

# Highlights of Upcoming PCN Magazine Articles

## CALIFORNIA LAWN & GARDEN SALES BLOOM IN 1994

California's 1994 retail nursery sales reached an all time high. Sales rose to \$4.5 billion, increasing 4% (doubling the percentage increase from 1993) according to California Association of Nurserymen. This represents almost 20% of all nursery retail sales in the United States.

Despite California's economic hard times the nursery industry continues to grow, with the state's wholesale production representing 26% of national sales. The California Department of Food and Agriculture ranks nursery products as the state's fourth largest farm product, behind milk, grapes, and cattle, but ahead of cotton, almonds, and other fruits, vegetables, and livestock.

## NURSERY GROWERS, HORT SUPPLIERS SUBJECT TO DOT'S DRUG & ALCOHOL TESTING PROGRAM

Nursery growers and horticultural suppliers will be subject to drug and alcohol-testing provisions set by the U.S. Department of Transportation (DOT), which take effect January 1, 1996. Previously, the law pertained to employers with more than 50 commercial motor vehicles (CMV), but with the New Year it includes those with fewer than 50 CMVs. DOT's regulations now require testing of all drivers who perform safety sensitive duties.

A CMV is defined as any motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if it has a gross vehicle weight of 26,001 lbs. or more; has a combination GVW of 26,0001 or more including a towed unit with a GVW of 10,000 or more lbs.; is designed to transport 16 or more passengers, including the driver; or is of any size and is used to transport hazardous materials requiring placarding under the Hazardous Materials Regulations.

According to the Farm Employers Labor Service's Newsletter, currently-employed CMV drivers need not be tested for drug use before driving for the first time after the coverage threshold drops on January 1. This means that employers will not have to test drivers hired before January 1, 1996, before they may drive on or after that date. Such drivers are not exempt from random, reasonable suspicion, or post-accident testing, however. Any driver hired on or after January 1 must be tested for: marijuana, cocaine, opiates, amphetamines, and PCP.

Every person subject to commercial drivers license requirements who operates a CMV in inter- or intrastate commerce is to be tested. This includes an owner/operator, who may have only one truck. Part VII of the DOT's rules says small employers can achieve the benefits of a lower random rate without meeting the deterrence requirements by joining a consortium. "If a driver works for two or more employers, the driver must be in all of the employer's random testing programs," the regulations read.

Wayne Schooling, safety and membership coordinator for the California Trucking Association, explained to a meeting of the Nursery Growers Association, that the DOT requires employers to have a written drug policy and an Employee Assistance Program. This includes education and training for

supervisors which addresses controlled substances and a written statement, on file and available for inspection at the company's principal place of business, outlining the company's Employee Assistance Program.

There are record-keeping requirements to follow (for up to five years); and DOT requires a Medical Review Officer to review, interpret and report test results of drivers and driver applicants. While the MRO must release to the driver the identity of the drug detected in a sample, it isn't required to tell how much of a drug was detected in the sample. The Medical Review Officer, which the employer selects, is a licensed doctor of medicine or osteopathy having expertise in drug abuse disorders.

For more information, contact the California Owner/Operator Consortium, 4102 Orange Ave., Suite 107-155, Long Beach, CA 90807. (300) 805-0040.