

# Drug Free Business

DRUG FREE AMERICA REASONS TO HAVE A VOLUNTARY ADMISSION/2ND CHANCE

# Who is Drug Free Business?

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ESTABLISHED IN 1988,  
an industry leader with  
CCDAPP Certified staff  
to guide you.

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We helped create the  
5% WA State Worker's  
Compensation Rebate  
Program to establish a  
drug-free workplace.







# Our Roots

Our company, a non-profit was established in 1988 by a group of business leaders to encourage and make available affordable drug free workplace programs for all employers, regardless of size.

BOEING   WEYERHAEUSER   DEA

THE SHERWOOD GROUP

STATE OF WASHINGTON

KING COUNTY

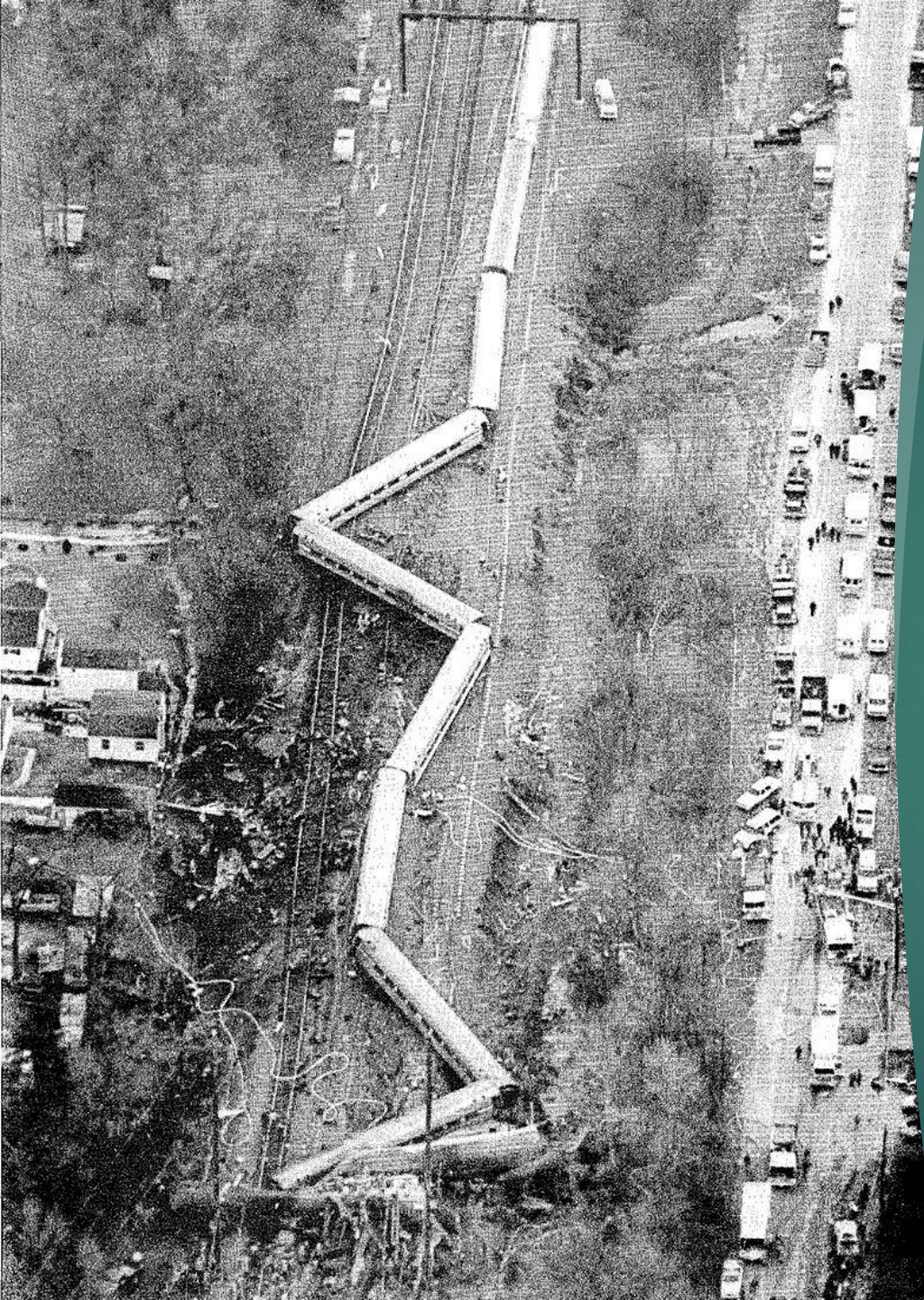
Our continued goal is to help businesses, their employees, their families and the communities they serve be drug-free.





