A summary of the basic requirements of FMCSA drug testing

Please pay close attention

Drug testing rules and regulations

The US Department of Transportation drug testing rules and regulations are described in 49 CFR part 40 (https://www.transportation.gov/odapc/part40).

It's not a fun read, but you should be familiar with it.

The ODAPC web site (https://www.transportation.gov/odapc) is a good place to look for answers.

ODAPC = Office of Drug & Alcohol Policy & Compliance.

5 Transportation agencies

The US Dept of transportation governs 5 transportation Agencies

- Federal Motor Carrier Safety Administration (FMCSA)
- Federal Railroad Administration (FRA)
- Federal Aviation Administration (FAA)
- Federal Transit Administration (FTA)
- Pipeline and Hazardous Materials Safety Administration (PHMSA)
- United States Coast Guard (USCG)

The FMCSA is the agency that regulates CDL drivers and their employers.
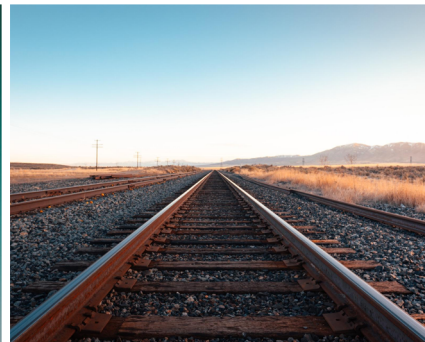
A DOT-compliant drug testing program requires 6 key elements

Written Policy

01

The DOT requires that you have a written substance abuse policy that meets certain criteria. The policy informs why the company tests, how it tests, and the consequences of non-compliance. If you don't have one, we'll help you produce one. If you have one, please forward it for our files. See inoutlabs.com/policy

Owner Operators are not exempted from having a written policy, but it's also not likely to come up in an audit.

Supervisor (Reasonable Suspicion) Training

02

NOT REQUIRED FOR OWNER OPERATORS

DOT Supervisors must have documented reasonable suspicion training. An affordable web-based version is at the bottom of this page: inoutlabs.com/training. It will generate a certificate that you should keep in your file in the event of a DOT audit.

We are available to conduct live trainings, or you may find the online version perfectly adequate.

Employee Education

03

You are required to supply each employee with education about substance abuse. It can be delivered in the form of a live training if you want, or you can provide them with a document produced by the DOT entitled "What Employees need to know about DOT Drug & Alcohol Testing."

You can download a PDF here:

- English Version https://bit.ly/2I37fBs
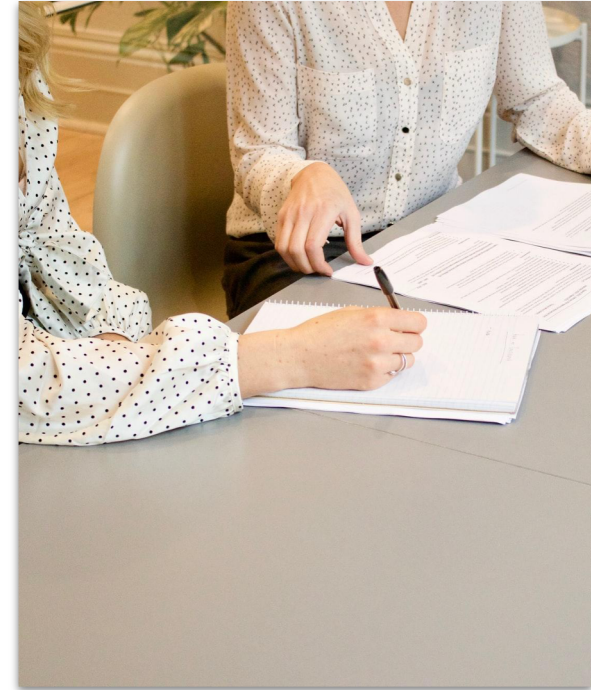- Spanish Version https://bit.ly/2M4uuNO

Employee Assistance

04

If you fail a drug or alcohol test, you must follow the DOT "Return To Duty" process, which begins with a Substance Abuse Provider or SAP.

If the occasion arises, we'll help you through the process.

Warning: You do not want to fail a drug or alcohol test.

Drug and Alcohol Testing
05

Random drug and alcohol testing is the best deterrent.

We also test for pre-employment, post-accident, return to duty, and follow-up (especially for DOT-regulated companies).

The FMCSA requires that 50% of drivers be randomly tested for drugs and 10% for alcohol (effective 1/1/20).

FMCSA Clearinghouse

06

As of January 6, 2020 every employer who employs CDL drivers who are subject to drug testing, must comply with the Clearinghouse. And there are a LOT of requirements.

Learn more at www.inoutlabs.com/clearinghouse.

Reasons for testing

1 **Pre-employment** – You must have a negative test result in each covered employee's file.

2 **Random** – Each mode has its own rules. As of this date, FMCSA rates are 50% for drug and 10% for alcohol.

3 **Post-Accident** – Certain types of accidents require a post-accident drug and alcohol test, and they need to be performed within certain time frames. See below for details.

4 **Return-to-duty** – Conducted following SAP treatment. Directly observed.

5 **Follow up** – Conducted after returning to duty after RTD test. Prescribed by the SAP and directly observed.

DOT post accident testing requirements

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

Please let us know if you have any questions