2021 MN/WI Public Transportation Conference
October 6, 2021

FTA Drug and Alcohol Program Update

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Program Overview
October 6

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Agenda

• DOT / FTA Regulatory Revisions
• Audits – Status
• FMCSA Clearinghouse – FTA?
• MIS 2021 & 2022
• Conferences & Trainings
• Technical Assistance
Federal Drug Testing Custody and Control Form (CCF) - Revised

Must be used beginning August 30, 2021
   Required use by, DOT-regulated employers and service agents
   [collectors, laboratories, Medical Review Officers (MRO)]

Most CCF revisions adopted to accommodate Oral Fluid Testing
   Preparation for Oral Fluid Guidelines and DOT Approval

If used “old” form after August 29, 2021
   Must complete Memorandum for the Record (MFR)
   Otherwise – test will be cancelled
New Custody and Control Form (CCF)

Changes:

• Changes adopted in the revised CCF were made to accommodate the use of oral fluid specimens

• **Copies 1-5, Step 1**: Added “CDL State and No.” to donor identification (FMCSA only)

• **Copies 1-5, Step 1**: Added “Other” (i.e., e-mail) to Collector Contact Info
New Custody and Control Form (CCF)

Changes:

- **Copies 2-5, Step 5**: Added a line for the donor e-mail address
- **Copy 5**: Removed instructions for completing the CCF from the back of the form. Instructions for completing the CCF are posted on the SAMHSA [https://www.samhsa.gov/workplace/drug-testing](https://www.samhsa.gov/workplace/drug-testing) and ODAPC [https://www.transportation.gov/odapc/documents](https://www.transportation.gov/odapc/documents) websites

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**STEP 5: COMPLETED BY DONOR**

I certify that I provided my specimen to the collector; that I have not adulterated it in any manner; each specimen bottle/tube used was sealed with a tamper-evident seal in my presence; and that the information provided on this form and on the label affixed to each specimen bottle/tube is correct.

<table>
<thead>
<tr>
<th>Signature of Donor</th>
<th>(PRINT) Donor’s Name (First, M, Last)</th>
<th>Date (Mo/Day/Yr)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Email address: ____________________________

Daytime Phone No. ( )  Evening Phone No. ( )  Date of Birth (Mo/Day/Yr)

After the Medical Review Officer receives the test results for the specimen identified by this form, he/she may contact you to ask about prescriptions and over-the-counter medications you may have taken. Therefore, you may want to make a list of those medications for your own records. THIS LIST IS NOT NECESSARY. If you choose to make a list, do so either on a separate piece of paper or on the back of your copy (Copy 5). DO NOT PROVIDE THIS INFORMATION ON THE BACK OF ANY OTHER COPY OF THE FORM. TAKE COPY 5 WITH YOU.
Memorandum for the Record (MFR)

- Complete a Memorandum for the Record (MFR)
  - Incorrect form contains required info
  - Incorrect form used inadvertently, or as only means
  - Steps taken to prevent future use on old form
- Specimen must have been sent to HHS Lab
- Processed as DOT test

- If no MFR – test cancelled
Oral Fluid Testing

• Health and Human Service (HHS) – submitted rule to allow “oral fluids” as a “permissible methodology for Federal employee's drug testing”

• HHS determined that oral fluid testing provides “the same scientific and forensic supportability of drug test results as the Federal Workplace Drug Testing Programs using Urine”

• OTETA (Omnibus Transportation Employee Testing Act) requires DOT to follow HHS
Oral Fluid Testing - On Hold for DOT Testing

However, Oral Fluid drug testing is **not authorized in DOT’s current drug testing program**

- DOT must develop its own testing process / regulation
- DOT regulations currently require:
  - Split Specimen
  - Test only for use... not exposure
Oral Fluid Testing (NPRM)

• Notice of Proposed Rulemaking (NPRM)
  • Procedures for Transportation Workplace Drug and Alcohol Testing Programs: Addition of Oral Fluid Specimen Testing for Drugs
    • Will Revise 49 CFR Part 40
    • “The Department of Transportation is proposing to amend the transportation industry drug-testing program procedures regulation to include oral fluid testing”
    • Help combat cheating on urine drug tests
    • Provide economical, less intrusive method
    • Clarify ‘other’ Part 40 provisions

• Comment Period – Ends 60 days from publication of NPRM – Federal Register
FTA Drug and Alcohol Audits

Resumed – January 25, 2021

- Virtual – foreseeable future
- Notification to Grantee
  - 7 week notice
  - Phone call & e-mail
- Microsoft Teams & Huddle
  - Scan records & submit (Huddle)
  - Interviews (Teams) – DAPM, MRO, SAP, BAT, Collector, TPA
- Audit Response due in 90 days

Audit Schedule – no regular cycle
5310 Funding Recipients & Sub-recipients

5310 Employees are

**COVERED**

When employer also receives other types of FTA funding: 5307, 5309, 5311

5310 Employees are

**NOT COVERED**

When employer receives no other types of FTA funding
CBD - Cannabinol

- DOT – OFFICE OF DRUG AND ALCOHOL POLICY AND COMPLIANCE (ODAPC)
  - Issued Notice – February 18, 2020
  - Hemp Product < 0.3% THC... not Controlled Substance
  - Any Product >= 0.3% THC is a Controlled Substance

