

LIVE WEBINAR

Motor Carrier Safety 101 Series

Understanding DOT Drug & Alcohol Requirements

WEDNESDAY

SEPTEMBER 17

1-2PM CST



Andrea Adeyanju

Safety Consultant, SMSC

Today's Presenter



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Transportation Safety Consultant SMSC



Before We Begin

All attendees are in “LISTEN ONLY” mode.

You can type in questions using the question tab within the GoToWebinar panel.

Q&A at the end of the webinar.

Additional questions can be emailed to: aadeyanju@smscsafety.com

A recorded copy of the webinar and slides will be made available to all attendees.



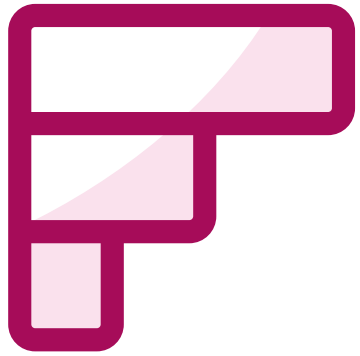


What comes to mind when you hear 'drug and alcohol testing'?

Today's Agenda

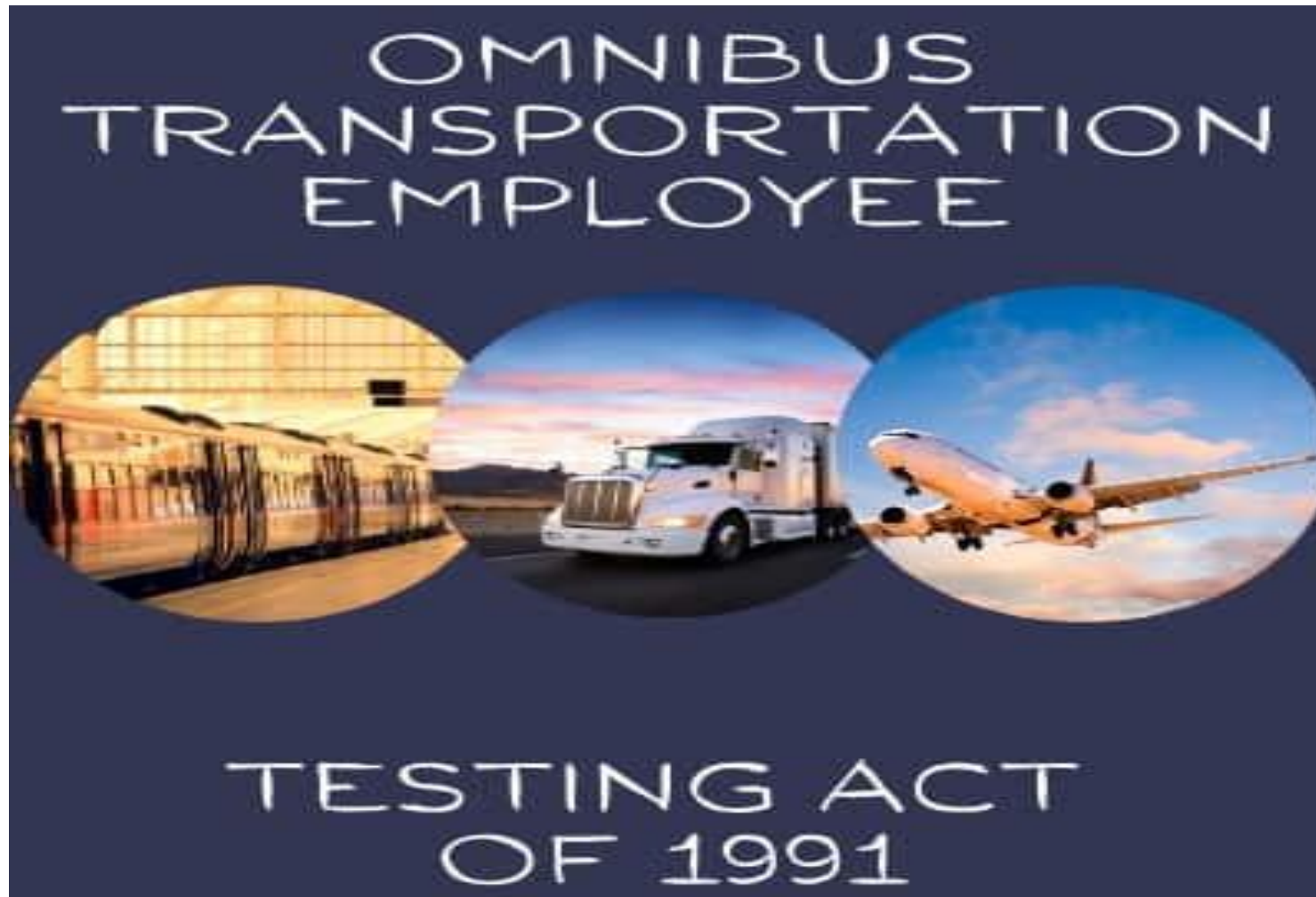
- 1 Why Do We Test?
- 2 Collection Methods
- 3 Testing Program Management
- 4 Refusals & Actual Knowledge
- 5 Clearinghouse Data & Violations
- 6 Recordkeeping & MIS Reporting





**Rank the following challenges
you face regarding drug
testing compliance.**

WHY DO WE TEST?



CLASSES OF DRUGS TESTED

Marijuana

Cocaine

Opiates (opium and codeine derivatives)

Amphetamines and methamphetamines

Phencyclidine (PCP)



Can we test for additional classes of drugs?

Note Regarding Non-DOT Testing

DOT does not prohibit motor carrier employers from instituting a “**company authority**” testing program that is in addition to, and distinct from, the required DOT testing program. Under such **non-DOT programs**, employers could test for other drugs. DOT also does not prohibit employers from using tests of non-urine specimens under a non-DOT program.

DOT regulations at §382.601 provide that employer materials supplied to drivers may include information on additional employer policies with respect to the use of alcohol or controlled substances, including any consequences for a driver found to have a specified alcohol or controlled substances level, that are based on the employer’s authority independent of this part.

Any such additional policies or consequences must be clearly and obviously described as being based on the employer’s independent authority.



Collection Methods For Drugs



Urine: Urinalysis testing is the **ONLY** method that satisfies DOT requirements.



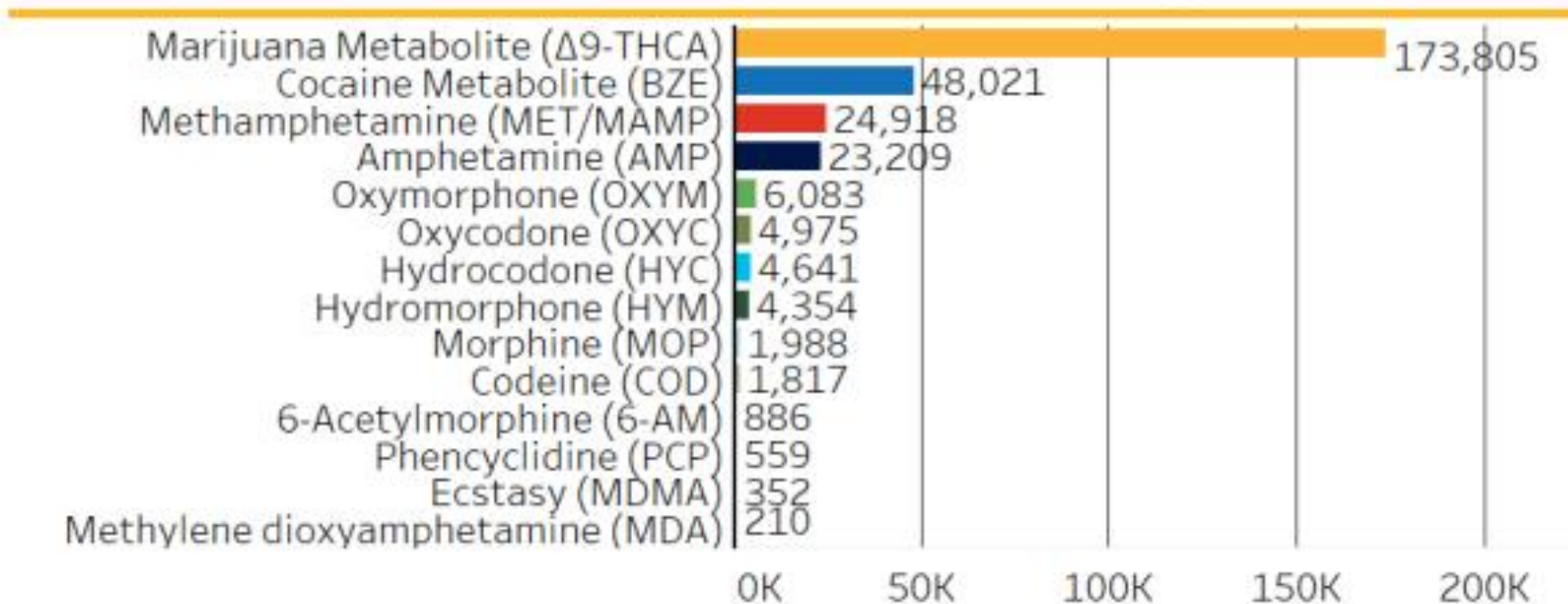
Drug Test Detection Times

Drug	Oral Fluid Specimen	Urine Specimen	Hair Specimen
Amphetamine	5 – 48 hours	1 to 3 days	Up to 90 days
Methamphetamine	5 – 48 hours	1 to 3 days	Up to 90 days
Cocaine	5 – 48 hours	2 to 4 days	Up to 90 days
Phencyclidine (PCP)	5 – 48 hours	14 days up to 30 days (chronic use)	Up to 90 days
Marijuana	5 – 48 hours	14 days up to 30 days (chronic use)	Up to 90 days



Clearinghouse Data

Substances Identified in Positive Drug Tests



Positive drug tests reported through December 2024 since January 6, 2020, as of January 1, 2025.



