

U.S. Department of Transportation

Federal Drug Testing Advisory Board

Rockville, MD

February 11, 2013

“DOT Program Overview”

***Office of Drug and Alcohol Policy and Compliance
(ODAPC)***

Office of the Secretary of Transportation

Office of the Secretary of Transportation *Leadership & Responsibilities Statement*



Leadership of the Department of Transportation is provided by the Secretary of Transportation, who is the principal adviser to the President in all matters relating to federal transportation programs. The Secretary is assisted by the Deputy Secretary in this role. The Office of the Secretary oversees the formulation of national transportation policy and promotes intermodal transportation. Other responsibilities range from negotiation and implementation of international transportation agreements, assuring the fitness of US airlines, enforcing airline consumer protection regulations, **issuance of regulations to prevent alcohol and illegal drug misuse in transportation systems** and preparing transportation legislation.



U.S. Department of Transportation
Office of the Secretary



“Why is this program so important?”



Safety is our no. 1 priority at the U.S. Department of Transportation. And a cornerstone of our safety policy is ensuring that transportation providers across all modes – on roads, rails, water, or in the air, over land and underground – employ operators who are 100 percent drug- and alcohol-free. We want – and we insist upon – safety-conscious employees at all times and under all circumstances.

Fortunately, the transportation industry over time has worked hard to reduce the number of accidents and crashes directly related to drug and alcohol use. Nevertheless, human risk factors remain – and some transportation workers do use illicit drugs, or abuse alcohol, despite serious efforts to deter them.

We must never stop trying to improve our safety record where substance abuse is concerned. We can start by making sure that employees are properly educated on the personal and professional consequences of drug use and alcohol misuse. Supervisors must be appropriately trained to identify signs and symptoms of drug and alcohol use.

Employers must also have strong drug and alcohol testing programs. And employees must be removed from safety-sensitive duties immediately after they violate drug and alcohol testing rules. It is very important that employees are not returned to safety-sensitive duty until they are referred for evaluation and have successfully complied with treatment recommendations.

I know you will support these important measures, so that we can assure the traveling public that our transportation system is the safest it can possibly be.

A handwritten signature in blue ink, appearing to read 'Ray LaHood'.

Ray LaHood
Secretary of Transportation
U.S. Department of Transportation
July 2009

Office of Drug and Alcohol Policy and Compliance





ODAPC Program Services

- Advise Secretary and DOT Agency Administrators
 - Program issues at the national & international levels
 - Supply Reduction & Demand Reduction issues
 - DOT Agency / USCG drug & alcohol program activities
- Provide Consultation and Liaison
 - DOT Agencies: **ONE-DOT** Approach
 - Executive Branch Agencies and Foreign Governments
 - ONDCP; HHS; DHS; DoD; NRC; DOJ/DEA, & etc.
 - Mexico; Canada; Australia; England; Germany; Nigeria; New Zealand & etc
 - Industry Stakeholders / Customers
- Support Issue Conferences and Training Events
- Collect and Analyze Data & Information
- Develop “Plain-Language” Regulations, Guidance Documents, and Policy Interpretations



DOT Program History

- Part 40 & DOT Agency Drug Testing Rules (1988 & 1989)
- **Omnibus Transportation Employee Testing Act of 1991**
- Part 40 - Alcohol Testing Rules (1994)
- Final Rule - Major Re-write (2000) [VP's Plain Language Award]
- ONE-DOT Management Information System (2003)
- Semi-Annual Laboratory Data Collection (2008)
- U.S. District Court of Appeals Unanimous Decision (2009)
- "Medical Marijuana" Statement (2009)
- Final Rule [Harmonizing with HHS] (2010)
- "Recreational Marijuana" Statement (December 3, 2012)



The Omnibus Transportation Employees Testing Act of 1991

1. Drug & Alcohol Testing of Safety-Sensitive Personnel
2. Privacy to the Extent Practicable
3. Test Types
4. HHS Laboratory Protocols & Drugs
5. Labs Certified by Health and Human Services
6. Split Specimen Collections [Drugs]
7. Ensure Safeguards for Alcohol Testing [Evidential Breath Testing Confirmation]
8. Privacy for Testing & Confidentiality of Test Results



DOT Program Goals

- Ensure the Safety & Security of traveling public.
 - Reduce the demand for drugs by transportation workers.
 - Reduce alcohol misuse in the transportation industry.
 - Create prevention & treatment opportunities.
 - Keep employees who test positive or refuse a test off duty until successful compliance with treatment.



