



**U.S. Department of Transportation**  
**Office of the Secretary of Transportation**

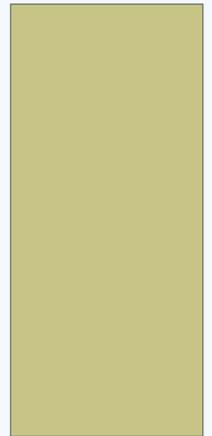
**Office of Drug and Alcohol Policy and Compliance  
(ODAPC)**

**Patrice M. Kelly, JD, Acting Director**

**“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.



**U.S. Department of Transportation  
Office of the Secretary**



## **Why This Program Is Important**



The transportation industry drug and alcohol testing program is a critical element of the Department of Transportation's safety mission. Pilots, truck drivers, subway operators, ship captains, pipeline controllers, airline mechanics, locomotive engineers, armed security personnel and bus drivers – among others – have an awesome responsibility to the public and we cannot let their performance be compromised by drugs or alcohol.

Working closely with industry, we have, over time, seen the number of crashes and accidents linked to drug and alcohol use by safety-sensitive employees decline. Still, human risk factors remain, so there is much work to be done, and we cannot rest until we have eliminated the dangerous risk posed by illegal drug use and alcohol misuse in the transportation industries we oversee.

Safety is our highest priority and we are committed to ensuring that transportation employees are drug and alcohol free. Employers should make sure that employees understand the personal and professional consequences of failing to comply, and supervisors must be trained to identify the signs of drug use and alcohol misuse.

Employers must also have strong drug and alcohol testing programs and employees must be removed from safety-sensitive duties immediately if they have violated drug and alcohol testing rules. Employees must not be returned to safety-sensitive duties until they have been referred for evaluation and have successfully complied with treatment recommendations.

Together, we can make a difference.

I know you will join me in supporting these important measures.

A handwritten signature in blue ink, which appears to read 'Anthony R. Foxx'. The signature is fluid and cursive.

**Anthony R. Foxx**  
**Secretary of Transportation**  
U.S. Department of Transportation  
December 2013

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



# 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
    - 4<sup>th</sup> 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/Employees  
540,000/3,900,000