Medical & Recreational Use Marijuana



§ 40.151 What are MROs prohibited from doing as part of the verification process?

As an MRO, you are prohibited from doing the following as part of the verification process:

(e) You must not verify a test negative based on information that a physician recommended that the employee use a drug listed in Schedule I of the Controlled Substances Act. (e.g., under a state law that purports to authorize such recommendations, such as the "medical marijuana" laws that some states have adopted.)

Therefore, Medical Review Officers will not verify a drug test as negative based upon information that a physician recommended that the employee use "medical marijuana." Please note that marijuana remains a drug listed in Schedule I of the Controlled Substances Act. It remains unacceptable for any safety-sensitive employee subject to drug testing under the Department of Transportation's drug testing regulations to use marijuana.

We want to assure the traveling public that our transportation system is the safest it can possibly be.

Jim L. Swart
Director
Office of the Secretary of Transportation
Office of Drug and Alcohol
Policy and Compliance
Department of Transportation
October 22, 2009

Updated: Wednesday, February 1, 2017



CBD - Cannabidiol

- Any product (including CBD) with a concentration of more than 0.3% THC is classified as marijuana
- CBD products and labels are NOT verified by the FDA
- CBD use is not a legitimate explanation for a confirmed marijuana positive result
- Industry recommendation is to include CBD to non-use list in company policy



DOT CBD Notice

DOT OFFICE OF DRUG AND ALCOHOL POLICY AND COMPLIANCE NOTICE

The Agricultural Improvement Act of 2018, Pub. L. 115-334, (Farm Bill) removed hemp from the definition of marijuana under the Controlled Substances Act. Under the Farm Bill, [hemp-derived products containing a concentration of up to 0.3% tetrahydrocannabinol \(THC\) are not controlled substances](#). THC is the primary psychoactive component of marijuana. Any product, including [“Cannabidiol” \(CBD\) products, with a concentration of more than 0.3% THC remains classified as marijuana](#), a Schedule I drug under the Controlled Substances Act.

We have had inquiries about whether the Department of Transportation-regulated safety-sensitive employees can use CBD products. [Safety-sensitive employees who are subject to drug testing](#) specified under 49 CFR part 40 (Part 40) include: pilots, school bus drivers, [truck drivers](#), train engineers, transit vehicle operators, aircraft maintenance personnel, fire-armed transit security personnel, ship captains, and pipeline emergency response personnel, among others.

It is important for all employers and safety-sensitive employees to know:

1. The Department of Transportation [requires testing for marijuana and not CBD](#).
2. The [labeling of many CBD products may be misleading](#) because the products could contain higher levels of THC than what the product label states. The Food and Drug Administration (FDA) does not currently certify the levels of THC in CBD products, so there is no Federal oversight to ensure that the labels are accurate. The FDA has cautioned the public that: “Consumers should beware purchasing and using any [CBD] products.” The FDA has stated: “It is currently illegal to market CBD by adding it to a food or labeling it as a dietary supplement.”* Also, the FDA has issued several warning letters to companies because their products contained more CBD than indicated on the product label. **[i]
3. The Department of Transportation’s Drug and Alcohol Testing Regulation, Part 40, does not authorize the use of Schedule I drugs, including marijuana, for any reason. Furthermore, [CBD use is not a legitimate medical explanation for a laboratory-confirmed marijuana positive result](#). Therefore, [Medical Review Officers will verify a drug test confirmed at the appropriate cutoffs as positive, even if an employee claims they only used a CBD product...](#)

<https://www.transportation.gov/odapc/cbd-notice>



How does drug use affect truck DRIVERS?



MARIJUANA



COCAINE



AMPHETAMINE



METHAMPHETAMINE

**MARIJUANA, COCAINE, METHAMPHETAMINE, and AMPHETAMINE.
Let's match the drug to the cartoon character.**





**How concerned are you about
the impact of marijuana
legalization on driver safety?**

MARIJUANA USE, IS IT A BIG DEAL?

Officer's death, marijuana use lead to driver being banned

FEBRUARY 25, 2022 • Land Line Staff | [f](#) [t](#) [in](#) [✉](#)

The death of a law enforcement officer at a roadblock has led to a Texas truck driver being declared an imminent hazard to public safety.

He has been banned from operating any commercial motor vehicle in interstate commerce.

The Federal Motor Carrier Safety Administration has served Texas-licensed commercial vehicle driver Christopher M. Savannah of Houston with an imminent hazard order on Feb. 17.

The fatal injury accident occurred Feb. 3, according to an FMCSA news release. Savannah was operating a tractor-trailer on Interstate 75 in Loudon County, Tenn., when he failed to stop his truck upon encountering a roadblock. Sgt. Chris Jenkins of the Loudon County Sheriff's Office had turned on the emergency lights in his patrol vehicle and gotten out of it to retrieve a ladder that had fallen onto the highway.

Savannah struck two vehicles stopped ahead of the roadblock and then struck and killed Jenkins, the FMCSA said. The driver of another vehicle sustained injuries.

Multiple traffic citations were issued to Savannah and the state of Tennessee has filed criminal charges against him.

Marijuana use was determined to be a factor in the collision. During the investigation after the crash, Savannah admitted to using marijuana the morning of the crash, and marijuana also was found inside the vehicle.



Fallen Hero

Sheriff's Sgt. Chris Jenkins Killed While Removing Ladder From Interstate



Alcohol

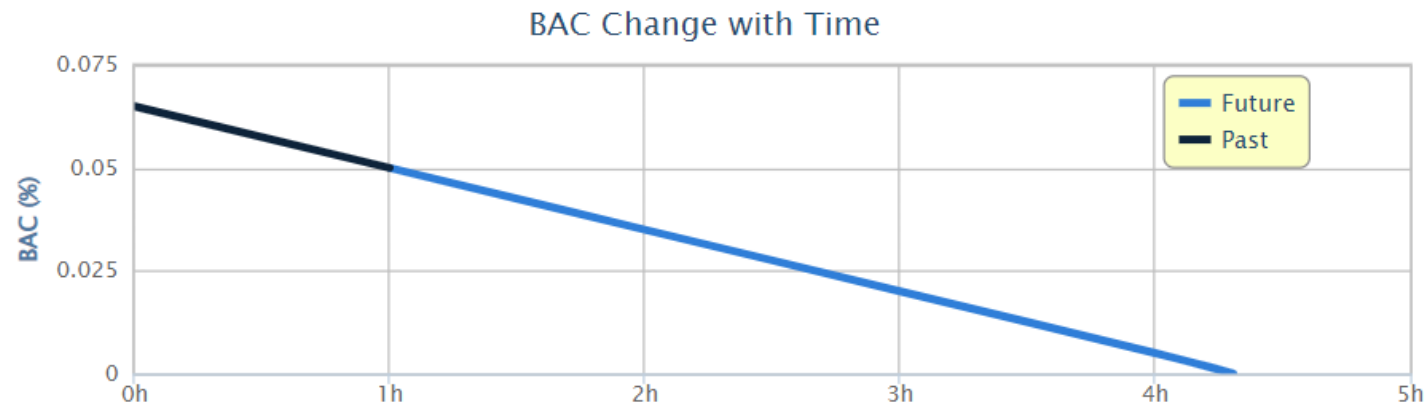
Blood Alcohol Concentration (BAC) Calculator

Result

BAC is around **0.05%**.

It will take around 4 more hours to reach 0%.

Mild euphoria, relaxation, joyousness, talkativeness, decreased inhibition



EXAMPLE OF BAC BEHAVIOR AND IMPAIRMENT

BAC (%)	Behavior	Impairment
0.001– 0.029	Average individual appears normal	Subtle effects that can be detected with special tests
0.030– 0.059	Mild euphoria Relaxation Joyousness Talkativeness Decreased inhibition	Concentration
0.060– 0.099	Blunted feelings Reduced sensitivity to pain Euphoria Disinhibition Extraversion	Reasoning Depth perception Peripheral vision Glare recovery
0.100– 0.199	Over-expression Boisterousness Possibility of nausea and vomiting	Reflexes Reaction time Gross motor control Staggering Slurred speech Temporary erectile dysfunction



ACCEPTABLE COLLECTION METHODS FOR ALCOHOL

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**U.S. Department of Transportation (DOT)
Alcohol Testing Form**
(The instructions for completing this form are on the back of Copy 3)

STEP 1: TO BE COMPLETED BY ALCOHOL TECHNICIAN

A: Employee Name _____
(Print) (First, M.I., Last)

B: SSN or Employee ID No. _____

C: Employer Name _____
Street _____
City, State, Zip _____

DER Name and Telephone No. _____
DER Name _____ DER (Area Code & Phone Number) _____

D: Reason for Test: ☐ Random ☐ Reasonable Susp. ☐ Post-Accident ☐ Return to Duty ☐ Follow-up ☐ Pre-employment

STEP 2: TO BE COMPLETED BY EMPLOYEE
I certify that I am about to submit to alcohol testing required by U.S. Department of Transportation regulations and that the identifying information provided on the form is true and correct.

Signature of Employee _____ Date _____ Month / Day / Year _____

STEP 3: TO BE COMPLETED BY ALCOHOL TECHNICIAN
(If the technician conducting the screening test is not the same technician who will be conducting the confirmation test, each technician must complete their own form.) I certify that I have conducted alcohol testing on the above named individual in accordance with the procedures established in the U.S. Department of Transportation regulation, 49 CFR Part 40, that I am qualified to operate the testing device(s) identified, and that the results are as recorded.

TECHNICIAN: ☐ BAT ☐ STY DEVICE: ☐ SALIVA ☐ BREATH 15-Minute Wait: ☐ Yes ☐ No

SCREENING TEST: (For BREATH DEVICE* write in the space below only if the testing device is not designed to print.)

Test #	Testing Device Name	Device Serial # OR Lot # & Exp. Date	Activation Time	Reading Time	Result

CONFIRMATION TEST: Results MUST be affixed to each copy of this form or printed directly onto the form.