DOT Program Goals

(continued)

- Ensure the Fairness & Integrity of the testing process –
 - Maintain employee privacy & confidentiality
 - 4th Amendment Protections & Omnibus Act
 - Have “**Gatekeepers**” in place to ensure “**due process.**”
 - **HHS Certified Drug Testing Laboratories / NLCP**
 - **Evidential Breath Testing Devices**
 - **Medical Review Officers**
 - **Substance Abuse Professionals**
 - Systems must be auditable & reviewable by DOT Agencies.
 - Develop “plain-language” regulations, policies, and guidance documents.



DOT Drug & Alcohol Testing Regulated Industry Program



PHMSA

Oil & Gas Pipelines

Employers

2,450

Employees

190,000

USCG

Maritime

Employers

15,000

Employees

150,000

FRA

Railroad

Employers

750

Employees

111,300

FTA

Transit

Employers

3,224

Employees

273,300

FMCSA

Motor Carrier

Employers

700,000

Employees

8,000,000

FAA

Aviation

Employers

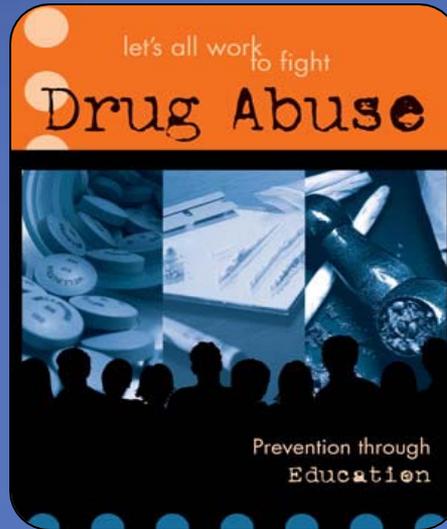
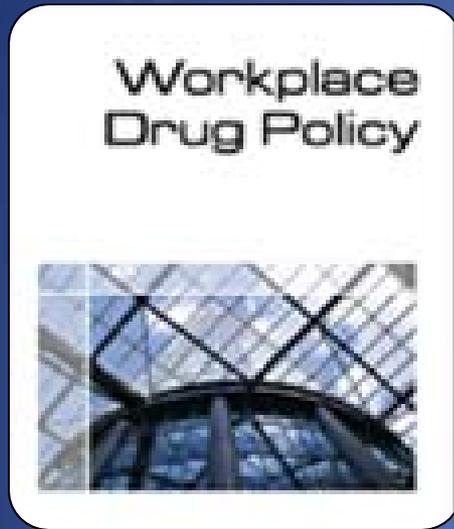
6,900

Employees

450,000



DOT Program Components





DOT Program Components

(Continued)





DOT Program Components Summary

- 1. Employer Policies**
- 2. Employee Prevention Education and Information**
- 3. Supervisor Training on Substance Abuse**
- 4. Drug Testing Programs**
- 5. Licensed Physician Review of Drug Test Results**
- 6. Alcohol Testing Programs**
- 7. Removal from Safety Sensitive Duties for Violations**
- 8. Substance Abuse Professional Evaluation**
- 9. Rehabilitation Before Return to Duty**



Current Drugs Tested

5-Panel/Categories

- THC
- Cocaine
- Amphetamines
- Opiates
- Phencyclidine (PCP)

