

FLEET SAFETY SERVICES, INC.

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Introducing **Claire Andersen** - Fleet Safety's Substance & Alcohol Testing Program Manager. Claire has been with Fleet Safety for seven years and has successfully completed US DOT Motor Carrier Safety Compliance Course

PROPOSED IMPROVEMENTS TO DRUG TESTING PROGRAMS

The GAO (Government Accountability Office) learned of the ease of subverting drug testing requirements of the FMCSA and DOT from a report on FOX news in February of 2007. The segment entitled *Leaks in the System* showed the lapse in security in numerous collection sites in Minnesota which easily allowed fake driver's licenses and substituted or adulterated specimens to be used in DOT drug collections. Because of this report, the GAO launched its own investigation of FMCSA compliance audits and collection site protocols which confirmed the FOX news findings and in May of 2008 a list of recommended changes was issued.

The most strongly recommended changes include:

Strengthened enforcement of safety audits for new carriers. The DOT has already issued a proposed rule to include drug testing programs in new carrier audits, and to make the lack of a compliant program grounds to fail the audit. It has also been suggested that new carriers must pass an initial audit before beginning business.

Stronger enforcement of fines against noncompliant collection sites and other service agents. Current regulations provide for fining employers using noncompliant service agents but not the agents

themselves. The public interest exclusion, which was designed to punish noncompliant service agents, has proven to be ineffective because it has never been used. The GAO has recommended the DOT be given the authority to fine these agents.

A federal law banning drug test adulterants and substitution devices. This would allow law enforcement to go after the manufactures and sellers of these products. The GAO also notes that this may be difficult to enforce because of internet sales and the fact that people who use the products also purchase and use illegal drugs.

A national database of drug testing information. This would allow employers to more accurately access applicants past drug testing history. Currently it is easy for a driver to avoid the self-reporting requirements on positive pre-employment tests. This change would allow states to check for positive tests and refusals and to suspend CDLs until the DOT return to duty process has been successfully completed. On June 13, 2008 the Office of the Secretary of the DOT amended its drug and alcohol testing procedures to authorize employers and third party administrators to report verified positive test results and refusals of CDL drivers to state licensing authorities where state law requires such reporting. This will clear the way for more states to pass reporting laws on drug and alcohol test results making it more difficult for unqualified drives to remain on the road.

WARNING ON CHANTIX

The FMCSA recently added Chantix, the smoking cessation drug, to the list of prescription medications that could disqualify drivers from obtaining a medical card. Reported side effects of this drug include suicidal thoughts, aggressive and erratic behavior, drowsiness, psychiatric instability, seizures, dizziness, heart irregularities and diabetes. In the last quarter of 2007, 988 serious incidents of these side effects were reported to the FDA.