City of Santa Rosa

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Planning & Economic Development Department

CALIFORNIA ERUDITE VENTURES SAFETY AND HEALTH ASSESSMENT REPORT May 29, 2019

Prepared By:

Paul W. Gantt, Ph.D., CSP President





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I. INTRODUCTION

This report is prepared at the request of California Erudite Ventures, which is proposing to open a cannabis retail and delivery operation site in Santa Rosa, California (City). As part of the permitting process, a detailed safety report and plan (Report) is required to be prepared by a fire and safety professional with expertise in the issues involved in the proposed operations. This Report is required to review the fire protection and related systems that are or are proposed to be present in the building/facility where the operations are to be conducted, and to assess the adequacy of building safety features as they relate to the proposed operations. The Report is also required to address issues related to the proposed use of hazardous materials and other health and safety concerns related to both employees and where applicable, the public. This Report will address the safety and health concerns related to the proposed operation and activities that are planned to be conducted within the facility.

The Report is prepared by Paul Gantt, who is the President and Founder of Safety Compliance Management, Inc. (SCM), a safety and health consultation firm headquartered in San Ramon, California. Prior to founding SCM, Dr. Gantt served in four California fire departments where he advanced through the ranks holding positions that include Firefighter/Paramedic, Fire Captain, Fire Battalion Chief, Fire Marshal, Fire Training Officer, Fire Division Chief, and Deputy Fire Chief. Dr. Gantt is a Safety Engineer with a Master of Engineering degree in Advanced Safety Engineering, a Doctorate in Health and Human Services, and is a Board-Certified Safety Professional (CSP). He is also certified by the Office of the California State Fire Marshal as a Certified Fire Officer, Certified Fire Prevention Officer, Certified Public Education Officer, Certified Fire Training Officer, and additionally is certified to teach courses in many of these

disciplines for the Office of the State Fire Marshal. Additionally, Dr. Gantt is a qualified Expert Witness and has testified in deposition and court on matters of the California Fire Code and fire safety matters. A copy of Dr. Gantt's CV is contained in Appendix A of this report.

In preparing the Report, Dr. Gantt consulted with the business owners and developers, reviewed the proposed building plans and related documents relative to the building, and information on the specific information on the operations that will take place within the building. This information was used as the basis for this evaluation and report, and also to identify the various ongoing safety programs that will be required to be implemented once the operations have been established. The codes relied upon in the formation of this report include the 2016 edition of the California Building Code (CBC), the 2016 edition of the California Fire Code (CFC), the current California Health and Safety Code, and applicable Cal/OSHA regulations found in Title 8 of the California Code of Regulations (8 CCR). From this review, the Report also contains plans and programs that will be required to ensure the safety of employees and the public.

II. BUILDING DESCRIPTION

The proposed operation that is the subject of this analysis and report will be conducted in an existing building that is located at 3059 Coffey Lane, Santa Rosa, California, in Sonoma County, parcel number 015-370-062. The building is a single-story structure. The size of the building is approximate 3,400 square feet to be used for a proposed retail dispensary operation. The proposed plan of the building is found in Appendix B.

Because the project is currently in the proposal state and being reviewed by the Planning Department and other City and County agencies some of the specific building features have been identified and no final building plans currently have been finalized. Once the project is approved, the building will be subject to significant review by the various City and County agencies including, but not limited to, the Fire and Building Departments. This will provide an extensive evaluation of all aspects of the buildings to ensure compliance with applicable Code requirements including those related to building setbacks, overall building design and size, exiting from the building, ADA compliance, portable fire extinguisher types and placement, building alarm and detection systems as required, parking, and signage. This extensive review will help ensure that all necessary and required safeguards relative to fire and life safety are in place.

III. SUMMARY OF OPERATIONS AND HAZARDS

All areas of the proposed project will involve operations that are classified as standard or traditional building uses and are covered by various aspects of the current versions of the CBC and the CFC. These Codes classify buildings, or portions thereof, into Groups and Divisions based on the type of use of the building and any hazards created by the use. For each area, safety and health assessment information is provided to ensure the safety of employees and the facility.