Drugs Confirmed

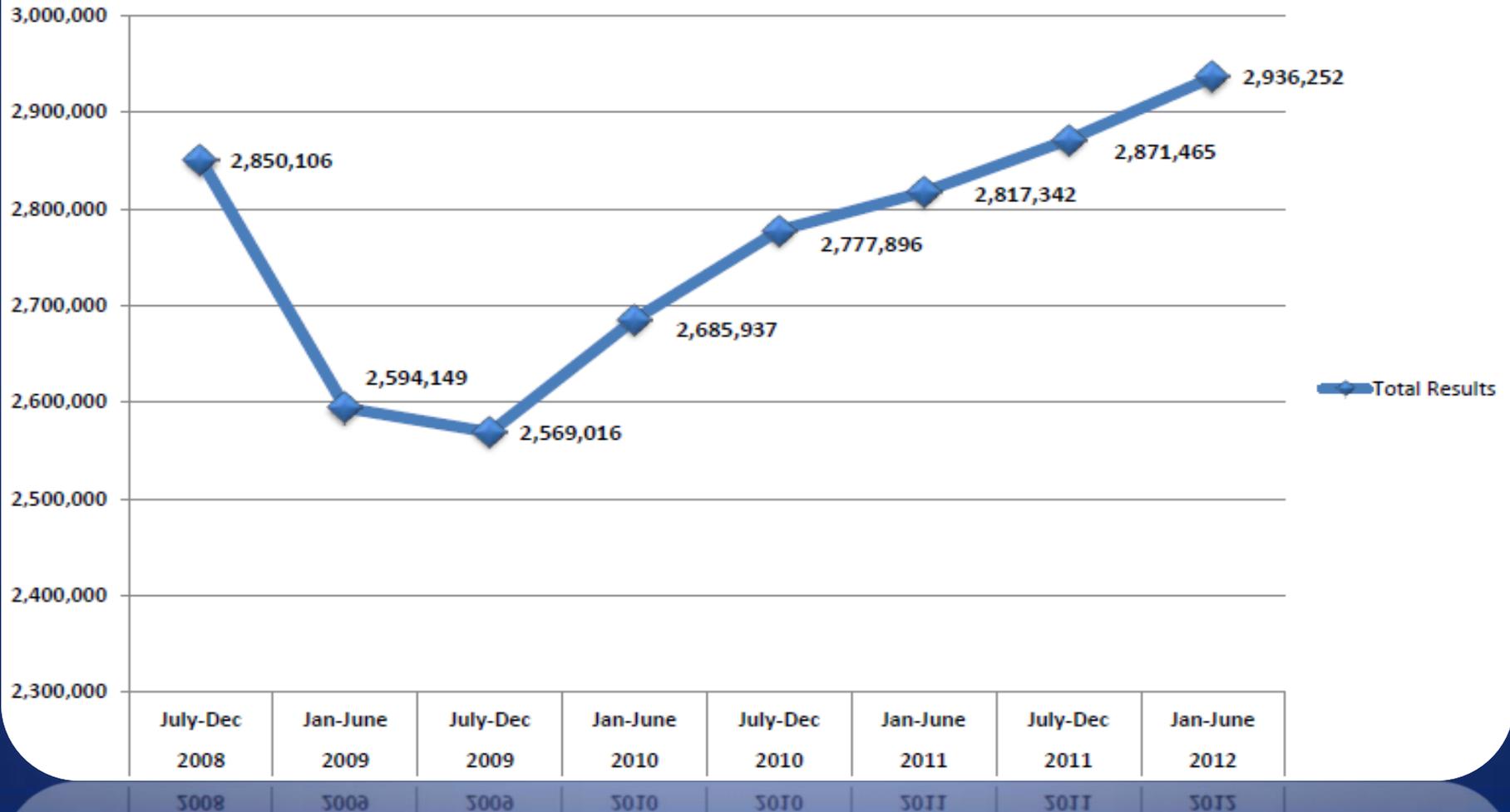
1. **Marijuana**
2. Cocaine
3. Amphetamine
4. Methamphetamine
5. **MDMA**
6. **MDA**
7. **MDEA**
8. Codeine
9. Morphine
10. **6-AM (Heroin)**
11. **PCP**