FAA  
Aviation  
Employers/Employees  
6,900/450,000

FRA  
Railroad  
Employers/Employees  
750/111,300

FTA  
Transit  
Employers/Employees  
3,384/290,756

PHMSA  
Oil & Gas Pipelines  
Employers/Employees  
2,450/190,000

USCG  
Maritime  
Employers/Employees  
15,000/150,000



# **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**

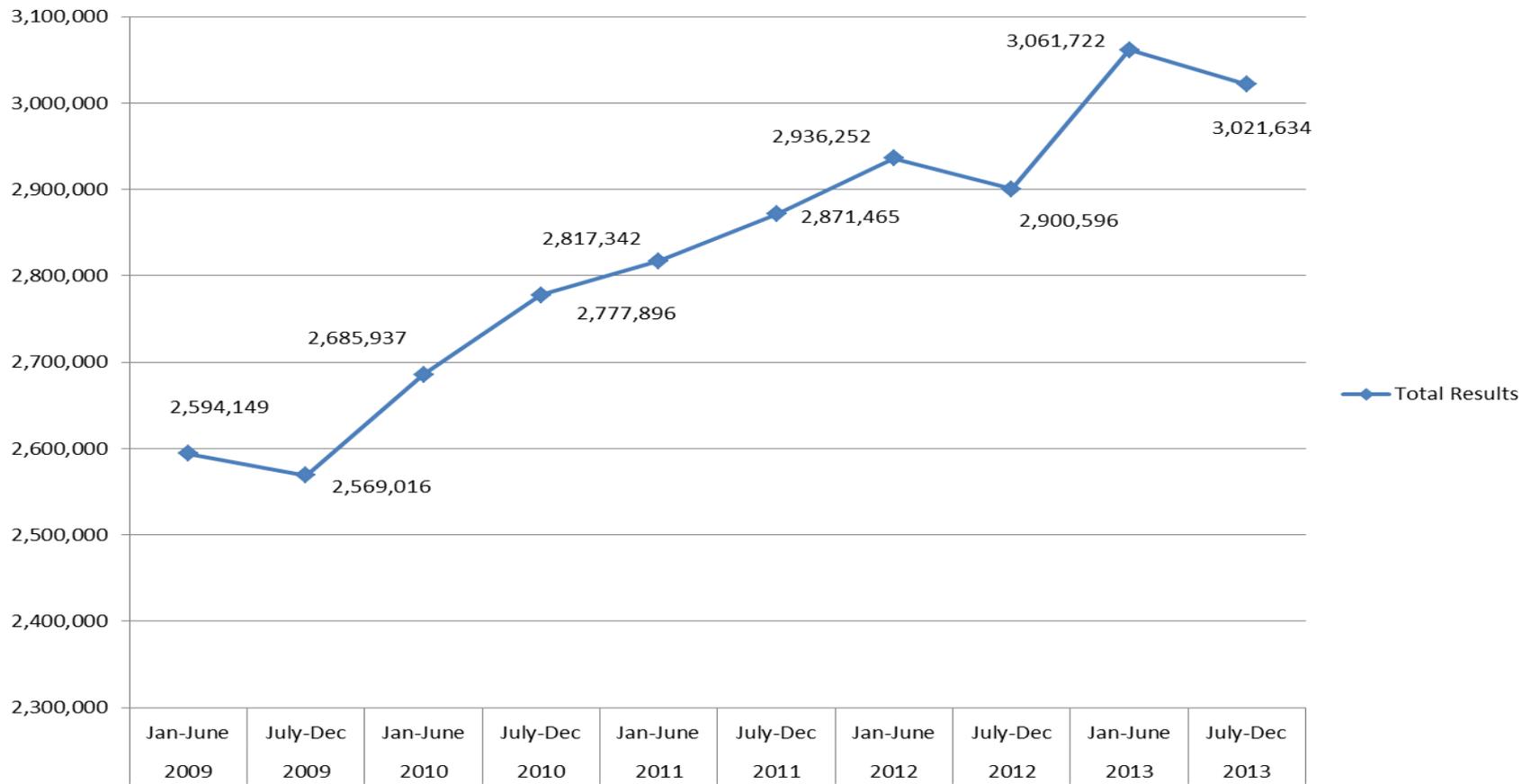
Red = Schedule I  
Black - Schedule II



# DOT DRUG TESTING DATA

## U.S. DOT Drug Testing Data 2009-2013

Total Results [for each 6-month period]

