

It Was the Marijuana, After All

by Chris Coward and Robert Stutman

Workplace incidents involving drugs and alcohol are a concern for employers. The following story, "It Was the Marijuana, After All," by Chris Coward and Robert Stutman illustrate how normal working environments become costly accidents because an employee was under the influence of drugs or alcohol.

The Amtrak tragedy was an accident involving a train engineer who had used marijuana. In that accident, a Conrail engineer ran a stop signal and collided head-on with an Amtrak train loaded with holiday travelers, killing 16 and injuring 175. The wreck resulted in the Omnibus Transportation Employee Testing Act of 1991.

In 1989 the Exxon Valdez oil tanker, loaded with 1,264,155 barrels of crude oil, ran aground off Alaska, spilling about one-fifth of the cargo. In that accident, 1.2 million gallons of oil spilled into the crystal water of Prince William Sound. The slick spread relentlessly covering about 120 square miles of open water. Following the spill, only 25 percent of the migratory salmon population returned to the area, thousands of otters were poisoned, and thousands of birds died. The spill was the largest in U.S. history, and it caused one of the nation's worse environmental disasters.

Captain Joseph Hazelwood was reportedly impaired. Not knowing about Hazelwood's alcohol problem cost Exxon a lot. Damage to the Exxon Valdez was estimated at \$25 million. The cost of the lost cargo was estimated at \$3.4 million. From the time of the spill through August 1991, Exxon spent more than \$2.1 billion for clean up and government reimbursements. A civil settlement requires Exxon to make 10 annual payments totaling \$900 million. Punitive damages of \$5 billion were awarded to commercial fisheries, natives, business owners, landowners, and native corporations.

A mistake made by a bus company that hired a driver who had a record of marijuana and cocaine use resulted in an accident costing 22 people their lives. Frank Bedell, a driver for Custom Bus Charters, veered his bus off an interstate in New Orleans and plunged it down an embankment into a concrete abutment.

This is reportedly the worst accident in New Orleans' history and the largest accident in U.S. history directly attributed to illicit drug use.

According to the police report, a test showed Bedell had taken marijuana two to six hours before the accident. It also said he had been taking Benadryl an allergy medicine. Causes other than drug use, such as mechanical failure, were ruled out. Although the report also discussed Bedell's extensive health problems, it did not list these as contributing factors.

The report was forwarded to prosecutors recommending that Bedell be charged with vehicular homicide, first-degree vehicular negligent injuring, reckless operation of a vehicle, and driving while intoxicated. Bedell died of a heart attack later in the year.

The lesson to employers is simple: do everything possible to check out your employees. Run complete background screens. Implement a state-of-the-art drug-free workplace program. Perform appropriate occupational health screens. Evaluate the kinds of drug and alcohol tests your company performs. The company should develop a comprehensive testing scheme under independent authority that is designed to protect the company.

An accident like the Custom Bus Charters incident can cost millions of dollars. The ironic part is that a full background investigation, which would have cost just a few dollars, would have revealed Bedell's history of substance abuse. It could have provided Custom what it needed to avoid this mark on its reputation and potential compensatory and punitive damages. It could have saved 22 lives.

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Due to an increase in demand, Forward Edge is offering management services for programs utilizing hair as a means of testing. The Forward Edge staff will provide random selections, hair specimen collections, medical review support, reporting methods and additional services to meet the demands of the hair testing program.

The management services are conducted correspondingly to the services of a urine drug testing program. Forward Edge will ensure a company is in compliance with the program providing the highest level of security and confidentiality.

A compliance representative will contact the designated employer for a list of employees enrolled in the random selection program. Random selections are performed in accordance with company or program policy.

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