# Federal Department of Transportation





# Why Test?

- ▶ 1987 Maryland Train Wreck
- ▶ 17 people were killed, hundreds injured
- ▶ Both the brakeman Cromwell and engineer Gates had THC in their system
- ▶ In a 1993 interview Gates said the accident would have never happened if not for the cannabis as it had thrown off his "perception of speed and distance and time." He also revealed he had smoked cannabis on the job several times. (At that time, potency was about 4-5% THC.)



# Who is required to comply with the Drug Free Workplace Act?

Companies who receive federal funding or federal contracts over \$100,000.

Companies who must comply with Department of Defense and the Department of Transportation regulations.

Many states have restrictions for cannabis testing but also have *specific exemptions* for "safety-sensitive" positions, federal regulations and federal contracts.

Drug Free Business helps navigate state and federal regulations for all the places you do business in all 50 states.



# Why be Drug Free?

- ▶ Be more productive and alert to hazards.
- ▶ Be a good example for your family and children.
- ▶ Support your community.
- ▶ Support healthy lifestyles.
- ▶ Represent your company's values of safety and excellence.
- ▶ Better for the environment.

I'm Drug Free  
For My Family



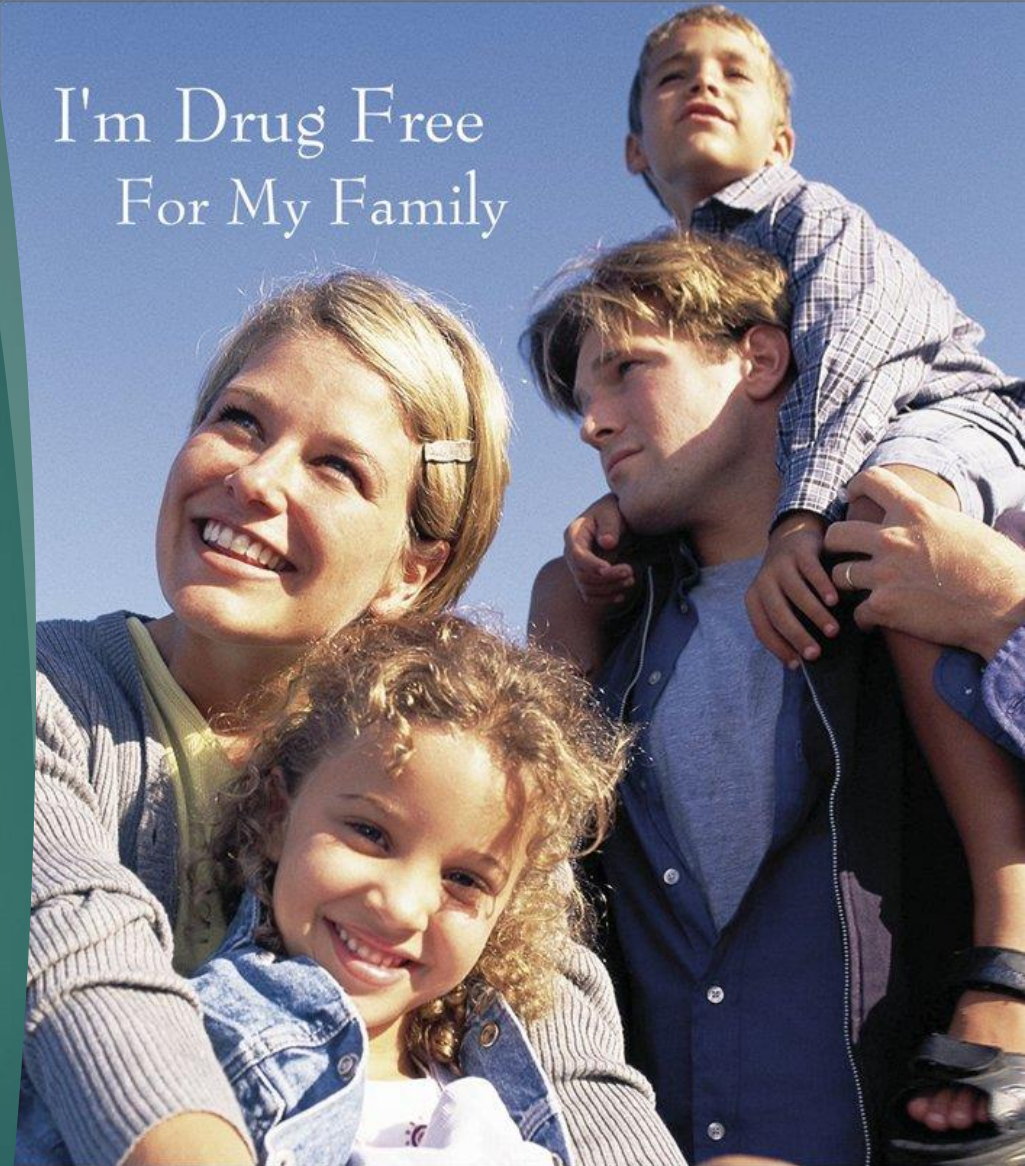
  
**DRUG FREE**  
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800-598-3437  
[www.drugfreebusiness.org](http://www.drugfreebusiness.org)



# Why be Drug Free?

- ▶ National Bureau of Labor Statistics  
55% of all workplace fatalities drugs or alcohol contributed to the death on the job.
- ▶ 16% of all emergency room visits involve substance abuse
- ▶ Nearly 50% of vehicle accidents with a fatality included drug and/or alcohol.

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# Elements of a Drug Free Workplace

**Policy**

**Education**

**Drug and Alcohol  
Testing**

**Trained Collectors  
Chain of Custody**

**HHS Certified Lab  
Medical Review  
Officer**

**Voluntary Disclosure  
EAP**

# Your drug test policy should include:

Who is subject to this policy



