

Navigating the Drug and Alcohol Testing Regulations and Protocols

1



Gary Petty
President & CEO
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2



3

Thank You for Joining Us!

- This webcast will cover ...
 - A regulatory overview
 - Best practices in compliance
 - A case study in implementation
 - Question & Answer session
- You will be muted during the event.
- Please use the Q&A feature to send in questions. We'll try to answer them during the Q&A period if they are not covered in the presentation.
- The slides and recording will be posted within 7 days at:
www.jjkeller.com/nptcinfo

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4

Meet Your Speakers



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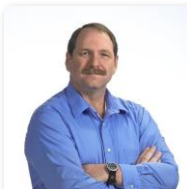


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5



DOT Drug and Alcohol Testing

Tom Bray
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6

Audience Poll

Where do you struggle the most when it comes to DOT drug and alcohol testing?

- Getting drivers in for random testing
- Testing and results delays
- Finding testing sites following accidents
- Over program administration

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7

Required Drug and Alcohol Tests

- Pre-employment (§382.301)
 - Drug only
- Random (§382.305)
 - Drug only, or drug and alcohol
- Reasonable Suspicion (§382.307)
 - Drug and/or alcohol (situation dependent)
- Post-accident (§382.303)
 - Drug and alcohol
- Return-to-duty (§382.309)
- Follow-up (§382.311)

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8

DOT Pre-Employment Drug Test

- Must have verified negative results in hand before driver operates CDL-required vehicle in commerce under your DOT number
 - Only exception is in §382.301(b)
 - Driver has no history of drug or alcohol violations, was in another DOT/FMCSA testing program within the last 30 days, and
 - Was drug tested in the last six months, or
 - Was in the random program for more than 12 months
 - Previous employer must provide documentation

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9

DOT Random Drug and Alcohol Testing

- 50 percent for drugs, 10 percent for alcohol
- Drawing spread throughout the year
 - All drivers that operate CDL-required vehicles must be in the pool
 - Only remove drivers that are not working if you know they will not be returning
 - Drivers selected must be tested before next drawing
 - Alternates are allowed and can test more than the minimum
- Driver proceeds directly to collection/test site once notified

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10

Reasonable Suspicion vs. Actual Knowledge

- Reasonable suspicion
 - One of YOUR trained supervisor sees indications of the driver being under the influence of drugs or alcohol
 - Driver taken for reasonable suspicion testing and not allowed to operate until results are in, driver removed if results are positive
- Actual knowledge
 - Directly see the driver using controlled substance or misusing alcohol
 - Information from a previous employer
 - Traffic CITATION for operating a CMV while under the influence
 - Employee admission (exception for EAP admissions)
 - No test required – remove driver and document!

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11

DOT Post-Accident Testing

- Required if the crash involved:
 - A fatality
 - A citation being issued and:
 - There were injuries requiring immediate treatment away from the scene, or
 - An involved vehicle being towed due to disabling damage
- Testing windows
 - 8 hours (2 + 6) for alcohol
 - 32 hours for drugs
 - If test cannot be done within the window, it is not to be done
 - Document why test was not done
- CANNOT do DOT post-accident tests in other situations or if you think it might end up required

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12

Return-to-Duty and Follow-Up

- Only required for drivers returning from refusal, positive test, actual knowledge situation, etc.
 - Return-to-duty test only done after completion of Substance Abuse Professional evaluation and treatment
 - Follow-up testing schedule established by the Substance Abuse Professional, execute by the carrier employing the driver

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13

Types of DOT Tests

- Drug:
 - Urine
 - Oral fluid*
- Alcohol:
 - Screening
 - EBT, non-EBT breath device, or saliva screening
 - Confirmation
 - EBT only

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14

What About Pot and Legal Drugs?

- MRO Process
 - Lab reports drug content over threshold in specimen to the MRO
 - MRO contacts driver and discusses
 - If driver can provide a valid and current prescription for a legal drug (oxycodone, hydrocodone, etc.), and MRO can verify it, results will be negative
 - If driver cannot provide a valid and current prescription, the MRO cannot verify the prescription, or the drug in question is not legal at the federal level, results will be positive
 - Marijuana, THC infused edibles (gummies, dips, candies, etc.), and CBD oil with THC content fall into this category and will result in a positive result!