Given the nature of the project, public access will be provided. The maximum occupant load in each area of the building will be based on the requirements of CBC Table 1004.1.1. Appropriate

numbers of exits from the building will be provided and will be part of the overall building plan review process. The initially proposed building plans that are contained in Appendix B identify adequate exiting from each area of the facility. Following is a summary of the occupancy types and groups for each of the areas and operations within the proposed facility.

A. Office and Support Operation Areas

As proposed, a portion of the building will be used for the business and support operations associated with the primary retail and dispensary and delivery operations. This area of the building will be classified by the CBC as Business, Group B, occupancy types. As with all areas and operations of the overall project, these areas will be subject to the requirements relative to the number and location of exits, ADA compliance, signage requirements, and the inclusion of other fire protection and life safety features as required by the various Codes.

B. Storage Areas

An area is proposed that will be used for the storage of cannabis products awaiting sale or delivery. This area of the building would be classified as a Moderate Hazard Storage, Group S-1, by the CBC. The storage area will have high security with limited and restricted access. Operations that are proposed to occur within these areas will be done using standard storage equipment with minimal hazards associated with their use.

The materials stored in these areas will be on shelving that are less than six feet in height allowing for manual handling of the boxes and containers holding the packages awaiting sale. These pre-packaged materials will be retail-sized packages that are similar to those found in other retail establishments such as commercial pharmacies. The packaging is mostly composed of cardboard and clear plastic sleeves and will conform to the State of California Cannabis Packaging regulations.

C. Retail and Dispensary and Delivery Area

The proposed retail dispensary and delivery operations will occur in a dispensary area in the building and will be open and accessible to the public. This area is expected to be similar in layout, design, and operation as a traditional retail establishment. It will have the required configuration to allow adequate aisles and exiting and would be classified as a Group M, Mercantile, occupancy. The layout, design, exit plans, and other elements of the fire and life safety requirements will undergo standard code review processes by the various agencies once the final plans have been developed.

IV. HAZARDOUS MATERIALS SAFETY AND COMPLIANCE

Because this project involves retail dispensary operations and delivery services there will be no expected use of hazardous materials. Standard commercially available cleaning supplies and office materials such as toner will be used to support the business activities. These materials will not be present nor used in a manner that does not conform to the label and manufacturer's requirements.

V. OCCUPATIONAL (EMPLOYEE) SAFETY

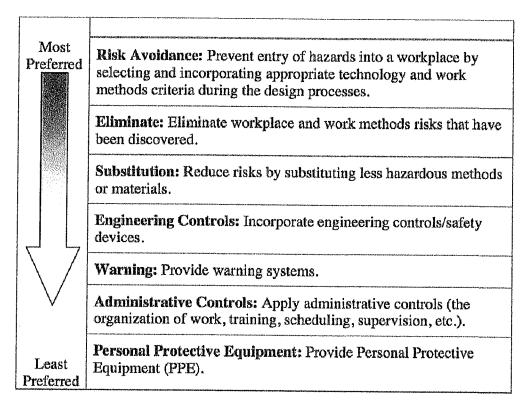
A. Approach

When the facility is operational, it is planned that about 24 employees will be conducting the various activities at the site while it is open for business, from 9:00 AM to 8:00 PM, seven days per week. In addition, principles may be present to oversee the management of the business operations and associated delivery services.

As part of the review of the safety aspects of the project, the issues involving employee safety and health were reviewed. Once the facility is operational, a comprehensive safety and health assessment will be conducted to identify other areas that may require additional safeguards. The goal of the occupational safety and health programs is not only to ensure compliance with the applicable regulatory requirements as found in Title 8 of the California Code of Regulations, but also to help manage the occupational risk and reduce it to acceptable levels. To that end, the following information describes the occupational safety and health program philosophy and details of how these will be implemented once the facility is operational.