```
graph TD; A[Who is subject to this policy] --> B[What conditions are prohibited]; B --> C[When employees will be tested]; C --> D[How employees will be tested]; D --> E[Conditions for voluntary disclosure];
```

What conditions are prohibited

When employees will be tested

How employees will be tested

Conditions for voluntary disclosure



# Suggested Template

**Policy: ID Safety  
Sensitive Workers**

**Educate: All  
employees on  
new policies**

**Adjust panel/method  
of testing for pre-hire  
with oral fluid/urine  
options**

**Trained Collectors:  
Use collectors or do  
in-house?  
Chain of Custody**

**HHS Certified Lab  
Medical Review  
Officer**

**Voluntary Disclosure  
EAP**



## Definition of "Safety-Sensitive"

- ▶ (g) A safety sensitive position for which impairment while working presents a substantial risk of death. Such safety sensitive positions must be identified by the employer prior to the applicant's application for employment. This applies to NON-DOT positions only in WA State.



# SB 5123 Definition of "Safety-Sensitive"

- ▶ Whose death?

Doesn't say...could mean the worker, co-worker, the public, a patient, anyone.

- ▶ Substantial risk of death?

This is subjective, but obvious choices are those jobs where there is already a history of recorded fatalities (OSHA/WISHA): roadwork, falls, motor vehicle accidents, explosions, confined space work, working with cranes, rigging, drownings, electrocutions, etc.

# Adjust your NON-DOT policy to include:

Who are your safety-sensitive workers?



```
graph TD; A[Who are your safety-sensitive workers?] --> B[What conditions are prohibited for all workers]; B --> C[When do you test safety-sensitive vs. non safety-sensitive employees]; C --> D[How employees will be tested: oral fluid, urine, remove THC from pre-hire panel?]; D --> E[Conditions for voluntary disclosure];
```

What conditions are prohibited for all workers

When do you test safety-sensitive vs. non safety-sensitive employees

How employees will be tested: oral fluid, urine, remove THC from pre-hire panel?

