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VOSH

## ***Virginia Occupational Safety & Health***

**VOSH PROGRAM DIRECTIVE:** SUBSTANCE ABUSE

**ISSUED:** November 20, 2025

**SUBJECT:** Substance Abuse in the Workplace Guidance Document

### **Purpose.**

This Directive transmits guidance and resources for employers and employees on the safety and health impact of substance abuse in the workplace; and procedures to VOSH personnel on how to address substance abuse workplace issues that could potentially result in employee exposure to workplace safety and health hazards

*This Program Directive is considered a “guidance document” as defined in [Va. Code § 2.2-4101](#) except to the extent that it addresses internal operation of the Virginia Occupational Safety and Health (VOSH) Program. This document does not have the force and effect of a law, standard or regulation.*

### **Scope.**

This directive applies to all VOSH personnel.

### **References.**

[Preventing Substance Use in the Workforce](#), U. S. Department of Labor, Employment and Training Administration

Occupational Safety and Health Administration (OSHA) Standard Interpretation, [The applicability of 29 CFR 1910.1020, Access to Employee Exposure and Medical Records, to results of employee drug testing](#), 1999

OSHA Standard Interpretation, [Policy on Powered Industrial Truck Operators Using Prescribed Drugs](#), 2006

OSHA Standard Interpretation, [Clarification of OSHA’s Position on Workplace Safety Incentive Programs and Post-Incident Drug Testing Under 29 C.F.R. § 1904.35\(b\)\(1\)\(iv\)](#), 2018

OSHA Guidance on how to [Improve Tracking of Workplace Injuries and Illnesses – Employee's right to report injuries and illnesses free from retaliation](#)

National Institute for Occupational Safety and Health (NIOSH) Guidance on [Fentanyl: Emergency Responders at Risk](#)

National Institute of Environmental Health Sciences (NIEHS), [Prevention of Occupational Exposure to Fentanyl and Other Opioids](#)

U. S. Commission on Civil Rights (USCCR), Sharing the Dream: Is the ADA Accommodating All?, Chapter 4: [Substance Abuse under the ADA](#)

**Disclaimer.**

Links to resources in this Directive are provided for educational and informational purposes only, and are not endorsed or approved by the Commonwealth, the Department or the Commissioner of Labor and Industry. The links to resources are not presented as a source of legal advice. You should not rely for legal advice on statements or representations by any externally referenced internet sites in this Directive. If you need legal advice upon which you intend to rely in the course of your legal affairs, consult a competent, independent attorney.

**Cancellation.**

Not Applicable.

**Action**

Directors and Managers shall ensure that the policies and procedures established in this Program Directive are followed.

**Effective Date.**

November 20, 2025

Gary G. Pan  
Commissioner

Distribution: Commissioner of Labor and Industry  
Deputy Commissioner for Regulatory Programs  
VOSH Directors and Managers  
VOSH Compliance and Cooperative Programs Staffs  
Division of Hearings and Legal Services  
OSHA Philadelphia Region and OSHA Norfolk Area Office

**Virginia Department of Labor and Industry (DOLI)**  
**Virginia Occupational Safety and Health (VOSH) Program**  
**Substance Abuse in the Workplace Guidance Document**

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**ATTACHMENT A: VOSH SUBSTANCE ABUSE IN THE WORKPLACE GUIDANCE  
DOCUMENT: LIST OF SUBSTANCES**

**ATTACHMENT B: VOSH SAFETY AND HEALTH MANAGEMENT SYSTEM RESOURCES**

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**I. Application**

This guidance document shall apply to every employer, employee, and place of employment in the Commonwealth of Virginia within the jurisdiction of the Virginia Occupational Safety and Health (VOSH) program as described in [16VAC25-60-20](#) and [16VAC25-60-30](#).

**II. Executive Summary**

The VOSH Program's Substance Abuse in the Workplace Guidance Document provides comprehensive guidance for employers and employees across the Commonwealth of Virginia to promote a safe, healthy, and work environment free of substance abuse. This document applies to all workplaces within the jurisdiction of VOSH, outlining policies,

definitions, and best practices related to substance abuse, impairment, and workplace safety and health.

Key components include definitions of relevant terms, an overview of substance abuse and its impact on workplace safety and health, and guidance on establishing Workplace Drug Policies. It discusses compliance considerations under the Americans with Disabilities Act (ADA), and the balancing of safety and health efforts with Whistleblower protections against workplace discrimination.

This framework balances three imperatives:

- **Workplace Safety** – preventing accidents and protecting employees.
- **Legal Compliance** – adhering to ADA, Virginia Code, and federal laws.
- **Supportive Recovery** – reducing stigma, encouraging treatment, and promoting recovery-ready environments.

Employers who integrate drug-free policies, training, and supportive resources into their safety systems not only reduce liability but also strengthen workplace culture and resilience.

The document also offers practical resources for employer and employee support, including workplace accommodations, testing procedures, and safety and health management systems. Special attention is given to how employers and employees can partner with VOSH through the use of free and confidential VOSH Consultation and Training services for small businesses, and the implementation of proactive safety and health initiatives, such as VOSH's What IF injury free leadership and workplace system, and safety and health recognition programs, to foster a culture of safety and health prevention.

Overall, this guidance aims to assist Virginia employers in developing effective policies that address substance abuse issues while maintaining compliance with state and federal laws, ultimately promoting safer and healthier workplaces and supporting employee well-being.

### **III. Definitions**

“Cannabinoid” means a type of chemical in marijuana that causes drug-like effects all through the body, including the central nervous system and the immune system. The main active cannabinoid in marijuana is delta-9-tetrahydrocannabinol (THC).

Cannabinoids may help treat the symptoms of cancer or the side effects of cancer treatment.<sup>1</sup>

"Cannabis oil" means any formulation of processed Cannabis plant extract, which may include industrial hemp extracts, including isolates and distillates, acquired by a pharmaceutical processor pursuant to [Va. Code § 4.1-1602](#), or a dilution of the resin of the Cannabis plant that contains, except as otherwise provided in this chapter, no more than 10 milligrams of tetrahydrocannabinol per dose. "Cannabis oil" does not include industrial hemp, as defined in [Va. Code § 3.2-4112](#), that is grown, handled, or processed in compliance with state or federal law, unless it has been grown and processed in the Commonwealth by a registered industrial hemp processor and acquired and formulated by a pharmaceutical processor.<sup>2</sup>

"Drug-free workplace" means an employer's site for the performance of work, the employees of whom are prohibited from engaging in the unlawful manufacture, sale, distribution, dispensation, possession or use of any controlled substance or marijuana during the performance of work at the site.<sup>3</sup>

"Employee" means the same as that term is defined in [Va. Code § 40.1-2](#), except that for the purposes of subsections VIII.E and, "employee" does not include any law-enforcement officer, as defined in [Va. Code § 9.1-101](#).<sup>4</sup>

"Employer" means the same as that term is defined in [Va. Code § 40.1-2](#), except that for the purposes of this section, "employer" also includes the Commonwealth, any county, city, town, or other political subdivision thereof, and any agency of the Commonwealth or such county, city, town, or political subdivision.<sup>5</sup>

"Impairment or under the influence" means there is a good faith belief that an employee manifests specific, articulable symptoms while working that decrease or lessen the employee's performance of the duties or tasks of the employee's job position, including symptoms of the employee's speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, or negligence or carelessness in operating equipment or machinery; disregard for the safety of the employee or others, or involvement in any accident that results in serious damage to equipment or

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<sup>1</sup> National Cancer Institute, <https://www.cancer.gov/publications/dictionaries/cancer-terms/def/cannabinoid>, 3.25.2025 <sup>2</sup> <https://law.lis.virginia.gov/vacode/4.1-1600/>

<sup>2</sup> <https://law.lis.virginia.gov/vacode/4.1-1600/>

<sup>3</sup> Va. Code § 2.2-4312, Drug-free workplace to be maintained by contractor; required contract provisions, <https://law.lis.virginia.gov/vacodefull/title2.2/chapter43/>

<sup>4</sup> Va. Code § 40.1-27.4.A, Discipline for employee's medicinal use of cannabis oil prohibited, <https://law.lis.virginia.gov/vacode/title40.1/chapter3/section40.1-27.4/>

<sup>5</sup> *Id.*

property; disruption of a production or manufacturing process; or carelessness that results in any injury to the employee or others.