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15

Drug and Alcohol Clearinghouse

- Database of drivers that have:
 - Tested positive for drugs or alcohol on DOT test
 - Refused a DOT-required test
 - Including adulterating or substituting during testing/collection
 - Been caught in an actual knowledge situation
 - Observed drug use or alcohol misuse
 - DUI citation in a CMV
 - Alcohol use within 8 hours of a crash requiring DOT post-accident testing

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16

Drug and Alcohol Clearinghouse

- Entries made by (§382.705):
 - MROs
 - Positive drug test results and refusals involving the MRO
 - Carriers (or their C/TPA)
 - Positive alcohol test results
 - Actual knowledge situations, including alcohol use within 8 hours of a crash requiring DOT drug and alcohol testing
 - Refusals involving the carrier
 - Negative return-to-duty tests and completion of last follow up test
 - SAPs
 - Completion of evaluation and treatment

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17

Drug and Alcohol Clearinghouse

- Required queries for carriers
 - Preemployment
 - Full query must be completed before the driver operates a CMV under your DOT number (no exceptions)
 - Full query requires driver to register in the Clearinghouse and authorize the release of any information
 - Provides all information in the Clearinghouse on the driver
 - Annual
 - Can be a limited query
 - Must have written release from the driver
 - Only says if there is information on the driver in the Clearinghouse
 - If there is information in the Clearinghouse, must conduct full query within 24 hours

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18

Drug and Alcohol Clearinghouse

- Push notification function
 - Carrier will be notified of any change in Clearinghouse status for up to one year after a query is run
 - Receiving a push notification should trigger a full query by the carrier

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19

Drug and Alcohol Clearinghouse

- If driver is listed as Prohibited, driver cannot operate a CMV
 - Will be placed out of service if caught during roadside inspection
 - Will be cited if discovered during an audit or investigation
- To return to CMV driving (be shown as Not-Prohibited again):
 - SAP must enter completion of evaluation and treatment
 - Carrier must enter a passed return-to-duty test
- Completion of follow-up testing entered by employing carrier after last follow up testing is completed

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20



Raising the Bar

Tom Moore, CTP
National Private Truck Council

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21

Drug and Alcohol Testing

- Letter of the rule versus the spirit versus good business
 - Letter: Specific regulations that must be followed
 - Spirit: To get and keep drivers that are actively using drugs and/or misusing alcohol off the road
 - Ruthlessly following the regulations to the letter accomplishes the spirit!

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22

Raising the Bar

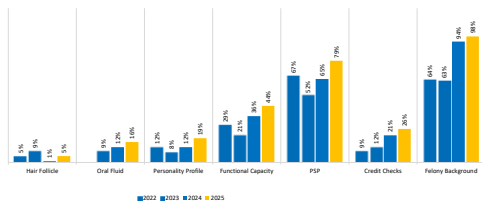
- These are above and beyond DOT testing
 - Hair follicle
 - Oral fluid
 - Testing after all accidents or injuries
 - Testing more than just CDL drivers (all employees)
 - Random testing at percentages higher than required
- Must be separate from DOT CDL driver testing program
- Cannot use DOT testing materials
- When a driver that is in both the non-DOT and DOT program is sent for testing, the driver (and testing/collection site) must understand which type of test is being done

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23

Pre-Employment Screening Practices



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24

Oral Drug Testing

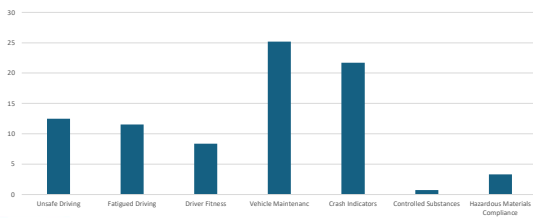
- Will be allowed to be used in place of urine testing
- Advantages:
 - More accurate when it comes to recent drug use
 - Eliminates "shy bladder" situations
 - Can be used as fall back in shy bladder situations
- However, to be used:
 - Need to add it to your policy and verify:
 - Your labs are qualified to do the testing (currently NO qualified labs)
 - Your collection sites are trained on oral collection devices and techniques

