Safety



Cutting Through the Complications of Cannabis Testing in the Construction Industry

Breath-testing technology is becoming more popular to ensure safety on a jobsite as cannabis consumption becomes increasingly legal.

BY NINA M. FRENCH | JANUARY 30, 2024



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Although drug testing is a proven deterrent, workplace cannabis testing has faced scrutiny and legal challenges since states began recreational legalization more than a decade ago. The impact of these challenges has complicated workplace cannabis testing for everyone, including construction management companies, as the use of cannabis products continues to increase.

An August 2023 Gallup poll revealed cannabis use is at an all-time high for adults between the ages of 18 to 34. This finding was also reflected in this year's Quest Diagnostics Drug Testing Index report. In 2022, the combined U.S. workforce urine drug positivity for all drugs was 4.6%–the highest level in two decades. Specifically within the construction industry, the 2022 cannabis positivity rate was 3.0%–the highest since the DTI started tracking the industry.

Interestingly, these statistics may actually underestimate the full impact of workplace cannabis use. The data set has decreased in recent years because some employers have stopped testing for THC, citing complicated state regulations and shrinking candidate pools as reasons for the change. However, drug testing doesn't have to be complex; it can be simplified and less confusing if employers remember the original intent of workplace drug testing–to help deter drug use on the jobsite and to help prevent safety and performance issues before they occur.

WHAT'S AT RISK

In the case of workplace drug testing, investing in deterring cannabis use can help improve cost savings related to risk; especially in the construction industry, which is seeing some alarming risks and costs associated with injuries.

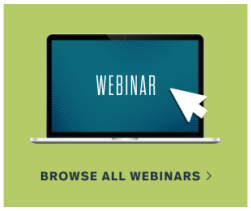
According to the Bureau of Labor Statistics, 9.4 of every 100,000 construction workers suffered a fatal injury in 2021, the third highest rate of any industry. The BLS also reports that on average in 2021, injury and illness rates in the construction industry were 23% higher than they were across all industries, with more than 169,000 injuries reported in the construction sector.

These injuries are translating into concerning costs for industry employers. The Center for Construction Research and Training estimates that to offset an injury with costs of $50,000, an additional $1.67M in services must be earned. Similarly, an injury resulting in $35,000 in costs requires an additional $1.16M in services to offset the expenses.

What this data demonstrates is that doing nothing to prevent construction accidents is more expensive than investing in preventative measures. And an important measure to consider is a workplace drug testing program anchored in deterrence.

DETERRENCE DECREASES COSTS

The main objective of drug testing is preventing injuries, accidents and incidents before they occur, thereby protecting employees, and saving organizations money. For decades, employers have been utilizing oral fluid, urine and hair tests to detect the absence or confirm the presence of cannabis in an employee's system. These tests provide objective data





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about an employee's cannabis use within a certain time horizon–from a few hours to several months after use–depending on the type of test.

However, because of their long detection windows, these test types are increasingly less practical and/or less enforceable in the era of cannabis legalization. Employers, employees and legislators agree that data related to cannabis use that occurred days or months prior to the test no longer provides relevant results.

Forty years ago, guidelines for workplace drug testing based on deterrence were introduced using objective test-result data to help prevent drug use during the day. The same core tenets apply today, even with the legalization of cannabis use.

IF IT AIN'T BROKE: BREATH TESTING IS A DETERRENCE MEASURE

Fortunately, the construction industry can still deter cannabis use, keep workers safe and reduce costs by ensuring their workplace drug testing policies continue to test for cannabis use but limit the window of detection to the workday. This is now possible by utilizing a breath test, which can isolate cannabis use that occurs within a few hours of a test. By stating that cannabis use during the workday will not be allowed, employers can design policies that test throughout a worker's tenure in addition to reasonable suspicion and post-accident testing.

The availability of new breath-testing technology allows employers to detect recent use without worrying that a positive test reflects off-the-job past use unrelated to the workday, increasing safety and wellbeing on and off the jobsite.

There is little doubt the era of cannabis legalization is confusing for all employers, including construction organizations. But the availability of a breath test means that continuing to test for THC doesn't have to be complicated.

BY NINA M. FRENCH

Nina M. French is the president of Employer and Law Enforcement Solutions at Hound Labs. With more than 30 years of experience in the employee screening industry, French is a leading expert in drug testing program design, technologies, policies, state laws and federal regulations. She is skilled in HR consulting, coaching, customer relationship management and thought leadership related to drug testing legality, design and program execution. As a strong business development professional, Nina also cofounded a consulting firm focused on helping screening companies expand and grow their occupational health product line and employers implement compliant substance abuse testing programs. Nina is a dynamic public speaker and author published in HR, employment screening and safety magazines and blogs.

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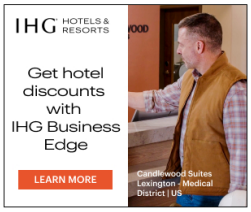
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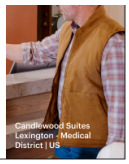






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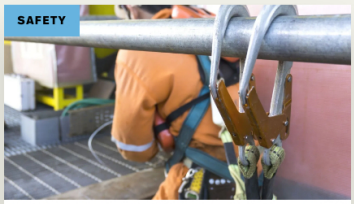
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