Conditions for voluntary disclosure




# Recommended for NON-DOT testing


Update your policy to include job descriptions for safety-sensitive employees. Include WHY the job is safety-sensitive.




Educate employees with drug and alcohol awareness training, how to use the EAP system, when and how to disclose.



Create best practices for supervisor training for reasonable suspicions and voluntary admittance.



Create best practices for employee training, random selections, Can employees report drug or alcohol use on the job without retaliation?



Create best practices voluntary reporting and 2nd chance agreements leading to greater employee retention.

A person wearing a white lab coat and a chain with a badge is holding a small, clear plastic container filled with yellow liquid (urine). The container has a white label with the number '348' on it. The background is blurred, showing what appears to be a laboratory or medical setting.

# Benefits of Urine Testing

1. **Trained collectors and HHS Certified Labs:** testing is available in all 50 states.
2. Well established nationwide network and easy to modify drug test panels.
3. Collection, lab and MRO all have built in protections to make the tests fair for both employers and employees.
4. Testing protocol is the same for all HHS certified labs and meet HHS and Federal DOT standards.
5. Negative results are usually available within 24-48 hours. You can remove THC from the panel for non-safety-sensitive workers.





## What about Oral Fluid Tests?

- ▶ Drugs are deposited directly in oral fluid orally, smoking or snorts/sniffs the drug.
- ▶ Drugs pass from the bloodstream to oral fluid within minutes.
- ▶ Oral fluid testing detects for the parent drug (THC)
- ▶ Positive rates = to or higher than urine drug testing. Now approved for DOT, (not yet available).



# Oral Fluid Advantages

1. Directly Observed, no bathroom needed, harder to tamper with specimen.
2. Very easy to collect by trained collectors at the jobsite or roadside.
3. Results available by accredited HHS certified labs and reviewed by accredited Medical Review Officers.
4. Detection window is for the parent drug, THC indicating use up to 48 hours.
5. Turnaround time is about the same as urine tests 24-48 hours for negative results, 48-72 hours for positive results. THC can be omitted.
6. Good for a short-term detection period with workers who may use on the job or at breaks.





# Federal Department of Transportation

# Am I covered? Dot.gov

- FMCSA Motor Carriers: CDL drivers with 16,001 Gross weight or > or carries 16 or more passengers or has a Hazmat Placard. Examples: maintenance vehicles, school buses, vehicles that carry welding gas
- FTA: Federal Transit Authority: Revenue vehicles, (Public vs. Private transportation). Includes city buses, light rail, ferries, city sponsored taxi or ride-share services. T is for "Ticket".
- PHMSA: Pipelines and Hazardous Materials Safety Administration: Repair work on or changes to oil and gas pipelines.
- FAA: Revenue aircraft (buy a ticket), or any aircraft used for business purposes such as a helicopter. Also includes repair stations, pilots, aircraft personnel, air traffic controllers.
- Maritime (also called US Coastguard) Technically under Homeland Security, but drug testing program is under DOT regulations.
- FRA: Railway systems, (not light rail) + right-of-way contractors who work on maintenance of rail lines.



# Updated Federal Drug Testing Rules

Latest update was September 9th, 2023 ORAL FLUID TESTING LEVELS

Marijuana (THC) <sup>2</sup>	screening	4 ng/mL	confirmation	2 ng/mL
Cocaine	screening	15 ng/mL	confirmation	8 ng/mL
<b>Codeine/Morphine</b>	<b>screening</b>	<b>30 ng/mL</b>	<b>confirmation</b>	<b>15 ng/mL</b>
<b>Hydrocodone/Hydromorphone</b>		<b>30 ng/mL</b>	<b>confirmation</b>	<b>30 ng/mL</b>
<b>Oxycodone/Oxymorphone</b>		<b>30 ng/mL</b>	<b>confirmation</b>	<b>30 ng/mL</b>
<b>6-Acetylmorphine</b>		<b>4 ng/mL<sup>3</sup></b>	<b>confirmation</b>	<b>2 ng/mL</b>
Phencyclidine		10 ng/mL	confirmation	10 ng/mL
<b>Amphetamine/Methamphetamine</b>		<b>50 ng/mL</b>	<b>confirmation</b>	<b>25/ng/mL</b>
<b>MDA/MDMA</b>		<b>50 ng/mL</b>	<b>confirmation</b>	<b>50/ng/mL</b>