"On call" means when such employee is scheduled with at least 24 hours' notice by their employer to be on standby or otherwise responsible for performing tasks related to their employment either at the employer's premises or other previously designated location by their employer or supervisor to perform a work-related task.<sup>6</sup>

"Qualified" means one who, by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training, and experience, has successfully demonstrated his ability to assess an employee's state of impairment.<sup>7</sup>

"Tetrahydrocannabinol" also known as Delta-9-tetrahydrocannabinol (THC) means any naturally occurring or synthetic tetrahydrocannabinol, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation and any preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of tetrahydrocannabinol. For the purposes of this definition, "isomer" means the optical, position, and geometric isomers.<sup>8</sup>

"Workplace drug policy" means a policy that may include, but is not limited to, procedures for subjecting an employee or applicant to reasonable drug and alcohol testing, reasonable drug testing when the employer has cause to believe that the person has engaged in the use of illegal drugs<sup>9</sup>, reasonable drug and alcohol testing following a work related accident subject to investigation by the employer<sup>10</sup>, and reasonable and nondiscriminatory random drug and alcohol testing and discipline, termination of employment, or withdrawal of a job offer due to a failure of a drug or alcohol test.<sup>11</sup>

## **IV. Background Information**

### **A. Overview of Substance Use and Abuse Terminology**

Substance use disorder (SUD), formerly known as drug addiction, is a mental health condition where you experience a problematic pattern of substance use that affects

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<sup>6</sup> Illinois Cannabis Regulation and Tax Act, 410 ILCS 705, Sec. 10-50(i), Employment; employer liability, <https://www.ilga.gov/legislation/ilcs/ilcs5.asp?ActID=3992>

<sup>7</sup> 29 CFT 1926.32(m), <https://www.osha.gov/laws-regs/regulations/standardnumber/1926/1926.32>

<sup>8</sup> Va. Code § 3.2-4112. Definitions, <https://law.lis.virginia.gov/vacode/title3.2/chapter41.1/section3.2-4112/>

<sup>9</sup> Va. Code § 32.1-162.9:1.C, Employment for compensation of persons convicted of barrier crimes prohibited; criminal records check required; drug testing; suspension or revocation of license, <https://law.lis.virginia.gov/vacode/title32.1/chapter5/section32.1-162.9:1/>

<sup>10</sup> New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, NJ P.L. 2021, CHAPTER 16, C.24:6I-52.a.(1)

<sup>11</sup> Illinois Cannabis Regulation and Tax Act, 410 ILCS 705, Sec. 10-50(e)(1), Employment; employer liability, <https://www.ilga.gov/legislation/ilcs/ilcs5.asp?ActID=3992>

your health and quality of life. Substances change how your brain functions over time. They release dopamine, a chemical in your brain that makes you feel good - until the substance wears off. Your brain and body want to continue this good feeling, even if it's unhealthy. It can significantly impact your emotional well-being, relationships, education and career. And in many cases, it's life-threatening.

SUD exists on a spectrum and may be mild, moderate or severe. No matter where you are, know that this condition is treatable and help is available when you're ready.<sup>12</sup> Addiction is a chronic relapsing disorder that is characterized by compulsive drug seeking, continued use despite harmful consequences, and long-lasting changes in the brain.<sup>13</sup> While addiction describes the compulsive use of drugs and their negative consequences, it is not a specific diagnosis in the DSM-5 (Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition).<sup>14</sup>

Substance abuse refers to the use of illegal drugs or prescription medication for purposes other than those for which they are meant to be used. Substance abuse can lead to social, physical, emotional, and job-related problems such as the deterioration of workplace performance and injuries at the worksite.

The cognitive, emotional, and behavioral impairment that results from substance abuse can affect productivity, morale, and the safety of other co-workers.<sup>15</sup>

According to the American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders*, the signs of SUD include:

- Taking the substance in larger amounts and for a longer amount of time than you're meant to if it's a prescription.
- Having a strong desire or urge to use the substance.
- Having unsuccessful efforts to cut down on or manage substance use.
- Spending a lot of time obtaining or using the substance or recovering from its effects.
- Having issues fulfilling responsibilities at work, school or home due to substance use.
- Continuing to use the substance, even when it causes problems in relationships.
- Giving up social, occupational or recreational activities because of substance use.
- Using substances again and again, even when it puts you in danger.

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<sup>12</sup> <https://my.clevelandclinic.org/health/diseases/16652-drug-addiction-substance-use-disorder-sud>

<sup>13</sup> [10-20201105Handoutfor6JtMHSACraig11.4.20.pdf](#)

<sup>14</sup> [Drug Misuse and Addiction | National Institute on Drug Abuse \(NIDA\)](#)

<sup>15</sup> [Definition of substance abuse - NCI Dictionary of Cancer Terms - NCI](#)



- Continuing substance use despite an ongoing physical or psychological problem that's likely caused or worsened by the substance.
- Developing tolerance (need for increased amounts to get the same effect).
- Experiencing withdrawal symptoms, which can be relieved by taking more of the substance.
- Seeking medical care as soon as you have signs of substance use disorder is essential.<sup>16</sup>

When referring to someone who struggles with SUD, it is important to avoid certain terms to reduce stigma and negative bias, especially in the workplace. Terms describing someone with SUD such as addict, user, substance or drug abuser, junkie, alcoholic, drunk, former addict, and reformed addict are all words that may elicit negative associations within the workplace and can be offensive.

Other terms that may be used to describe substance use such as habit, abuse, opioid substitution replacement therapy, medication-assisted treatment, clean (when referring to testing negative for drugs or being in remission or recovery), and dirty (when referring to currently using drugs) should also be avoided.<sup>17</sup>

## **B. The Effects of Substance Abuse In the Workplace**

Substance abuse can impair judgement, coordination, and reaction times, which raises significant safety and health risks in the workplace. According to American Addiction Centers, there is little research that shows that work-related stressors may directly lead to substance abuse; however, there is some research that suggests that work overload or job insecurity may lead to substance abuse.<sup>18</sup> Substance abuse resulting in significant impairment in the workplace poses a major health and safety risk to the worksite.

