

***U.S. Department of Transportation
Office of the Secretary of Transportation
Office of Drug and Alcohol Policy and Compliance
(ODAPC)***

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“DOT Program Overview”

Federal Drug Testing Advisory Board

June 10, 2014

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.

Why This Program is Important

- http://www.dot.gov/sites/dot.gov/files/docs/Secretary_Anthony_Foxx_Why_This_Program_Is_Important_A.pdf

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

ODAPC Program Services (continued)

- Provide Consultation and Liaison
 - DOT Agencies: *ONE-DOT* Approach
 - Executive Branch Agencies
 - ONDCP, HHS, DHS, DoD, NRC, DOJ/DEA, & etc.
 - Foreign Governments
 - Industry Stakeholders / Customers
 - Collect and Analyze Data and Information
 - Develop “Plain Language” regulations, guidance and policy

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 [Confirmation w/ EBT]
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

- FMCSA
 - Motor Carrier
 - Employers (540,000)
 - Employees (3,900,000)
- FRA
 - Railroad
 - Employers (750)
 - Employees (111,300)
- PHMSA
 - Oil & Gas Pipelines
 - Employers (2,450)
 - Employees (190,000)
- FAA
 - Aviation
 - Employers (6,900)
 - Employees (450,000)
- FTA
 - Transit
 - Employers (3,384)
 - Employees (290,756)
- USCG
 - Maritime
 - Employers (15,000)
 - Employees (150,000)

DOT Program Components Summary

Employer Policies

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

Current Drugs Tested

- 5-Panel/Categories
 - THC
 - Cocaine
 - Amphetamines
 - Opiates
 - Phencyclidine (PCP)
- Drugs Confirmed
 - Marijuana
 - Cocaine
 - Amphetamine
 - Methamphetamine
 - MDMA
 - MDA
 - MDEA
 - Codeine
 - Morphine
 - 6-AM (Heroin)
 - PCP

DOT Drug Testing Data

- DOT drug testing data (2009-2013)
 - Total results (for each six month period)

Date	1-6/2009	7-12/2009	1-6/2010	7-12/2010	1-6/2011	7-12/2011	1-6/2012	7-12/2013	1-6/2013	7-12/2013
Number	2,594,149	2,569,016	2,685,937	2,777,896	2,817,342	2,871,465	2,936,252	2,900,596	3,061,722	3,021,634

DOT Drug Testing Data

- DOT drug testing data 2009-2013
 - Present positive, tampered, rejected (for each 6-month period)

Date	1-6 2009	7-12 2009	1-6 2010	7-12 2010	1-6 2011	7-12 2011	1-6 2012	7-12 2012	1-6 2013	7-12 2013
Positive, %	1.54	1.48	1.50	1.58	1.68	1.68	1.68	1.66	1.72	1.76
Tampered, %	0.15	0.18	0.16	0.17	0.13	0.18	0.15	0.17	0.16	0.25
Rejected, %	0.13	0.14	0.13	0.14	0.14	0.17	0.15	0.16	0.14	0.17

DOT Drug Testing Data

- DOT drug testing data 2009-2013
 - Percent positive (based upon total test results for each 6-month period)

Date	1-6 2009	7-12 2009	1-6 2010	7-12 2010	1-6 2011	7-12 2011	1-6 2012	7-12 2012	1-6 2013	7-12 2013
Amphetamines	0.27	0.28	0.30	0.37	0.42	0.43	0.45	0.50	0.51	0.54
Cocaine	0.26	0.24	0.22	0.28	0.31	0.33	0.30	0.24	0.25	0.26
Opiates	0.20	0.19	0.17	0.17	0.18	0.18	0.16	0.18	0.20	0.21
PCP	0.02	0.03	0.02	0.02	0.02	0.02	0.02	0.02	0.02	0.02
THC	0.79	0.74	0.79	0.74	0.74	0.71	0.74	0.71	0.74	0.74

DOT Drug Testing Data

- DOT drug testing data 2009-2013
 - Number positive results (for 6 month period)

Date	Amphetamines	Cocaine	Opiates	PCP	THC
Jan-Jun 2009	6,901	6,684	5,193	645	20,440
Jul-Dec 2009	7,291	6,231	4,794	681	19,005
Jan-Jun 2010	8,048	5,845	4,571	632	21,188
Jul-Dec 2010	10,109	7,771	4,643	650	20,664
Jan-Jun 2011	11,846	8,823	5,129	572	20,905
Jul-Dec 2011	12,460	9,555	5,152	699	20,286
Jan-Jun 2012	13,334	8,772	4,774	663	21,782
Jul-Dec 2012	14,555	6,959	5,292	671	20,530
Jan-Jun 2013	15,632	7,755	6,145	547	22,532
Jul-Dec 2013	16,232	7,888	6,201	649	22,282

DOT's Horizon Issues

- eCCF
- Alternative Specimens – Oral Fluids Testing
- Marijuana Legalization
- International Issues
- Testing for Additional Schedule II Drugs

Program Managers

<http://www.dot.gov/odapc/agencies>

- Juan Moya
 - FMCSA (acting)
- Jerry Powers
 - FTA
- Stan Kastanas
 - PHMSA
- Lyon Rosario
 - FRA (acting)
- Rafael Ramos
 - FAA
- Patrick Mannion
 - USCG

ODAPC Staff

<http://www.dot.gov/odapc/staff>

- Patrice Kelly
 - Acting Director
- Anne Bechdolt
 - General Counsel
- Mark Snider
 - Senior Policy Advisor
- Bohdan Baczara
 - Senior Policy Advisor
- Cindy Ingrao
 - Senior Policy Advisor
- Vicki Bellet
 - Administrative
- Maria Lofton
 - Administrative
- John Sheridan
 - Consultant
- Bob Ashby
 - Consultant
- Don Shatinsky
 - Consultant

Technical Assistance Provided by ODAPC

- In 2013, ODAPC's outreach included:
 - 147,277 list serves to companies and individuals
 - 8,706 emails, phone calls, Ask ODAPCs & other interactions with DOT Program Managers and our regulated public
- ODAPC's list serve has more than 28,000 subscribers
- Our web page is consistently one of the top 5 or 6 visited DOT web pages.
 - In 2013, we had 421, 029 visits to our web page

ODAPC Homepage

- <http://www.dot.gov/odapc>

Documents-on-demand

- <http://www.dot.gov/odapc/documents>

U.S. Department of Transportation

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