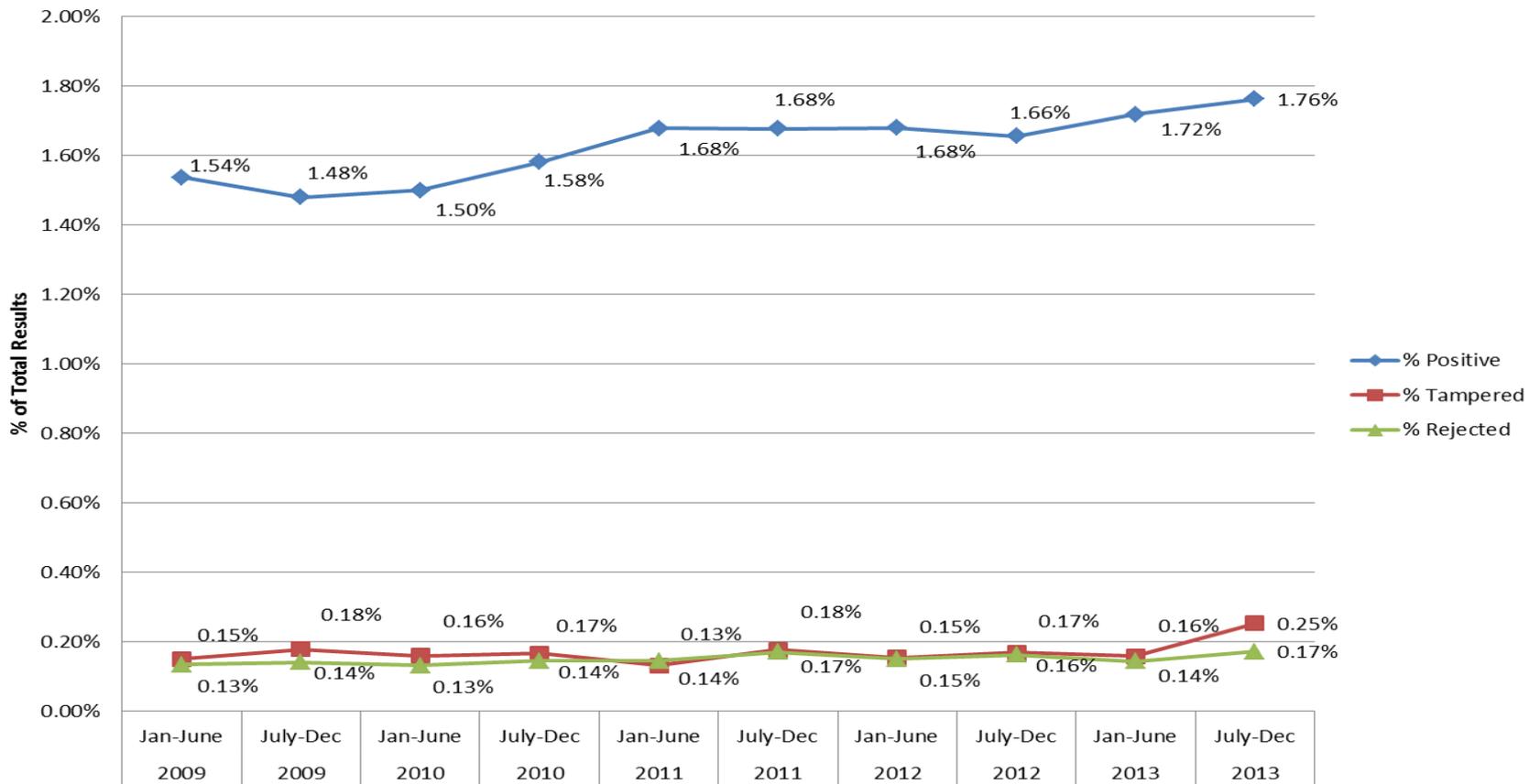




# DOT DRUG TESTING DATA

## U.S. DOT Drug Testing Data 2009-2013