According to the National Safety Council, jobs in construction, mining, and service occupations have higher rates of substance abuse than other professions.<sup>19</sup>

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<sup>16</sup> <https://my.clevelandclinic.org/health/diseases/16652-drug-addiction-substance-use-disorder-sud>

<sup>17</sup> <https://nida.nih.gov/research-topics/addiction-science/words-matter-preferred-language-talking-about-addiction>

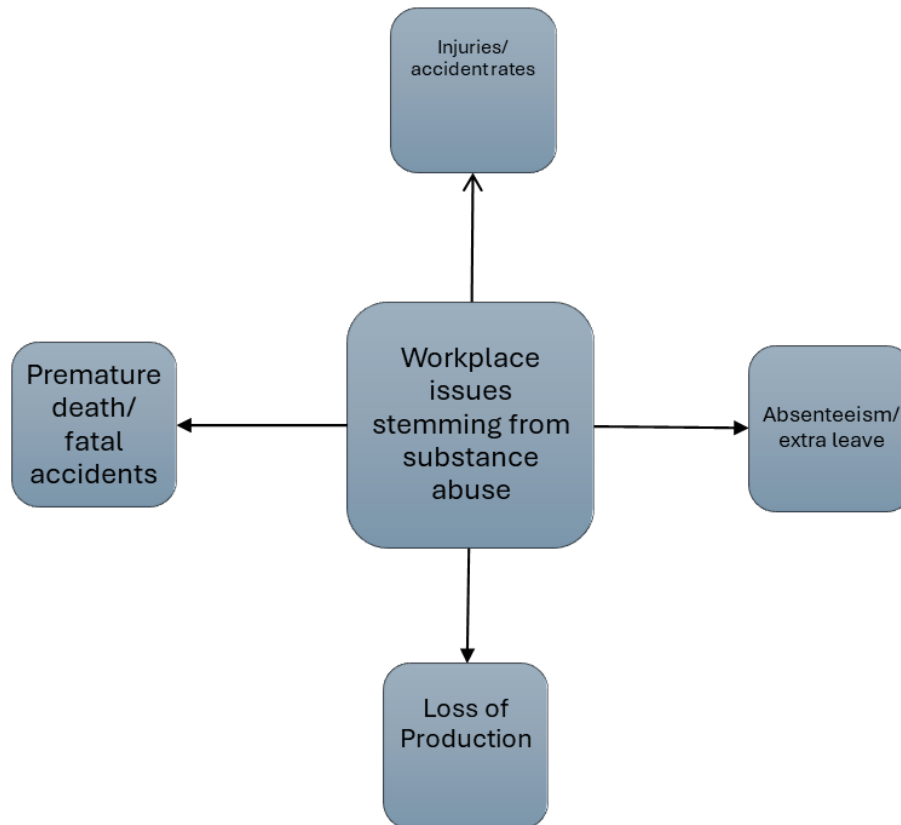
<sup>18</sup> <https://americanaddictioncenters.org/workforce-addiction>

<sup>19</sup> <https://www.nsc.org/getmedia/9dc908e1-041a-41c5-a607-c4cef2390973/substance-use-disorders-by-occupation.pdf?srsId=AfmBOoppQM9ISw76l1ITHq47ynpelwwgtAVIAUdn-z0nqz1j3Mah02bO>

## National Survey on Drug Use and Health

### Rates of Alcohol and Other Drug Use Disorders by Occupation<sup>20</sup>

The four major workplace issues stemming from alcoholism and drug abuse are premature death/ fatal accidents, injuries and accident rates, absenteeism and extra sick leave, and loss of production.<sup>21</sup>



Additional areas affected can include tardiness, sleeping on the job, the aftereffects of substance abuse, poor decision making, loss of efficiency, theft, lower morale of co-workers, increased likelihood of having trouble with co-workers or supervisors, preoccupation with obtaining and using substances while at work, higher turnover, and costs of training new employees.

It is estimated that workplace deaths due to unintentional overdose from the nonmedical use of drugs increased by almost 500% from 2012 to 2020.<sup>22</sup>

It has been reported that the [average cost to employers](#) of the negative effects of substance use has significantly increased between 2012-2014 and again from 2017-

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<sup>20</sup> *Id.*

<sup>21</sup> [Drugs and Alcohol in the Workplace - NCADD](#)

<sup>22</sup> <https://www.bls.gov/opub/ted/2022/unintentional-overdoses-accounted-for-388-workplace-deaths-in-2020.htm>

2018. The average cost to an employer is about \$1,626 to \$8,255 per employee with an untreated substance use disorder. The [National Council on Alcoholism and Drug Dependence](#) estimates that SUD costs employers \$81 billion annually through lost productivity and absenteeism, turnover and recruitment costs, workplace accidents, healthcare expenses, and disability and workers compensation.

### **C. Americans With Disabilities Act (ADA) Issues**

1. Resource: “Sharing the Dream: Is the ADA Accommodating All?”, [Chapter 4: Substance Abuse under the ADA](#), [U.S. Commission on Civil Rights](#)

#### **Excerpts:**

**The following is an overview of the current federal legal obligations for employers and employees:**

- An individual who is currently engaging in the illegal use of drugs is not an individual with a disability when the employer acts on the basis of such use.
- An employer may not discriminate against a person who has a *history* of drug addiction but who is not currently using drugs and who has been rehabilitated.
- An employer may prohibit the illegal use of drugs and the use of alcohol at the workplace.
- It is not a violation of the ADA for an employer to give tests for the illegal use of drugs.
- An employer may discharge or deny employment to persons who currently engage in the illegal use of drugs.
- Employees who use drugs or alcohol may be required to meet the same standards of performance and conduct that are set for other employees.
- Employees may be required to follow the Drug-Free Workplace Act of 1988 and rules set by federal agencies pertaining to drug and alcohol use in the workplace.

#### **When are Drug Users Covered Under the ADA?**

The ADA provides that any employee or job applicant who is currently engaging in the illegal use of drugs is not a qualified individual with a disability. Therefore, an employee who illegally uses drugs whether the employee is a casual user or an addict is not protected by the ADA if the employer acts on the basis of the illegal drug use. As a result, an employer does not violate the ADA by uniformly enforcing its rules prohibiting

employees from illegally using drugs. However, qualified individuals under the ADA include those individuals:

- who have been successfully rehabilitated and who are no longer engaged in the illegal use of drugs;
- who are currently participating in a rehabilitation program and are no longer engaging in the illegal use of drugs; and
- who are regarded, erroneously, as illegally using drugs.

2. ADA and Situations Where There is a Direct Threat to the Health and Safety of the Individual or Others in the Workplace – Resource: [Additional Questions and Answers on the Americans with Disabilities Act](#)

**Excerpt:**

Q. Can I consider health and safety in deciding whether to hire an applicant or retain an employee with a disability?

A. The ADA permits an employer to require that an individual not pose a direct threat to the health and safety of the individual or others in the workplace. A direct threat means a significant risk of substantial harm. You cannot refuse to hire or fire an individual because of a slightly increased risk of harm to himself or others. Nor can you do so based on a speculative or remote risk. The determination that an individual poses a direct threat must be based on objective, factual evidence regarding the individual's present ability to perform essential job functions. If an applicant or employee with a disability poses a direct threat to the health or safety of himself or others, you must consider whether the risk can be eliminated or reduced to an acceptable level with a reasonable accommodation.

See also: U. S. Commission on Civil Rights (USCCR), Sharing the Dream: Is the ADA Accommodating All?, Chapter 4: [Substance Abuse under the ADA](#)

3. The ADA and Opioid Use Disorder

Resource: [The ADA and Opioid Use Disorder: Combating Discrimination Against People in Treatment or Recovery](#), ADA, April 5, 2022

## **V. Employee Resources**

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Commonwealth, the Department or the Commissioner of Labor and Industry. The links to resources are not presented as a source of legal advice. You should not rely for legal advice on statements or representations by any externally referenced internet sites in this Directive. If you need legal advice upon which you intend to rely in the course of your legal affairs, consult a competent, independent attorney.