Effective health and safety systems and programs encompass several key areas including the use of a hierarchy of controls that include both Inherent Safety Programs and the application of Safety Controls when hazards cannot be eliminated. The programs that will be implemented for the site will use the hierarchy of controls established by the American National Standards Association (ANSI) including ANSI Z10 - 2012, *Occupational Health and Safety Management Systems*, and ANSI Z590.3 - 2011, *Prevention through Design Guidelines for Addressing Occupational Hazards and Risks in Design and Redesign Processes*. This process is more robust than the limited approach taken by Cal/OSHA and exceeds all of their requirements. Near the top of the hierarchy are steps that afford the greatest levels of protection and rely less on employee performance. At the bottom of the system are steps that are less effective in controlling hazards and which rely on employee performance and use of personal protective equipment (PPE). In all aspects of the safety and health programs, efforts will be made to incorporate the use of the higher levels of controlling hazards that are identified.

Following is a summary of each of these elements that were part of the review process of the assessment team.



- 1. Inherent Safety Programs: The top components of the hierarchy include those that either do not introduce or eliminate the hazards associated with a particular task or operation, or which remove some more hazardous processes and substitute less harmful processes or materials. Examples of inherent safety programs include elimination of the need to expose someone to a fall hazard through the relocation of elevated controls to lower levels thus completely eliminating the need to work at an elevated, or the removal of a significantly hazardous materials with the substitution of less harmful materials.
- 2. Safety Controls: When the hazards cannot be eliminated using the inherent methodology, Cal-OSHA requires that measures to be implemented for controlling the exposure or potential exposure that employees have to a particular hazard. These measures are termed "Controls" and are required to be implemented in an order of decreasing effectiveness with the higher Controls being the most protective and required whenever feasible. When possible, multiple levels of these Controls can be used together to further reduce the potential for exposure by the employee. The Controls within the ANSI process are as follows:
 - a. Engineering Controls. Engineering Controls are the first step used to help reduce the potential exposure of the employee to the hazards that are (or potentially could be) present in the workplace. Examples of this form of control include the installation of guardrails at elevated locations, the use of ventilation systems to reduce the level of airborne hazards, automatic fire doors that close upon activation of the alarm systems, fire resistive construction, and the use of noise

dampening equipment in noisy areas. Engineering Controls require the least involvement of the employee in order to be effective but are not always feasible in many types of situations such as emergency response.

- b. Warning Systems. When Engineering Controls are not effective or are not feasible, the use of warning systems helps to ensure that employees are made aware of situations that require their attention and action. Examples of warnings include alarm systems, workplace signage, and backup alarms on vehicles.
- c. Administrative Controls. Administrative Controls are often used in conjunction with Engineering Controls or alone or in combination with other Controls when they are not effective in fully controlling personnel exposure to a given hazard. Examples of Administrative Controls include training programs, scheduling, supervision, and the use of standard operating procedures. The use of this level of control requires significant employee involvement and their conformance to rules and procedures.
- d. Personal Protective Equipment (PPE). The final level of controlling the exposure of employees to occupational hazards is through the use of PPE. There are numerous types of PPE that provide protection from a wide range of hazards that could be present. Examples of PPE include respirators to provide protection from airborne hazards, gloves and body coverings that protect employees from chemical or physical hazards, and ear plugs and muffs that limit exposure to loud noises. As with the issues associated with the application of Administrative controls, the use of PPE has a high degree of employee involvement in order for this form of Control to be effective. Additionally, there are numerous variables that limit or reduce the effectiveness of PPE including proper selection, proper maintenance of the equipment, and the proper use of the equipment when required.

B. Written Compliance Programs

Based on an initial review of the operations, the overall safety and health programs will require the development and implementation of several written occupational safety and health programs.

Program	Requirement	Notes
Injury and Illness Prevention Program	8 CCR §3203	Foundation of Safety Programs
(IIPP)		and Systems
Hazard Communication Program (may	8 CCR §5194	Because only household
be required.)		materials are use, this Program
		may not be required. The initial
		evaluation will determine the
		degree to which employee
		exposure might be present and
		ascertain if the Program will be
		required.

Program	Requirement	Notes
Emergency Action Plan	8 CCR §3220	Plans for evacuation and all other emergencies that might occur. This will also include evacuation of the public when
Fire Prevention Plan	8 CCR §3221	they are present. Plans to prevent any type of site fire hazard.