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25

CSA Scores



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26

Clearinghouse to Date

- As of February 2025 (last Clearinghouse report)
 - 518,455 registered carriers have run 32,789,675 queries
 - 287,371 drivers have had at least one violation
 - 182,588 listed as prohibited
 - 104,783 drivers have completed SAP and return-to-duty test
 - On-road catch rate for operating when prohibited has traditionally been around 50%
 - However, since November driver has lost CDL when listed as prohibited, so many violations are now being recorded as no/suspended/revoked CDL

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Micha Cox, CTP
OTR Regional Operations Manager



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28

Standard Logistics

standard
logistics

- Standard Logistics originated as the private fleet operation for GAF Building Materials transporting raw materials and finished roofing materials in and out of 21 manufacturing facilities across the United States. We have continued to develop as private fleet and as a for-hire carrier with brokerage operations while maintaining our roots with GAF Building Materials.
- We currently operate with 420 drivers, 400+ tractors and 700+ trailers (pneumatic, flatbed, tanker and van), 1MMSF of warehousing and 21 locations
- ~23M miles annually
- SmartWay Certified Carrier 2020-Present
- 2021 Home Depot Inbound Carrier of the Year – Flatbed
- 2023 Fleet Owner's Private Fleet of the Year – Fleet to Watch



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29

What's the purpose of a drug and alcohol program?

To prevent accidents and injuries resulting from the misuse of alcohol or drugs by an employee.



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30

Substances Typically Tested

- Marijuana (THC)
- Cocaine
- Opiates (heroin, morphine, codeine)
- Amphetamines and methamphetamines
- PCP
- Prescription drugs

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31

How Far Back Does a DOT Drug Test Go?

- Marijuana – Less than 3 days for one-time use to 30 days for chronic users
- Amphetamines – 2 to 3 days
- Cocaine – Up to 1.5 days for one time use to two-three days for chronic users
- Opioids – 2 to 5 days based on the substance

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32

How Far Back Does a DOT Drug Test Go? (Oral)

- Alcohol: Up to 12 hours
- Marijuana (THC): Up to 72 hours (though often shorter, especially for occasional users)
- Cocaine: Up to 48 hours
- Methamphetamine: Up to 72 hours
- Heroin: Around one hour
- Methadone: Up to 10 days

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33

Factors Influencing Detection Times (Oral)

- **Drug Type:** Different drugs have different metabolic rates and thus varying detection times in saliva.
- **Frequency and Quantity of Drug Use:** Heavy or frequent use may result in a longer detection period.
- **Individual Factors:** Metabolism, hydration levels, and overall health can affect how quickly a drug is processed and eliminated from the body, impacting detection times.
- **Test Sensitivity:** The sensitivity of the specific test used can also influence the detection window.
- **Oral fluid tests** are generally more effective for detecting recent drug use rather than historical or long-term use.

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34

Oral Fluid Testing

- **PROS**
 - Can detect drug use over a range of hours to days. Has a faster detection window for recent drug use
 - Useful in quick situations
 - Reasonable suspicion, pre-employment, randoms, return to duty, post accident
 - Able to be directly observed and less invasive
 - Helps deter cheating
- **CONS**
 - In order for an employer to implement oral fluid testing under the departments regulation, the US department of health and human services need to certify at least two laboratories for oral fluid testing (This has yet to be done)
 - When carried out correctly a mouth swab drug test is more than 97% accurate. According to the Drug and Alcohol testing industry association, drugs do not remain in oral fluids for as long as they do in urine meaning that this method is only more effective for determining current use. 5-48 hours of prior use
 - Implications - We could see a rise in marijuana use in the trucking industry. Truckers that do use cannabis will be able to do so with more ease

