



AMERICAN TRUCKING ASSOCIATIONS

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DRUG AND ALCOHOL CLEARINGHOUSE FOR POSITIVE DRUG & ALCOHOL RESULTS

ISSUE

There is a well known loophole in the federal drug and alcohol testing requirements for commercial drivers that is being exploited by some drug-abusing drivers. When a driver moves from one trucking company to another, some “positive” drug and alcohol test results are not being discovered by the hiring company because these “positive” results are self-reported, and not centrally tracked. As a result, the hiring company may not be aware of a driver’s past “positive” drug test results and could be hiring a driver who has not been evaluated, treated and cleared to return-to-duty by a substance abuse professional.

BACKGROUND:

The trucking industry made Congress aware of this problem in the late 1990s. In 1999, Congress passed the Motor Carrier Safety Improvement Act which required DOT to evaluate the feasibility and merits of collecting, in a centralized manner, “positive” drug test results of commercial drivers. FMCSA, in a report submitted to Congress in May 2004, found that a centralized clearinghouse for such results was feasible, cost-effective and, in many ways, more desirable than the current system of driver self-reports and hiring companies contacting previous employers in an attempt to obtain this critical safety-related information.

ATA POSITION

ATA urges Congress to authorize and fund the development and deployment of a centralized clearinghouse, with appropriate privacy safeguards for drivers, and strict access controls for authorized users. ATA also urges inclusion of positive alcohol test results in a clearinghouse since both drug and alcohol testing are required as part of DOT’s regulatory program.

STATUS

The *Safe Roads Act of 2009* (S. 1113) was introduced May 20, 2009 by Senator Pryor (D-AR) and Senators Ben Nelson (D-NE); Snow (R-ME) and Wicker (R-MS) as co-sponsors.

Good stuff.





Facts and Data Supporting American Trucking Associations' Call for a National Clearinghouse for Positive Drug & Alcohol Test Results

Drug and alcohol testing of commercial truck drivers has been required by the federal government since 1995. The 5 types of required tests include: pre-employment, random, post-accident, reasonable suspicion and return-to-duty.

Drug abuse, as measured by the percentage of "positive" test results in the trucking industry, is less than half of that found in the general workforce, but it has remained steady in a range between 2 percent and 2.5 percent of the truck driver population since the beginning of the required testing program.

Since there are at least 3.4 million truck drivers in the industry, a 2 percent "positive" rate translates into at least 68,000 truck drivers with a drug abuse problem. This number, and a consistent 2 percent to 2.5 percent "positive" rate for more than a decade, is unacceptable to ATA and the trucking industry.

A medium-size drug testing firm based in Texas recently mined its test results database and identified over 700 truck drivers who tested "positive" for drugs on a pre-employment test while applying for one trucking company, and then tested "negative" for a different trucking company within 21 days. In these actual cases, the second trucking company at which the driver tests "negative" is not aware of the driver's previous "positive" test result because the driver does not list it on the employment application. These "positive" test results are not centrally tracked or stored, and this is the loophole that drug-abusing drivers can exploit.

The Federal Motor Carrier Safety Administration (FMCSA) recently sent investigators to this medium-size drug testing firm in Texas to collect information on drug-abusing drivers who may be exploiting the loophole. They found that during a recent 15-day period, 69 drivers tested positive. Of those 69 drivers, 21 of them returned to the same facility and had a negative test result. An FMCSA official was quoted in a press article, "That's a 30 percent hit rate; that's pretty high."

Unfortunately, some of these drug-abusing drivers have been involved in tragic fatal crashes. Three unacceptable tragedies are:

- In July 2007, in Little Rock, Ark., a truck driver killed a family of five in a crash. The driver admitted smoking crack cocaine a few hours before the crash.
- In December 2006, in Cook County, Ill., a truck driver crossed the center line and killed a passenger vehicle driver. A variety of illegal drugs were found in the truck driver's possession following the crash.
- In August 2006, in Butler County, Pa., a truck driver under the influence of cocaine was involved in a crash that killed an Indiana man.

Good stuff.