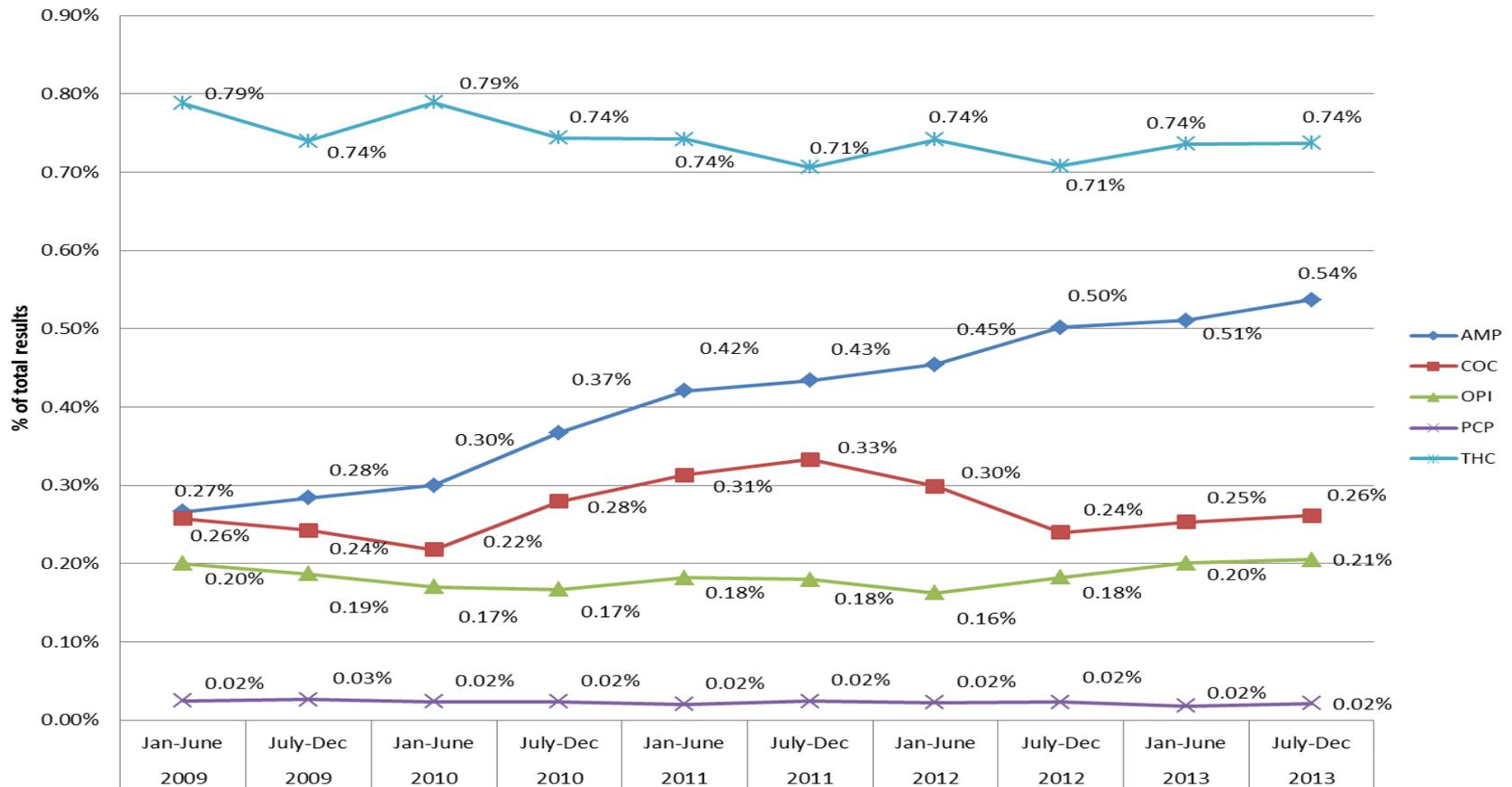
Percent Positive; Tampered; Rejected [for each 6-month period]