REMARKS: _____

Alcohol Technician's Company _____ Company Street Address _____
(PRINT) Alcohol Technician's Name (First, M.I., Last) _____ Company City, State, Zip _____
Phone Number (Area Code & Number) _____

Signature of Alcohol Technician _____ Date _____ Month / Day / Year _____

STEP 4: TO BE COMPLETED BY EMPLOYEE IF TEST RESULT IS 0.02 OR HIGHER
I certify that I have submitted to the alcohol test, the results of which are accurately recorded on this form. I understand that I must not drive, perform safety-sensitive duties, or operate heavy equipment because the results are 0.02 or greater.

Signature of Employee _____ Date _____ Month / Day / Year _____

Form DOT F 1350 (Rev. 5/2008) OMB No. 2105-0529
COPY 1 - ORIGINAL - FORWARD TO THE EMPLOYER 470-FS-C3 (Rev. 1/11) 6262

INSERT

Print Screening Results Here or Affix with Tamper Evident Tape

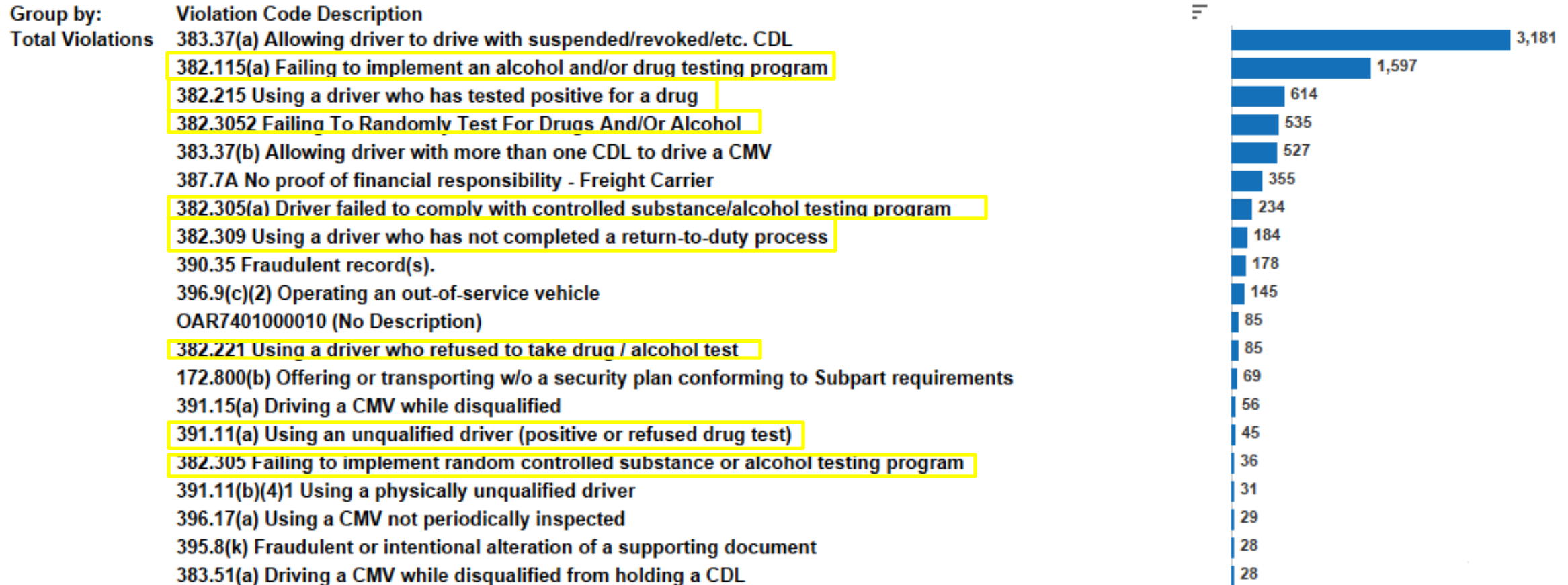
Print Confirmation Results Here or Affix with Tamper Evident Tape

Print Additional Results Here or Affix with Tamper Evident Tape

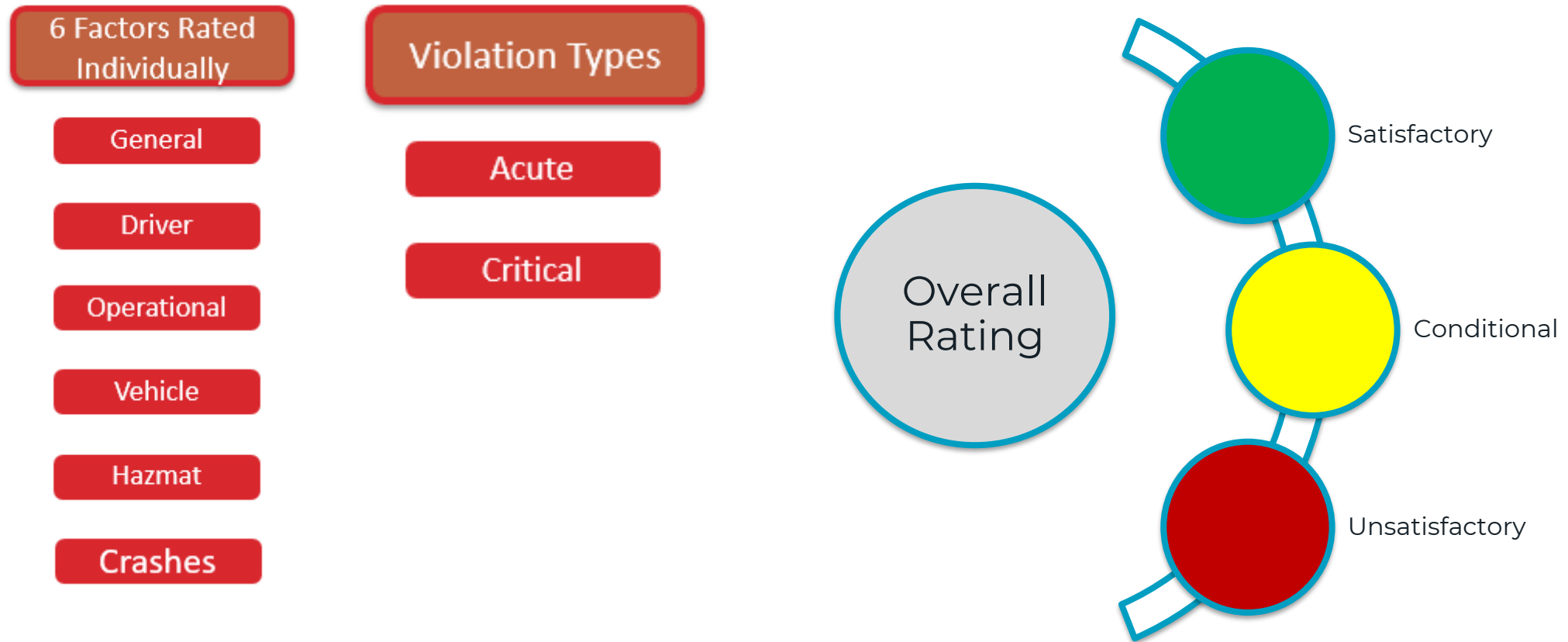


CARRIER DRUG AND ALCOHOL VIOLATIONS FOUND BETWEEN FISCAL YEARS 2023 AND 2025

TOP 20 ACUTE VIOLATIONS



HOW DO ACUTE VIOLATIONS AFFECT YOUR SAFETY RATING DURING A COMPLIANCE REVIEW?



Determining Carrier safety rating

Factors

Factor 1 General = Parts 387 and 390

Factor 2 Driver = Parts 382, 383 and 391

Factor 3 Operational = Parts 392 and 395

Factor 4 Vehicle = Parts 393 and 396

Factor 5 Haz. Mat. = Parts 397, 171, 177 and 180

Factor 6 Accident Factor = Recordable Rate

"Satisfactory" - if the acute and/or critical = 0 points

"Conditional" - if the acute and/or critical = 1 point

"Unsatisfactory" - if the acute and/or critical = 2 or more points

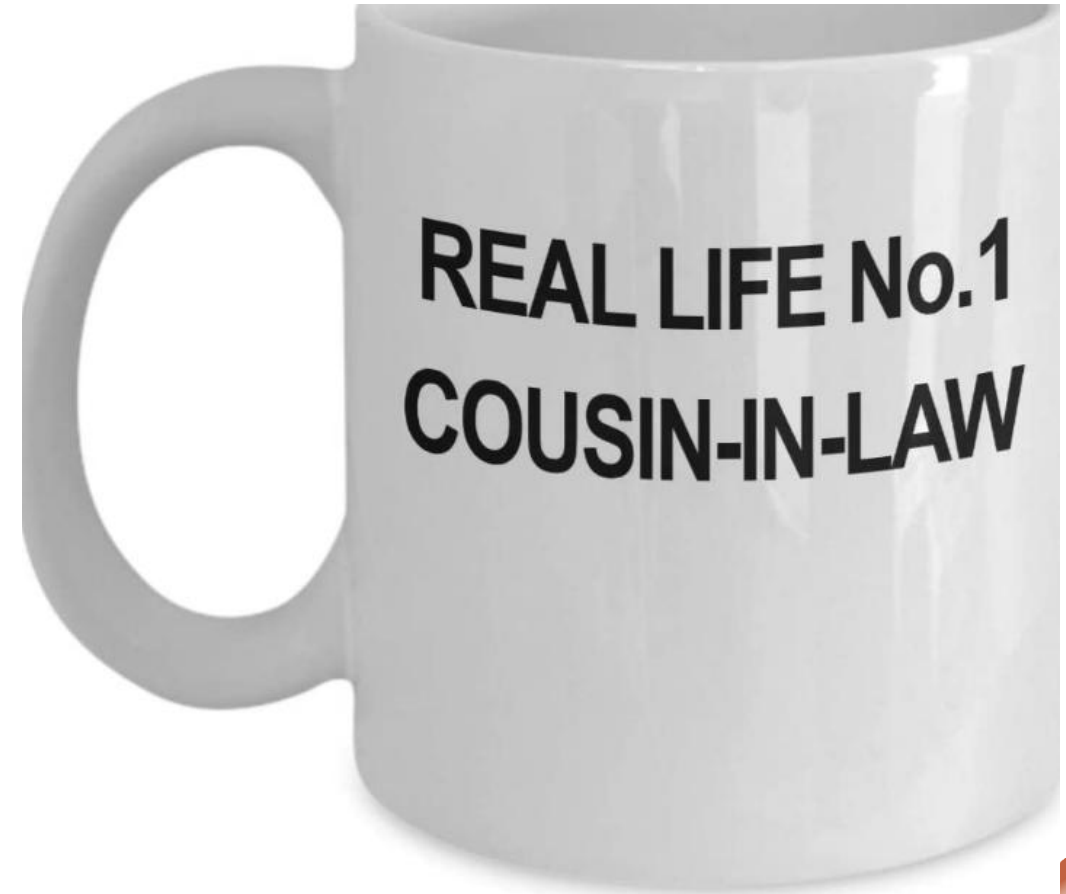
Motor Carrier Safety Rating Table

Factor ratings		Overall Safety rating
Unsatisfactory	Conditional	
0	2 or fewer	Satisfactory
0	more than 2	Conditional
1	2 or fewer	Conditional
1	more than 2	Unsatisfactory
2 or more	0 or more	Unsatisfactory



