the Colorado School of Public Health, and an Attending Physician at the Rocky Mountain Poison and Drug Center. He is board certified in internal medicine, occupational medicine, and medical toxicology. Dr. Kosnett has held numerous leadership positions and national appointments as a medical toxicologist, including service as President of the American College of Medical Toxicology, member of the Committee on Toxicology of the National Academy of Sciences, and consultant for the US EPA, the Department of Defense, CDC, FDA, the Agency for Toxic Substances and Disease Registry, and the World Health Organization. In 2016, he received the Matthew J. Ellenhorn Award from the American College of Medical Toxicology in recognition of his career achievement.

Recently in Colorado, Dr. Kosnett has been extensively engaged in public health issues related to medical and recreational cannabis. He worked extensively with stakeholders to design and implement the first regulations nationwide requiring that cannabis products be sold in child-resistant packaging. He has served on the Colorado Department of Revenue's Marijuana Enforcement Division work groups on the dosage equivalency of cannabis products and their packaging and labeling requirements. He has served on the Colorado Department of Public Health and Environment Pediatric Exposure Prevention Guidelines Committee, and he has been a technical consultant to the state's Retail Marijuana Public Health Advisory Committee regarding the pharmacology of cannabinoids. Dr. Kosnett has offered scientific consultation to multiple stakeholders regarding the impact of cannabis use on workplace and transportation safety. He has delivered presentations on cannabis-related biomonitoring and performance at national scientific meetings, including those convened by U.S. Anti-Doping Agency, the American College of Occupational and Environmental Medicine, the American College of Medical Toxicology, and the American Industrial Hygiene Association.

In April 2017, Dr. Kosnett began work as Co-Principal Investigator on a 3-year research project funded by the Colorado Department of Public Health and Environment entitled "Comparative Assessment of Driving Impairment in Occasional versus Heavy Marijuana Users."

Assessment of Driving Impairment from Cannabis: Problems and Prospects

The expanding legalization of cannabis has increasingly raised concerns: "Could impairment in some users contribute to increased motor vehicle crashes, accidents, and decreased workplace performance? Will tolerance to the effects of cannabis enable chronic daily users, such as medical marijuana patients, drive and work safely?" In this talk, medical toxicologist and occupational medicine specialist Michael Kosnett, MD, MPH will discuss his innovative research on this topic now underway at the University of Colorado School of Medicine/Colorado School of Public Health.