

Senate Bill 301 is simply mind boggling. I understand that marijuana is legal in the state of Oregon, but it is still a federally controlled substance. If it is legal here, then people have the right to use it, this is fully understood. However, this Bill, if passed, puts employee safety in jeopardy. It suggests that industries, where prohibited would not be subject to the outcome of the Bill. As an example a police officer, a bus driver, a trucker, a pilot would all be omitted from being subject to the new rules. Why? Ultimately they are omitted because of safety of fellow citizens. However, heavy industry will be included in having to follow the new rules. Forklift drivers under the influence pose a threat. Miners in quarries running heavy equipment under the influence pose a threat. Machine operators under the influence pose a threat. Highway construction crews under the influence pose a threat. There are many kinds of workplaces where personnel under the influence will pose a threat to their fellow workers or the public at large.

Now, in discussion this with an attorney supporting the Bill, it turns out the supporters are essentially saying that THC is not an identifier of “under the influence” conditions. The under the influence condition must come from specially trained evaluators or some form of testing that is not even available with reliability and none available that Oregon will even accept as proof. The supporting attorneys know that companies will have a difficult time of making this happen, and they know they can defeat most cases in court when it comes to the evaluation process of under the influence tests because there is a lack of qualified evaluators. AS a result, THC is the only way for most companies to know the status of an employee’s fitness for duty. The supporting attorneys use a traffic DUI document, HB3400-2015, to give weight to the argument that THC is not viable for testing under the influence. Even so, here’s a quote from the document: “. . . among the same students who drive, 48% of students who had used marijuana drove within three hours of use, compared to 12% of students who had drunk alcohol.”

This seems to indicate that marijuana users are more likely to drive on pot than alcohol. Take this and move it into industry where, if this bill passes, THC can’t be used as the indicator; we now have a greater potential for under the influence. This is dangerous in a safety sensitive environment such as that found in wood products manufacturing. Fork lift operators and machine operators can become very deadly if they use in the work place. This is unfair to the fellow employees.

Traditionally, if we have a significant accident that seems as if a substance may be involved, or a reasonable suspicion test is necessary, the industry would typically drug screen the individual, to include testing them for alcohol. All of these result in a usable number for an effective threshold. Above a number means positive, below a number means negative. If the Bill passes, we would have to find a way of evaluating the under the influence by some subjective means to include sending person to gain specialized training for doing a workplace sobriety test. This is unfair to employers and the report says that there are only 200 trained evaluators in the state for law enforcement, so how would employer s come up to speed –and they should have to for this.

Furthermore, the conclusion of HB3400-2015 indicates that there isn’t enough data to fully conclude the effects of THC on driving. This say this is because there are so few trained evaluators and there is a lack of data and ability to get the data. Partly because there is no exchange of general under the influence results and there is no system for on the spot testing. The conclusion says this, “*Due to restrictions on cannabis research and limited data, it is difficult to make definitive statements about the risk of THC-intoxicated driving. The body of evidence that does exist indicates that while attitudes towards driving after marijuana use are considerably more relaxed than in the case of alcohol, the risk of crashes while driving under the influence of THC is lower than drunk driving. Little evidence exists to compel a significant change in status quo policy or institute a per se intoxication standard for THC. Instead,*

*recommendations in this report aim to find avenues to change attitudes towards THC and driving among youth, increase the quality and availability of data, and strengthen the body of research.”*

The lack of data means we should hold fast as is until we know more. Until better tracking and testing comes about. The data that does exist indicates a relaxed approach to the use of marijuana and driving – or other unsafe objectives – by the user. Since workplaces are made up of society as a whole, then this relaxed approach would likely show up in the workplace.

The Bill goes on to add the emergency clause. What is the emergency? This is an abuse of this clause. There is no emergency – no danger to workers health, security or anything else that would require immediate application. They simply want this because they know this Bill can't stand up to scrutiny.

As a safety professional, charged with the safety of 800 personnel in the wood industry, this just simply blows me away that this Bill is even on the agenda.

Please do not support this Bill – worker safety and maybe even their lives depend on it not passing.