Each of these programs will be customized for the specific operations that will be conducted at the facility. The foundation of the overall safety and health programs will be the IIPP. The IIPP has eight required elements. These will include the following:

Element	Application
Responsibility	Responsibility will be assigned for implementing the program. Additional responsibility will be delegated throughout the organization to managers, supervisors, and employees.
Compliance	Safety work rules will be developed for all aspects of the operations. Programs for employee recognition and discipline will be developed. This area will also identify other written safety programs and their role in the overall safety management system.
Communication	Programs to communicate safety related matters within the organization will be developed including procedures for anonymous reporting of safety concerns. Programs will include worksite postings, employee meetings, and the implementation of a Safety Committee.
Training	Training and retraining programs for all aspects of the facility operations will be established and implemented.
Hazard	Hazard identification programs including identification of the
Identification	frequency and responsibility for worksite inspections will be developed
	and implemented. Included in this will be an assessment of the site to identify the required personal protective equipment that will be needed for specific tasks and operations.
Hazard Correction	Programs to correct all identified hazards in a timely manner will be identified and implemented.
Incident	A robust incident investigation process will be developed and
Investigation	implemented. The program will also include a program of near-miss
	(close call) reporting. The program will be based on current safety
	research that focuses on system improvements and organizational learning.
Recordkeeping	Records retention and availability programs will be identified and implemented for all safety-related records.

C. Training Programs

Full implementation of the occupational safety and health programs requires training in several areas. Following is a description of the training programs that have been identified for implementation. Most of these training programs were identified in the initial report on the proposed dispensary operations.

Training	Description	Employees
IIPP training	Training in accordance with 8 CCR §3203 on all elements of the IIPP and responsibilities for	All employees
	each level of employee within the organization.	
Hazard Communication (If required)	Training in accordance with 8 CCR §5194 on hazardous substances found in the workplace including the Hazard Communication Program,	All employees
	labeling systems, the availability of the Safety Data Sheet, definition of terms, and the newly implemented Globally Harmonized System of	
	Hazard Communication.	1
Emergency Action Plan	Training on the elements of the site Emergency Action Plan in accordance with 8 CCR §3220 including employee responsibilities and procedures for reporting emergencies,	All employees
	emergency action to be taken for each type of anticipated emergency, and evacuation routes	
	and areas of safe refuge. Emergencies that will be covered in the training and Plan include	
	medical, fire, power failure, earthquake, workplace violence and active shooter, chemical release, and weather emergencies.	
Fire Prevention Plan	Training on the elements of the Fire Prevention Plan in accordance with 8 CCR §3221	All employees
	including employee responsibilities for prevention, maintenance of aisles, and	
	inspection and maintenance requirements for the fire protection systems found at the site.	
Inspection programs	Training will be provided to personnel involved in the inspection of safety equipment and	Affected/involved employees
	emergency systems involved in the dispensary and delivery activities.	
Equipment Specific/Job Training	Training of personnel in the safe operations of all equipment and Personal Protective Equipment (PPE) as required by 8 CCR §3203.	Affected/involved employees
Driver Safety	Training in the proper safe driving requirements and in security while operating vehicles.	Affected/involved employees

D. Inspection Programs

Once the safety systems are implemented, inspection and testing programs will be required to ensure that the equipment and systems are properly maintained and useable. Inspections that are expected to occur are as follows.

Equipment/System	Frequency
Portable fire extinguishers	Visual inspection monthly by site personnel. Annual
	service by a licensed vendor.
Emergency lighting systems (if	Testing for 30 seconds monthly by site personnel.
present)	90-minute test annually by site personnel.
First Aid Kits	Regular inspections of inventory by site personnel or
	vendor.
Portable ladders (if used)	Regular inspections – recommended quarterly.
Detection and alarm systems (if	Maintained and tested in accordance with
present)	manufacturer's and CCR Title 19 requirements.
Vehicles used for delivery.	Maintained according to manufacturer's
	recommendations. Inspected prior to use.

E. Recordkeeping

To ensure ongoing compliance within the safety systems, records will be developed and maintained in compliance with Cal-OSHA requirements found in 8 CCR §3203, 8 CCR §3204, 8 CCR §5194, Titles 19 and 22 CCR, and other equipment-specific sections. Following is a list of the records that may be required. As with some of the other required safety elements, these are similar to those that are required and identified in the manufacturing report.

