



## Current Issues in Employee Substance Abuse Testing

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By Elena Carr

In their efforts to improve the health and well-being of workers and their families and communities, industrial hygienists and other occupational health and safety professionals are increasingly expected to perform a variety of functions that expand their reach and impact. One example is the management of occupational medical services, which may encompass employee substance abuse testing. As such, it is important that practitioners understand the many issues surrounding this multifaceted and often controversial topic.

The AIHce 2004 roundtable "Current Issues in Employee Substance Abuse Testing" provided participants with an opportunity to become familiar with current knowledge on the relationship between substance abuse testing and occupational accidents and injuries, key policy considerations when implementing testing and how testing fits into the larger goal of saving lives, improving quality of life and increasing productivity.

### Post-Accident Drug Testing

Donald Whorton of WorkCare in Alameda, Calif., began the panel by providing a general background on drug testing and then specifically addressed one particular type of drug testing-post accident. In particular, he discussed it within the context of the U.S. Department of Transportation regulations as prescribed in the Omnibus Transportation Employee Testing Act of 1991, which requires transportation industry employers who have employees in "safety-sensitive" positions to have drug-free workplace programs that include both drug and alcohol testing.

Under DOT rules, employers must test for five substances (amphetamines/methamphetamines, cocaine, marijuana, opiates and PCP) plus alcohol, follow specific procedures for collection of urine and transport of samples to certified laboratories, confirm results through medical review officers and submit annual reports on all testing activities and specific reports on post-accident testing.

According to Whorton, non-DOT mandated employers have more latitude in handling drug testing as they see fit. Although many choose to test for the same substances and follow the same procedures as DOT, others test for additional drugs for which there are no DOT protocols. Since there is no federal law that specifies how these employers may conduct drug tests, they must take into account any state or local laws that may impact how testing can be conducted.

Whorton then discussed advantages and limitations of different drug-testing modalities, including traditional urine tests and the relatively new method of hair analysis. Overall, he said urine is more useful for determining short-term presence of drugs and is therefore most appropriate

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in post-accident situations. Although hair analysis offers a longer window of detection and can reveal a history of use, it is not useful for current events and thus is not appropriate for post-accident testing. Furthermore, hair analysis is controversial, he said. Privacy advocate groups point out potential privacy issues, including the argument that it discriminates against pregnant women, due to different enzymes produced by the body during pregnancy, and African-Americans, due to differences between minerals produced in the hair of African-Americans and those produced in the hair of Caucasians. Some also cite cases of alleged false positives because of individuals' hair absorbing drug residue present around them.

Whorton closed by providing recommendations for procedures to follow if a company chooses to implement post-accident testing including using urine drug testing and breath alcohol testing, accompanying workers to the testing site, following the DOT protocol and using accredited laboratories, a confirmation testing technology and a medical review officer.

### Drug Testing And Occupational Injuries

Paul Rountree, Houston Endowment Distinguished Professor of Environmental Sciences at the University of Texas Health Center at Tyler, summarized trends in illicit drug use over the past two decades and reviewed the origins and current state of the workplace drug-testing industry. He said that 38 million drug tests are performed each year at a cost exceeding \$1 billion, and that an estimated half of the nation's workers are employed by firms that conduct testing. Furthermore, research indicates that the vast majority of workers believe that testing deters drug abuse and reduces accidents.

According to Rountree, a natural connection has been drawn between work site safety and drug testing, due in part to a handful of accidents in which drugs or alcohol were found to be involved, such as the 1981 U.S.S. Nimitz aircraft carrier crash, the 1987 train collision in Maryland and the 1989 Exxon Valdez environmental catastrophe. However, thus far scientific research does not support a significant correlation between drug use and workplace accidents, he said. Few studies have been published on the subject, and those few have significant limitations. For example, studies rarely compare accident rates of drug users with matched groups of nonusers, many address illicit drugs but not alcohol and reports rarely take into account other confounding data such as time of day, weather and other circumstances.

Rountree went on to provide participants with a brief overview of the relevant literature to date and closed by summarizing currently proposed changes to the federal government's drug-testing program overseen by the Substance Abuse and Mental Health Services Administration. Among these proposals is the plan to incorporate alternative methods of testing, including analysis of hair, saliva and sweat.

### Policy Considerations In Drug Abuse Testing

Elena Carr, drug policy coordinator at the U.S. Department of Labor, told participants that many of the complex issues surrounding drug testing stem from organizations failing to recognize that it is only one element of the larger goal of a safe, healthy and drug-free workplace. Although it can be effective in terms of deterring and detecting drug use, testing alone does not achieve a workplace free of the hazards created by employees' abuse of alcohol and other drugs, she said.

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Carr provided a brief overview of the price businesses pay if they do not effectively address workplace substance abuse. In addition to increased accidents and other obvious physical safety concerns, businesses may experience lost productivity, high turnover and absenteeism and increased health care costs and workers' compensation claims, she said.

The good news is that employers can protect their businesses by educating employees about the dangers of alcohol and drug abuse and encouraging individuals with related problems to seek help, and, depending on the organization, drug testing may be one of several appropriate strategies for doing so, said Carr. However, if the decision is made to test, it is critical that employers adopt a balanced approach that protects the interests of both employer and employee with consistently followed policies and procedures.

Carr said DOL's stance is that drug testing should be one part of a comprehensive drug-free workplace program that also includes a written and widely communicated policy, training for supervisors on signs and symptoms of substance abuse, employee education on the dangers of substance abuse and assistance and support for employees with related problems. In contrast, a punitive, risk-averse approach characterized by vague policies, inconsistent procedures, minimal employee education and supervisor training and little or no assistance for employees does little to achieve positive outcomes for employers, employees, families and communities, she said.

Before deciding to test, employers need to consider several key policy factors, including who will be tested, consequences of a positive test, what substances will be tested for, when testing will be conducted, cutoff levels and safeguards and confirmation procedures. In addition, employers must be familiar with any local, state and federal laws or any collective bargaining agreements that may impact drug testing.

Carr described Web-based tools available free from DOL to help employers develop sound policies and effective, balanced drug-free workplace programs. She closed by summarizing the many ways businesses benefit from being drug free, including safer workplaces, higher quality applicants, improved productivity and reduced medical, insurance and liability costs. Moreover, by providing employee education and assistance, drug-free workplaces significantly contribute to occupational health and safety professionals' larger purpose—safer, healthier, drug-free workers, families and communities.

Carr is with the U.S. Department of Labor, Washington, D.C.

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