# DOT DRUG TESTING DATA

**DOT Drug Testing Data 2009-2013**  
Percent Positive [based upon total test results for each 6-month period]

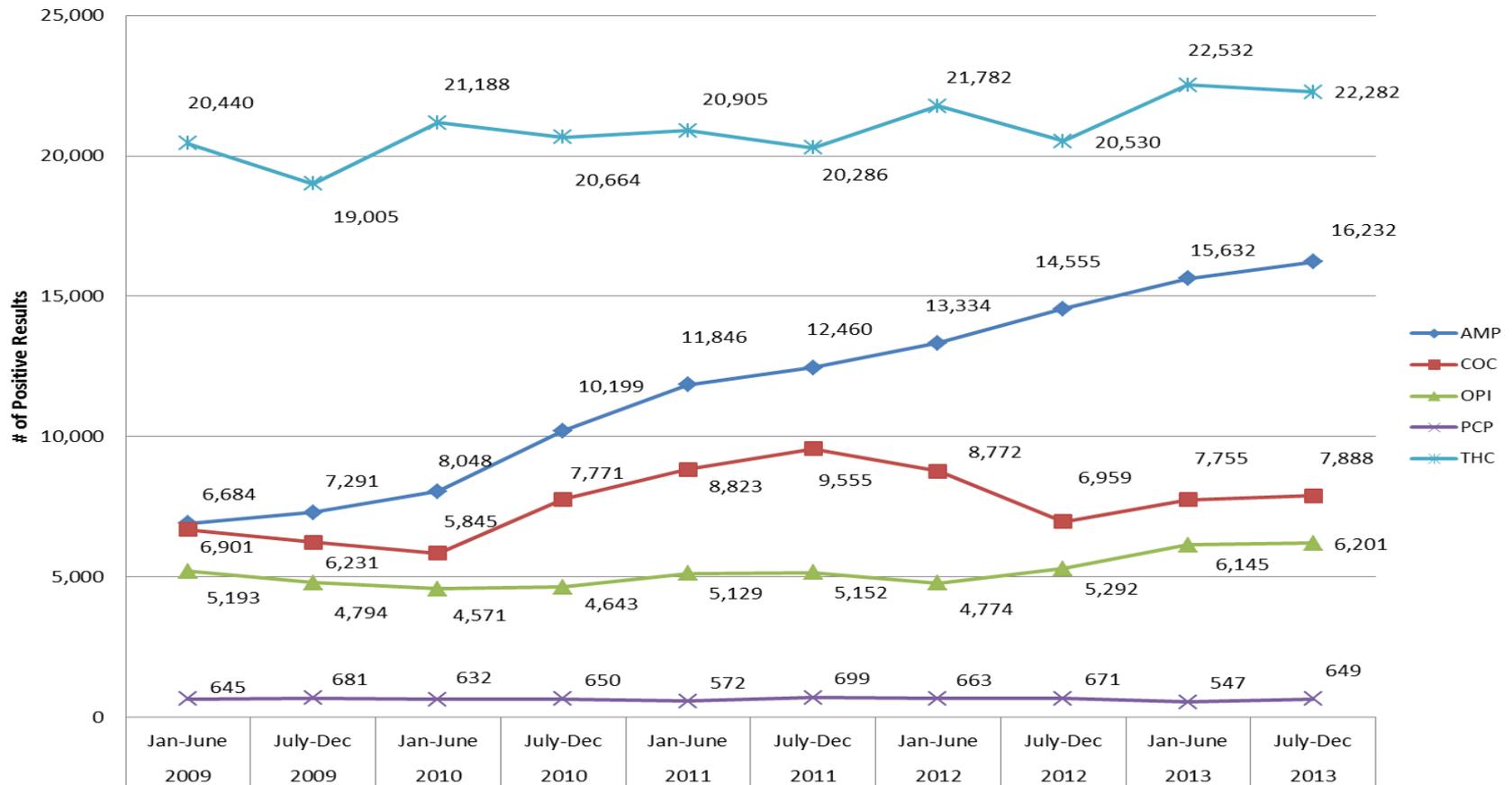




# DOT DRUG TESTING DATA

## U.S. DOT Drug Testing Data 2009-2013

Number Positive Results [for each 6-month period]

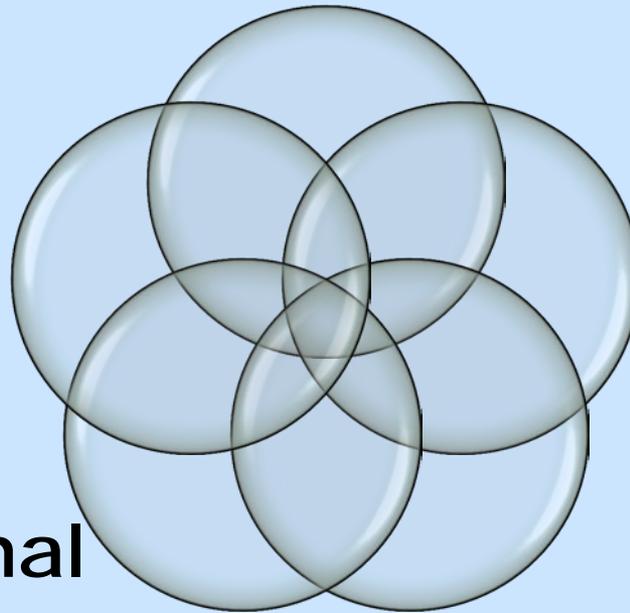




# DOT'S HORIZON ISSUES

## eCCF

Testing for  
Additional  
Schedule II  
Drugs



Alternative  
Specimens  
– Oral Fluids  
Testing

International  
Issues

Marijuana  
Legalization



# PROGRAM MANAGERS

Rafael Ramos  
FAA

Iyon Rosario  
FTA (*Acting*)

Stan Kastanas  
PHMSA

Jerry Powers  
FRA

Juan Moya  
FMCSA

Patrick Mannion  
USCG

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



# ODAPC STAFF

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*Senior Policy Advisor*

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**Vicki Bellet**  
**Maria Lofton**  
*Administrative*

**John Sheridan**  
**Bob Ashby**  
**Don Shatinsky**  
*Consultants*

[www.dot.gov/odapc](http://www.dot.gov/odapc)



# 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

www.dot.gov/odapc

United States Department of Transportation

▼ About DOT ▼ Our Activities ▼ Areas of Focus

**Drug and Alcohol Testing**

- Resources for Key Persons
- 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
- About Us

Home > Resources > For Partners > Drug and Alcohol Testing

## 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.

### Most Requested Information

- 49 CFR Part 40 (Drug and Alcohol Regulations)
- How do I find a Substance Abuse Professional (SAP)?
- Is there a list of prohibited drugs for being medically qualified to drive a commercial motor vehicle (CMV)?