Red = Schedule I
Black – Schedule II



DOT Lab Testing Thru Jun 2012

DOT Drug Testing Data 2008-2012
Total Results [for each 6-month period]



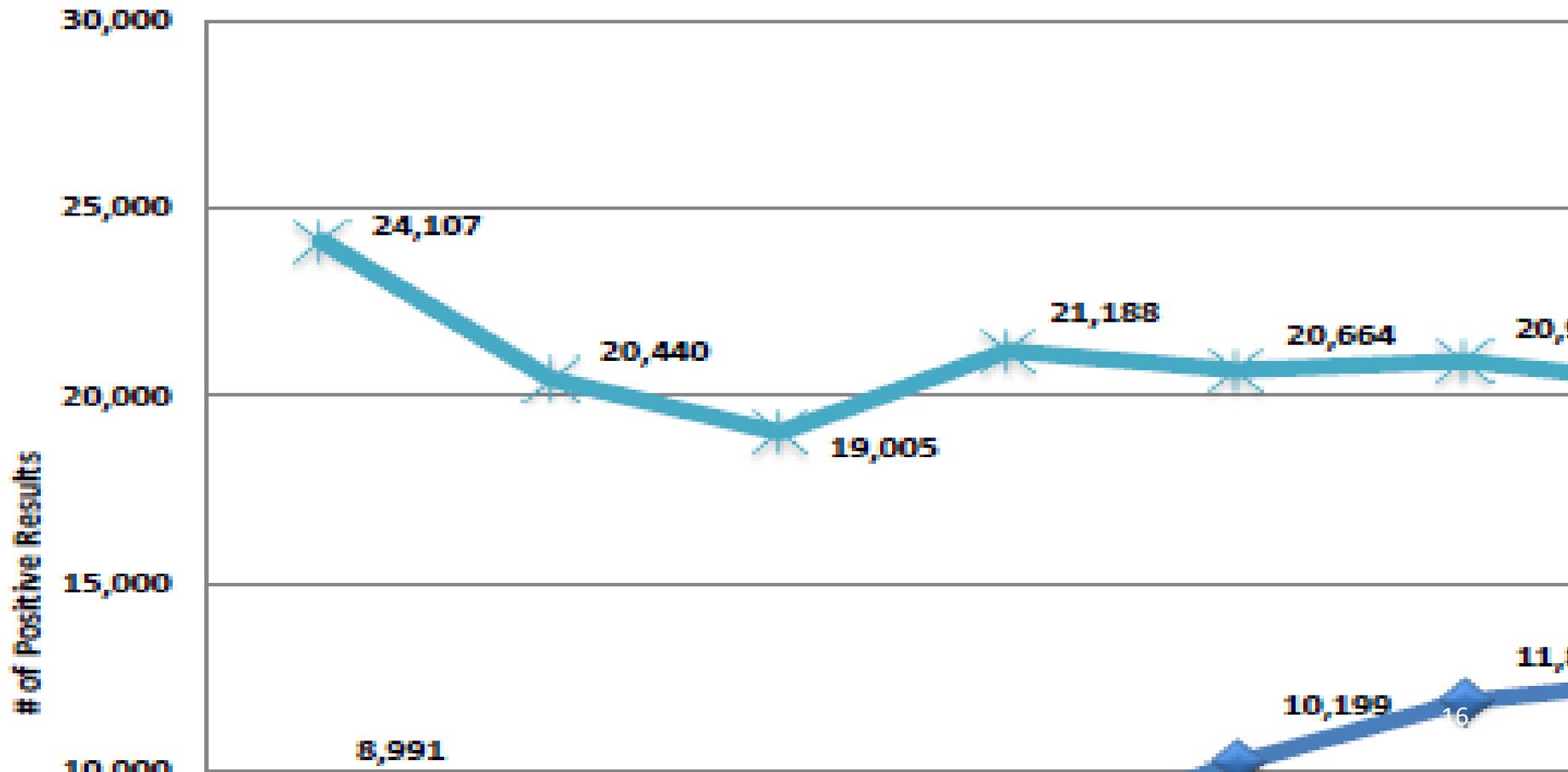


DOT Lab Testing Thru Jun 2012

(Continued)