# How big is a nanogram?

- ▶ One grain of sugar is = 625,000 nanograms.
- ▶ Oral fluid tests for the parent drug (i.e. THC vs. THC metabolites)
- ▶ Best for current use vs past use (metabolites in urine).



# When can you do oral fluid testing?

## **FOR ANY DOT TEST:**

including pre-employment, random, post-accident, reasonable suspicion, post-accident, return-to-duty (observed) and follow-up tests (observed).





# When is oral fluid recommended?

When you are looking for current use, not past use:

Random testing

Post Accident

Reasonable suspicion

Alternative to directly observed urine tests.



# Collection site must use employer's protocol for DOT testing.



Develop your DOT policy now. The employer is **REQUIRED** to **COMMUNICATE** your policies to the testing sites.



Develop your testing rules: Will you use always oral fluid for randoms, or mix it up by alternating oral fluid and urine testing?



What is your observed collection policy: Will you always default to an oral fluid test for observed collections?



What is your shy bladder or dry mouth protocol?

# Problem scenarios for urine testing.



**SHY BLADDER:** Donor has to up 3 hours and 40 oz of liquid to provide a specimen or (NEW): If donor cannot provide a urine specimen, you may now go immediately to an oral fluid test instead.

**OBSERVED COLLECTION REQUIRED:** If no same sex collector is available, then you may now go immediately to an oral fluid test instead.

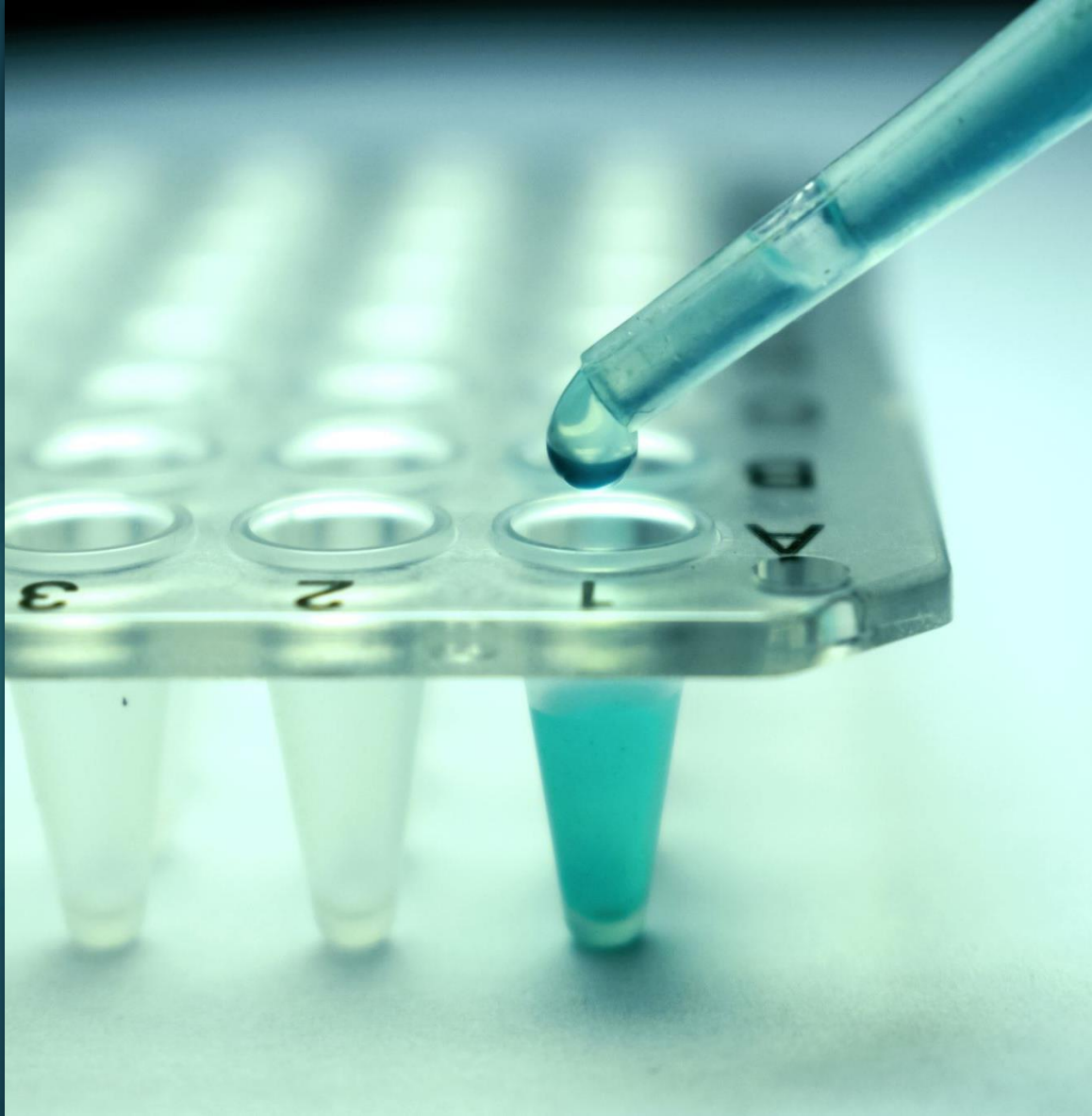
**OBSERVED COLLECTION REQUIRED:** Employee is transgender or non-binary (i.e. does not identify as either male or female), always do oral fluid test.





