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NHTSA ESC rule is here

The National Highway Traffic Safety Administration (NHTSA) has released the long-awaited rule requiring that all new trucks and buses with a GVWR of 26,001 pounds or more be equipped with electronic stability control (ESC). The systems will be required in all:

- Three-axle truck-tractors within two years.
- Buses with a GVWR of 33,001 pounds or more within 3 years.
- Buses with a GVWR of 26,001 to 33,000 pounds, two-axle tractors, and severe-duty tractors within four years.

The new rule, found in a new section in the Federal Motor Vehicle Safety Standards at §571.136, does not include straight trucks,

or trucks or buses with a rating of 10,001 to 26,000 pounds. It only covers trucks designed and built as “truck-tractors” and “large buses” with a weight rating of 26,001 pounds or more.

System details

NHTSA looked at two different types of systems when writing the rule: ESC and RSC (roll stability control). The two systems are actually similar. RSC uses roll and yaw sensor to determine when the vehicle is becoming vertically unstable, and defuels the engine and applies the brakes to get the vehicle back into its stability envelope. ESC has all of the functions of an RSC system, plus the ability to stabilize

see **ESC rule**, pg. 6

HHS taking a serious look at hair testing

In a first step toward recognizing the use of hair follicles for drug testing for Department of Transportation (DOT) tests, the Department of Health and Human Services (HHS) has published a *Federal Register* notice requesting information on the potential use of hair specimens for drug testing.

Presently, the only accepted drug testing method for agencies that require drug tests (such as DOT) is urinalysis. The process involves:

- The employee (driver) providing a specimen at a collection site following specific procedures.
- A certified lab testing the sample for specific drug metabolites.
- The lab reporting its results to a medical review officer (MRO)

who “interprets” the lab results and releases the official results.

The collection site procedures involve trained collection site personnel taking steps to prevent the driver from “cheating,” verifying that the correct amount of urine was collected, verifying that the urine temperature matches the requirements, “splitting” the specimen, and completing the paperwork and getting the specimen on the way to the lab.

The lab simply tests the specimen, looking for specific metabolites and quantifying the amount of metabolite in the specimen, if any is detected.

The MRO interpreting the results involves the MRO comparing the “numbers” on the lab results to

thresholds established in the regulations. If the lab results exceed the acceptable threshold, then the MRO contacts the driver and determines if there was a legitimate reason for the metabolite to be in the specimen (such as a prescription). If the MRO determines that is no legitimate reason for the positive lab results, then the test results are “verified” as positive.

Disadvantages of urine testing

One of the main problems with urine testing is the short amount of time some drug metabolites remain in the person’s “liquids” and fats. Generally, the more volatile the drug, the less time it will be detectable in a urine test. Drugs

see **Hair testing**, pg. 8



Safety and Risk Management

Factor 4, the 'Vehicle Factor'

In this series of articles we are taking a detailed look at the processes involved in an "audit" (correctly known as a "compliance" or "comprehensive" review). The overall process follows a format called the "Six Factors." The six factors and the regulation areas that are checked in each factor are:

- Factor 1 - General: Part 387 Financial Responsibility and Part 390 General Compliance
- Factor 2 - Driver: Part 382 Drug and Alcohol, Part 383 CDL, and 391 Driver Qualifications
- Factor 3 - Operational: Part 392 Safe Operations and Part 395 Hours of Service
- Factor 4 - Vehicle: Part 393 Parts and Accessories and Part 396 Inspection and Maintenance
- Factor 5 - Hazardous Materials: Parts 171, 177, 180, and 397
- Factor 6 - Accident: Recordable Accident Rate per MM (no regulations involved)

In the recent articles in this series, we looked at Factors 1 to 3, the "General," "Driver" and "Operational" factors. In this article, we will look at the "Vehicle Factor."

Step 1 — calculate the out-of-service rate

To start the vehicle portion of the audit, the first thing the investigator will do is look at the carrier's vehicle out-of-service rate. This is calculated by considering how many vehicle inspections the company has had, and how many of them resulted in an out-of-service order related to the vehicle. If the carrier had 100 vehicle inspections in the last 12 months, and 10 of them resulted in a vehicle out-of-service violation, then the company's vehicle out-of-service rate would be 10 percent.

If the vehicle out-of-service rate is 34 percent or above, your vehicle factor "rating" will be "lowered" before any records are checked. The FMCSA does not tell the company how to get below 34 percent, they are just going to verify if the company is above or below that threshold.