DOT Drug Testing Data 2008-2012

Number Positive by Drug Category [for each]

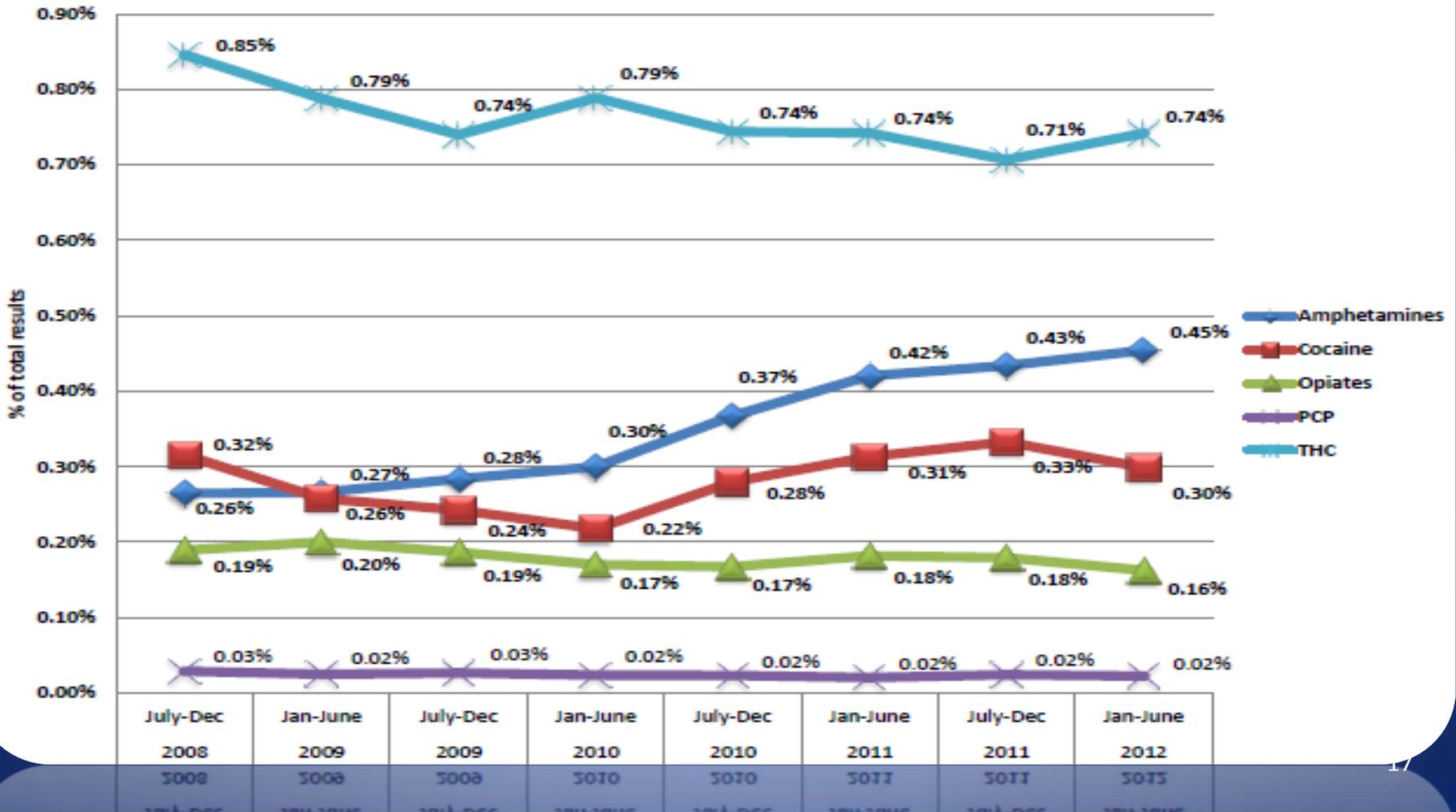




DOT Lab Testing Thru Jun 2012