- Personnel safety training records.
- Equipment inspection records such as mobile equipment.
- Facility inspection records.
- Operation inspection records.
- Emergency equipment inspection records (e.g. alarms, detectors, fire extinguishers, emergency lighting, etc.).
- OSHA Log 300 and 300A.

F. Driver Safety and Security

As a delivery service, California Erudite Ventures values the safety and security of their drivers, as well as their patient members, and products. Ensuring that vehicles are in a safe condition is a critical component of the overall safety program, as well as ensuring the security of drivers as they make their deliveries. For that reason, the following rules will be put into place and enforced.

Vehicle Safety

- Delivery drivers must possess a valid driver's license and be knowledgeable about the operation of their vehicle.
- The driver shall not start any vehicle until all riders comply with appropriate safety precautions. Every employee will wear a seatbelt.

- Drivers are prohibited from using a cell phone or texting, or any other distracting practice such as changing radio stations while driving. Blue tooth access to phone will be synced to the vehicle for hands free use.
- Drivers are prohibited from operating the vehicle while under the influence of any alcohol, illegal drugs or any medication that might impair their driving skills.
- Engines will be shut off while refueling. No smoking is allowed while refueling vehicles.
- Drivers will follow all rules and regulations while driving, including safe speeds for conditions, following other vehicles at safe distances, signaling when turning or changing lanes, etc.
- A safety check will be conducted before operating any truck or automobile. All necessary equipment shall be inspected to ensure it is in good working order and properly adjusted, including:
 - Tail and headlamps.
 - Turn-signal indicator lights.
 - Mirrors.
 - Windshield wipers.
 - Backup alarms and lights, if present.
 - Oil and fluid levels.
 - Battery.
 - Tire inflation.
- All vehicles will be maintained in safe working order. Any vehicle that is known to have a defective condition must not be operated. All defective items, such as broken or missing parts, excessive wear or faulty conditions must be promptly repaired or replaced. No vehicle will be used if not in good working order.
- All accidents will be reported to appropriate authorities, including immediate supervisors immediately. The driver will stay at the scene to file a report with the authorities.

Delivery Security

- Product for delivery shall be prepared and packaged so as to maintain the integrity of the product to be delivered. Drivers shall sign for the product to be delivered. All delivery details, including name or identity of the recipient, address, and phone number and any other pertinent details shall be provided to the driver in writing.
- The product for delivery shall be secured in a locked or otherwise secured delivery container. Only the driver or other authorized California Erudite Ventures personnel shall have access to the product until it is properly delivered to the recipient.
- The driver and/or authorized California Erudite Ventures personnel shall not divulge information about the product, or the identity of recipients to any unauthorized personnel.
- Should it be necessary to stop for refueling or any other reason while the product is in the vehicle, the vehicle shall be properly locked and secured.
- Any incident involving the product or during the transaction with the recipient shall be reported to California Erudite Ventures immediately. If required, such as for an

- altercation or illegal action (e.g. theft of product), the proper authorities shall be notified immediately.
- Recipients and/or their authorized representative shall sign for deliveries.
- Any payment received for deliveries shall be properly documented by the driver, and the payment shall be properly secured for transportation back to California Erudite Ventures.

VI. CONCLUSION

Based on a review of the materials provided and consultation with key personnel involved in the project, it is my opinion that upon completion of the required code review processes that the project will undergo once it has been approved, coupled with the implementation of the employee safety programs outlined in this report, the project will contain the necessary fire and life safety elements to approve the project.