SCENARIO #1

- MRO reported you had a positive driver
- Driver is en route to California, minutes from the receiver
- You don't know how you will get your truck back to Iowa



SCENARIO #2

- You have an experienced driver that you know
- You have a hot load that needs to be delivered asap
- Driver's MVR is clean, and he passes his drug test

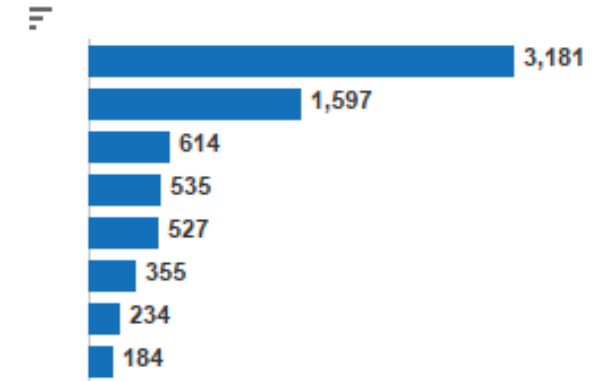
my
brother-
in-law



Failing to implement a drug/alcohol testing program 382.115(a)

All employers must implement the requirements of part 382 on the date the employer begins CMV operations

Group by:	Violation Code Description
Total Violations	383.37(a) Allowing driver to drive with suspended/revoked/etc. CDL
	382.115(a) Failing to implement an alcohol and/or drug testing program
	382.215 Using a driver who has tested positive for a drug
	382.3052 Failing To Randomly Test For Drugs And/Or Alcohol
	383.37(b) Allowing driver with more than one CDL to drive a CMV
	387.7A No proof of financial responsibility - Freight Carrier
	382.305(a) Driver failed to comply with controlled substance/alcohol testing program
	382.309 Using a driver who has not completed a return-to-duty process





How confident are you in your current drug testing policy compliance?

Alcohol and Controlled substance policy – 382.601

- All employers shall provide educational materials that explain the alcohol and controlled substance testing requirements and procedures to meet these requirements

- 13 required sections

1. DER, Designated Employer Representative
2. Driver categories
3. Safety sensitive definition
4. Prohibited conduct
5. Circumstances to be tested
6. Procedures to test
7. Requirement to submit
8. Explanation of refusal
9. Consequences
10. Consequences of .02-.04
11. Information concerning the effects and intervention
12. Clearinghouse
13. Certificate of receipt

Clearinghouse entries

- (i) A verified positive, adulterated, or substituted drug test result;
- (ii) An alcohol confirmation test with a concentration of 0.04 or higher;
- (iii) A refusal to submit to any test required by subpart C of this part;
- (iv) An employer's report of actual knowledge, as defined at §382.107:
 - (A) On duty alcohol use pursuant to §382.205;
 - (B) Pre-duty alcohol use pursuant to §382.207;
 - (C) Alcohol use following an accident pursuant to §382.209; and
 - (D) Controlled substance use pursuant to §382.213;
- (v) A substance abuse professional (SAP as defined in §40.3 of this title) report of the successful completion of the return-to-duty process;
- (vi) A negative return-to-duty test; and
- (vii) An employer's report of completion of follow-up testing.



CONSORTIUM/THIRD PARTY ADMINISTRATOR C/TPA

- Organization that provides administrative services to employers to facilitate their drug and alcohol testing programs
- Consortium vs. Third Party Administrator
- Advantages
 - Select employee for random testing
 - Provide testing facilities
 - Maintain employee records
 - Lower costs
 - Greater expertise
 - Reduced administrative burden
- Carriers are responsible for actions of C/TPA and ensuring full compliance with the FMCSA



USING A DRIVER BEFORE RECEIVING A PRE-EMPLOYMENT DRUG TEST RESULT

382.301(A)

- A negative result must be received before a driver performs a safety-sensitive function
 - Exception: “An employer may administer a road test to a prospective driver subject to Part 382 without first testing him/her for controlled substances.”
- Pre-employment alcohol tests
- Any driver who is hired or re-hired and has not been included in your testing pool for the previous 30 days must undergo a pre-employment controlled substance test
- Drivers who are acquired during a motor carrier acquisition do not need to complete a pre-employment test
 - Best practice to do so
- Pre-employment testing exemption 382.301(b)



REASONABLE SUSPICION 382.307 & 382.603

- Each employer shall ensure all persons designated to supervise drivers receive at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substance use
- Recurrent training is not required but best practice is to renew every 3 years



Online Training Library

 **Alcohol in the Workplace (FMCSA-Compliant)** En

This training for CMV managers and drivers covers the relevant sections of the FMCSA regulations for alcohol abuse in the workplace. Topics discussed include signs and symptoms of alcohol abuse and how to recognize them, the process of making a reasonable suspicion determination, and testing procedures. This training satisfies FMCSA requirements for employees in a supervisory role to receive at least 60 minutes of training on alcohol misuse (49 CFR §382.603). A quiz is included. Time to complete is 60 minutes.

 **Drug-Free Workplace: Reasonable Suspicion Testing** En

This training outlines the reasonable suspicion drug and alcohol testing process which includes observation and documentation of employee behavior, confronting an employee for consent to a drug test, and managing test results. It also provides a high-level overview of drug use symptoms in employees, along with do's and don'ts during confrontations. Time to complete is 30 minutes.

 **Drugs and Alcohol in the Workplace (FMCSA-Compliant) - 2022 Update** En

This training for CMV managers and drivers covers the relevant sections of the FMCSA regulations for the use of drugs and alcohol in the workplace. Includes relevant sections of the regulations, signs and symptoms of drug and alcohol use, and the process of making a reasonable suspicion determination for drug or alcohol testing. This training satisfies FMCSA requirements for employees in a supervisory role to receive at least 120 minutes of training on drug and alcohol use (49 CFR §382.603). Estimated completion time is 130 minutes.

 **Drugs in the Workplace (FMCSA-Compliant)** En

This training for CMV managers and drivers covers the relevant sections of the FMCSA regulations for the use of drugs in the workplace. Topics discussed include information on the five classes of prohibited drugs, signs and symptoms of drug use, the process of making a reasonable suspicion determination, and testing procedures. This training satisfies FMCSA requirements for employees in a supervisory role to receive at least 60 minutes of training on drug use (49 CFR §382.603). Time to complete is 60 minutes.



REASONABLE SUSPICION 382.307 & 382.603

OBSERVED BEHAVIOR REASONABLE SUSPICION RECORD				PERSONNEL OFFICE USE ONLY	
DRIVER'S NAME				Employee Number	
ADDRESS OF INCIDENT: Street City State Zip Code				Location	
				Incident Number	
				DATE OBSERVED	
				TIME OBSERVED FROM ☐ a.m. ☐ p.m. TO ☐ a.m. ☐ p.m.	
Record employee observed behavior for reasonable suspicion for the use of alcohol or controlled substances. According to 49 CFR §382.307 Reasonable Suspicion Testing, the employer shall require the driver to submit to a controlled substance or alcohol test if a supervisor or company official who is trained in accordance with §382.603 determines that reasonable suspicion exists.					
Reasonable suspicion determined for: ☐ Alcohol ☐ Drugs					
Mark items that apply and describe specifics					
1. WALKING/BALANCE:	☐ Stumbling ☐ Swaying ☐ Sagging at knees	☐ Staggering ☐ Unsteady ☐ Feet wide apart	☐ Falling ☐ Holding on	☐ Unable to stand ☐ Rigid	
2. SPEECH:	☐ Shouting ☐ Slurred	☐ Whispering ☐ Slobbering	☐ Slow ☐ Incoherent	☐ Rambling	
3. ACTIONS:	☐ Resisting communications ☐ Fighting/insubordinate ☐ Hyperactive	☐ Insulting ☐ Profanity ☐ Crying	☐ Hostile ☐ Threatening ☐ Indifferent	☐ Drowsy ☐ Erratic	
4. EYES:	☐ Bloodshot ☐ Droopy	☐ Watery ☐ Closed	☐ Dilated ☐ Wearing sunglasses	☐ Glassy	
5. FACE:	☐ Flushed	☐ Pale	☐ Sweaty		
6. APPEARANCE/CLOTHING:	☐ Disheveled ☐ Having odor	☐ Messy ☐ Stains on clothing	☐ Dirty	☐ Partially dressed	
7. BREATH:	☐ Alcoholic odor	☐ Faint alcohol odor	☐ No alcohol odor	☐ Marijuana odor	
8. MOVEMENTS:	☐ Fumbling ☐ Hyperactive	☐ Jerky	☐ Slow	☐ Nervous	
9. EATING/CHEWING:	☐ Gum ☐ Other	☐ Candy	☐ Mints	☐ Tobacco	
Other observations:					
Did employee admit to using drugs or alcohol? ☐ Yes ☐ No					
When:		Substance:			
How much:		Where taken:			
WITNESSED BY:					
Signature		Title		Preparation date	
Signature		Title		Time	
THE ALCOHOL TEST MUST BE ADMINISTERED WITHIN EIGHT HOURS FOLLOWING A REASONABLE SUSPICION DETERMINATION.					
EMPLOYER RETAIN IN EMPLOYEE'S CONFIDENTIAL FILE					



Failure to implement a random controlled substance or alcohol testing program 382.305

Every driver shall submit to random alcohol and controlled substance testing

2025 DOT Random Testing Rates

The following chart outlines the annual minimum drug and alcohol random testing rates established within DOT Agencies for 2025.