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35

Oral Fluid Testing Specifications

- DOT-regulated employers cannot use oral fluid drug testing until the Department of Health and Human Services (HHS) certifies at least two laboratories for oral fluid testing. Specifically, one lab must be certified as a primary lab, and another as a split specimen lab.
- The certification process for laboratories is ongoing and typically takes 3 to 6 months from the receipt of the application
 - Note: Technicians certified to collect urine samples are not certified to do oral testing unless they are oral fluid collection certified separately. Training and qualification requirements for collectors are detailed in the Oral Fluid Specimen Procedure Guidelines
- The procedure for collecting an oral fluid specimen as outlined in 49 CFR Part 40 is very specific and must be followed whenever a DOT-required oral fluid specimen collection is performed. These procedures, including the use of the CCF, apply only to DOT-required testing.
- **Ways to Alter Oral Fluid Test Results**
 - Excessive mouth rinsing with antiseptic mouthwash
 - Drinking excessive amounts of water
 - Eating mints and chewing gum
 - The use of products that claim to clean or "neutralize saliva"
 - Detox drinks

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36

Hair Follicle Testing

1. Hair Growth and Drug Deposition:
 - Hair grows at an average rate of about 0.5 inches per month.
 - As hair grows, drugs and their metabolites (byproducts of drug breakdown) are incorporated into the hair shaft via the bloodstream.
 - These substances remain embedded in the hair as it grows longer, creating a historical record of drug use.
2. Standard Testing and Detection Window:
 - A standard hair sample for drug testing is usually about 1.5 inches long.
 - Since hair grows roughly 0.5 inches per month, a 1.5-inch sample represents approximately 90 days of hair growth.
 - Therefore, a standard hair follicle test can detect drug use within the past 90 days.
3. Factors Affecting Detection:
 - Drug type: Some drugs may be detectable for longer periods than others.
 - Frequency of use: Heavier or more frequent drug use is more likely to be detected.
 - Hair treatments: Certain hair treatments, like bleaching or dyeing, can potentially reduce drug concentrations in the hair.
 - Hair follicle tests are generally considered more reliable for detecting chronic or long-term drug use than urine tests, which have a shorter detection window.

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37

Regulatory Basis

- | | |
|--|--|
| <ul style="list-style-type: none">• Who must comply<ul style="list-style-type: none">• Commercial drivers (CDL holders)• Airline pilots and crew• Railroad employees• Transit system operators• Pipeline and hazardous materials workers• Maritime crew members | <ul style="list-style-type: none">• Governing bodies<ul style="list-style-type: none">• FMCSA (trucking)• FAA (aviation)• FRA (rail)• FTA (transit)• PHMSA (pipeline & hazmat)• USCG (maritime) |
|--|--|

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38

5 Steps of a DOT Drug Test

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39

01	Notification	<ul style="list-style-type: none"> An employee is notified to take a drug screen and immediately reports to the collection site
02	Collection	<ul style="list-style-type: none"> The sample is collected by a trained individual in the DOT collection procedures (urine or oral) and documented using a Federal custody and control form (CCF)
03	Testing	<ul style="list-style-type: none"> The sample is tested by an HHS certified laboratory under the National Laboratory Certification Program (NLCP)
04	Review	<ul style="list-style-type: none"> Results are reviewed by a Medical Review Officer (MRO) and (if applicable), are evaluated for medical explanations with the employee
05	Reporting	<ul style="list-style-type: none"> The final results are reported and received by the employer

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40

4 Steps of a DOT Alcohol Test

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41

01	Notification	<ul style="list-style-type: none"> An employee is notified to take an alcohol test and immediately reports to the collection site
02	Testing	<ul style="list-style-type: none"> The employee is tested by a trained technician in the DOT alcohol testing procedures and trained on the Alcohol Saliva Device (ASD) or Evidential Breath Testing (EBT) machine being used
03	Documentation	<ul style="list-style-type: none"> The results are printed on a Federal Alcohol Testing Form (ATF)
04	Reporting	<ul style="list-style-type: none"> The final results are reported to the employer by the ASD or EBT technician

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42

Prohibitions (Subpart B to Part 382)

- Driver must be removed from driving and provided an SAP referral if a prohibited action is committed
 - Testing positive
 - Alcohol: 0.04 or more
 - 0.02 to 0.039 will result in 24-hours out of service
 - Drug: Positive drug test
 - Actual knowledge of alcohol or drug use
 - Alcohol use within four hours of coming on duty or while on duty
 - Use of alcohol within 8 hours of an accident requiring DOT post-accident testing
 - Refusing a test

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43

Refusals

- Failure to appear for the test after notified
 - This includes:
 - Driver saying “no” or “maybe later” when notified
 - Driver taking longer than “reasonable travel time” to get to the collection/testing site
- Failure to remain at test site until test is complete and failure to cooperate at collection/testing site
- Failure to provide specimen
- Failure to take a second test when required
- MRO determines the drive adulterated or substitute the specimen

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44

CASE STUDY

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45

Scenario

A small trucking company with 30 drives must implement a DOT drug and alcohol testing program. The company previously used basic pre-employment screenings but needs to establish a full program to ensure safety and compliance.

