

U.S. Department of Transportation

Jim Swart

Federal Drug Testing Advisory Board

Rockville, Maryland

January 26 & 27, 2011

Office of Drug and Alcohol Policy and Compliance
(ODAPC)

Office of the Secretary of Transportation

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.
- 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
 - 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, EPA, NTSB, & etc
 - Mexico; Canada; Australia; England; Nigeria ; New Zealand & etc
 - Industry Stakeholders / Customers
- Support Issue Conferences and Training Events
- Collect and Analyze Data and Information
- Develop “Plain-Language” Regulations, Guidance Documents, and Policy Interpretation

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.
 - Have “Gatekeepers” in place to ensure “due process.”
 - Certified Drug Testing Laboratories & Evidential Alcohol Devices
 - Medical Review Officers & Substance Abuse Professionals
 - Administrative Law Judges & Arbitrators
 - Systems must be auditable & reviewable by DOT Agencies
 - Develop “plain-language” regulations, policies, and guidance document

Program History

- Part 40 - 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)
- *U.S. DISTRICT COURT OF APPEALS UNANIMOUS DECISION - May 2009*
- “Medical Marijuana” Statement - October 2009
- Public Interest Exclusion Sentencing - August 2010
- Final Rule [Harmonizing with HHS] - August 16, 2010 - Effective Oct 1
- Final Rule on Use of New CCF - September 27, 2010 - Effective Oct 1

DOT Drug & Alcohol Testing Regulated Industry Program

- Federal Motor Carrier Safety Administration
- Federal Railroad Administration
- Pipeline and Hazardous Materials Safety Administration
- Federal Transit Administration
- Federal Aviation Administration
- United States Coast Guard

Office of the Secretary of Transportation

- 49 CFR Part 40

Agency	Regulation
Federal Motor Carrier Safety Administration	49 CFR Part 382
Federal Railroad Administration	49 CFR Part 219
Pipeline and Hazardous Materials Safety Administration	49 CFR Part 199
Federal Transit Administration	49 CFR Part 655
Federal Aviation Administration	14 CFR Part 120
United States Coast Guard	46 CFR Part 4,16

Numbers of Employers and Employees

Agency	Employers	Employees
Federal Motor Carrier Safety Administration	700,000	6,000,000
Federal Railroad Administration	750	111,300
Pipeline and Hazardous Materials Safety Administration	2450	150,000
Federal Transit Administration	3,224	273,300
Federal Aviation Administration	6,900	450,000
United States Coast Guard	15,000	150,000

Drug Testing Data Since 2005

- Positive drug testing:

Results	2005 Full year	2006 Full year	2007 Full year	2008* July-Dec	2009* Full year	2010* Jan-Jun
Total results	7,145,907	7,542,360	6,568,447	2,850,106	5,163,165	2,662,335
Positives	143,993	136,724	136,908	46,858	77,865	39,908
% Positives	2.02	1.81	2.08	1.64	1.51	1.49

- Drug types as percentage of all positives

Drugs	2005 Full year	2006 Full year	2007 Full year	2008* July-Dec	2009* Full year	2010* Jan-Jun
Amphetamine	14.66	12.82	17.54	16.09	18.23	19.95
Cocaine	26.84	28.48	23.32	19.19	16.59	14.50
Opiates	7.81	8.23	10.05	11.52	12.83	11.34
PCP	0.91	1.18	1.21	1.76	1.70	1.58
THC	49.77	49.30	47.87	51.45	50.66	52.64

Drug Testing Data Since 2005

- Specimens tampered with:

Results	2005 Full year	2006 Full year	2007 Full year	2008* July-Dec	2009* Full year	2010* Jan-Jun
Total results	7,145,907	7,542,360	6,568,447	2,850,106	5,163,165	2,662,335
Tampered	12,349	14,199	31,554	5,106	8,421	3,948
% Tampered	0.172	0.188	0.480	0.179	0.163	0.148

- As percentage of all tampered-with specimens

SVT results	2005 Full year	2006 Full year	2007 Full year	2008* July-Dec	2009* Full year	2010* Jan-Jun
Adulterated	4.7	5.3	4.8	9.3	10.50	10.69
Substituted	22.4	23.1	33.5	25.0	27.81	31.66
Invalid	72.9	71.6	61.7	65.7	61.7	57.65

Drug Testing Data Since 2005

(continued)

- Positive drug testing rates continue to decline [really good news!];
- Amphetamine positive prevalence continues to be above Cocaine [for the third consecutive 6-month reporting period];
- Marijuana continues to be most prevalent drug and percentages are going up; and
- Total tests have declined significantly since 2006, but there is a slight increase between the current 6-month period and the prior 6-month period [2.66M tests for the current period compared with 2.56M for the previous period].

DOT Horizon Issues

- Prescription Medication Use, Laboratory Testing, & Impairment Studies
- Alternative Specimen Testing – Science & Regulations
- “Medical Marijuana” & Legalization Issues
- Violation Databases & Civil Penalty Authority
- Drug Testing Advisory Board Participation

Program Managers

- Jim Keenan (FMCSA)
- Jerry Powers (FTA)
- Rafael Ramos (FAA)
- Lamar Allen (FRA)
- Stan Kastanas (PHMSA)
- Bob Schoening (USCG)
- Linda Cross (DOT Internal Program)
- Maggi Gunnels (FMCSA Medical)
- <http://www.dot.gov/ost/dapc/oamanagers.html>

ODAPC Staff

- Jim L. Swart (Director)
- Patrice Kelly (Deputy Director)
- Bob Ashby (Office of General Counsel)
- Mark Snider (Senior Policy Advisor)
- Cindy Ingrao (Senior Policy Advisor)
- Bohdan Baczara (Policy Advisor)
- Vicki Bellet (Administrative)
- Maria Lofton (Administrative)
- Yale Caplan (Laboratory Consultant)
- John Sheridan (Statistician Consultant)
- <http://www.dot.gov/ost/dapc/>

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