



August 25, 2025

The Honorable Donald J. Trump
President of the United States
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Re: Urgent Advocacy Regarding Marijuana Rescheduling to Protect Transportation Safety

Dear President Trump,

As the owner of a company that conducts employee drug testing—much of it mandated by the U.S. Department of Transportation (DOT) —my foremost priority is protecting public safety.

My industry is deeply concerned about the proposal to move marijuana (THC) from Schedule I to Schedule III. Such a change would have unintended but serious consequences: it would eliminate DOT's authority to test safety-sensitive workers for marijuana. This includes pilots, train operators, pipeline controllers, school bus drivers and truck drivers—roles where impairment can result in catastrophic harm. For more than 30 years, federally mandated testing has served as a proven deterrent and has prevented tragedies similar to those that occurred before the Omnibus Transportation Employee Testing Act of 1991. Preserving this safeguard is critical to maintaining confidence in the nation's transportation systems.

The ability of the Department of Health and Human Services (HHS) to certify laboratories and oversee marijuana testing originates from Executive Order 12564 (Drug-Free Federal Workplace, 1986). That authority applies only to substances in Schedules I and II of the Controlled Substances Act. Rescheduling marijuana to Schedule III—or removing it from scheduling entirely—would strip HHS of its legal authority. Without HHS-certified labs, DOT drug tests would not withstand legal challenges, and marijuana testing for safety-sensitive workers could end immediately.

This risk is not limited to rescheduling. Proposed legislation such as H.R. 2934 (STATES 2.0 Act) would eliminate marijuana from CSA scheduling altogether, transferring oversight to the FDA and jeopardizing decades of effective prevention. Such changes could also create conflicts with U.S. treaty obligations under the 1961 Single Convention on Narcotic Drugs, which restricts non-medical marijuana use.

Beyond transportation, workplace safety more broadly is also at stake. OSHA has long supported drug-free workplaces as part of employers' duty to protect workers from known hazards. Yet, varying state marijuana laws have limited employers' ability to test for off-duty use, creating inconsistent standards and unnecessary risks.



To protect public safety while balancing science and policy, we urge consideration of the following options:

1. **Keep Marijuana in Schedule I**

Marijuana still meets every criterion for Schedule I under the CSA, including high potential for abuse, public health risks, and lack of accepted safety standards. These concerns apply even more to today's high-potency products (16–90% THC).

2. **Reschedule No Lower than Schedule II**

If rescheduling occurs, Schedule II would preserve HHS authority to oversee testing, ensuring DOT can continue monitoring marijuana use in federally regulated industries. This would protect the traveling public while expanding opportunities for medical research.

3. **If Schedule III is Chosen, Issue a Safety Carve-Out**

Should the Administration move marijuana to Schedule III, a supplemental Executive Order should be issued concurrently. This order must explicitly grant HHS the authority to test and certify labs for all controlled substances, including Schedule III drugs and emerging synthetic threats. Such a carve-out would preserve deterrence and protect transportation safety without interruption.

Unlike alcohol, THC lacks reliable impairment standards. It is fat-soluble, lingers in the body, and its effects vary based on potency, method of use, and frequency. Until impairment can be scientifically measured, presence-based testing remains the only practical safeguard for ensuring transportation safety.

The National Drug & Alcohol Screening Association (NDASA), of which I am an active member, stands ready to provide expertise and collaborate with your Administration to ensure that policy changes do not compromise the safety of American workers or the traveling public.

Respectfully,

Timothy N. Thoelecke Jr., C-SAPA
President