If the carrier has not had enough roadside inspections to come up with a meaningful rate, the investigator will ask the carrier which vehicles on the property are ready for operation. The investigator will then conduct roadside inspections on those vehicles to get enough inspections to come up with a meaningful number.

Checking the records

Next, the auditor wants to see that the company has a systematic approach to vehicle inspection and maintenance, and that the company has the records to prove it!

As far as having a "systematic" program, the investigator will determine if you have a program and are following it when it comes to inspection and maintenance. Note: In this context, "inspection" means having a competent technician inspect the vehicle (not a driver).

What is unique in this area is that it is up to you to determine what is adequate when it comes to maintenance and inspections. The schedule, the items checked, and the actions taken based on the inspections and maintenance is all up to the carrier. The carrier will be judged on how well it follows the program it has established, the condition of the vehicles, and how the company's vehicles are doing during roadside inspections.

When selecting vehicle records to inspect, much like selecting drivers, the investigator is not going

to ask for maintenance records relating to the fleet's best vehicles. The investigator will want to see the maintenance records for vehicles that were involved in accidents, placed out of service, and received violations during roadside inspections.

The investigator will be checking the records to verify that:

- Unsafe vehicles (as were reported on DVIRs or roadside inspections) were repaired before they were operated again.
- Maintenance and inspection schedules are followed.
- Documents related to all maintenance, inspection, lubrication, and repairs are kept for one year.
- You have an effective driver vehicle inspection report, or DVIR, program that complies with the "3 and 3" requirements.

Daily DVIRs are required for drivers of passenger-carrying vehicles. Property-carrying drivers must submit a DVIR when there is a defect. However, property-carriers are allowed to require their drivers to submit daily DVIRs.

The "3 and 3" requirement is that DVIRs must be kept for 3 months, and 3 signatures are required on the DVIR if the driver noted any defects when completing the DVIR. The three signatures are the driver that completed the DVIR and recorded the defect, the carrier official that performed or oversaw the repair or decided that repair was not necessary, and the next driver to pre-trip the vehicle.

The investigator will also check that the selected vehicles have a current periodic/annual inspection and that there was no "gap" between the most recent annual inspections. Periodic/annual

inspection reports must be kept for one year and two months.

The investigator will also verify that the carrier is retaining a copy of all roadside inspections. The carrier must keep a copy of the roadside inspection reports for one year.

Finally, the investigator will verify that the carrier is using “qualified” technicians, and that the qualifications have been documented. The FMCSA regulations require that technicians be qualified in two areas: conducting annual inspections and inspecting, maintaining, and repairing brakes. To be considered qualified, the technician needs to have training and/or experience that meets the requirements in §396.19 (annual inspection) and §396.25 (brakes). If the carrier determines the technician meets the requirements, the carrier must document why it believes the individual is qualified and retain the documents.

Scoring

This factor’s scoring is slightly different than the scoring of the other factors. While the violations are scored the same, the carrier’s

out-of-service rate is considered first. Violations of acute regulations (such as using a vehicle that has been placed out of service) and a pattern of violations of a critical regulation (such as using vehicles that are not annually inspected) are assigned one point, and one point leads to a rating of Conditional and two points leads to a rating of Unsatisfactory.

Just a reminder, a “pattern” is defined as 10 percent or more of the records checked contained the violation.

As mentioned earlier, if the carrier’s out-of-service rate is found to be 34 percent or more, the factor rating is lowered to Conditional before any records are checked. In this case, any violation of an acute regulation or a pattern of violations related to any of the critical regulations involved will lead to a factor rating of Unsatisfactory.

Getting a favorable score

To get a “Satisfactory” rating in this basic, the carrier needs to:

- Develop and follow a systematic maintenance program for all vehicles (including trailers).

- Immediately act on any defect reported by a driver or on a roadside inspection report.
- Generate records verifying that the vehicles are being maintained and lubricated on a scheduled basis, and repaired whenever a problem is reported or discovered.
- Make sure that no vehicles are operated if they are in an unsafe or non-compliant condition.
- Track trends in the maintenance and roadside inspection records and adjust maintenance or component rebuild/replacement schedules if necessary.
- Make sure that any vehicles placed under an out-of-service order are repaired before being operated.
- Have an effective driver inspection program; train drivers on conducting daily inspections and insist that they be done.
- Have a process to immediately repair any issues that are reported by a driver.
- Require drivers to submit DVIRs when required — and make sure that they do.
- Have a DVIR process that gets all three required signatures onto the report.
- Make sure that all vehicles have an annual inspection before the previous one expires (this will require some type of “ticker” or “alert” system).
- Qualify (and document the qualification) any technicians that are conducting annual inspections and inspecting or repairing brakes.
- Track its out-of-service rate and take steps to keep it low!

