



## CBD – What Is It? (And What It’s Not)

By Drew Hinton, President/CEO of Arrow Safety, LLC

In recent years, there has been increasing hype over the use and potential therapeutic benefits of cannabidiol, more popularly known as “CBD”. In today’s society, you can get CBD in a variety of different forms, such as oils, vaping, capsules/pills, creams/lotions, and even edible gummies. However, the increased use of this product has raised many questions. What exactly is it? Is it legal to use? Does it really work? Well, let’s break it down for you.

### Is CBD Made from Marijuana?



**No.** While CBD is an essential component of medical marijuana, it is derived directly from the hemp plant, which is a “cousin” of the marijuana plant. While CBD is one of the over 100 different component found in marijuana (cannabis), by itself it does not cause a “high”. The “high” is caused by an ingredient called tetrahydrocannabinol (THC). However, use caution because there are both hemp-derived products and marijuana-derived products available on the market. In addition, since CBD is not federally regulated, it may still contain traces of THC in it, even if the manufacturer claims that it doesn’t.

### What Are the Potential Therapeutic Benefits of Using CBD?

There has not been a lot of scientific research on CBD, but some of the studies have found that CBD may be effective in providing relief from various mental health conditions, including:

- Anxiety
- Post-Traumatic Stress Disorder (PTSD)
- Addictions
- Schizophrenia

It may be effective for physical conditions, as well. One study on rats found that CBD oil may treat pain associated with arthritis, while another study on human cells found that CBD cream was an effective

anti-inflammatory. Likewise, CBD has also been proven to help treat childhood epilepsy and other seizure disorders.

### **Is CBD Legal to Use?**

**Well, it depends (and here's where it really starts to get tricky).** If your CBD contains **less than 0.3% THC**, then may be legal in your state. However, if the CBD is derived from marijuana and contains **over 0.3% THC**, then it's not legal federally and is classified as marijuana, a Schedule 1 drug under the Controlled Substances Act. As of January 1, 2021, 49 of the 50 states, as well as the District of Columbia, have legalized possession of hemp-derived CBD products in some form or fashion. However, protection only extends to CBD that's cultivated from hemp plants and have a concentration of THC below the 0.3% threshold. In other words, marijuana-derived CBD is still a legal gray area. The only state where CBD is still illegal for any purpose is Idaho.



However, if you are a CDL driver or other worker in a safety-sensitive position, **BE CAUTIOUS!** The U.S. Department of Transportation (DOT) recently clarified the agency's drug and alcohol policy and stated that the use of THC in **ANY** amount is forbidden for a DOT-regulated driver. According to a 2020 statement by the DOT, *"It remains unacceptable for any safety-sensitive employee subject to the Department of Transportation's drug testing regulations to use marijuana. Since the use of CBD products could lead to a positive drug test result, Department of Transportation-regulated safety-sensitive employees should exercise caution when considering whether to use CBD products."*

Marijuana, along with some CBD products, contain THC, a banned Schedule 1 substance under U.S. DOT regulations. CBD products derived from hemp contain up to a 0.3% concentration of THC, compared to 5%-30% THC concentration in marijuana. The U.S. DOT drug testing regulations do not authorize the use of Schedule I drugs for any reason. Therefore, a medical review officer (MRO) conducting driver drug tests will not issue a negative test result simply because the THC detected in a driver's urine specimen was from the legalized recreational use of CBD products and/or marijuana. In addition, an MRO will not issue a negative drug test based upon information that a physician recommended that the employee use medical marijuana where states have passed medical marijuana initiatives. Instead, THC from these (or any other) source will result in a positive test for the driver and the driver will be immediately removed from safety-sensitive functions until the DOT return-to-duty process is complete.

Additionally, DOT enforcement officers may consider CBD products in a commercial vehicle as possession of a controlled substance if they are unable to determine the CBD product's exact THC concentration. No official enforcement guidance has been issued for officers to follow.

For more information from the U.S. Department of Transportation, click [here](#).

### **Is CBD approved by the FDA?**

**Yes and No.** As of January 1, 2021, the U.S. Food and Drug Administration (FDA) has approved only one CBD product, *Epidiolex*<sup>®</sup>, which is a prescription drug product to treat two rare, severe forms of

epilepsy. It is currently illegal to market CBD by adding it to a food or labeling it as a dietary supplement. The FDA has issued these statements on their website:

- CBD has the potential to harm you, and harm can happen before you become aware of it.
  - CBD can cause liver injury.
  - CBD can affect the metabolism of other drugs, causing serious side effects.
  - Use of CBD with alcohol or other central nervous system depressants increases the risk of sedation and drowsiness, which can lead to injuries.
- CBD can cause side effects that you might not notice. These side effects should improve when CBD is stopped or when the amount ingested is reduced.
  - Changes in alertness, most commonly experienced as somnolence (drowsiness or sleepiness)
  - Gastrointestinal distress, most commonly experienced as diarrhea and/or decreased appetite.
  - Changes in mood, most commonly experienced as irritability and agitation.
- There are many important aspects about CBD that the FDA doesn't know yet, such as:
  - What happens if you take CBD daily for sustained periods of time?
  - What is the effect of CBD on the developing brain (such as in children who take CBD)?
  - What are the effects of CBD on the developing fetus or breastfed newborn?
  - How does CBD interact with herbs and botanicals?
  - Does CBD cause male reproductive toxicity in humans, as has been reported in studies of animals?

