

ALCOHOL & CONTROLLED SUBSTANCES TESTING

On January 1, 1995, changes to the federally mandated drug testing requirements went into effect. The following is a detailed outline of the changes to the existing drug testing requirements.

WHO MUST BE TESTED

Beginning January 1, 1996, all drivers who hold a Commercial Drivers License (CDL) and who operate a Commercial Motor Vehicle (CMV), will be subject to alcohol and controlled substances testing pursuant to the United States Department of Transportation (Federal Motor Carrier Safety Administration) regulations. For the purpose of these requirements, a Commercial Motor Vehicle is defined as:

- Vehicles with a gross weight rating of 26,001 + pounds
- A vehicle with a gross combined weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds
- Passenger vehicles **designed** to transport 16+ passengers, including the driver; and
- Vehicles transporting hazardous materials requiring placarding.

These rules apply to drivers who operate CMV's both interstate and intrastate.

ALCOHOL

Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl and isopropyl alcohol

No driver shall report for duty, remain on duty or possess alcohol during the performance of safety-sensitive functions. No driver shall be allowed to perform safety-sensitive functions with an alcohol concentration in excess of 0.02 or greater. No driver shall refuse to submit to a required alcohol test.

The mandated method of testing for alcohol is by breath and/or saliva. Only devices approved by the National Highway Traffic Safety (NHTSA), which are on the Conforming Products List (CPL) shall be utilized for alcohol testing. Only trained Breath Alcohol Technicians (BAT's) or Screen Test Technicians (STT's) will be allowed to administer a breath or saliva alcohol test.

The New Hampshire Motor Transport Association consortium testing program has several locations that have the required personnel and equipment in place to perform the required alcohol testing.

CONTROLLED SUBSTANCES

The regulations require testing for the following classes of controlled substances:

Cannabinoids (Marijuana, hashish, grass, pot, hash oil, marinol, dronabinol)

Cocaine (Coca leaves, crack, free base, snow, flake, blow)

Opiates (Opium and codeine derivatives-heroin, smack, junk, china white)

Amphetamines (Amphetamines and methamphetamines – stimulants, speed, crystal, crank, uppers, bennies, dexies, etc)

Phencyclidine (PCP- angel dust, dusters, hallucinogens).

TESTS REQUIRED

Controlled substance testing is required for CDL drivers in the following circumstances:

Pre-employment: This test applies to CDL driver applicants. No pre-employment alcohol testing is required.

Random: Unannounced testing of CDL drivers based on a random selection of drivers. Names are chosen by lottery from a list of all drivers in a pool. Drivers notified of selection must submit to testing. This process ensures that all drivers have an equal chance of being selected at any time. The selection program should be developed to select CDL drivers, spreading the selection over a 12 month period with a 50 percent annual sample rate for all eligible drivers. Random alcohol testing should be conducted at an annualized rate of 10 percent.

Post-Accident: This test applied to CDL drivers cited for a moving violation arising from a reportable accident or when a fatality occurs. This test must be administered within 32 hours of the accident. Alcohol testing must be conducted within 8 hours of an accident.

Reasonable Cause: This test applies when a trained supervisor or company official observes a driver acting in a manner which indicates use of alcohol or controlled substances. The supervisor must prepare and sign a statement documenting the observation within 24 hours. Testing should be coordinated as soon as possible following the reasonable cause determination.

Return to Duty: Should a driver test positive, before returning to work for a company, the driver must submit to and pass a return-to-duty alcohol and/or controlled substance test.

Follow up: After the driver has passed a return-to-duty test, the driver is subject to follow-up testing at a minimum of 6 tests in the first twelve months upon returning to duty.

TESTING PROCEDURES:

The mandatory testing procedures are based on those established by the United States Department of Health and Human Services. These procedures include: urine sample collection, laboratory procedures, alcohol test procedures, and reporting of results and confidential record-keeping of final test results and statistical data. Only laboratories certified by the Substance Abuse Mental Health Services Administration (SAMHSA) may be used. These procedures exist to safeguard accuracy and to protect the privacy of drivers.

It is critical that companies and drivers participate honestly in the process. A driver who refuses to submit to testing is considered “unqualified to drive”.

A driver who has tested positive for any of the substances will be notified and may discuss the positive test results with a qualified Medical Review Officer (MRO). The driver will be given an opportunity to explain any special circumstances to the MRO. The MRO has the authority and responsibility for reporting the results to the company’s drug program management for action.

All drivers who have been determined to be positive by the MRO must be referred to a Substance Abuse Professional (SAP) for counseling.

In addition to the testing procedures, §382 of the FMCSA regulations requires all drivers, supervisors and company officials undergo a training program on the subject of the use and abuse of alcohol and controlled substances.

CONSEQUENCES

A driver will be deemed “unqualified” if:

- The driver tests positive
- The driver refuses to submit to a test
- The driver possesses prohibited substances while on duty

In all cases of a positive test, the driver is medically not qualified until such time as the driver tests negative for alcohol or controlled substances and is medically recertified.

A driver who has tested positive or refuses to submit to an alcohol or controlled substances test following a fatal accident will be “disqualified” from driving a CMV for one year.

CONSORTIUM PROGRAM

In order to assist our members and truck owners and operators in New Hampshire, the NHMTA has formed a consortium with the other New England Trucking Associations. The purpose of this consortium is to offer an economic and comprehensive Alcohol and Controlled Substances Testing Program to our members and other interested companies. This program includes:

- An example of a written anti-drug and alcohol misuse policy
- State and national coordination of collection and testing sites
- Chain of Custody documentation
- Drug Testing supplies
- Certified testing laboratories
- Qualified MRO services
- Random selection of employee population
- Trained Breath Alcohol testing locations
- 24 hour post-accident test coordination; (and)
- Required training for supervisors*

* for an additional fee

NHMTA, along with the other New England Trucking Associations, has made it as easy as possible for any company, motor carrier or owner operator to enroll in our program. All that is required is the completion of a one page application accompanied with the enrollment fee.