



AMERICAN COLLEGE OF
OCCUPATIONAL AND
ENVIRONMENTAL MEDICINE

January 14, 2020

The Honorable Anna G. Eshoo
Chair
Subcommittee on Health
U.S. House of Representatives
Washington, DC 20515

The Honorable Michael Burgess
Ranking Member
Subcommittee on Health
U.S. House of Representatives
Washington, D.C. 20515

**Statement for the Record of the January 15, 2020 Hearing
“Cannabis Policies for the New Decade”**

Dear Chairman Eshoo and Ranking Member Burgess:

The American College of Occupational and Environmental Medicine (ACOEM) requests that this letter be included in the record of the January 15 hearing of the Subcommittee on Health.

ACOEM recognizes the strong Congressional interest in moving forward on cannabis policies. However, before doing so, federal policy must consider the implications of cannabis use on workplace and public safety.

ACOEM is the pre-eminent physician-led organization that champions the health of and safety of workers and workplaces. The College is dedicated to improving the care and well-being of workers through science and the sharing of knowledge. From this perspective, ACOEM offers the following insights for the Subcommittee’s consideration.

Employers have a legal responsibility to protect employees from workplace illness or injury under the Occupational Safety and Health Administration’s (OSHA’s) general duty clause. Employers also have an ethical responsibility to prevent impaired workers from endangering themselves, their co-workers, and/or the general public.

Regardless of marijuana’s legal status in a jurisdiction, Congress should ensure national uniformity in policies with respect to jobs where marijuana use could adversely affect the employee’s safety or that of others. This includes allowing employers to establish policies that prohibit the use of cannabis products for all employees due to the inability to test for impairment.

Without measurable concentrations of psychoactive ingredients in marijuana-containing products or known potency of the active ingredient, it is currently impossible to use evidence-based methods to evaluate marijuana impairment in the workplace. While there is much we do not know about marijuana, we know enough to raise concern and caution with regard to federal action:

- Cannabis can significantly impair judgment, motor coordination, and reaction time. Studies have found a direct relationship between blood (usually serum) THC concentrations and impaired driving ability, although the degree of impairment cannot be defined by the level, especially at lower levels.
- It is well documented that persons experiencing impairment from any drug or medication tend to underestimate the severity of their impairment.
- States with legal recreational or medical marijuana are reporting an increase in fatal motor vehicle crashes involving THC (the main psychoactive ingredient in marijuana).
- Those in jobs where marijuana use could adversely affect the safety of others should be held to a higher standard until a scientifically valid method to identify impairment has been developed.

ACOEM recommends that the following be part the process when considering federal legislation:

- Allow employers the latitude to manage risk. In an area where knowledge of risk and impairment is falling far behind the rapidly expanding use of marijuana and other cannabinoids, employers must be able to manage risk in the workplace.
- Reconcile the differences between state and federal laws and establish uniformity regarding marijuana use and the impact on workplace and public safety.
- Assess the impact of cannabis on workplace safety through research.
- Define the correlation of THC concentrations and impairment.
- Identify a reliable, practical mechanism for employers to assess fitness for duty. This is especially important in those states where medical and/or recreational use of marijuana is legal.
- As previously stated, except where specified by law, allow the employer to have primary responsibility to ensure the safety of both employees and the general public. Employers are the ones best suited to determine if a job is safety sensitive and, until the science of marijuana impairment is resolved, an employer should not be expected to manage a risk until that risk can be measured.

In short, marijuana is an impairing substance, and its legalization has huge public and workplace safety implications. Before Congress passes any legislation regarding marijuana, the ACOEM urges legislators to consider carefully the impact of such legislation on workplace safety.

Sincerely,



Stephen A. Frangos, MD, MPH, FACOEM
President