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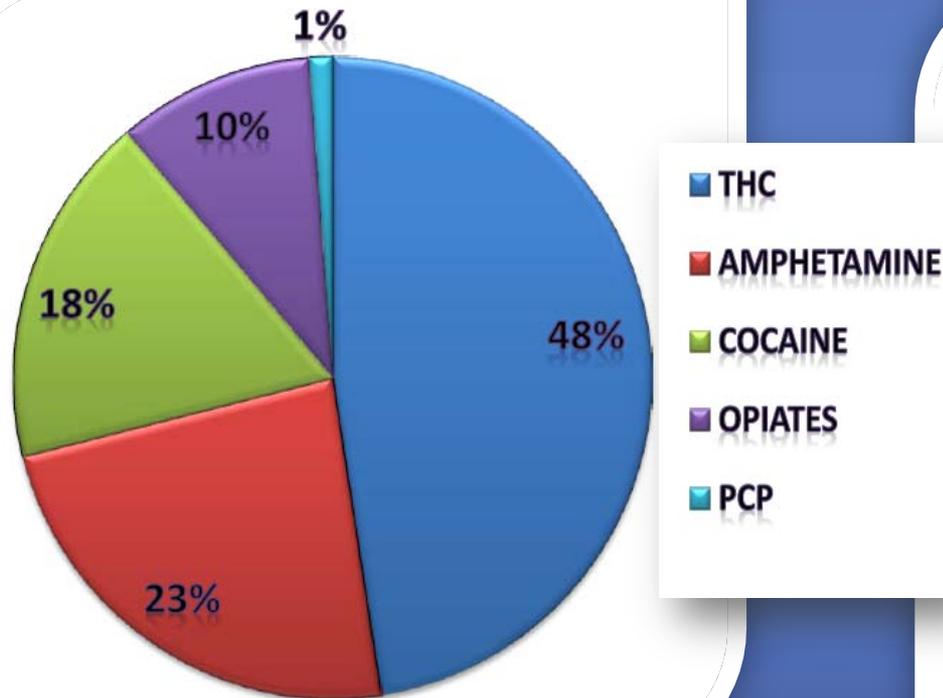
DOT Drug Testing Data 2008-2012
Percent Positive by Drug Category [for each 6-month period]