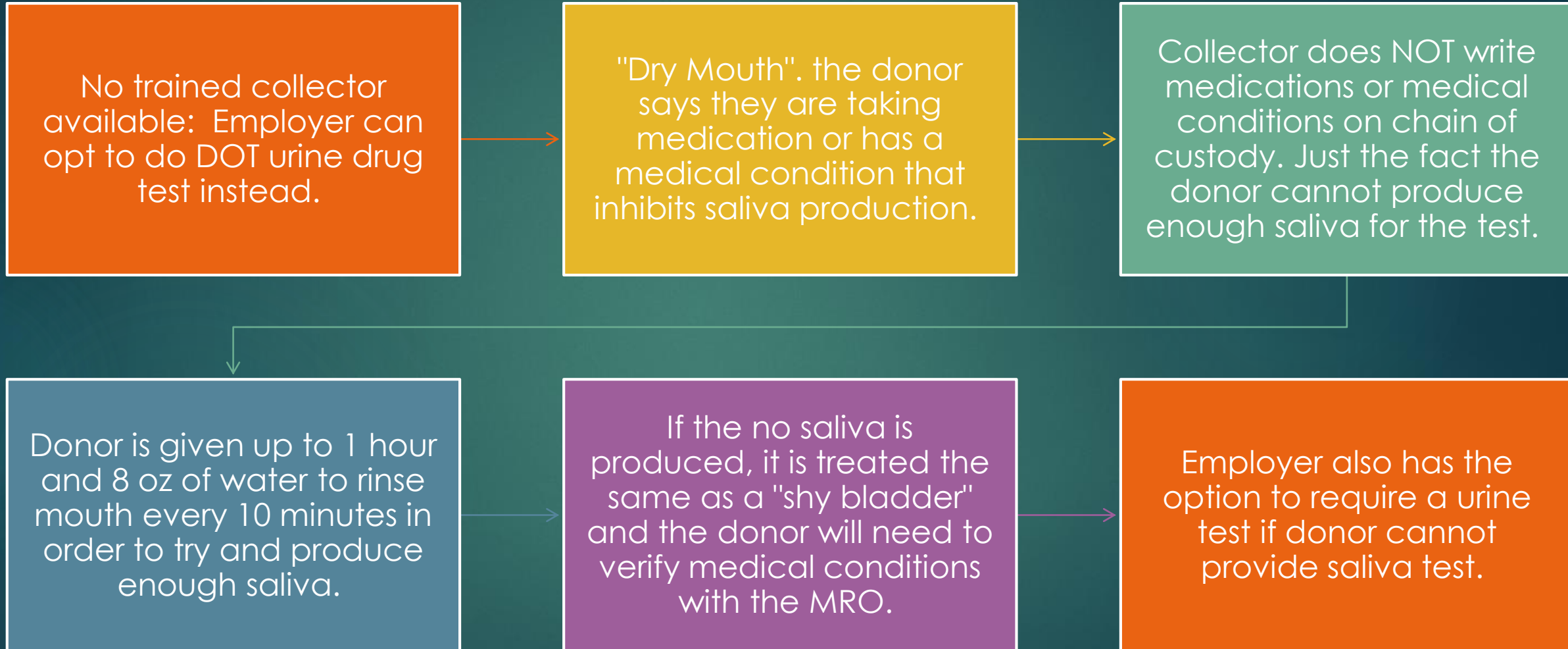
# How to do an Oral Fluid test

- ▶ Must use trained collectors, best if the collector can do either an oral fluid or urine test. Collection is directly observed the entire time.
- 1. Donor has had nothing to eat or drink 10 minutes before putting the test device in the donor's mouth.
- 2. Collector looks in mouth for evidence of tampering materials or contaminants.
- 3. Collector has donor select sealed collection device.
- 4. Collection device is put in the mouth up to 5 minutes to collect adequate saliva.
- 5. Collection is then sealed by collector into 2 vials (split-specimen)
- 6. Donor signs security seals and chain of custody. Collector signs chain of custody as well.
- 7. Lab copy of COC form and oral fluid are sent to the lab.



# Problem Scenarios for oral fluid tests

# Problems in oral fluid tests:





# When will DOT oral fluid testing be available?

- ▶ Not until there are at least 2 each HHS Certified Labs that can do the DOT tests. One lab for testing, the other for reconfirmation testing.
- ▶ Estimated to happen sometime in late 2024 or early 2025.



# Final Thoughts

- ▶ Now is the time to update your DOT and NON-DOT policies for 2024.
- ▶ Determine who is "safety-sensitive" for your NON-DOT employees and write job descriptions that explain WHY. Remove THC for non-safety-sensitive positions.
- ▶ For your DOT policy, get ready to determine when and if you are going to use oral fluid for DOT testing. You have choices:
  - ▶ You can continue to do DOT urine testing only
  - ▶ You can do some urine tests, some oral fluid tests.
  - ▶ You can also elect to do oral fluid only when DOT oral fluid is available for testing.



Anyone can have a substance abuse disorder.

► Reduce the stigma of asking for help by providing employee education and a policy that allows for voluntary disclosure and a return-to-work plan. ROI is less turnover, increased morale.





Anyone can have a substance abuse disorder.

- ▶ Use a SAP (Substance Abuse Professional) for both your DOT and NON-DOT employee return to work plans.
- ▶ The SAP oversees the process to return the worker back to work safely.





# SAP Process

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A written agreement for employee to complete before returning to work.

May include treatment, participation in 12 step or other counseling programs, random drug test and/or alcohol testing.

Continued random drug or alcohol testing once the employee has returned to work.



# SAP Process

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Continued random drug or alcohol testing once the employee has returned to work.

Minimum 12 month follow-up program, number of random tests to be determined by the SAP.