- DOT Does **NOT** Test for CBD
  - Not Part of DOT 5-Panel Test - Will Not Test ‘POSITIVE” for CBD

- DOT **Does** Test for THC
  - THC is a Schedule 1 Drug

- If use of CBD results in THC Positive... It is a DOT Positive
  - No Legitimate Medical Reason
Minimum Required Random Drug Testing Rate

Minimum Random Drug Testing Rate to Stay at 50%
  • Effective January 1, 2022
  • Covers all FTA Covered Employers
    – Grantees, Contractors, Sub-recipients, Consortia/TPA

Minimum Random Alcohol Testing Rate Remains at 10%
Management Information System (MIS)

Notification Letters to be sent Late December - USPS
  FTA Direct Recipients (Grantees)
    Username & Password (https://DAMIS.DOT.GOV)
    Sent to ‘Certifying Official’ Listed on MIS

Due to FTA – March 15th
  No extensions granted
### The FTA Regulated Landscape

#### 2019
- 666 Grantees
- 3,418 Covered Employers
- 312,765 Covered Employees
- 164,857 Random Drug Tests
- 71,536 Random Alcohol Tests
- 12,747 Post-Accident Drug Tests
- 12,103 Post-Accident Alcohol Tests
- 923 Reas-Susp Drug Tests
- 883 Reas-Susp Alcohol Tests

#### 2020
- 659 Grantees
- 3,370 Covered Employers
- 284,637 Covered Employees
- 155,339 Random Drug Tests
- 62,482 Random Alcohol Tests
- 8,809 Post-Accident Drug Tests
- 8,278 Post-Accident Alcohol Tests
- 382 Reas-Susp Drug Tests
- 338 Reas-Susp Alcohol Tests
FTA Random Alcohol Testing Violation Rate (2016 – 2020)
FTA Random Drug Testing Positive Rate (2016 - 2020)

Required Minimum Random Drug Testing Rate to Remain at 50%

- 2016: 0.96%
- 2017: 1.06%
- 2018: 1.17%
- 2019: 1.16%
- 2020: 1.08%
<table>
<thead>
<tr>
<th>YEAR</th>
<th>Random Drug Positive Rate (2007 – 2020)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2020</td>
<td>1.08%</td>
</tr>
<tr>
<td>2019</td>
<td>1.16%</td>
</tr>
<tr>
<td>2018</td>
<td>1.17%</td>
</tr>
<tr>
<td>2017</td>
<td>1.06%</td>
</tr>
<tr>
<td>2016</td>
<td>0.96%</td>
</tr>
<tr>
<td>2015</td>
<td>0.90%</td>
</tr>
<tr>
<td>2014</td>
<td>0.89%</td>
</tr>
<tr>
<td>2013</td>
<td>0.86%</td>
</tr>
<tr>
<td>2012</td>
<td>0.74%</td>
</tr>
<tr>
<td>2011</td>
<td>0.85%</td>
</tr>
<tr>
<td>2010</td>
<td>0.82%</td>
</tr>
<tr>
<td>2009</td>
<td>0.81%</td>
</tr>
<tr>
<td>2008</td>
<td>0.82%</td>
</tr>
<tr>
<td>2007</td>
<td>0.81%</td>
</tr>
</tbody>
</table>
Drug Types – All Test Types (2011 – 2020)
Drug Types - Percent of Positives
Urban vs. Rural

- THC: Urban 75.05%, Rural 69.06%
- Cocaine: Urban 12.24%, Rural 9.06%
- PCP: Urban 0.68%, Rural 0.00%
- Opioids: Urban 5.82%, Rural 10.00%
- Amphet.: Urban 6.21%, Rural 11.88%
Number of Verified Positives – Drug Type (2020)

- THC: 2,841
- Cocaine: 454
- PCP: 23
- Opioids: 236
- Amphet: 254
Resources!
Part 655 Program Components

FTA Drug and Alcohol Regulation Updates Newsletter

60 Minute Training Video
Meets the requirements of section 655.14(b)
“Covered employees must receive at least 60 minutes of training on the effects and consequences of prohibited drug use on personal health, safety, and the work environment, and on the signs and symptoms that may indicate prohibited drug use.”

FTA Policy Builder
Reflects Recent Part 40 Revisions
Part 655 Program Components

Trainings and Conferences


Community Transportation Association of America (CTAA) - Richmond, VA
Trade Fair – Booth # - November 9 & 10

Annual FTA Drug and Alcohol Program National Conference – Virtual (Date TBD)

Upcoming Virtual Seminars (90 to 180 minutes)

10/26 - FTA D&A – Regulatory Updates & Requirements 3 Hours
12/14 - MIS Overview – “How to Complete your MIS” 90 Minutes
3/1 - MIS Overview – “How to Complete your MIS” 90 Minutes
Contacts – Help!

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Questions!