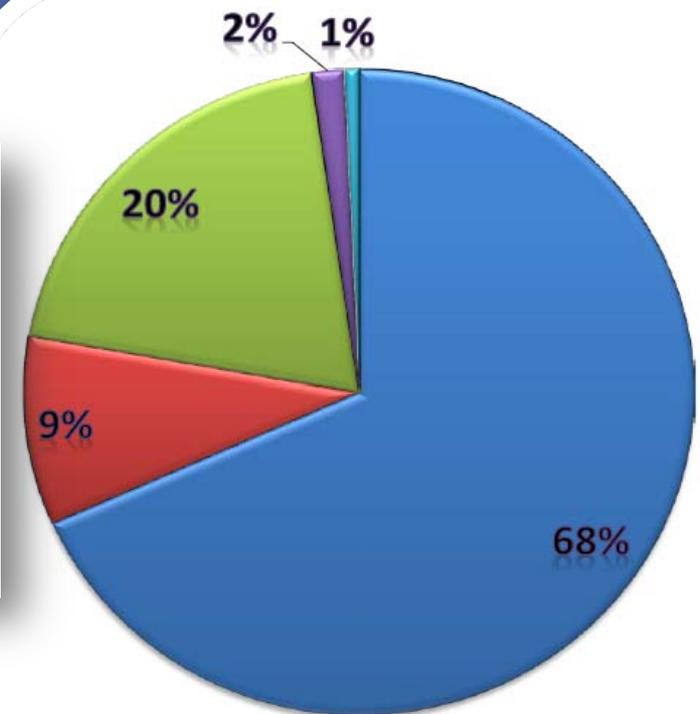


Marijuana and DOT Drug Testing - Continued

Laboratory Results to MROs



MRO Verified Results to Employers



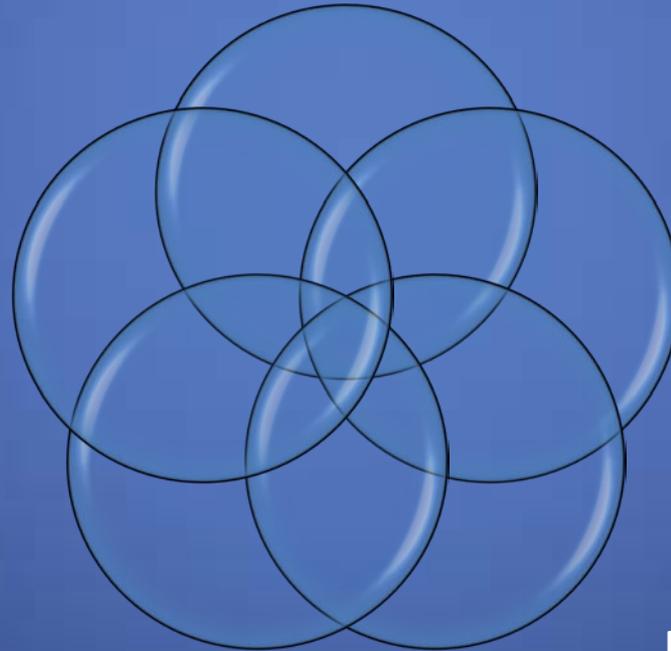


DOT's Horizon Issues

Impairment Studies

Testing for
Additional
Schedule II
Drugs

Safety
Concerns



Alternative
Specimens –
Oral Fluids
Testing

Marijuana
Legalization



Program Managers

Devin Eakes

FMCSA (acting)

Jerry Powers

FTA

Stan Kastanas

PHMSA

Kathy Schnakenberg

FRA (acting)

Rafael Ramos

FAA

Bob Schoening

USCG

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United States Department of Transportation

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Drug and Alcohol Testing

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- Regulations and Interpretations
- Guidance
- Part 40 Federal Register Notices, Court Decisions, Legislation
- FAQs
- Public Interest Exclusions
- Important Links
- Documents and Forms
- Videos, Posters, Brochures
- News and Events
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Office of Drug & Alcohol Policy & Compliance

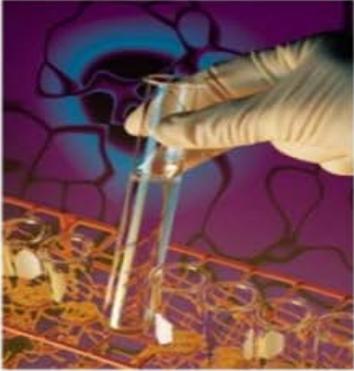
Overview

The Office of Drug and Alcohol Policy and Compliance advises the Secretary on national and international drug testing and control issues and is the principal advisor to the Secretary on rules related to the drug and alcohol testing of safety-sensitive transportation employees in aviation, trucking, railroads, mass transit, pipelines, and other transportation industries. The Office publishes regulations and provides official interpretations on drug and alcohol testing, including how to conduct tests, and the evaluation and treatment procedures necessary for returning employees to duty after testing violations. The Office also coordinates the Department's involvement with the President's National Drug Control Strategy annually.



Secretary of Transportation Statement
Why is this Program so Important?

[DOT "Recreational" Marijuana Notice](#)



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THE
DRUG ENDANGERED CHILDREN
TASK FORCE
WhiteHouseDrugPolicy.gov/Children

SHARE

Most Viewed Information

- [49 CFR Part 40 \(Drug and Alcohol Regulations\)](#)
- [Resources for Employers](#)
- [Documents and Forms](#)

www.dot.gov/odapc/

U.S. Department of Transportation



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