APPENDIX A: PAUL W. GANTT, Ph.D., CSP Curriculum Vitae Summary

SUMMARY/OVERVIEW

Dr. Gantt is an experienced **Safety Engineer** and **Board-Certified Safety Professional (CSP)** with an extensive background as both a regulator and in private practice encompassing over 40 years. He is experienced in many areas of occupational and construction safety, safety systems and programs, multi-employer worksites, fire and life safety, workplace and premises evaluation and liability, general safety practices, OSHA and Cal-OSHA health and safety regulations, fire and life safety, and Fire and Building Code safety and health requirements. He has considerable experience inspecting and evaluating construction sites, occupational settings, and conducting safety assessments in a broad range of public and private facilities. Additionally, his expertise includes the delivery of training programs with the ability to explain complex regulations, hazards, and practices in an easy-to-understand manner that can be essential in testimony and reports. He is a nationally recognized speaker in many areas related to occupational health and safety, fire safety, premises safety, and regulatory compliance.

OCCUPATIONAL EXPERIENCE

January 1991 to Present:

President & Founder Safety Compliance Management, Inc San Ramon, California

Owner and operator of a tenured and successful private business that provides solutions in the areas of evaluating and implementing occupational health and safety systems and programs, emergency management and response, and safety programs (training, consultation, compliance, and written programs) to a range of clients in both the private and public sectors.

Safety and Regulatory Compliance Consulting/Expert Witness

Provides regulatory and litigation (Expert Witness) consultation services in areas involving regulatory compliance, safety systems, fire and life safety, construction safety, Fire and Building Code compliance, and premises liability matters. He has provided testimony in the areas of safety program development and implementation, multi-employer worksites, construction safety, and the application of safety regulations both occupationally and generally.

Safety Programs - Development, Training, Evaluation, and Consultation

Provides services in the design and delivery of a range of safety program/systems that include training and inspection programs in the areas of general safety and construction safety. Evaluates current programs to ensure compliance and develops organizational-specific Injury and Illness Prevention Programs (IIPP), Code of Safe Practices, Fall Protection Programs, and other regulatory required programs as needed. Oversees and participates in inspection programs at a range of general industry, private/public facilities, and construction projects. Assists with accident investigation, risk assessment, and evaluation of workplace and property hazards. Represents clients with OSHA issues including citations, site audits, and permits. Provides and coordinates the delivery of numerous safety training programs to a range of clients in all aspects of OSHA and Cal-OSHA required programs including Fall Protection, CPR/First Aid, Confined Space Operations, Energy Control (Lock Out/Tag Out), Fire Safety, Excavation Safety, Hazardous Materials, and other safety topics.

PAUL W. GANTT Curriculum Vitae (Cont.)

March 1978 to July 1992: Positions Held:

California Fire Service: Four Departments

• Fire Chief (Acting)

Deputy Fire Chief

• Fire Division Chief

Fire Marshal

• Fire Training Officer

Fire Battalion Chief

• Fire Captain

Firefighter/Paramedic

Held increasingly responsible positions in four California fire departments. Managed the operations of the Fire Department as the Chief in charge of Fire Operations, Fire Prevention, Fire Training, Public Education, Hazardous Materials enforcement, Administration, and Safety. Served as Training Officer and Instructor in Regional Fire Academies.

EDUCATION/CERTIFICATIONS

- Doctor of Philosophy (Ph.D.), Capella University, April 2019.
- Master of Engineering (M.Eng), Advanced Safety Engineering and Management. The University of Alabama, Birmingham, 2014.
- Bachelor of Public Administration (BPA), The University of San Francisco, 1988.
- Associate of Science (AS), Fire Science. Solano College, 1981.
- Certified Safety Professional (CSP). Board of Certified Safety Professionals (BCSP), #19001, 2006.
- Certified Environmental and Safety Trainer (CET). BCSP, #13001, 2013.
- Construction Health and Safety Technician (CHST). BCSP, # C3565, 2013.
- BCSP Subject Matter Expert.
- Professional Member American Society of Safety Engineers (ASSE) (#13536), since 1999.
- Advanced Certificate of Achievement, Fire Science. Solano College, 1982.
- Certified Auditor OHSAS 18001 Safety Systems.
- Certified Fire Officer, Public Education Officer, Fire Instructor, and Fire Prevention Officer Office of the California State Fire Marshal.
- Registered Environmental Assessor, Class I California EPA, # REA I-06538, 1996-2012.
- Community College Lifetime Teaching Credentials Fire Technology, #251342 and Health and Related Technologies, #267782.
- Emergency Medical Technician 1 Instructor/ Mobile Intensive Care Paramedic (Previous).
- Instructor Levels I and II Office of the California State Fire Marshal.

