

## Northwest Food Processors Association OPPOSE SB 301

Northwest Food Processors Association (NWFA) represents Oregon food manufacturers who are the second largest manufacturing sector in the state. We employ roughly 30,000 Oregonians and produce \$16 Billion of economic output. Our members make food in every segment of the food industry and sell our packaged products nationally and globally wherever food is sold.

SB 301 allows employees to use marijuana off the job, even if their employer has established a "zero-tolerance" workplace. Not only is this against federal law, but we believe this to be poor public policy for companies who make food for human consumption. Food safety isn't just a catch phrase for our industry, but rather, a philosophy that is ensured by law, expensive equipment to help achieve it and a moral obligation we take seriously when feeding all of our families. SB 301 greatly endangers this strict level of food safety because we need every tool we can use to help assure our employees are not under the influence of drugs when they are making YOUR food.

The reality is that this level of drug testing is not yet available. There is no recognized test for whether an employee is impaired by his or her use of marijuana (off duty or not). Current testing protocols can do no more than confirm whether a testee has marijuana in his or her system and if so in what amount, not whether the amount results in impairment or being "under the influence." This level of uncertainty is simply NOT acceptable when it comes to making the food we eat. If Oregon's food makers cannot implement our own drug-free workplace practices, then we are sacrificing food safety and jeopardizing public health.

Furthermore, this is in violation of the supremacy clause in article VI of the US Constitution and the Drug-Free Workplace Act. Oregon food companies would be forced to choose either to employ people who are breaking federal law (regardless of the employer's business judgment, ethics or morals about hiring lawbreakers) or to gamble that when an unhappy employee filed a lawsuit or BOLI claim, the employer could afford defense costs.

Oregon's food industry's commitment to food safety can only be lessened by SB 301, which greatly reduces food companies' ability to ensure a drug-free workplace. Food and worker safety would be greatly jeopardized and would put both employee and consumer at risk. The decision between observing this law or protecting our employees and customers is not a choice the State of Oregon should force food companies to make.

Because SB 301 sacrifices food safety, worker safety and conflicts with federal law, The Northwest Food Processors Association recommends a NO VOTE.