46

Implementation Steps

1. Policy Development and Communication
2. Select a Servicing Agent or Consortium
3. Establish Testing Procedures
4. Test Implementation
5. Record Keeping and Reporting

47

Policy Development and Communication

- Draft a Clear Policy: Develop a comprehensive drug and alcohol testing policy that outlines the testing procedures, substances tested, consequences of violations, and employee rights.
- Communicate with Employees: Inform employees about the new policy, its purpose, and provide training on recognizing signs of substance abuse and the testing process.

48

2. Select a Servicing Agent or Consortium

- Consortium Pool: If the company has fewer than 50 drivers, it may need to join a consortium pool to meet random testing requirements.
- Service Agent: Consider using a service agent or Third-Party Administrator (TPA) to manage the logistics of the testing program, including random selections, scheduling, and record keeping.

3. Establish Testing Procedures

- Approved Collection Site: Identify and contract with a DOT-certified collection site for urine and/or oral fluid specimen collections.
- Medical Review Officer (MRO): Contract with a qualified MRO to review and interpret drug test results.
- Substance Abuse Professional (SAP): Establish a relationship with a SAP for employee evaluations and follow-up testing as needed.

4. Testing Implementation

- Pre-Employment Tests: Ensure all new hires undergo pre-employment drug tests before operating a commercial vehicle.
- Random Tests: Implement a random testing program that meets or exceeds the minimum annual testing rate for the FMCSA (currently 50% for drugs).
- Post-Accident Tests: Develop procedures for post-accident testing, ensuring timely testing following a qualifying accident.
- Reasonable Suspicion Tests: Train supervisors to identify reasonable suspicion indicators and procedures for initiating testing in such cases.

5. Record Keeping and Recording

- **Maintain Detailed Records:** Maintain thorough records of all testing events, results, and related documentation, as required by DOT regulations.
- **Clearinghouse Compliance:** Ensure compliance with the Drug and Alcohol Clearinghouse requirements, including reporting violations and verifying driver eligibility.

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52

Challenges and Best Practices

- **Cost:** Drug testing can be expensive, especially for smaller companies. Consider cost-effective solutions, such as joining a consortium, or negotiating rates with providers.
- **Maintaining Randomness:** Ensure the random selection process is truly random and unbiased.
- **Employee Concerns:** Address employee concerns about privacy and fairness through transparent communication and a well-defined policy.
- **Staying Updated:** DOT regulations are subject to change, so it's crucial to stay informed of the latest requirements and updates.

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53

Case Study Outcome

By following these steps, the hypothetical trucking company can establish a compliant and effective DOT drug testing program, contributing to a safer workplace and ensuring adherence to regulations.

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54

Standard Logistics Drug and Alcohol Testing Process

- Randoms:
 - We are notified by our safety team which drivers are required to take a drug test.
 - Their respective supervisor pulls the driver immediately when it is safe to do so and send them directly to the testing facility.
 - Standard Logistics follows all DOT guidelines when it comes to alcohol and drug testing

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55

Special Caution About CBD Use

- Cannabidiol (CBD) is a popular, non-psychoactive component of cannabis plants typically harvested from hemp and containing less than 0.3% tetrahydrocannabinol (THC), the psychoactive ingredient in marijuana that produces a high.
- Unlike THC, CBD does not produce a high and is widely used for some purported health benefits.
- While the DOT has not prohibited the use of CBD by regulated workers in safety-sensitive roles, it has issued cautionary guidance.
- According to the notice, many CBD products could contain higher levels of THC than advertised and result in impairment.
- Despite that marijuana has been legalized in multiple states, regulated safety-sensitive workers are still prohibited from using it.

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56



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Questions and Answers

57

More Questions?



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58

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59

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60

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