HONORS/ASSOCIATIONS (Past/Present)

- Professional Member American Society of Safety Engineers/Professionals (ASSE/ASSP).
- Member National Safety Council (NSC).
- Member National Fire Protection Association (NFPA).
- Life Member California Fire Training Officers' Association.

PAUL W. GANTT Curriculum Vitae (Cont.)

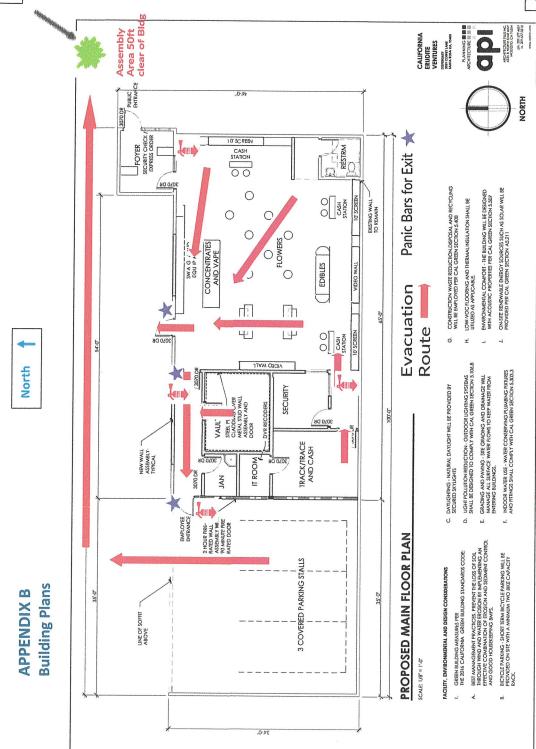
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- 12. Gantt, P. (2014). "Safety by Accident: A Call to Action For The Safety Profession." Proceedings of Safety 2014: The American Society of Safety Engineers Professional Development Conference. Des Plaines, IL: ASSE.
- 13. Gantt, P. (2013). "There Is No Glory in Fighting a Fire That Could Have Been Prevented. Using The ANSI/ASSE Z590.3-2011 Process in Your Safety Prevention Programs." Proceedings of Safety 2013: The American Society of Safety Engineers Professional Development Conference. Des Plaines, IL: ASSE.
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PAUL W. GANTT Curriculum Vitae (Cont.)

TEXTS AND PROFESSIONAL ARTICLES AUTHORED (Cont.)

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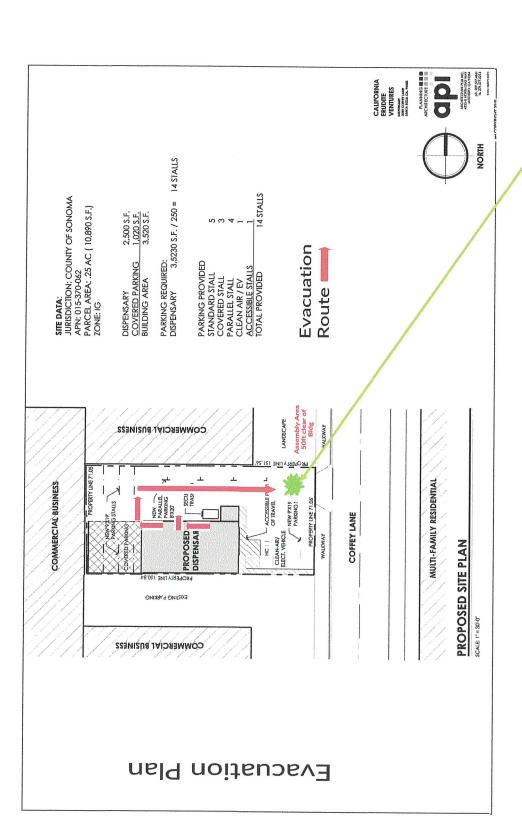


To Assembly

Area

Emergency Exit Route - Fire Extinguisher Legend:

APPENDIX B: Building Plans (Continued)



Assembly Area