



AMERICAN COLLEGE OF
OCCUPATIONAL AND
ENVIRONMENTAL MEDICINE

June 24, 2026

Jo McGuire
Executive Director
National Drug & Alcohol Screening Association (NDASA)
1629 K St NW
Washington, DC 20006

RE: ACOEM Workplace Safety and Medical Review Officer Concerns Regarding Proposed Rescheduling of Marijuana

Dear Ms. McGuire:

On behalf of the American College of Occupational and Environmental Medicine (ACOEM), thank you for the opportunity to provide information that may assist the National Drug and Alcohol Screening Association (NDASA) in its testimony regarding the Drug Enforcement Administration's proposed rescheduling of marijuana from Schedule I to Schedule III of the Controlled Substances Act.

ACOEM's primary interest in this matter is workplace and public safety. Our comments should not be interpreted as support for or opposition to the medical use of cannabis or its placement within the Controlled Substances Act scheduling framework. Rather, our concern is that any regulatory action should not inadvertently weaken existing workplace safety protections or create uncertainty for employers, employees, regulators, and healthcare professionals charged with maintaining safe workplaces.

Key concerns include:

- Lack of a scientifically validated workplace impairment test.
- Potential disruption of federal and private safety-sensitive drug testing programs.
- Regulatory uncertainty affecting Medical Review Officers (MROs).
- Challenges verifying prescriptions and evaluating fitness for duty.
- Need for coordinated implementation among DEA, HHS, SAMHSA, DOT, and FMCSA.
- Need for additional research regarding occupational safety effects of marijuana use.

ACOEM encourages NDASA to emphasize that workplace and public safety must remain central considerations in any rescheduling decision and that existing safety-sensitive testing programs should not be weakened absent a scientifically validated alternative that provides equivalent safety protection.

ACOEM appreciates NDASA's leadership and would welcome the opportunity to provide additional occupational medicine and Medical Review Officer expertise.

Sincerely,

Jill Rosenthal, MD, MPH, MA, MSQM, FACOEM
President



Appendix A

Specific Concerns of Medical Review Officers Regarding Marijuana Rescheduling

Medical Review Officers (MROs) serve as independent physicians responsible for interpreting workplace drug test results while balancing employee rights, regulatory compliance, and workplace safety. Rescheduling marijuana to Schedule III presents several unresolved issues:

1. Prescription Verification

Current MRO processes were developed within a framework where marijuana remains a Schedule I substance. Rescheduling raises questions regarding what documentation constitutes a valid prescription and how such prescriptions would be verified across varying state and federal systems.

2. Safety-Sensitive Work

MROs routinely evaluate workers who operate commercial motor vehicles, heavy equipment, aircraft, rail systems, and other high-risk operations. No accepted standards currently exist to determine when marijuana use is compatible with safety-sensitive duties.

3. Absence of Impairment Testing

Current testing methods identify exposure rather than actual impairment. MROs therefore lack an objective and validated tool analogous to alcohol testing for determining contemporaneous impairment.

4. Regulatory Inconsistency

Potential differences among DEA, HHS, SAMHSA, DOT, FMCSA, state agencies, employers, and healthcare providers could create significant compliance challenges and inconsistent application of workplace safety standards.

5. Public Safety Implications

Safety-sensitive industries depend upon deterrence-based testing programs. Any reduction in testing capability without a validated replacement may increase risk to workers and the public.

Recommendations:

- Preserve workplace safety as a primary consideration during rescheduling.
- Provide explicit guidance to MROs before implementation of any regulatory changes.
- Maintain the ability of federal and private safety-sensitive testing programs to address marijuana use.
- Support development of scientifically valid impairment testing methodologies.
- Conduct additional research regarding occupational injury risk, psychomotor performance, and transportation safety.