As with many other areas, if the carrier puts forth the effort to meet the compliance requirements in this area, the carrier will be well on the way to operating safely. However, as the regulations are generic and only provide the minimums that must be met, many safe carriers choose to exceed the regulatory requirements in this area. **A**





HR Focus

'Gaps' in employment

In recent articles we have looked at the process for screening a driver applicant. We discussed having a process in place that includes:

- Having and following hiring standards.
- Thoroughly examining all applications.
- Asking the applicant to provide any missing information on the application.
- Getting MVRs in all states the driver has had licenses in over the last three years and be on the lookout for states the applicant didn't tell you about (noticeable sometimes by gaps in license dates or remarks on the current MVR).
- Asking the applicant to account for any gaps in their employment.
- Contacting previous employers (conducting the SPH).
- Using the FMCSA's Pre-employment Screening Program to locate issues with the applicant, such as inspections at a previous carrier he/she has not told you about or serious violations.

Closing the 'gaps'

One issue that was not discussed in detail in these past articles on the topic of employment verification is how to "close the gaps" in a driver's application. If the applicant has a gap of 30 days or more in his/her work history, you need to have the applicant explain what he/she was doing for that time. Typically, you will get one of two answers when you raise the question.

Unemployed

First, some applicants will state that they were unemployed. To "close" this gap, and to verify that

the driver was not actually working at another carrier and performing poorly or unsafely, ask the applicant for proof that he/she was actually unem-

ployed. This can include statements from the unemployment office, statements from the employment office or service that the applicant was working with, or statements from companies that the driver had applied at during the unemployment period.

'Self-employed'

Second, are drivers that claim they were self-employed during the gaps. Drivers will also use the "self-employed" answer to try to hide poor or dangerous work history at a past carrier.

This tip is thanks to Jeffrey Burns, of Blue Springs, MO, who submitted a comment on one of the previous articles on this topic: "Your article(s) failed to mention the driver who covers up his poor or dangerous work history by reporting that he worked for himself for a period of time. The application will not show any gaps, and there will apparently be no one to ask for a recommendation because he was supposedly working for himself. However, the new employer is not without remedy. The new employer can ask for tax returns that cover that period of time and can also ask for references from major customers that the driver supposedly performed work for when he was driving (or working) for himself. The new employer should at least do both of these in the face of a self-reference such as this."

This is an excellent point and an excellent practice.

'But they're gone!'

Finally, gaps develop when the applicant has listed carriers that are no longer in business. This could be a legitimate case of the driver worked there and now the company is out of business, or it could be a clever applicant trying to hide a gap or a problem in his/her past.

To deal with this, ask the applicant to provide you with:

- Some type of official documentation from the previous carrier, such as payroll statements, logs, W-2s, etc.
- Tax returns showing the carrier as a previous employer.
- A direct contact from the previous carrier you can contact, such as a former supervisor.
- The name of the successor carrier. Many times someone took over the business and has the records from the previous carrier.

Remember why you are doing this!

Driver screening is done for two reasons. One reason is to comply with the driver qualification requirements in the regulations. These simply require that the hiring carrier:

- Check the driver's MVR in all states the driver was licensed in over the previous three years, and
- Conduct a safety performance history check with all DOT regulated previous employers the driver worked at over the previous three years.

Doing these required activities will reduce the risk of a violation of the safety regulations.

However, they may not protect a carrier from hiring a driver that it shouldn't, especially if the driver is trying to hide a troubled past and has some knowledge of the regulations, which is the other reason for driver-applicant screening.

Having a robust screening process will help a carrier avoid a "bad hire" and claims of negligent hiring and entrustment, which can get costly. Negligent hiring occurs when a company should have avoided hiring the driver, based on information it could have or should have acquired.

Special thanks

Again, a special thanks to Jeffrey Burns, of Blue Springs, MO, for his contribution to this article. **A**



What is the difference between the 'different' vehicle requirements?

The key vehicle regulations are found in the mechanical regulations (Part 393), Appendix G (the annual inspection criteria, part of the regulations), and the Out-of-Service Criteria (OOSC), which is not actually a part of the regulations.

The key is understanding that any violation of the Part 393 regulations will result in a violation being written against the vehicle if discovered by an officer on the road (and potentially a fine issued), even if it is not mentioned in Appendix G or the OOSC.