DOT Agency	2025 Random Drug Testing Rate	2025 Random Alcohol Testing Rate
Federal Motor Carrier Safety Administration [FMCSA] The random rates did not change for 2025. Because the random rates did not change, FMCSA is not required to publish a notice in the Federal Register. The rate last changed in 2020.	50%	10%



RANDOM SELECTION NOTIFICATION

How much time should you allow a driver to get to a testing facility once they have been notified of their selection?



ALTERNATIVE DRIVERS

Section § 382.305: Random testing.

Guidance Q&A

Question 18: Is it permissible to select alternates for the purpose of complying with the Random Testing regulations?

Guidance: Yes, it is permissible to select alternates. However, it is only permissible if the primary driver selected will not be available for testing during the selection period because of long-term absence due to layoff, illness, injury, vacation or other circumstances. In the event the initial driver selected is not available for testing, the employer and/or C/TPA must document the reason why an alternate driver was tested. The documentation must be maintained and readily available when requested by the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the employer or any of its drivers.



FAILING TO CONDUCT POST-ACCIDENT ALCOHOL OR DRUG TEST 382.303

Type of accident involved	Citation issued to the CMV driver	Test must be performed by employer
i. Human fatality	YES NO	YES YES
ii. Bodily injury with immediate medical treatment away from the scene	YES NO	YES NO
iii. Disabling damage to any motor vehicle requiring tow away	YES NO	YES NO



POST-ACCIDENT TESTING

Enter Time of Crash: 12/1/20 3:00 PM
example: 12/01/20 3:00 PM
format: mm/dd/yy hh:mm AM/PM

Alcohol test needs to be completed by:

Tuesday 12/01/20 11:00 PM

Drug test needs to be completed by:

Wednesday 12/02/20 11:00 PM

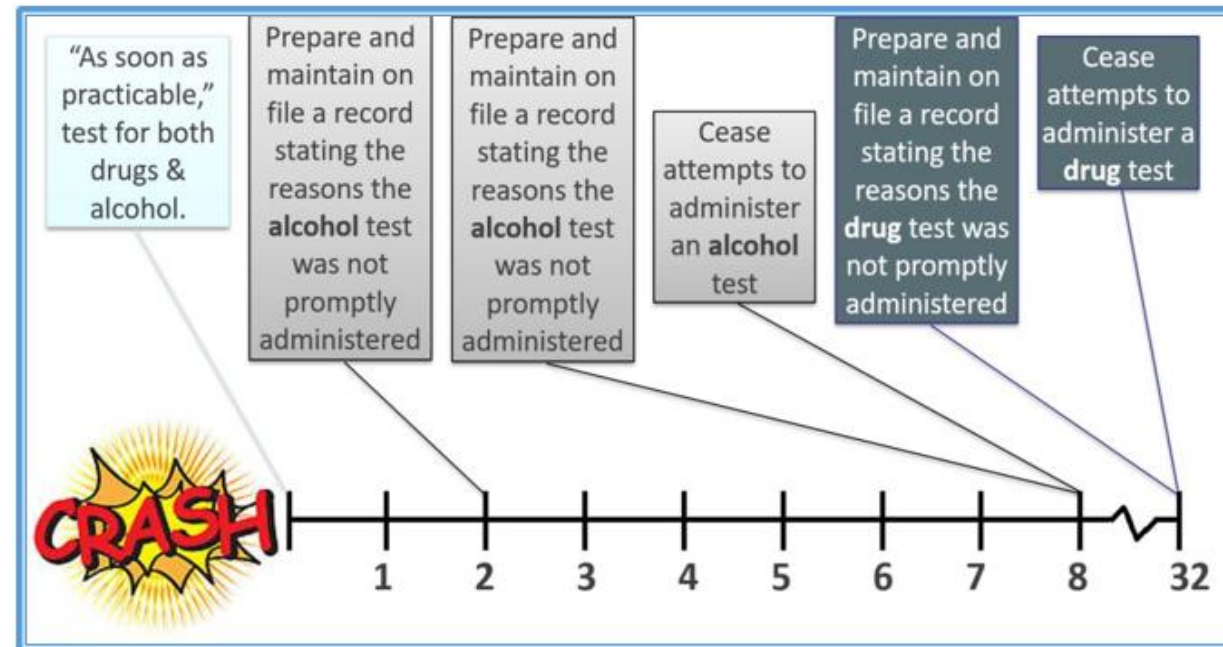
If any of the required tests are not completed within the specified timeframe, please complete the Failure to Test document.

Alcohol Notes Needed

2 hours after crash: Tuesday 12/01/20 5:00 PM

8 hours after crash: Tuesday 12/01/20 11:00 PM

[Link to § 382.303](#)



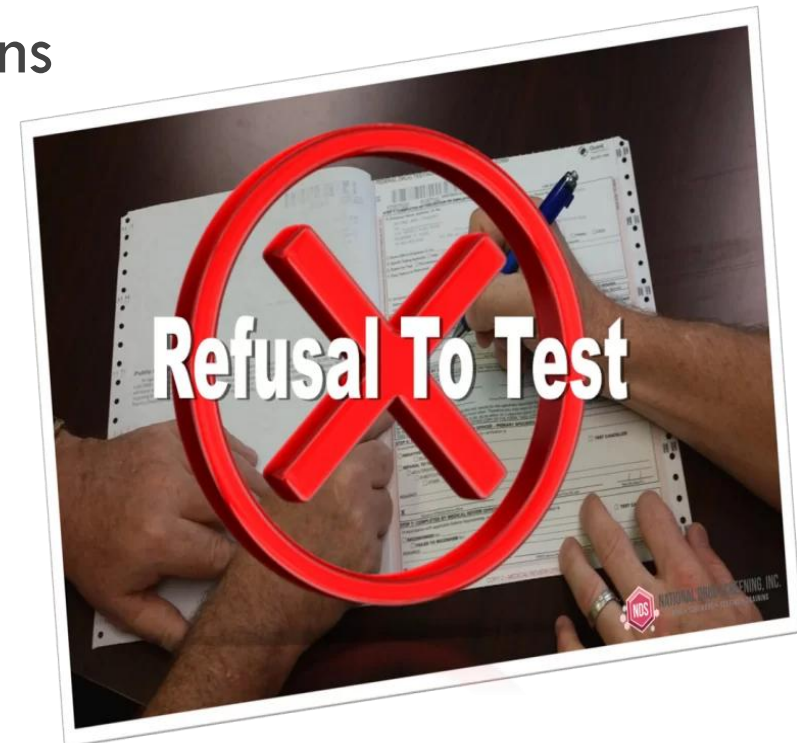
DOCUMENT POST-ACCIDENT TESTING PROCESS

Crash Date:		Crash Time:	
Terminal:		Driver Name:	
Supervisor:		Crash Location:	
This crash is a DOT Crash because <i>(check all that apply)</i>: ☐ a fatality, and ☐ or ☐ an injury requiring immediate medical treatment away from the scene, and ☐ or ☐ a vehicle was towed due to disability damage was involved.			
Certain DOT crash circumstances require FMCSA post-accident testing to be completed within certain timeframes. This crash resulted in (which if any of the applicable listed below):			
Crash Circumstance (Part 1):			
☐ A fatality is involved so the FLEET driver needs to have a "FMCSA Post-Accident" Breath alcohol test and a urine drug collection.			
☐ The fleet driver is issued a citation and an injury requiring immediate medical treatment away from the scene occurred. The fleet driver needs to have a "FMCSA Post-Accident" Breath alcohol test and a urine drug collection.			
☐ The fleet driver is issued a citation and any vehicle was towed away from the scene due to disability damage. The fleet driver needs to have a "FMCSA Post-Accident" Breath alcohol test and a urine drug collection.			
If a crash situation as defined in Part 1 occurs, then the fleet driver needs to have a "FMCSA Post-Accident" Breath alcohol test and a urine drug collection.			
If any of the three crash circumstances in Part 1 exist in this crash and the testing didn't happen within the timeframes (2 hours breath alcohol testing; 32 hours urine drug collection), explain the following:			
☐ The fleet driver was involved in a crash circumstance in part 1 and the FMCSA Post-Accident breath alcohol test wasn't completed within 2 hours (continue to attempt to conduct the alcohol test). Why wasn't it completed?			
☐ The fleet driver was involved in a crash circumstance in part 1 and the FMCSA Post-Accident breath alcohol test wasn't completed within 8 hours (cease all attempts to collect at the 8 hour mark). Why wasn't it completed?			
☐ The fleet driver was involved in a crash circumstance in part 1 and the FMCSA Post-Accident urine drug collection wasn't completed within 32 hours (cease all attempts to collect at the 32 hour mark). Why wasn't it completed?			
Supervisor completing this form:			
Date:		Title:	
Printed Name:		Signature:	



USING A DRIVER WHO REFUSED TO TAKE A DRUG/ALCOHOL TEST 382.211

- No employer shall permit a driver who refused to submit to required drug/alcohol tests to perform or continue to perform safety-sensitive functions
- Shy bladder
- Document the situation