**Got Drugs?**  
Turn in your unused or expired medication for safe disposal  
Saturday, April 26th, 10 a.m. - 2 p.m.  
Click here for a collection site near you.

- Recreational Marijuana Notice
- Medical Marijuana Notice
- Subscribe to ODAPC Email Updates
- DOT Agency/USCG Drug and Alcohol Program Manager Information

THE  
**DRUG ENDANGERED CHILDREN**  
TASK FORCE



# DOCUMENTS-ON-DEMAND

www.dot.gov/odapc/documents



U.S. Department of Transportation  
Office of the Secretary of Transportation

Office of Drug & Alcohol Policy & Compliance - W62-300  
1200 New Jersey Avenue, SE Washington DC 20590  
<http://www.dot.gov/odapc>

## Documents on Demand Request Form

### Ordering Instructions:

- Step 1: In Section "A", check the boxes of those documents/publications you want to receive
- Step 2: In Section "B", provide your mailing information in the "Requestor Information" section
- Step 3: Mail, fax (202-366-3897) or email ([ODAPCWebmail@dot.gov](mailto:ODAPCWebmail@dot.gov)) this completed document to ODAPC.

### Section "A"



#### Alcohol Testing

- Evidential Breath Testing Devices (EBT) Conforming Products List
- Alcohol Screening Devices Conforming Products List - Breath and Saliva Devices
- EBT Manufacturers List
- DOT Alcohol Testing Form
- Ordering Information – Breath Alcohol Technician (BAT) and Screening Test Technician (STT) Training
- List of Suppliers for the Alcohol Testing Form

#### Drug Testing

- Department of Health and Human Services (HHS) Certified Laboratory List
- Medical Review Officer (MRO) Associations/Training List
- HHS Sources of Blind Quality Control (QC) Material
- Split Specimen Cancellation Notification – for Medical Review Officers (suggested format)
- Federal Drug Testing Custody and Control Form
- List of Suppliers for the Federal Custody & Control Form

#### Other Forms and Lists

- Management Information System (MIS) Form & Instructions (12 pages)
- Release of Information Form (Model form for 49 CFR Part 40.25 compliance)
- 2014 Random Testing Rates
- DOT Agency Program Manager Contact Information

### Information Updates

- DOT HIPAA Policy
- Substance Abuse Professional Training and Examination Providers

### Regulations/Guidelines/Brochures

- 49 CFR PART 40 Complete Regulation Text
- Substance Abuse Professional Guideline
- Urine Specimen Collection Guidelines
- What Employers Need to Know About Monitoring Collection Sites
- What Employers Need to Know About DOT Drug & Alcohol Testing
- Office of Drug & Alcohol Policy & Compliance Fact Sheet
- What Employees Need to Know About DOT Drug & Alcohol Testing
  - English
  - Spanish

These regulations will be printed directly from the Electronic Code of Federal Regulations web page [www.ecfr.gov](http://www.ecfr.gov).

- 14 CFR PART 120 FAA (Aviation)
- 49 CFR PART 199 PHMSA (Pipeline)
- 49 CFR PART 219 FRA (Rail)
- 49 CFR PART 382 FMCSA (Motor Carrier)
- 49 CFR PART 655 FTA (Transit)
- 46 CFR PART 4, 16 USCG (Coast Guard)

### Section "B"

#### REQUESTOR INFORMATION:

Please TYPE or PRINT clearly. This information will be used for the mailing label:

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

If you'd like to receive ODAPC informational announcements by e-mail, visit our webpage at <http://www.dot.gov/odapc/> to register your e-mail address.



# U.S. DEPARTMENT OF TRANSPORTATION



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