An example of this is an active or non-working ABS light. It is not

part of Appendix G, and it is not mentioned in the OOSC. However, a vehicle with an active or non-working ABS light will be written up as being in violation. This means the carrier has to get the ABS repaired before the vehicle is re-dispatched, and sign and return the roadside inspection report attesting to the repairs within 15 days.

Appendix G provides the standards that a vehicle must meet to pass an annual inspection. It also provides the minimum condition the vehicle must be in at all times to operate on the roadway. Vehicle violations that fall under the Appendix G regulations are a bigger deal, and definitely will result in a violation if found during a roadside inspection.

As far as the OOSC, any time a vehicle violation involving Part 393 is found, the officer compares it to the OOSC. If the violation fits the OOSC description, the vehicle is placed out of service until it is repaired.

Tires are a good example to use to show the process of how the regulations, Appendix G, and the OOSC work together. If the vehicle has a steer tire that is at 3/32 of an inch tread depth, it is in violation

of §393.75, which requires a minimum of 4/32 of an inch. If the tire is found in this condition during a roadside inspection, it will be written up as a violation.

It will also be considered as being below the minimum standards required in Appendix G, as Appendix G also states the steer tires must have at least 4/32 of an inch of tread depth. If this condition is found during an annual inspection, the vehicle cannot be passed.

However, when the officer compares the condition to the OOSC, he will not place the vehicle out of service, as the OOSC states that 2/32 of an inch is the out-of-service cutoff for a steer tire. The vehicle will be written up as being in violation of §393.75 (and possibly Appendix G), but it will be allowed to continue, with the stipulation that the tire be replaced before the vehicle is re-dispatched.

On the other hand, if the tread depth was less than 2/32 of an inch, not only would it be written up as a violation and be considered below the minimums required, the vehicle would also be placed out of service until the tire is replaced. **A**



Training Tip of the Month

Keeping an eye on the tires

Training drivers on what they should be doing to take care of the tires can address catastrophic tire failures, something no carrier likes.

Inspection

Be sure that drivers use a tire gauge when inspecting tires during pre-trips. Gauging must be done when the tire is cold. If a tire is

gauged when it is hot, the pressure reading will be high. If a tire must be gauged hot, train driver to never let air out. It is not uncommon for tires that have been warmed by road contact to gain 10 to 15 percent in pressure.

As well as checking inflation during the pretrip, the driver should also be checking the condition of the tire. This involves looking for damage, wear, or a problem (such as side blistering).

When driving, the driver should check the tires at every stop. Because gauging is not accurate, many drivers will use a hammer or tire thumper to check their tires during these stops. This is fine, but the driver needs to understand that



this is not an accurate check. It simply lets the driver know if the tire still has air in it.

The driver should also be checking for "hot tires." Hot tires can be caused by a wide variety of issues (low inflation and tire damage to name

two). The key is to locate the bad tire, and have it repaired or replaced before it has a catastrophic failure.

Avoiding damage

Training to avoid tire damage involves training drivers to avoid sidewall impacts with curbs, railroad tracks, and other hazards. These sidewall impacts damage the sidewall (both rubber and cords). This damage could lead to a catastrophic failure in the near future. **A**

ESC rule, from pg. 1

the vehicle during severe oversteer or understeer conditions by automatically applying brake force at selected wheel-ends.

While both systems are presently commercially available, NHTSA decided to require ESC. This is because ESC is a more encompassing system, and it provides better protection and more net benefits.

Definition and performance

The ESC system must meet both the definition provided in the regulations, as well as the performance standards found in the rule. The performance standard involves the vehicle remaining stable while driving through a 150-foot “J” turn too fast. The standard is designed to simulate an expressway off-ramp.

To meet the performance standards, the system must activate when the driver enters the curve going over 30 mph. The system must then stabilize the vehicle and reduce its speed to less than 30 mph within 3 seconds and less than 28 mph within 4 seconds through automatic engine control and braking. The decision to establish the requirement to adjust power and

braking when 30 mph is exceeded in a 150-foot J turn is based on a lateral force of 0.4 g.

The reason 0.4 g was selected is 0.4 g represents the margin of lateral stability on a loaded tractor-trailer with a high center of gravity load. At 0.4 g of lateral force, or more, the vehicle is likely to suffer from lateral instability (“yaw” instability), wheel lift, and rollover.

To allow drivers to operate and get moving in extreme low-speed situations without the system continually defueling and braking the vehicle, the system can be disabled (automatically or manually by the driver) if the vehicle is traveling under 12 mph. Once the vehicle exceeds 12 mph, the RSC must be fully active.