WHY YOU NEED TO CHECK THE CLEARINGHOUSE

CDL/CLP Holders in the Return-to-Duty (RTD) Process as of January 1, 2025

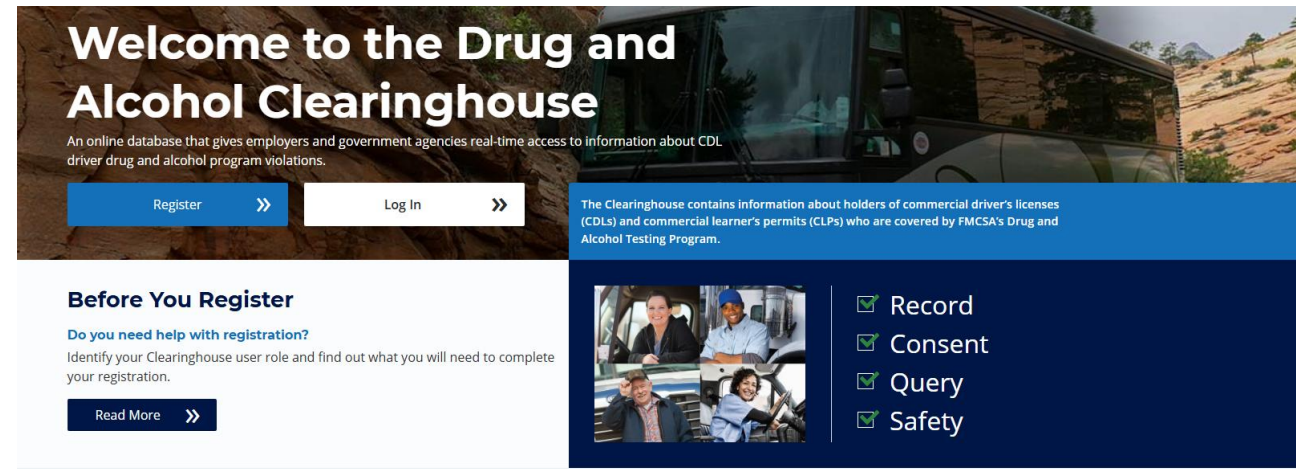
RTD STATUS	# DRIVERS
All Drivers (with at least 1 violation)	279,757
CDL/CLP holders in Prohibited Status	180,667
RTD Process Not Started	138,864
Substance Abuse Professional (SAP) Request Sent	1,887
SAP Designation Confirmed	5,407
SAP Request Declined	1,134
Initial SAP Assessment Complete	9,322
Determined Eligible for RTD Testing	24,053
CDL/CLP Holders in Not-Prohibited Status*	99,090
RTD Test with Negative Results	71,171
Follow-Up Testing Plan Complete	27,919

*A driver is no longer prohibited from performing safety-sensitive functions once they have a negative RTD test result.



CLEARINGHOUSE

- Full Query
 - Pre-employment
 - Limited query returned with records found
- Limited Query
 - Current employees
 - Consent form
 - Anniversary date vs. all at once



REPORTING VIOLATIONS TO THE CLEARINGHOUSE

Which violations are employers responsible for reporting?

Both employers and medical review officers (MROs) are required to report drug and alcohol program violations in the Clearinghouse per § [382.705](#). The table below identifies who is responsible for reporting each type of violation.

Reporting Entity	Violations Reported to the Clearinghouse	Timeframe for Reporting
Prospective/Current Employer of CDL Driver	An alcohol confirmation test with a concentration of 0.04 or higher	Employers must report any drug and alcohol program violation information by the close of the third business day following the date on which the employer obtained the information.
	Refusal to test (alcohol) as specified in 49 CFR § 40.261	
	Refusal to test (drug) not requiring a determination by the MRO as specified in 49 CFR § 40.191	
	Actual knowledge of a drug or alcohol violation, as defined in 49 CFR § 382.107	
MRO	Verified positive, adulterated, or substituted drug test result	MROs must report results within two business days of making a determination or verification of a Department of Transportation (DOT)-required drug test. Any changes to the results report of a verified drug test must be reported to the Clearinghouse within one business day of making the changes.
	Refusal to test (drug) requiring a determination by the MRO as specified in 49 CFR § 40.191	



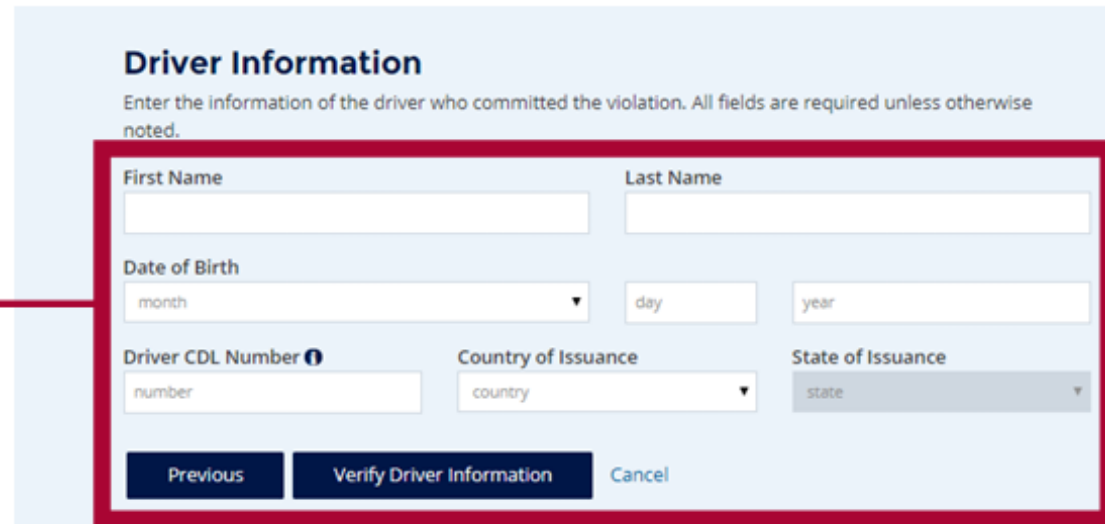
HOW TO REPORT A VIOLATION

Enter and Verify the Driver Information

Enter the information of the driver who incurred the violation and click **Verify Driver Information**.

You will need to provide the following driver information:

- Driver first and last name
- Driver date of birth
- Driver commercial driver's license (CDL) number, and the country and state of issuance



Driver Information

Enter the information of the driver who committed the violation. All fields are required unless otherwise noted.

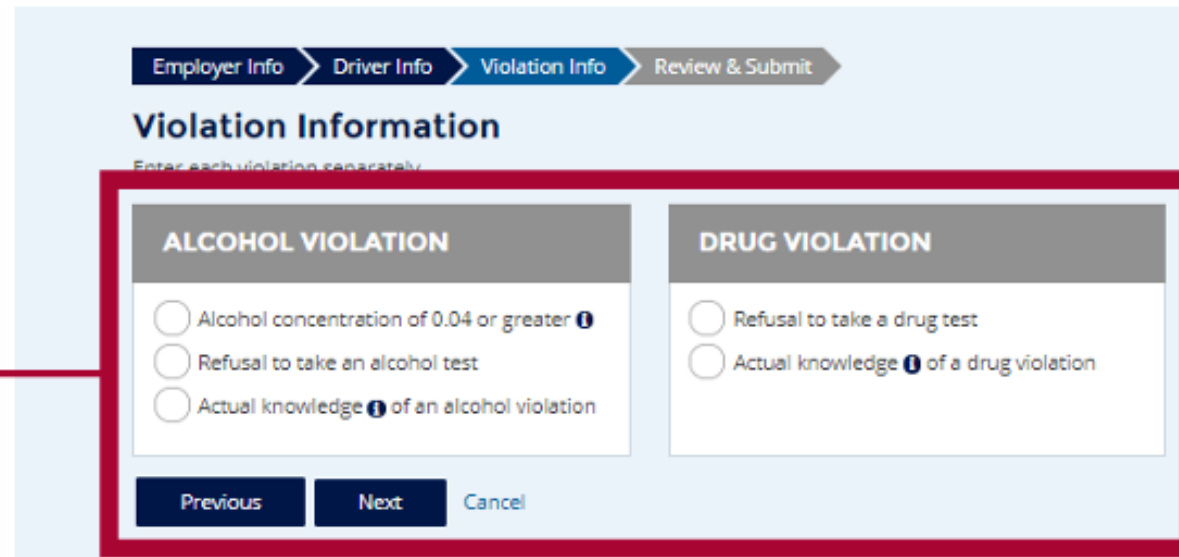
First Name	Last Name	
Date of Birth		
month	day	year
Driver CDL Number ⓘ	Country of Issuance	State of Issuance
number	country	state



ENTERING THE TYPE OF VIOLATION

Enter the Violation Information

Select the type of violation you are reporting and click **Next**. Each violation must be entered separately.



The screenshot shows a web form titled "Violation Information" with a progress bar at the top indicating the current step: "Employer Info" > "Driver Info" > "Violation Info" > "Review & Submit". The "Violation Info" step is highlighted. Below the title, a red-bordered box highlights the selection area. This area contains two columns of radio button options. The left column is titled "ALCOHOL VIOLATION" and lists three options: "Alcohol concentration of 0.04 or greater", "Refusal to take an alcohol test", and "Actual knowledge of an alcohol violation". The right column is titled "DRUG VIOLATION" and lists two options: "Refusal to take a drug test" and "Actual knowledge of a drug violation". At the bottom of the form, there are three buttons: "Previous", "Next", and "Cancel".

Employer Info > Driver Info > Violation Info > Review & Submit

Violation Information

Enter each violation separately.

ALCOHOL VIOLATION

- ☐ Alcohol concentration of 0.04 or greater ⓘ
- ☐ Refusal to take an alcohol test
- ☐ Actual knowledge ⓘ of an alcohol violation

DRUG VIOLATION

- ☐ Refusal to take a drug test
- ☐ Actual knowledge ⓘ of a drug violation

Previous Next Cancel

The amount of violation information you will need to enter will depend on the type of violation you select. See below for an overview of the types of information you will need to enter for each violation type. Prompts will also appear on the screen to guide you through each process.