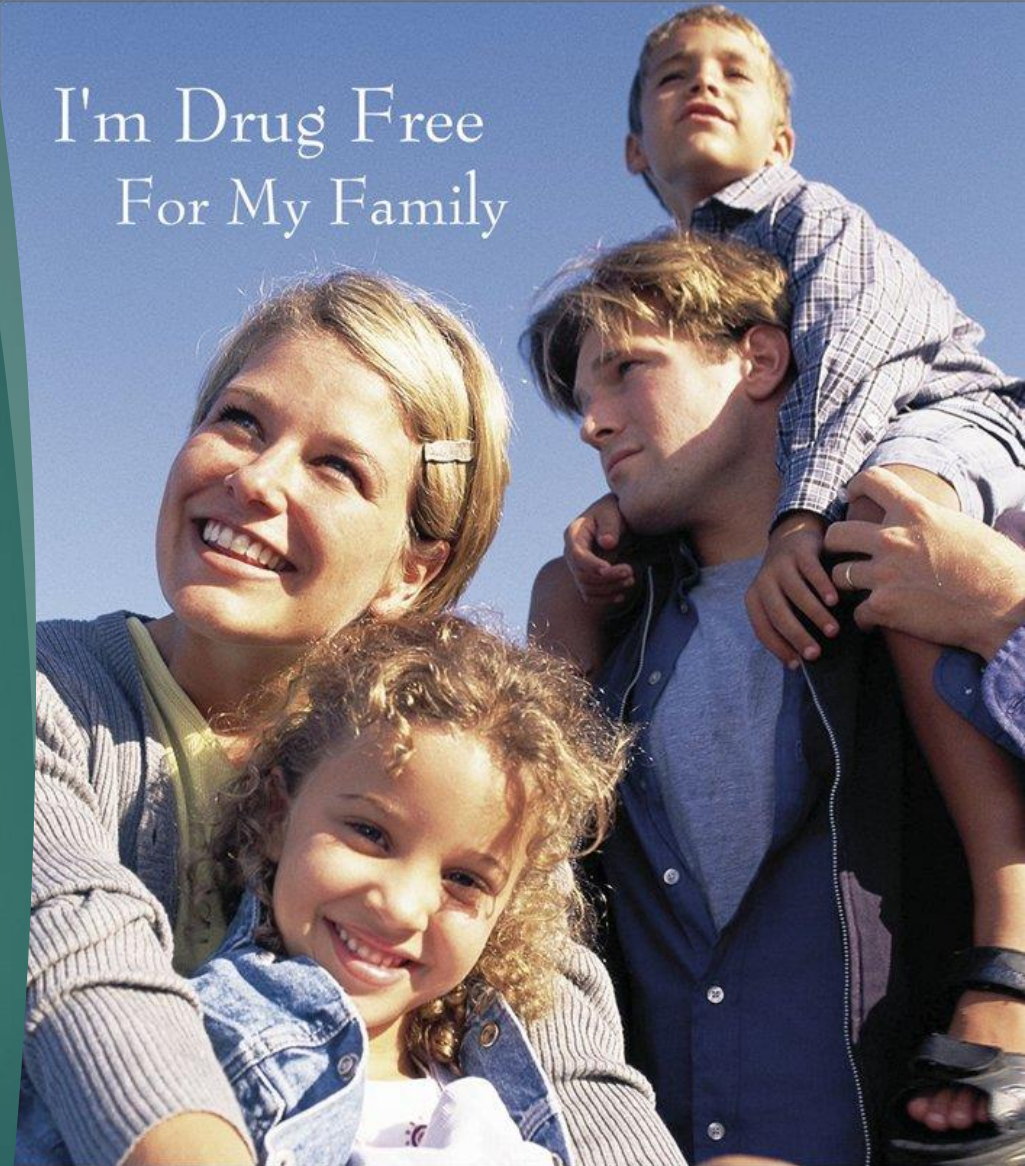
Employee *MUST NOT KNOW* how many follow up tests or when the follow-up plan expires.



# Why 2nd chance?

- ▶ You'll have a recovered worker.
- ▶ Be a good example for your family and children.
- ▶ Support your community.
- ▶ Support healthy lifestyles.
- ▶ Represent your company's values of safety and excellence.
- ▶ Better for the environment.
- ▶ Better for your company.

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# Other Resources



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## Self-Help Groups

[Narcotics Anonymous](#)

[Alcohols Anonymous](#)

## SAMHSA

[Home - FindTreatment.gov](#)

[Find a SAP - SAPlist](#)

## NIDA

[Commonly Used Drugs](#)

# Thank you



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