The ESC must also have a diagnostic system that verifies it is working correctly. The diagnostics must include a dash indicator to notify the driver if the diagnostics discover a fault in the system.

Not new technology

These systems are not anything new. They have been required in passenger cars, multipurpose

passenger vehicles, trucks, and buses with a gross vehicle weight rating of 10,000 pounds or less since 2012. Also, they have been available as an option on large commercial vehicles for several years.

How much is this going to cost?

Based on present-day pricing, the average cost of the required ESC is predicted to be \$585 for the covered tractors and \$269 for the covered buses. Also, as with any electronic system, there will be the ongoing cost of maintaining and repairing the system as the vehicles age. Finally, there will be additional driver training required, so the driver will understand what the system is doing and when it is displaying a fault through the diagnostics.

Only required on new vehicles

As this rule is being put forth by NHTSA, it will only affect new vehicles built after the deadlines. As of now, there are no plans in motion to make such systems mandatory for vehicles that were manufactured in advance of the deadlines (there is no “retrofit” requirement in the rule). **A**



Did You Know. . .

A driver can be criminally charged for transporting HM without a placard

The Department of Transportation (DOT) Office of Inspector General (OIG) recently announced that it has accepted a guilty plea from a driver who operated a truck with hazardous materials on it without properly placarding it. The

sentencing for the driver will be done at a later date.

Background

The driver loaded “natural gas condensate” into a vehicle and transported it to a company that processes materials. This material is a hazardous material and would require specific shipment paperwork and placards. However, the bill of lading made no reference to the material being hazardous and the vehicle was not placarded.

While pumping off the product (unloading), a fire ignited. The fire injured three employees and destroyed a building at the receiving facility. The local fire department was unable to determine what the material actually was, and could not effectively fight the fire. The tanks burned for eight days, finally

going out when all of the gas had been consumed.

After the fire, federal investigators determined what had actually been in the vehicle and pressed criminal charges against the driver involved.

Know what you are hauling!

One lesson to be learned from this incident is to always know what you are hauling (both the company and the driver). Also, make sure drivers are trained on spotting hazardous materials. If the cargo is hazardous, make sure the driver is trained on transporting hazardous materials and follows the regulations. If the driver is unsure, make sure the driver knows to call your company for guidance.

‘Brief’ the driver

One safety management control that is used by some carriers is



having the driver call in for a briefing before going to a customer that is a potential hazardous materials shipper. The briefing includes what the driver is expected to pick up, what to look for, and how to spot potentially hazardous materials. Once at the customer, the driver calls in to notify the company what specifically he/she will be hauling.

If the shipment is indeed hazardous, someone at the company then checks that the material is one that the company hauls, checks for segregation issues (some hazardous materials cannot be loaded with other hazardous materials), and verifies that the shipment

paperwork is correct (including the correct description, the emergency response information, etc.).

The driver will also be reminded of issues such as:

- Any special handling requirements or hazards
- The importance of inspecting the load
- The marking and labeling requirements
- The placarding requirements
- The need to get at least one extra placard
- The proper location for the shipment paperwork during the movement
- Any special stopping or parking requirements (such as no stopping and parking on the road or shoulder)
- Railroad crossing and routing issues

Once the driver is loaded and ready to go, some companies will have the driver send in a copy of the shipment paperwork, as well as calling in to verify that the loading has gone according to plan.

The company will then check the shipment paperwork to verify that everything is as it should be. They will also keep this copy while the vehicle is in transit. This way, should something happen to the copy the driver has during an incident, the copy the company has can be provided to emergency responders.

Why do some drivers not put placards on the vehicle?

Some drivers do not placard hazardous materials shipments they should because they do not want the “hassles” that come with placarding, they do not want to deal with additional scrutiny from officers, or they do not have the hazardous materials endorsement.

To prevent this from happening, carriers should make sure the drivers are properly qualified and trained on hazardous materials, and carriers should insist that the rules and company policies related to hazardous materials be followed by everyone involved in the process. **A**



Safety Tip

Inspections matter!

In this month's safety tip, we are looking at one of the more mundane, but important tasks a driver must do, and do well — inspect the vehicle.