- A. For employees who are dealing with substance abuse problems, resources such as Employee Assistance Programs ([EAP](#)) and Workplace Supported Recovery Programs ([WSRP](#)) may help prevent substance abuse, reduce stigma, and encourage recovery.
1. When exploring accommodations for employees with Substance Use Disorder (SUD), start by **asking the employee for suggestions** - employees are often the best resource for practical accommodation ideas. If the employee does not have ideas that work, the [Job Accommodation Network \(JAN\)](#) can help. JAN provides confidential technical assistance on workplace accommodations and related disability employment issues at no cost, which includes offering [accommodation ideas](#) for people with SUD.
  2. Another way to support employees with SUD is to provide [workplace flexibility](#), such as telework and flexible scheduling, as a benefit of employment. When flexibility is built-in, employees with disabilities have less need to disclose personal medical information and request accommodations. In addition to providing accommodations through a formal process, workplace flexibility is another way to help promote RRW policies.
  3. Mental health and workplace well-being should also be at the forefront of every employer's planning. Through collaboration, employers can create **mental health-friendly workplaces** for all workers. The [Employer Assistance and Resource Network on Disability \(EARN\) Mental Health Toolkit](#) contains information and tools that can help.
  4. Another way to support employees with SUD is to refer them to **available organizational resources**, especially when they are undergoing treatment. If you have internal resources such as an [Employee Assistance Program \(EAP\)](#), an employer can remind employees that these options are available.
  5. Under the ADA What Can Employees be Asked About Prescription Drug Use and Can Employers Require Medical Examinations

**Resource:** [Enforcement Guidance on Disability-Related Inquiries and Medical Examinations of Employees under the ADA](#), EEOC

**Excerpt:**

Under the ADA, an employer's ability to make disability-related inquiries including the use of prescription drugs or require medical examinations is analyzed in three stages: pre-offer, post-offer, and employment. At the first stage (prior to an offer of employment), the ADA prohibits all disability-related inquiries and medical examinations, even if they are related to the job.(6) At the second stage (after an applicant is given a conditional job offer, but before s/he starts work), an employer may make disability-related inquiries and conduct medical examinations, regardless of whether they are related to the job, as long as it does so for all entering employees in the same job category. At the third stage (after employment begins), an employer may make disability-related inquiries and require medical examinations only if they are job-related and consistent with business necessity.

The ADA requires employers to treat any medical information obtained from a disability-related inquiry or medical examination (including medical information from voluntary health or wellness programs), as well as any medical information voluntarily disclosed by an employee, as a confidential medical record. Employers may share such information only in limited circumstances with supervisors, managers, first aid and safety personnel, and government officials investigating compliance with the ADA.

## **VI. Employer Resources**

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### **A. Workplace Drug Policy Information**

1. [Va. Code § 65.2-813.2](#). Virginia Workers' Compensation Commission (VWCC) Premium discounts; drug-free workplace programs, provides that:

Every workers' compensation insurer providing coverage pursuant to this title shall provide a premium discount of up to five percent to every employer instituting and maintaining a drug-free workplace program satisfying such criteria as each insurer may establish.

2. Under the [Drug-Free Workplace Act of 1988](#), federal workplaces and non-federal workplaces that have a federal contract of \$100,000 or more or a federal grant in any amount must implement a [Drug-Free Workplace Program](#). Drug testing can help reduce substance use among employees and can help identify employees who may have a substance use disorder. In a recovery-ready workplace, positive drug tests are first and foremost an opportunity to engage employees and support them in stopping drug use whenever possible.<sup>23</sup>
3. To successfully implement a Workplace Drug Policy, the [Substance Abuse and Mental Health Services Administration](#) suggest the following steps:
  - a. Assess your workplace and its needs related to substance use
  - b. Identify available resources
  - c. Develop a written policy for your drug free workplace
  - d. Determine whether to have an employee assistance program (EAP)
  - e. Determine whether to do drug testing
  - f. Plan to provide education and training for your employees and additional training for supervisors and other appropriate staff.
4. Some resources one might inventory as part of your planning process include an existing Workplace Drug Policy, an existing testing program, human resources staff, a health promotion or health and wellness program already in place, or an EAP already in place.

## **B. Links to Model Workplace Drug Policies**

1. [Recovery Ready Workplace Tool-Kit](https://www.dol.gov/sites/dolgov/files/ETA/RRW-hub/pdfs/RRW_Toolkit_508_FINAL_v5%2011.8.23.pdf)  
[https://www.dol.gov/sites/dolgov/files/ETA/RRW-hub/pdfs/RRW\\_Toolkit\\_508\\_FINAL\\_v5%2011.8.23.pdf](https://www.dol.gov/sites/dolgov/files/ETA/RRW-hub/pdfs/RRW_Toolkit_508_FINAL_v5%2011.8.23.pdf)
2. [Supporting Employees with Substance Use Disorder \(SUD\): A Guide For Employers](https://askearn.org/page/sud-guide-for-employers) <https://askearn.org/page/sud-guide-for-employers>
3. [Sample Drug & Alcohol Policy Number Two](https://aggie-horticulture.tamu.edu/ornamental/safety-publications/workplace-drug-alcohol-policies/sample-drug-alcohol-policy-number-two/) <https://aggie-horticulture.tamu.edu/ornamental/safety-publications/workplace-drug-alcohol-policies/sample-drug-alcohol-policy-number-two/>

## **C. Substance Abuse Under the ADA for Employers**

1. <https://www.usccr.gov/files/pubs/ada/ch4.htm>
2. <https://www.ada.gov/resources/opioid-use-disorder/>

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<sup>23</sup> [Preventing Substance Use in the Workforce | U.S. Department of Labor](#)

## **D. Developing Models for Different Types of Substance Abuse in the Workplace**

### **1. Prescription Drugs Use**

[Preventing Prescription Drug Misuse in Work Settings: Efficacy of a Brief Intervention in Health Consciousness](#)

## **E. Employers Covered by Federal Motor Carrier Safety Administration (FMCSA)**

Employers that operate vehicles that require a Commercial Driver's License (CDL) on the public roads and have more than one employee in the company, are required to get DOT Supervisor Training.<sup>24</sup> To verify if you are subject to substance abuse regulations, please visit <http://www.dot.gov/odapc/am-i-covered>.

Owner-operators are not subject to U.S. Department of Transportation (USDOT) supervisor training. However, they are still required to register with a consortium for DOT substance abuse testing.

Reference: [49 CFR 382.603](#), Training for Supervisors, is the applicable regulation requiring supervisors of commercial motor vehicle drivers who operate vehicles that require a commercial driver license to take 60 minutes of training on the symptoms of alcohol abuse and another 60 minutes of training on the symptoms of controlled substances use (120 minutes in total). The purpose of this training is to teach supervisors to identify circumstances and indicators that may create reasonable suspicion that a driver is using or under the influence of alcohol or drugs, supporting referral of an employee for testing.

## **F. Training for Supervisors on How to Assess and Address Workplace Impairment Involving Substance Abuse**

### **Resources**

National Safety Council (NSC), Impairment Recognition and Response Training for Supervisors, <https://www.nsc.org/safety-training/workplace/impairment-training>

National Institute for Health (NIH), Supervisor Training, A Promising Approach to Addressing Impairment in the Workplace, (This study presents a pilot evaluation of

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<sup>24</sup> U.S. Department of Transportation (DOT) Drug & Alcohol Supervisor Training Guidance, <https://www.fmcsa.dot.gov/us-department-transportation-dot-drug-alcohol-supervisor-training-guidance>



the NSC online training program referenced above)  
<https://pmc.ncbi.nlm.nih.gov/articles/PMC10581438/>

International Association of Chiefs of Police (IACP), [Employer Drug Impairment Training \(EDIT\) Instructor Guide](#), August 2022

Chesapeake Region Safety Council, Reasonable Suspicion For Supervisors Trainer Course, [Reasonable Suspicion For Supervisors Trainer Course | Chesapeake Region Safety Council](#)

## **G. Information on the Toxicity and Characteristics of Commonly Abused Drugs and Alcohol**

See **ATTACHMENT A: VOSH SUBSTANCE ABUSE IN THE WORKPLACE GUIDANCE DOCUMENT: LIST OF SUBSTANCES**

## **H. Additional Approaches**

To help protect workers from opioid use disorder, overdose, and the development of substance use disorder related to occupational exposure or injury, the American Public Health Association (APHA) released a policy recommending the following:

1. **Improve occupational injury and illness prevention programs** by assessing injury and illness risk factors and taking corrective actions (See VI.G. below information on Safety and Health Management Systems).
2. **Address ergonomic hazards** that may lead to musculoskeletal injuries, which affect productivity, contribute to workplace absences, and cause pain that may be treated inappropriately with opioids, putting workers at risk of opioid use disorder.
3. **Provide training and information on opioid misuse**, including employees training and timely targeted information for injured employees.
4. **Offer or facilitate access to peer support in the workplace** to reduce the risk of a return to substance use disorder and to help workers in need access substance use disorder treatment.
5. **Reduce opioid and other controlled substance prescribing through workers' compensation prescribing guidelines.**
6. **Offer alternatives to discipline programs** (also known as [second chance programs](#)) in relation to positive drug tests or other evidence of substance use

APHA noted that punitive workplace substance use policies, including zero-tolerance and last chance policies represent a major obstacle to employees reaching out for help with substance use.<sup>25</sup>

## I. Safety and Health Management Systems

### 1. General

The main goal of safety and health management systems (SHMS) is to prevent workplace injuries, illnesses, and deaths, as well as the suffering and financial hardship these events can cause for workers, their families, and employers. Traditional approaches are often reactive - that is, problems are addressed only after a worker is injured or becomes sick, a new standard or regulation is published, or an outside inspection finds a problem that must be fixed. SHMS use a proactive approach to managing workplace safety and health.<sup>26</sup>

### 2. VOSH What IF? Program

In 2024 VOSH launched its [What IF? Injury Free Initiative](#):

# What does IF stand for?

Injury Free is a leadership and workforce mindset. It is a way of thinking that works to prevent injuries, making workforce safety a core value at both the personal and organizational levels.

See **ATTACHMENT B** for further information on What IF and other VOSH Safety and Health Management System Resources.

### 3. VOSH Consultation and Training Services for Small Businesses

The VOSH Program offers free, confidential onsite [Consultation Services](#) and training to help small Virginia employers, with less than 250 employees, better understand and voluntarily comply with VOSH standards. Benefits include assistance in:

- identifying and correcting potential safety and health hazards the workplace
- employee training and safety and health program development

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<sup>25</sup> [Preventing Substance Use in the Workforce | U.S. Department of Labor](#)

<sup>26</sup> "Recommended Practices for Safety and Health Programs", Occupational Safety and Health Administration, <https://www.osha.gov/safety-management>

- reducing workplace injuries, illnesses and workers' compensation costs
- improving employee morale, reduce lost worktime and improve productivity
- avoiding potential citations and penalties

Consultation Services also administers the Safety and Health Achievement Recognition Program ([SHARP](#)), recognizes small businesses with exemplary safety and health management systems. The SHARP program has an elite membership with active sites throughout the state and includes many different industries such as construction, contracting, packaging, refrigeration, materials handling, fabrication, etc.

See **ATTACHMENT B** for further information on SHARP and other VOSH Safety and Health Management System Resources.

#### 4. Virginia Voluntary Protection Programs

Virginia's Voluntary Protection Programs ([VPP](#)) recognize and promote exceptional safety and health management systems in a large array of industries through five programs and strategic partnerships.



Virginia businesses that participate in VPP substantially improve safety and health protections for thousands of Virginia employees through cooperative efforts to reduce injuries, illnesses, and fatal accidents. VPP STAR sites regularly report decreased bottom line costs associated with dramatically reduced injury and illness rates (an average of over 60% below the respective industry average), and improved productivity and employee morale.

Reducing private sector employer costs associated with injuries, illnesses, and fatal accidents enhances a company's economic viability and competitiveness, and increases available capital for reinvestment, expansion, and new hiring.

See **ATTACHMENT B** for further information on VPP and other VOSH Safety and Health Management System Resources.

#### **5. OSHA Recommended Practices for Safety and Health Programs**

Resource: <https://www.osha.gov/safety-management>

#### **6. American Society of Safety Professionals (ASSP) Occupational Health and Safety Management Systems**

“Occupational safety and health management systems help organizations to continuously identify and eliminate safety and health risks, reduce incident potential, comply with regulations and implement risk-reducing interventions.”

Resource: [ANSI / ASSP Z10 OSH Management Standard](#)

“The ANSI/ASSP Z10.0 standard helps to establish OSH management systems to improve employee safety, reduce workplace risks and create better working conditions. It is one of the most comprehensive systems-based standards for improving OSH performance and provides an architecture that each organization can customize to their individual needs.

Effective safety and health management programs that incorporate principles found in the ANSI/ASSP Z10.0 standard enable organizations to holistically view interdependent core system elements and better engage management and workers in improving organizational safety performance. This helps to improve productivity and eliminate risks that can endanger people, property and the environment.”

### **VII. Emergency Responder Resources**

NOTE: Links to resources in this Directive are provided for educational and informational purposes only, and are not endorsed or approved by the Commonwealth, the Department or the Commissioner of Labor and Industry. The links to resources are not presented as a source of legal advice. You should not rely for legal advice on statements or representations by any externally referenced internet sites in this Directive. If you need legal advice upon which you intend to rely in the course of your legal affairs, consult a competent, independent attorney.

Emergency responders are likely to come into contact with a mixture of illicit drugs during routine job duties. These mixtures of illicit drugs can include cocaine, methamphetamines, cannabinoids, cathinones, and opioids such as fentanyl and heroin for example.

Exposure to illicit drugs during emergency response operations can be harmful. Although the components of illicit drug mixtures might not be known at the time, emergency responders can implement safe operating procedures and can protect themselves through the use of personal protective equipment (PPE) when responding to incidents that may involve illicit drugs.

The National Institute for Occupational Safety and Health (NIOSH) has provided guidance titled [Fentanyl: Emergency Responders at Risk](#)

See also: National Institute of Environmental Health Sciences (NIEHS), [Opioids and Substance Use: Workplace Prevention & Response](#)

### **VIII. Work-related Substance Abuse Testing, and Impairment Compliance Guidance**

- A. An employer may take employment actions, including discipline or termination of employment, based on the employer's good faith belief that an employee was impaired as a result of substance abuse, while at the employer's workplace or while performing the employee's job duties or while on call in violation of the employer's employment policies, or workplace drug policy.<sup>27</sup>
- B. An employer may consider an employee to be impaired or under the influence of alcohol or drugs if the employer has a good faith belief that an employee manifests specific, discernable symptoms while working that decrease or lessen the employee's performance of the duties or tasks of the employee's job position, including symptoms of the employee's speech, physical dexterity, agility, coordination, demeanor, irrational or unusual behavior, or negligence or carelessness in operating equipment or machinery; disregard for the safety of the employee or others, or involvement in any accident that results in serious damage to equipment or property; disruption of a production or manufacturing process; or carelessness that results in any injury to the employee or others. If an employer elects to discipline an employee on the basis that the employee is under the influence or impaired by as a result of substance abuse, the employer should afford the employee a reasonable opportunity to contest the basis of the determination.<sup>28</sup>
- C. Substance abuse tests administered under a workplace drug policy should include scientifically reliable objective testing methods and procedures, such as testing of breath, blood, urine, or saliva, and a physical evaluation in order to determine an

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<sup>27</sup> Source: Illinois Cannabis Regulation and Tax Act, 410 ILCS 705, Sec. 10-50(e)(2) and (e)(3), Employment; employer liability, <https://www.ilga.gov/legislation/ilcs/ilcs5.asp?ActID=3992>