REPORTING POSITIVES AND REFUSALS

If you select **alcohol concentration of 0.04 or greater**, **refusal to take an alcohol test**, or **refusal to take a drug test**, you will be required to provide the following information:

Type of Violation	Information to Enter	Additional Information to Enter
Alcohol concentration of 0.04 or greater	- Reason for the test - Date of test	No additional information required
Refusal to take an alcohol OR drug test	- Reason for the test - Type of test refusal - Date of test (all refusals except "failed to appear for any test") Note: See "Uploading Documentation" on the next page for instructions on using the file upload feature.	Failed to cooperate with any of the testing process - Remarks/Additional Information (optional) Failed to appear for any test - When the driver was notified to appear - The address and time at which they were directed to appear - Documentation that the driver was notified to appear for testing - Driver employment status and documentation of date of termination or resignation, if applicable - Evidence that the driver was provided with all documents submitted with the violation report

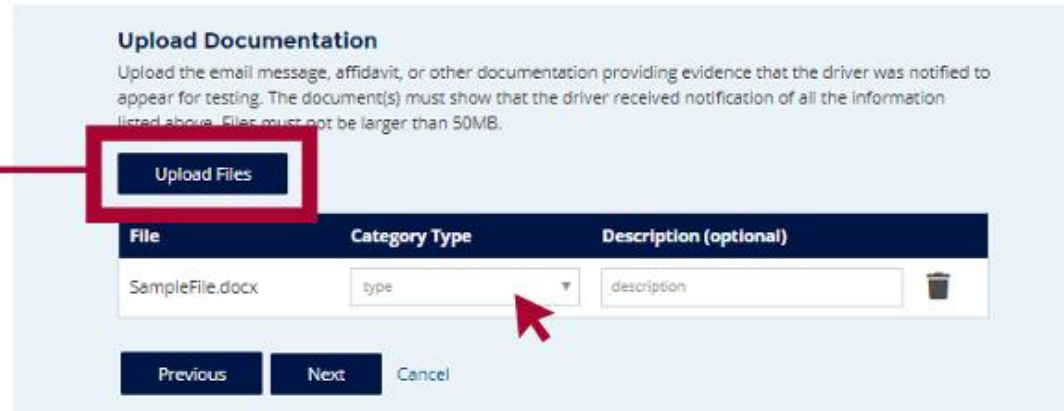


REQUIRED DOCUMENTATION FOR VIOLATION REPORTING

UPLOADING DOCUMENTATION

At certain points in the violation reporting process, you may be required to submit files to serve as evidence. To do so, you will use the Upload Documentation tool.

To begin, select **Upload Files** to open a file directory. Choose the file you need to upload and click **Open** (files may not exceed 50MB). This will start a list of files that will be uploaded with your report



Upload Documentation
Upload the email message, affidavit, or other documentation providing evidence that the driver was notified to appear for testing. The document(s) must show that the driver received notification of all the information listed above. Files must not be larger than 50MB.

Upload Files

File	Category Type	Description (optional)
SampleFile.docx	type	description

Previous **Next** Cancel

Select the **category type** (this is required). You also have the option to enter a description of the file.

Repeat this process to upload any additional files. Once all files have been uploaded, click **Next**.



FINAL STEP REVIEW AND SUBMIT THE VIOLATION

Review the information you have entered. The categories of information displayed will vary depending on the type of violation selected.

If the violation information needs corrections, click the **Previous** button until you reach the relevant screen. You can also click the edit icon (✎) of the appropriate section to return to that screen. Once you have finished making corrections, click the **Next** button to navigate through the following screens until you return to the Review and Submit the Violation screen.

Review and Submit the Violation

Review the information you provided below. If you need to make changes, click the edit icon to return to the section requiring correction. Once all the information is correct, submit the violation.

Employer Information

Driver Information

Once a driver's CDL/CLP information is verified, it cannot be edited. If the driver information was entered in error, delete this violation and enter a new one.

DOB: | CDL/CLP#: |
Country: | State: |

Violation Information

Type of Violation: Alcohol test refusal
Reason for Test: Random
Type of Test Refusal: Failed to appear for any test

Notice to Appear

Driver Notified: |
Testing Site Location: |
Date and Time to Appear: |
Documentation
SampleFile.docx
Document Type: Email Message

Driver Employment Status

Separation due to: Terminated
Documentation
SampleFile.docx
Document Type: Affidavit

Driver Provided with Documentation

SampleFile.docx
Document Type: Other

☒ I certify that the violation information that I am reporting to the Clearinghouse is accurate and complete. I understand that reporting false, inaccurate, or misleading information to the Clearinghouse may subject me to civil and/or criminal penalties in accordance with applicable law, including 49 USC 521. I further understand that I am participating in a covered transaction and that reporting false information may subject me to government-wide suspension or debarment under 2 C.F.R. Part 186.

Previous

Submit Violation

Cancel

*Note: Once a driver's CDL information is verified, you will not be able to edit it. If you entered the driver's information in error, click **Cancel** and begin again with a new violation.*

Once all the information is accurate, check the box to accept the Clearinghouse certification statement and click **Submit Violation**.





What challenges are faced when a carrier hires a driver with open violations and not prohibited?

CHEATING DRUG TESTS

- Synthetic urine
- Using drug-free urine from a different donor
- Ingesting detox products to flush out drug
- Ingesting fluids or tablets along with water to dilute the drug
- Adding foreign chemicals to sample



REPORTING ACTUAL KNOWLEDGE

REPORTING ACTUAL KNOWLEDGE

If you select **actual knowledge of an alcohol violation** or **actual knowledge of a drug violation**, you will be required to provide the following information (for a definition of actual knowledge, see § [382.107](#)):

- Whether the use was on-duty, pre-duty, or post-duty (alcohol only)
- The type of actual knowledge
- Date you obtained actual knowledge of the violation
- Date the violation occurred, if known
- Detailed description of the violation
- Name and at least one form of contact information for each witness, if any
- Evidence supporting each fact alleged in the violation description
- Acceptable evidence includes, but is not limited to, affidavits, photographs, video or audio recordings, employee statements (other than those admissions pursuant to § [382.121](#)), correspondence, electronic copies of any enforcement citations, or other documentation.
- Evidence that the driver was provided with all documents submitted with this violation report



WHAT IS CONSIDERED ACTUAL KNOWLEDGE OF A DRUG AND ALCOHOL VIOLATION?

Under 382.10

- Employer direct observation of the employee
- Information provided by the driver's previous employer
- A traffic citation for driving a CMV while under the influence of alcohol or controlled substances
- An employee's admission of alcohol or controlled substance use except as provided in 382.121



Self-Admission of Alcohol Abuse Off-duty: A driver self admits to a company official they are abusing alcohol off-duty only. Is this a violation of part 382, and does this trigger a DOT SAP evaluation?

 [FMCSA-D&A-382.205-FAQ001 tmw.docx](#) (24.27 KB)

Guidance on the consequences of a driver's the self-admission of off-duty alcohol abuse.

Question

Self-Admission of Alcohol Abuse Off-duty: A driver self admits to a company official they are abusing alcohol off-duty only. Is this a violation of part 382, and does this trigger a DOT SAP evaluation?

Answer

No. If the driver admits only off-duty alcohol abuse, the motor carrier may require the driver to undergo a medical evaluation pursuant to § 391.45(c). If the medical examiner (ME) determines the driver has a current diagnosis of alcoholism, the ME will determine that the driver is not physically qualified to operate a CMV, under 49 CFR § 391.41(b)(13). In order for the driver to be considered for re-certification, the driver will have to successfully complete an employee assistance program and demonstrate they do not have a current diagnosis of alcoholism. This determination should be made by a qualified medical examiner.



EMPLOYEE ADMISSION OF ALCOHOL OR CONTROLLED SUBSTANCE USE

No adverse action will be taken against an employee in a covered position who admits to misuse of alcohol or use of a controlled substance covered by this policy and federal regulations (see CFR 49 Part 382.121) if the following conditions apply:

The employee:

- Makes the admission prior to reporting to duty; and
- Has not been notified to report for a random test for which he or she has not yet been tested.





**WHAT OTHER INFORMATION
DO I HAVE TO REPORT?**

Negative
return to duty
test results

Completion
of follow-up
testing.



RETENTION OF RECORDS

Five Years:

- Alcohol test results indicating a Breath Alcohol Concentration (BAC) of 0.02 or greater
- Verified positive drug test results
- Refusals to submit to required alcohol and drug tests
- Required calibration of Evidential Breath Testing (EBT) devices

Two Years:

- Records related to the collection process and required training

One Year:

- Negative and canceled controlled substance test results
- Alcohol test results indicating a BAC of less than 0.02



MIS REPORT

- Anybody that operates a vehicle that requires a CDL on public roads in intrastate or interstate commerce, including part-time or occasional employees
- Review and record driver count at the beginning of quarter (or monthly)

U.S. DEPARTMENT OF TRANSPORTATION DRUG AND ALCOHOL TESTING MIS DATA COLLECTION FORM
 Calendar Year Covered by this Report: _____

I. Employer:
 Company Name: _____
 Doing Business As (DBA) Name (if applicable): _____
 Address: _____ E-mail: _____
 Name of Certifying Official: _____ Signature: _____
 Telephone: () _____ Date Certified: _____
 Prepared by (if different): _____ Telephone: () _____
 C/TPA Name and Telephone (if applicable): _____ () _____

Check the DOT agency for which you are reporting MIS data, and complete the information on that same line as appropriate:
 FMCSA – Motor Carrier: DOT #: _____ Owner-operator: (circle one) YES or NO Exempt (Circle One) YES or NO
 FAA – Aviation: Certificate # (if applicable): _____ Plan / Registration # (if applicable): _____
 RSPA – Pipeline: (Check) Gas Gathering Gas Transmission Gas Distribution Transport Hazardous Liquids Transport Carbon Dioxide
 FRA – Railroad: Total Number of observed/documentated Part 219 “Rule G” Observations for covered employees: _____
 USCG – Maritime: Vessel ID # (USCG- or State-issued): _____ (If more than one vessel, list separately.)
 ETA – Transit

II. Covered Employees: (A) Enter Total Number Safety-Sensitive Employees In All Employee Categories: _____
 (B) Enter Total Number of Employee Categories: _____
 (C)

Employee Category	Total Number of Employees in this Category

If you have multiple employee categories, complete Section I and II (A) & (B). Take that filled-in form and make one copy for each employee category and complete Sections II (C), III, and IV for each separate employee category.

