

# CANNABIS AND OTHER WORKPLACE SAFETY ISSUES

Yes you can drug test, and what are our lawmakers up to this year?

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# A BIT ABOUT MARTI

- Policy Advocate (Lobbyist)
- Current issue area include workplace safety, marijuana/cannabis, unemployment insurance and regulatory reform. Prior – healthcare, work comp, labor and employment/wage and hour
- Over 15 years advocating on Cal/OSHA issues (4 chiefs, three governors)
- Legislative and regulatory
- Lead many coalitions, work with many organizations
- Prior – Safety Director – AGC of California, Safety coordinator – Sacramento County Wastewater Treatment Plant

# CANNABIS OR IS IT MARIJUANA

- Medical use statutes & Prop 64 – Adult use initiative
- Preserves employers right to drug free workplace (statute language, Raging Wire decision)
- HAVE A POLICY!!!
- Drug test applicants, decline to hire if positive test
- No random allowed except as collectively bargained or federal requirement
- If suspicious of behavior, can test. Again – have bullet-proof policy
- Employer choice to test or not to test
- All legal states favor employer rights

# OSHA BACKGROUND

- Where do rules come from? (DOSH/OSHSB initiated, petition, legislation)
- Pre-Trump – trend of more control from Federal OSHA, less inclusion of employer community, more politics in rulemaking
- New faces please!! Get active, pay attention, care, share – yes – YOU can make a difference
- Anticipated – more strident aggressive rulemaking in anti-Trump environment, roll back of federal rules, continuation of pre-Trump
- New staff – research & Standards, Legal, additional enforcement
- Boards – new standards board member
- Appeals board – the same 3! Less controversy these days

# HOW DID *THAT* HAPPEN?

- Published notices – get on lists ([www.dir.ca.gov/OSHSB/OSHSB.html](http://www.dir.ca.gov/OSHSB/OSHSB.html))
  - Meeting notices and petitions, standards proposed and approved
- OSHSB board meetings – public meeting, public hearing, business meeting
  - 7 member Board – 2 management, 2 labor, 1 occupational health, 1 occupational safety, 1 public. Volunteer, appointed by Governor
- Advisory Committee meetings (board and division)
- Written comments
- COAC quarterly
- Speak up, be active, talk to your associations!
- Join CalChamber (had to say it!)

# RULES IN THE MAKING

- Silica
- Indoor Heat Illness Prevention (SB 1167 – 2016)
- General Industry Workplace Violence Prevention
- Access to IIPP – AB 978 & petition
- PELs – 3 under consideration, rules of adoption

# LEGISLATION 2017

- Not much! Yet.....
- Penalty increase per Fed OSHA (budget trailer bill)
- AB 442 – citation waiver for small business



# 2016 NEW RULES

- Effective January, 2017
- Section 334 (d) Repeat Violation  
(d) Repeat Violation - is a violation where the employer has abated or indicated abatement of an earlier violation occurring within the state for which a citation was issued, and upon a later inspection, the Division finds a violation of a substantially similar regulatory requirement and issues a citation within a period of five years immediately following the latest of: (1) the date of the final order affirming the existence of the previous violation cited in the underlying citation; or (2) the date on which the underlying citation became final by operation of law. For violations other than those classified as repeat regulatory, the subsequent violation must involve essentially similar conditions or hazards.



QUESTIONS??????