<sup>28</sup> Source: Illinois Cannabis Regulation and Tax Act, 410 ILCS 705, Sec. 10-50(d), Employment; employer liability, <https://www.ilga.gov/legislation/ilcs/ilcs5.asp?ActID=3992>

employee's state of impairment. The physical evaluation should be conducted by an individual qualified to assess the employee's state of impairment, or lack thereof, related to the alleged substance abuse.<sup>29</sup> Analysis of alcohol and drug test samples should be conducted by a federal Department of Health and Human Services (HHS) certified laboratory under the National Laboratory Certification Program (NLCP).<sup>30</sup>

- D. The employer should, as soon as possible but preferably within 5 working days after the receipt of the results of any workplace-related substance abuse test notify the affected employee of the results in writing.<sup>31</sup>
- E. No employer shall discharge, discipline, or discriminate against an employee for such employee's lawful use of cannabis oil under the laws of the Commonwealth pursuant to a valid written certification issued by a practitioner for the treatment or to eliminate the symptoms of the employee's diagnosed condition or disease pursuant to [Va. Code § 4.1-1601](#).<sup>32</sup>
- F. Notwithstanding the provisions of subsection VIII.E, nothing in this guidance document shall (i) restrict an employer's ability to take any adverse employment action for any work impairment caused by substance abuse or to prohibit possession during work hours, (ii) require an employer to commit any act that would cause the employer to be in violation of federal law or that would result in the loss of a federal contract or federal funding, or (iii) require any defense industrial base sector employer or prospective employer, as defined by the U.S. Cybersecurity and Infrastructure Security Agency, to hire or retain any applicant or employee who tests positive for tetrahydrocannabinol (THC) in excess of 50 ng/ml for a urine test or 10 pg/mg for a hair test.<sup>33</sup>
- G. Notwithstanding the provisions of subsection VIII.E nothing in this Act guidance document shall prohibit an employer from adopting reasonable zero tolerance or drug free workplace policies, or employment policies concerning drug testing, smoking, consumption, storage, or use of cannabis in the workplace or while on call provided that the policy is applied in a nondiscriminatory manner.<sup>34</sup>

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<sup>29</sup> Source: New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, NJ P.L. 2021, CHAPTER 16, C.24:6I-52.a.(1)

<sup>30</sup> Mandatory Guidelines for Federal Workplace Drug Testing Programs, <https://www.federalregister.gov/documents/2023/10/12/2023-21734/mandatory-guidelines-for-federal-workplace-drug-testing-programs>

<sup>31</sup> 29 CFR 1926.62(d)(8), <https://www.osha.gov/laws-regs/regulations/standardnumber/1926/1926.62>

<sup>32</sup> Va. Code 40.1-27.4.B, <https://law.lis.virginia.gov/vacode/40.1-27.4>

<sup>33</sup> Va. Code § 40.1-27.4.C, Discipline for employee's medicinal use of cannabis oil prohibited, <https://law.lis.virginia.gov/vacode/title40.1/chapter3/section40.1-27.4/>

<sup>34</sup> Source: Illinois Cannabis Regulation and Tax Act, 410 ILCS 705, Sec. 10-50(a), Employment; employer liability, <https://www.ilga.gov/legislation/ilcs/ilcs5.asp?ActID=3992>

- H. An employer should not take employment actions, including discipline or termination of employment, against an employee based upon the presence of cannabinoid metabolites in the individual's bodily fluids in an employer-required or requested drug test without additional factors indicating impairment pursuant to subsection VIII.B; unless the employer has established a drug free workplace based on its reasonable workplace drug policy.<sup>35</sup>
- I. Notwithstanding the provisions of subsection [Va. Code § 40.1-27.4.B](#), nothing in this guidance document shall (i) restrict an employer's ability to take any adverse employment action for any work impairment caused by the use of cannabis oil or to prohibit possession during work hours, (ii) require an employer to commit any act that would cause the employer to be in violation of federal law or that would result in the loss of a federal contract or federal funding, or (iii) require any defense industrial base sector employer or prospective employer, as defined by the U.S. Cybersecurity and Infrastructure Security Agency, to hire or retain any applicant or employee who tests positive for tetrahydrocannabinol (THC) in excess of 50 ng/ml for a urine test or 10 pg/mg for a hair test.
- J. Nothing in this guidance document shall be construed to create or imply a cause of action for any person against an employer except as otherwise provided under the Code of Virginia.

## **IX. VOSH General Duty Clause Application to Substance Abuse in the Workplace**

### **A. Feasible Means of Abatement**

An employer's full implementation and application of the provisions of this guidance document will be considered by VOSH to constitute a feasible means of abatement and to be in compliance with the VOSH "General Duty Clause", [Va. Code § 40.1.51.1.A](#), for purposes of implementing a work-related testing, impairment and disciplinary program for employee use of alcohol and drugs.

Employers that do not comply with all or portions of this guidance document may be subject to citation under the VOSH general duty clause as discussed below. B.

### **B. General Duty Clause Criteria**

Known as the "general duty clause", [Va. Code § 40.1.51.1.A](#) requires employers "to furnish to each of his employees safe employment and a place of employment that

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<sup>35</sup> Source: Illinois Cannabis Regulation and Tax Act, 410 ILCS 705, Sec. 10-30(a), Employment; employer liability, <https://www.ilga.gov/legislation/ilcs/ilcs5.asp?ActID=3992>

is free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees and to comply with all applicable occupational safety and health rules and regulations promulgated under this title.”

In the absence of a specific VOSH standard or regulation that addresses a serious workplace hazard, VOSH can use the general duty clause to issue violations, penalties and orders of abatement to assure correction of the hazard.

The criteria necessary to support a citation under the VOSH general duty clause, shall be followed in determining the evidence necessary to support a violation. Compliance Safety and Health Officers (CSHO) should also review the guidance set forth in the VOSH Field Operations Manual ([FOM](#)), Chapter 10, Violations.

The elements of a general duty clause violation must be examined to determine the existence of, or potential for, serious physical harm to employees of the employer.

1. The employer failed to keep the workplace free of a hazard to which employees of that employer were exposed.
  - a. Were the employer’s own employees exposed to a foreseeable, hazardous workplace condition or practice?
2. The hazard was recognized.
  - a. Does the evidence suggest the employer or the employer’s industry was aware of the hazard?
3. The hazard was causing or was likely to cause death or serious physical harm.
  - a. Does the hazard cause or was it likely to cause death or serious physical harm?
  - b. If an incident has occurred, did the injury or illness result in an impairment of the body that would usually require medical treatment?

NOTE: VOSH may only issue a general duty clause violation if a serious hazard is alleged. “‘Serious violation’ means a violation deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation. [Va. Code § 40.1-49.3](#).

4. There was a feasible and useful method to correct the hazard.
  - a. Are there means of abatement available to the employer to eliminate or materially reduce the likelihood of the hazard occurring? See I, III and VII for policies and procedures that, when fully implemented and applied, will be considered by VOSH to constitute a feasible means of abatement and to be in compliance with the VOSH general duty clause.



**X. VOSH Regulation on the Employee Misconduct Defense, 16VAC25-60-260.B-C**

**A. The VOSH Administrative Regulations Manual (ARM) at [16VAC25-60-260.B](#) codifies the “employee misconduct defense”:**

“B. A citation issued...to an employer who violates any VOSH law, standard, rule or regulation shall be vacated if such employer demonstrates that:

1. Employees of such employer have been provided with the proper training and equipment to prevent such a violation;
2. Work rules designed to prevent such a violation have been established and adequately communicated to employees by such employer and have been effectively enforced when such a violation has been discovered;
3. The failure of employees to observe work rules led to the violation; and
4. Reasonable steps have been taken by such employer to discover any such violation.”