Safety Tip

Take care of the machine that takes care of you

To make this safety tip work, be sure to include inspection training in your new-hire and refresher training, and follow-up with drivers that appear to be having trouble with their inspections. The training should include proper inspection techniques for:

- Pretrip inspections

- Enroute inspections
- Post-trip inspections

Pretrip inspections should include a complete inspection of the vehicle. Drivers should be trained on what to check, what would be considered defective, and to whom to report problems. The drivers should also know to not operate the vehicle until any problem discovered during the inspection is corrected.

Enroute inspections are required to check the cargo (unless it is in a sealed compartment) and inspect the tires (if hauling hazardous materials). However, drivers should be trained (and be expected to) check critical components whenever the vehicle has been parked, such as cargo securement, lights, tires, coupling devices, and anything else the driver can check while walking around the vehicle.

Post-trip inspections should include everything that is checked on a pre-trip, except for items that

are affected by heat (such as fluids and gauging tire pressure). The drivers should know to immediately report any problems they have found (via the DVIR and possibly in person), so they can be repaired before the vehicle must be operated again.

Drivers that appear to be having trouble with inspections (as evidenced by poor roadside inspections, unreported vehicle problems discovered during maintenance, or direct observations) should be provided with coaching and counseling, and remedial training. **A**

Do you have a safety tip to share?

Submit your transport-related safety tips to:

Transport Safety Pro Advisor

c/o Thomas Bray,
fax: (920) 727-7519,
email: tbray@JJKeller.com

Hair testing, from pg. 1

such as amphetamines are notorious for “burning” out of the system quickly, within a few days in some cases.

Another issue with urine testing is the “relative” ease of substituting a specimen, due to the specimen being donated in private. Employees that are well versed in the collection process know what “prosthetics” won’t be caught, and what temperature the specimen must be at when given to collection site personnel.

Advantages of hair testing

Hair testing alleviates these two concerns. Hair specimens can be collected in plain view (no privacy concerns) and the hair holds the drug metabolite a lot longer than the liquids and fats in the body.

However, as of today hair testing cannot be used in place of urine testing when it comes to DOT drug testing. This is because HHS has not written regulations relating to the collection and testing of hair specimens, and DOT requires the use of HHS approved methods.

As a result, if a carrier chooses to do hair testing, it must be in addition to the required urine testing. Also, if a driver fails a hair test the carrier cannot take any action against the driver based on the DOT regulations. Any action taken against the driver must be taken based on the company’s non-DOT drug testing policies.

HHS is asking specific questions

In the *Federal Register* notice, HHS is asking for expert opinions on hair specimens, collection procedures, specimen preparation,

analysis, cutoff thresholds, specimen validity testing, and lab testing.

Hair specimens

HHS asked specifically what would be acceptable locations for collecting specimens, what hair treatments (hair sprays, shampoos, etc.) might influence test results, and what tests should be done using hair testing (pre-employment, random, post-accident, etc.)?

Collection procedures

HHS questions included what training will be necessary for collection personnel, what collection protocols will be necessary, what are the details necessary in the collection protocols, and what the minimum amount of hair that must be collected should be?

Specimen preparation

HHS asked questions such as what steps should be used to prepare the hair specimen for testing (washing, decontamination, micro pulverization, etc.), are there studies and/or officially accepted processes in use for decontaminating the specimen (to remove external contaminants), and should the lab testing process or thresholds be adjusted to compensate for any washing fluid?

Analysis and cutoffs

HHS asked specifically what should be measured in a hair test, what should the cutoffs be for the initial and confirmation tests, and what processes need to be in place during lab testing to deal with external contamination?

Specimen validity

The questions in this area included: are tests needed to verify

that the hair is human hair, are there testing methods that could be used to detect adulteration or substitution (and if so, what would the acceptable criteria be), and is having an “invalid” result necessary in hair testing?

Lab testing

HHS specifically asked what technologies are available and in use for hair testing, what is the best sample to use for validity testing, and what is the best sample to use for quality control and proficiency testing?

Hair testing is not new

As hair testing is already in use in the non-DOT environment, HHS should receive an adequate number of qualified comments. Once this information is gathered and analyzed, the next step would be HHS writing rules related to the use of hair for required tests (first a proposed rule, then a final rule).

Just a reminder, hair testing can be used for non-DOT tests, and can be done in addition to the required DOT drug tests, but they must be done under company policies.

Not everyone is a fan

Some people within the industry are likely to object to the use of hair testing for DOT drug testing. It allows a much “longer” view of the driver’s history, which some believe will lead to drivers being “punished” for past mistakes. Also, hair testing does not necessarily prove that the driver was under the influence while operating a vehicle. For these two reasons (and others), the process will not be put into the rules without objections. **A**

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