III. Drug Testing Data:

Type of Test	Total Number Of Test Results [Should equal the sum of Columns 2, 3, 9, 10, 11, and 12]	Verified Negative Results	Verified Positive Results - For One Or More Drugs	Positive For Marijuana	Positive For Cocaine	Positive For PCP	Positive For Opioids	Positive For Amphetamines	Refusal Results				Cancelled Results
									Adversely Affected	Substantiated	“Shy Bladder” - With No Medical Explanation	Other Refusals To Submit To Testing	
Pre-Employment													
Random													
Post-Accident													
Reasonable Susp./Cause													
Return-to-Duty													
Follow-Up													
TOTAL													

IV. Alcohol Testing Data:

Type of Test	Total Number Of Screening Test Results [Should equal the sum of Columns 2, 3, 7, and 8]	Screening Tests With Results Below 0.02	Screening Tests With Results 0.02 Or Greater	Number Of Confirmation Tests Results	Confirmation Tests With Results 0.02 Through 0.09	Confirmation Tests With Results 0.10 Or Greater	Refusal Results		Cancelled Results
							“Shy Lung” - With No Medical Explanation	Other Refusals To Submit To Testing	
Pre-Employment									
Random									
Post-Accident									
Reasonable Susp./Cause									
Return-to-Duty									
Follow-Up									
TOTAL									

DOT Publishes Notice of Proposed Rule Making



United States
Department of Transportation

DOT Publishes Notice of Proposed Rule Making

U.S. Department of Transportation sent this bulletin at 09/02/2025 10:09 AM EDT

Published in today's Federal Register (FR) is a Department of Transportation Notice of Proposed Rulemaking (NPRM). The NPRM is available on the FR web page at <https://www.govinfo.gov/content/pkg/FR-2025-09-02/pdf/2025-16720.pdf>. Today, we will post it on the Office of Drug and Alcohol Policy and Compliance (ODAPC) webpage at <https://www.transportation.gov/odapc/frpubs>.

The proposals in the NPRM include:

1. Add Fentanyl and norfentanyl to the testing panels,
2. Adjust laboratory morphine confirmatory cutoff (urine only),
3. Remove the additional requirement for MROs to determine clinical evidence of illegal opioid (codeine and morphine use for urine and oral fluid),
4. Add and modify certain definitions,
5. Authorize biomarker testing,
6. Modify analyte nomenclature for marijuana (urine and oral fluid),
7. Revise footnote #1 to both testing panels to include more specific and updated criteria for alternate technology initial drug tests,
8. Add a 30-day requirement for drug collectors, STTs, and BATS within which to complete the required training and mock collections,
9. Adding a new 'fatal flaw' related to oral fluid specimens,
10. Modify several provisions related to oral fluid specimens,
11. Add clarifying language to other provisions (such as oral fluid collector training, SAP documents, and shy bladder/dry mouth procedures),
12. Various technical amendments.

The comment period for the NPRM closes on October 17, 2025. Comments to the docket can be submitted using this link <https://www.regulations.gov/docket/DOT-OST-2025-0049/document>.



SMSC ROUTINE TASKS FOR VARIOUS FMCSA COMPLIANCE

Item #	Factor	Types of Records	Frequency	Comments	Regulation	Abbreviated Regulation Text
2.1	2	Controlled Substance Policy and Related Training Materials	Quarterly	Review policy and training materials to determine if any procedure changes modified any processes TSA rec states policy should be annually reviewed. Some companies have a quarterly SOP review. Follow whichever frequency fits your operation. Review is best practice / policy is required	§382.601 Best Practice	Shall provide educational materials that explain requirements... procedures meeting requirements
2.2.1	2	Drug & Alcohol Testing Recording	As tests are completed	Enter into a D/A Testing Register; Best Practice	§382.401	"Each employer shall maintain records..."
		Additional Commentary: When test not conducted such as reason why an alternative was selected: Interp (Guidance) Question 18: Is it permissible to select alternates for the purpose of complying with the Random Testing regulations? Guidance: Yes, it is permissible to select alternates. However, it is only permissible if the primary driver selected will not be available for testing during the selection period because of long-term absence due to layoff, illness, injury, vacation or other circumstances. In the event the initial driver selected is not available for testing, the employer and/or C/TPA must document the reason why an alternate driver was tested. The documentation must be maintained and readily available when requested by the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the employer or any of its drivers.				
2.2.2	2	Pre-Employment Drug Testing	As candidate process dictates	Proof of PEDT for CDL drivers (Chain of custody and test result) yes or no	§382.301	"Prior to the first time a driver performs safety-sensitive functions..."
2.2.3	2	Random D&A Testing Program Review	Carrier's frequency (quarterly, monthly, etc.)	Beginning of each quarter, review previous quarter / plus review Q4 on or around 12/1 to determine if all testing completed and necessary steps followed Considerations: - all legible participants - appropriate testing rates - scientific method - accurate driver lists - tested during the period selected - unannounced - spread reasonably throughout the year - Immediately go upon notification - alcohol testing only during shift or immediately before / after	§382.305 Best Practice	"Every employer shall comply..."
2.2.4	2	Positive Tested Driver Records	As occurs	Letter of possible SAPs, SAP confirmation, return to duty test results, follow-up tests	§382.309 & .311; §40.287	49 CFR part 40, subpart O.





Questions





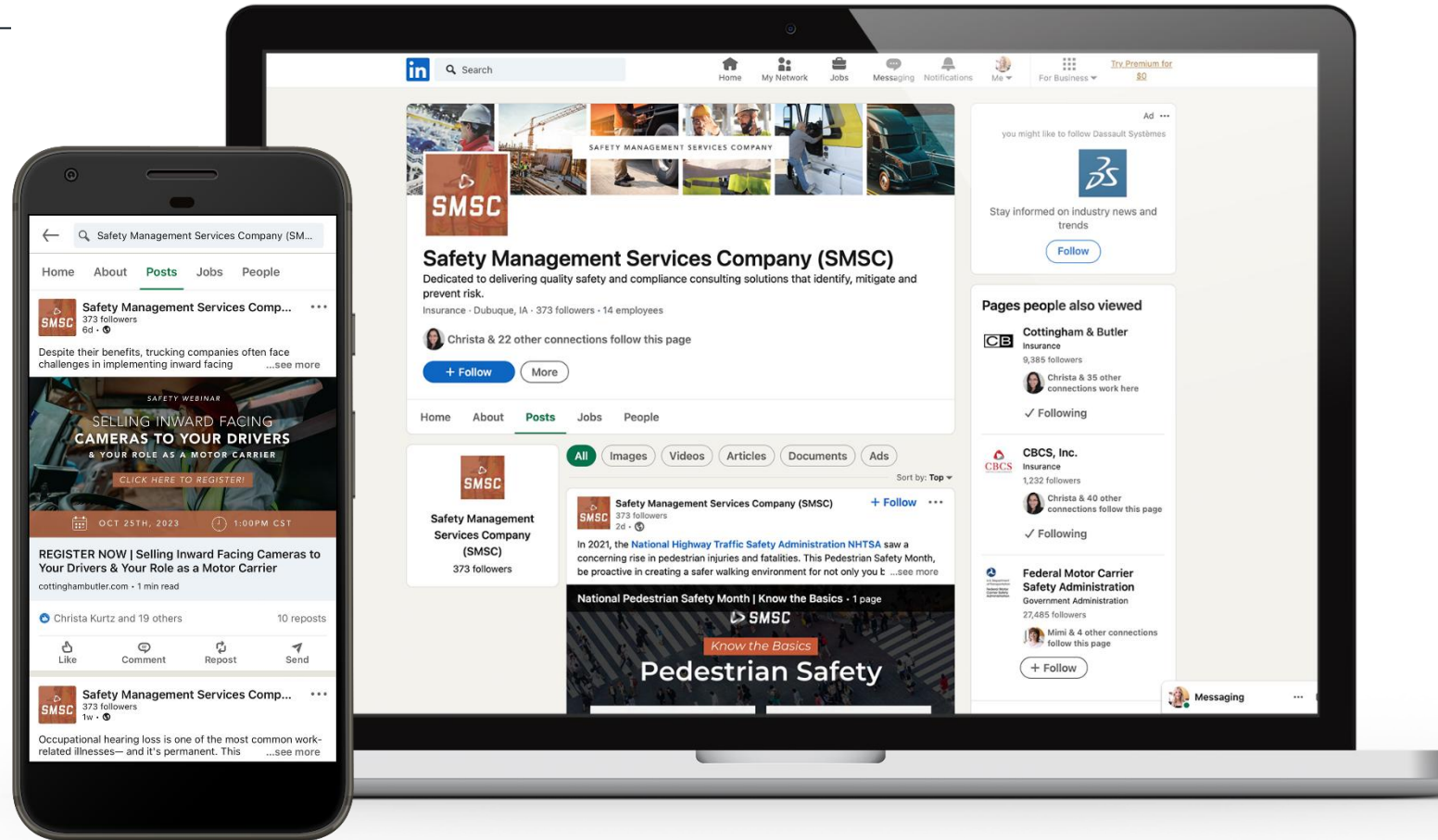
2025 Safety Webinar Series

TRANSPORTATION

- September 17** ○ Motor Carrier Safety | 101 Series | Understanding DOT Drug & Alcohol Requirements
1:00–2:00 PM CST
- October 21** ○ Strategies for Fighting Driver Fatigue to Stay Alert and Alive
1:00–2:00 PM CST
- November 10** ○ Safety Reimagined: Setting Goals That Actually Drive Change
1:00–2:00 PM CST
- December 17** ○ OSHA Compliance and Recordkeeping
1:00–2:00 PM CST



Let's Stay Connected



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