NOTE: [16VAC25-60-260.C](#) of the VOSH ARM provides that the employee misconduct defense does not apply to “any officer, management official or supervisor having direction, management control or custody of any place of employment which was the subject of the violative condition cited.”

**B. The Importance of a Workplace Drug Policy to the Application of the Employee Misconduct Defense in a Substance Abuse Impairment Situation**

In the unfortunate event that an employee is injured or becomes ill from exposure to a workplace hazard where a contributing factor was the employee’s impairment due to substance abuse, a key hurdle for an employer to establish an “employee misconduct defense” under [16VAC25-60-260.B](#) is to demonstrate that:

2. Work rules designed to prevent such a violation have been established and adequately communicated to employees by such employer and have been effectively enforced when such a violation has been discovered.... 16VAC25-60-260.B.2.

An employer’s proactive implementation of a comprehensive Workplace Drug Policy, including training for employees and supervisors, will not only serve to establish the necessary “work rules” against substance abuse in the workplace that

satisfy the requirements in 16VAC25-60-260.B.2, but will also help to meet the other core employer requirements for the defense: “employee training” under 16VAC25-60-260.B.1, and assuring that “reasonable steps” are being taken by the employer to discover impairment from substance abuse in the workplace under 16VAC25-60-260.B.4.

### **C. Examples of the Application of 16VAC25-60-260.B and C.**

In situations where a violation of a VOSH law, standard or regulation is found to have occurred at an employer’s worksite and the employee exposed to the hazard was also found to be impaired as a result of substance abuse, or under the influence of alcohol or drugs at the time of their exposure, the employee misconduct defense may or may not apply, depending on the facts uncovered and sequence of events.

#### **EXAMPLE 1:**

##### Accident Description:

An impaired/under the influence employee suffers an amputation injury while operating a table saw that has no blade guard in violation of VOSH machine guarding requirements.

The VOSH inspection reveals the following facts:

- The employer had implemented a comprehensive Workplace Drug Policy
- The table saw had a blade guard that complied with VOSH machine guarding requirements
- The table saw was used in that condition by multiple employees, including the injured employee, for an extended period of time
- The injured employee had intentionally removed the guard prior to the accident to complete a job task, potentially due to their impairment from or being under the influence of alcohol or drugs
- The employer had complied with the four elements of the employee misconduct defense contained in [16VAC25-60-260.B.1 to B.4](#).

##### Result:

The employee misconduct defense applies and if a violation was issued, it shall be vacated in accordance with [16VAC25-60-260.B](#).

#### **EXAMPLE 2:**

Using the same Accident Description from Example 1, the VOSH inspection reveals the following facts:

The VOSH inspection reveals the following facts:

- The employer had implemented a comprehensive Workplace Drug Policy
- The table saw has not had a blade guard for an extended period of time
- The table saw was used in that condition by multiple employees, including the injured employee, for an extended period of time
- The employer knew or should have known through the exercise of reasonable diligence by supervisory personnel that the blade guard was missing and that employees were regularly using the table saw in that condition

Result:

Even though the employer had implemented a comprehensive Workplace Drug Policy and the injured employee was impaired/under the influence at the time of the accident, the “employee misconduct defense” would not apply and a violation would be issued by VOSH because the employees had not “been provided with the proper...equipment to prevent such a violation, [16VAC25-60-260.B.1](#); nor had the employer assured that “Reasonable steps have been taken ...to discover any such violation.” [16VAC25-60-260.B.4](#).

While a Workplace Drug Policy should be considered a core component of an employer’s Safety and Health Management System (SHMS), the successful implementation of one such component of an SHMS may not protect an employer or its employees when another component of the SHMS fails.

### **EXAMPLE 3:**

Using the same Accident Description from Example 1, the VOSH inspection reveals the following facts:

- The employer had implemented a comprehensive Workplace Drug Policy
- The table saw had a blade guard that complied with VOSH machine guarding requirements
- The table saw was always used in that condition by multiple employees, including the injured employee
- Prior to the accident it was found that “Work rules designed to prevent such a violation have been established and adequately communicated to employees by such employer and have been effectively enforced when such a violation has been discovered.” [16VAC25-60-260.B.2](#).

- As instructed by a supervisor, the injured employee had intentionally removed the guard prior to the accident to complete a job task because production was suffering.

Result:

Even though the employer had implemented a comprehensive Workplace Drug Policy and the injured employee was impaired/under the influence at the time of the accident, the “employee misconduct defense” would not apply and a violation would be issued by VOSH because the work rules designed to prevent the violation were not effectively enforced by supervisory personnel. 16VAC25-60-260.B.2.

Another core component of an employer’s SHMS is “management commitment” to the development, implementation and ongoing maintenance of safety and health programs. In this instance, it is essential that “management commitment” include front line supervisors buying in to a safety and health culture that values employee safety and health over other considerations.

**ATTACHMENT A: VOSH SUBSTANCE ABUSE IN THE WORKPLACE GUIDANCE  
DOCUMENT: LIST OF SUBSTANCES**

ALCOHOL (e.g., ethanol)

Ethanol Toxicity:

<https://www.ncbi.nlm.nih.gov/books/NBK557381/>

<https://nida.nih.gov/research-topics/alcohol>

AMPHETAMINES (e.g., methamphetamine, 3,4-methylenedioxymethamphetamine (MDMA – Ecstasy, Molly))

Amphetamine Toxicity:

<https://www.ncbi.nlm.nih.gov/books/NBK470276/>

Methamphetamine Toxicity:

<https://www.ncbi.nlm.nih.gov/books/NBK430895/>

<https://nida.nih.gov/research-topics/methamphetamine>

3,4-methylenedioxymethamphetamine Toxicity:

<https://www.ncbi.nlm.nih.gov/books/NBK538482/>

<https://nida.nih.gov/research-topics/mdma-ecstasy-molly>

BARBITURATES (e.g., Phenobarbital, Barbs, Red Devils, Reds & Blues)

Barbiturate Toxicity:

<https://www.ncbi.nlm.nih.gov/books/NBK499875/>

CANNABINOIDS

Marijuana Toxicity:

<https://www.ncbi.nlm.nih.gov/books/NBK430823/>

<https://nida.nih.gov/research-topics/cannabis-marijuana>

Synthetic Cannabinoids:

<https://nida.nih.gov/research-topics/synthetic-cannabinoids>

<https://www.ncbi.nlm.nih.gov/books/NBK482175/>

## COCAINE

Cocaine Toxicity:

<https://www.ncbi.nlm.nih.gov/books/NBK430976/>

<https://nida.nih.gov/research-topics/cocaine>

## INHALANTS (e.g., Solvents, Aerosols, Gases, Nitrites)

Inhalants:

<https://nida.nih.gov/research-topics/inhalants>

## KETAMINE

Ketamine Toxicity:

<https://www.ncbi.nlm.nih.gov/books/NBK541087/>

<https://nida.nih.gov/research-topics/ketamine>

## KRATOM

Kratom Toxicity:

<https://www.ncbi.nlm.nih.gov/books/NBK585120/>

<https://nida.nih.gov/research-topics/kratom>

## OPIOIDS (e.g., morphine, heroin, codeine, oxycodone, hydrocodone and fentanyl)

Opioid Toxicity:

<https://www.ncbi.nlm.nih.gov/books/NBK470415/>

Heroin Toxicity:

<https://nida.nih.gov/research-topics/heroin>

<https://www.ncbi.nlm.nih.gov/books/NBK430736/>

Fentanyl:

<https://nida.nih.gov/research-topics/fentanyl>

#### PHENCYCLIDINE (PCP)

PCP Toxicity:

<https://www.ncbi.nlm.nih.gov/books/NBK507865/>

#### PSILOCYBIN (Magic Mushrooms)

Mushroom Toxicity:

<https://www.ncbi.nlm.nih.gov/books/NBK537111/>

<https://nida.nih.gov/research-topics/psilocybin-magic-mushrooms>

#### PSYCHEDELIC AND DISSOCIATIVE DRUGS

Psychedelic and Dissociative Drugs:

<https://nida.nih.gov/research-topics/psychedelic-dissociative-drugs>

#### SYNTHETIC DRUGS (e.g., Bath Salts (Synthetic Cathinones))

Bath Salts: Bath salts intoxication: a case series:

<https://pubmed.ncbi.nlm.nih.gov/23827164/>

#### XYLAZINE

Xylazine Toxicity:

<https://www.ncbi.nlm.nih.gov/books/NBK594271/>

<https://nida.nih.gov/research-topics/xylazine>

## ATTACHMENT B: VOSH SAFETY AND HEALTH MANAGEMENT SYSTEM RESOURCES

### 1. Virginia What IF Initiative

In 2024 VOSH launched its [What IF? Injury Free Initiative](#):

## What does IF stand for?

Injury Free is a leadership and workforce mindset. It is a way of thinking that works to prevent injuries, making workforce safety a core value at both the personal and organizational levels.

### Envisioning an Injury Free Career



Shared Responsibility

Understanding that maintaining a safe workplace requires collective effort, it is not the responsibility of just one person but a shared commitment to ensure everyone's safety on the job.

What would an Injury Free Career look like to you?



Management Commitment

Adopting a safety-first mindset is crucial. Safety should be at the forefront of your thoughts, not viewed as optional, but as a fundamental commitment you are dedicated to.



Care for One Another

Caring for one another is essential to workplace safety. While personal safety is important, ensuring that everyone in the workplace is looked after is equally crucial.

### Ways you can incorporate What IF measures into your workplace

#### Responsibility for Safety

Integrating a shared sense of responsibility for safety into your workplace ensures that everyone understands it is a collective effort to maintain a safe environment for both the space and its people.

[Employee Involvement](#)

#### Management Commitment

A manager committed to workplace safety demonstrates that it is a top priority, setting a clear standard for all employers. This leadership establishes a culture where safety is integral to the work environment.

[Letter to Management](#)

[Management Commitment](#)

#### Hazard Identification and Elimination

Quickly identifying hazardous materials and situations, along with knowing effective methods for addressing them, is crucial. Staying proactive with safety measures ensures a safer environment.

[Safety and Health Hazard Topics](#)


#### Training and Education

Safety and health training is crucial as it equips employees with the knowledge and skills to prevent injuries, promote well-being, and ensure a safer, more productive workplace for everyone.



## Injury Free Culture

A workforce that strives to work injury-free because it supports strong teams, strong business performance and lets us all return home to those we love.




## Join the movement


Being injury-free starts with you. Be the change you want to see in the workplace.

...

### To learn more:


Visit: [www.doli.virginia.gov/what-if/](http://www.doli.virginia.gov/what-if/)





## "What IF?"

What **IF** you worked your entire career injury-free (IF)?



Virginia Department of Labor & Industry



## What is "What IF?"

### A Cultural Attitude

"What IF?" encourages businesses to view safety as a value rather than a priority; priorities change but assuring your workforce is injury-free remains a constant responsibility.

### Creating a new mindset

It's a way of thinking that avoids injuries, reduces costs, and keeps safety top of mind.



## What IF is not

- 01 The same as zero injuries programs.
- 02 A numeric goal, but rather a journey of continuous improvement.
- 03 A guarantee.

Many people think that an injury-free culture can't happen yet many workers retire successfully navigating their career injury free. **IF** is about working together to assure your workforce has the opportunity to work injury-free.

## How to start?

- Present the concept of experiencing an Injury Free Career culture.
- Promote the change in safety culture.
- Designate and agree on what role management and employees will fulfill in the process.



## 2. Virginia Safety and Health Achievement Recognition Program (SHARP)



## Safety & Health Achievement Recognition Program (SHARP)

...

The Safety and Health Achievement Recognition Program (SHARP) recognizes employers with exemplary safety and health management systems. The SHARP program has an elite membership with active sites throughout the state and includes many different industries such as construction, contracting, packaging, refrigeration, materials handling, fabrication and others. Contact us to see if you qualify.


### You are eligible for SHARP if you:

- ✓ Have no more than 250 employees at the site and not more than 500 total employees at all sites within the same Standard Industrial Classification (SIC) controlled nationwide.
- ✓ Are a single, fixed worksite.
- ✓ Have at least one full year in operation.
- ✓ Have a Lost Workday Injury and Illness (LWDII) rate and a Total Recordable Case Rate (TRCR) below that for your industry within the established SIC or be willing to commit the time and resources to reduce your current rates to those required over an 18-month deferral period.
- ✓ Are on VOSH's high hazard inspection list, or have a SIC on any emphasis program list at the national, state or local level.

\* The Virginia Department of Labor and Industry offers a companion program for large employers, the Virginia Voluntary Protection Program (VPPP). If you are interested in this program learn more by contacting our team [here](#)!

### 3. Virginia Voluntary Protection Programs (VPP)

	<p>In <a href="#">Virginia STAR</a>, management, labor, and the VOSH Program, establish cooperative relationships at workplaces that have implemented an exceptional comprehensive safety and health management system. STAR participants meet all Virginia STAR requirements. MERIT participants have demonstrated the potential and willingness to achieve Virginia STAR program status and are implementing planned steps to fully meet all STAR requirements.</p>
	<p><a href="#">Virginia CHALLENGE</a> is a three-stage process that provides employers a step-by-step process to dramatically improve safety and health management systems to reduce or eliminate injuries, illnesses, and fatalities and the substantial costs associated with them. When a company completes Virginia Challenge, it will have an exemplary safety and health management system (SHMS) that will also prepare it to apply for VPP STAR recognition.</p>
	<p>The Virginia Department of Labor and Industry's Virginia Occupational Safety and Health (VOSH) program and the <b>Virginia Department of Corrections</b> (<a href="#">VADOC</a>) have entered into a strategic partnership to create a first in the nation <a href="#">VADOC CHALLENGE</a> program to recognize safety and health excellence at correctional facilities around the Commonwealth. Three stages of participation in VADOC Challenge are provided.</p>
	<p>The <a href="#">Virginia BEST</a> Program (Building Excellence in Safety, Health and Training) is a strategic partnership between the VOSH Program and the <b>Associated General Contractors of Virginia</b> (<a href="#">AGCVA</a>) designed to encourage and recognize AGCVA members who voluntarily implement highly effective safety and health management systems to benefit construction workers and reduce or eliminate injuries, illnesses and fatalities on construction sites in Virginia.</p>

	<p><b>Virginia BUILT</b> is a strategic partnership between the VOSH Program and the <b>Associated Builders and Contractors of Virginia (ABCVA)</b> designed to encourage and recognize ABC-VA members who voluntarily implement highly effective safety and health management systems to benefit construction workers and reduce or eliminate injuries, illnesses and fatalities on construction sites in Virginia.</p> <p>Virginia BUILT combines Challenge concepts with the ABCVA's STEP (Safety Evaluation and Training Process) program; and incorporates a "mentorship" program as a key component. The Mentorship Tier is the introductory tier of participation in the partnership for those employers actively working with the ABC-VA Virginia BUILT Council (VBC) to improve their safety and health management systems to meet VOSH requirements, with the goal of becoming a Tier One participant. Safety and health experts from Tier Two and Tier Three participants serve as the mentors.</p>
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