### **Will using CBD products cause me to fail a drug test?**

**Possibly.** Due to CBD products not being regulated by the FDA (with the exception of *Epidiolex*<sup>®</sup>), this means there are no federal regulations monitoring product labeling, cross contamination, or the THC concentrations within these products. THC concentrations in one CBD product may be 0.0%, whereas another product from the same source may contain up to 5.0% THC (the equivalent of a small "joint"). These variations can be from one bottle of CBD oil to the next, from vendor to vendor, or even within the same batch. While manufacturers claim they do their best to stay under the 0.3% THC threshold, there is no guarantee that the CBD product you find on the shelf won't show up on a drug screen. CBD oil can stay in your system for several days, depending on several factors such as the form of CBD consumed, dosage, etc.

### **Summary**

While the scientific data behind the therapeutic uses of CBD products is minimal, the laws and regulations are fairly clear. For CDL drivers subject to DOT controlled substance testing, the use (and potentially possession of) CBD products containing THC or any other THC-containing product is strictly prohibited by federal DOT regulations. There are multiple lawsuits where CDL drivers have sued CBD companies after they were fired by their employers for testing positive for "marijuana metabolites", even though the CBD products they took claimed to have 0.0% THC. Sometimes it's just easier to avoid the headache altogether and use other alternatives.

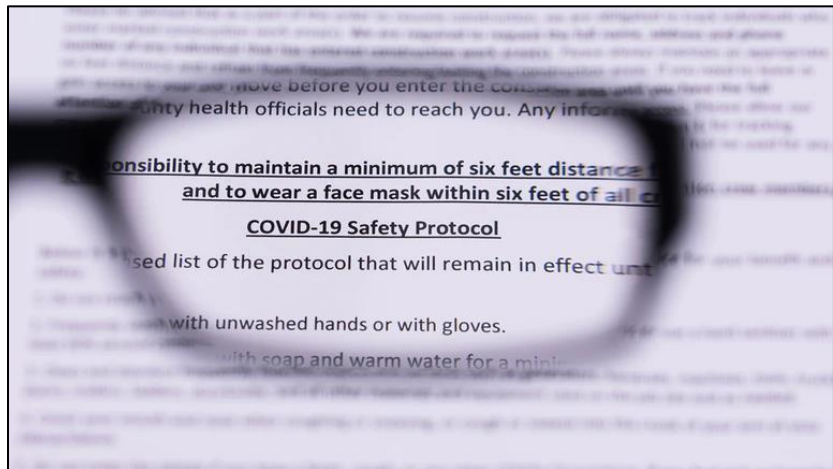
Ultimately, it is still the responsibility of the user to ensure that CBD products are used responsibly and the user assumes all risks while taking it. Using a dosage or frequency higher than what's listed on the container may result in potential side effects and/or positive drug test results. If you have any questions or concerns about the use of CBD products, contact Arrow Safety or visit the FDA website ([www.fda.gov](http://www.fda.gov)) for more information.

## Biden Orders OSHA to Issue New COVID-19 Guidance

One day after he was inaugurated, President Joe Biden fulfilled a campaign promise to labor unions by ordering the Occupational Safety and Health Administration (OSHA) to begin the process of developing COVID-19 Emergency Temporary Standards (ETS) for employers.

Both OSHA and the Mine Safety and Health Administration (MSHA)—sister agencies operating under the aegis of the Department of Labor (DOL)—were directed to come up with new enforcement guidances within two weeks after the order was signed.

However, OSHA also was directed to consider developing ETS, which possess the status of formal regulations unlike guidances, the order specifically mentioning the prospect of requiring masks in the workplace. However, the agency won't have very long to mull the possible content of potential ETS because whatever OSHA develops along these lines must be issued by March 15<sup>th</sup>, according to the order...[continue reading](#).



## OSHA DEADLINE REMINDER

Your establishment's OSHA Form 300A (Annual Summary) must be reviewed, certified, and posted in a conspicuous place(s) in the workplace no later than **February 1<sup>st</sup>**. According to [29 CFR 1904.32](https://www.federalregister.gov/documents/2019/02/27/29-cfr-1904-32), the annual summary must be certified by one of the following persons:

- An owner of the company (only if the company is a sole proprietorship or partnership);
- An officer of the corporation;

- The highest-ranking company official working at the establishment; or
- The immediate supervisor of the highest-ranking company official working at the establishment.

In addition, a small fraction of establishments are required to electronically submit their Form 300A data via [OSHA's Injury Tracking Application \(ITA\)](#) **no later than March 2<sup>nd</sup>, 2021**. Establishments that meet any of the following criteria **DO NOT** have to send their information to OSHA. Remember, these criteria apply at the establishment level, not to the firm as a whole.

- The establishment's peak employment during the previous calendar year was 19 or fewer, regardless of the establishment's industry.
- The establishment's industry *is on this list*, regardless of the size of the establishment.
- The establishment had a peak employment between 20 and 249 employees during the previous calendar year AND the establishment's industry *is NOT on this list*.

Have OSHA recordkeeping questions? Contact Arrow Safety and we will be glad to help!

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## TRAININGS EVENTS

- **Topic:** The Biden Administration and U.S. Ergonomics Regulations – What's Up?
- **Type:** Live Webinar
- **Host(s):** Tim Pottorff, MSc, CIE, ARM – Principal/Owner at QP3 ErgoSystems
- **Date/Time:** February 5, 2021, 2:00 PM – 3:00 PM CST
- **Cost:** Free
- **Webinar Link:** <https://bit.ly/3adK07y>
  
- **Topic:** Ergonomics and Material Handling in Industry
- **Type:** Live Webinar
- **Host(s):** Tim Pottorff, MSc, CIE, ARM – Principal/Owner at QP3 ErgoSystems
- **Date/Time:** February 12, 2021, 10:00 AM – 11:00 AM CST
- **Cost:** Free
- **Webinar Link:** <https://bit.ly/39A0nfV>



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