

ODAPC DISPATCHES

Office of Drug & Alcohol Policy & Compliance

Office of the Secretary · US Department of Transportation · 202.366.DRUG (3784)



Medical Qualifications FAQs for CDL Drivers Posted by FMCSA

Concerned about the medical qualifications for operating a bus or truck while suffering from hypertension or narcolepsy? Now, you can find the answers. Just in time for summer, the FMCSA Physical Qualifications Division posted a list of ninety-nine of the most Frequently Asked Questions (FAQs) regarding medical qualifications for CDL drivers. Is sleep apnea disqualifying? What about proteinuria? Find the answers to this and more at:

<http://www.fmcsa.dot.gov/rules-regulations/topics/medical/faq.asp#top>.

Still have questions, email the FMCSA Medical Program Office at fmcsamedical@fmcsa.dot.gov.

FTA Proposes Rule to Eliminate Dual Testing Requirements

All safety-sensitive employees of mass transportation systems are subject to Federal Transit Administration (FTA) drug & alcohol testing, but some of these employees are subject to additional testing regulations when they work in the maritime and trucking industries, regulated by the United States Coast Guard (USCG) and Federal Motor Carriers Safety Administration (FMCSA) respectively.

On June 5, 2006, FTA published a Notice for Proposed Rule Making (NPRM) proposing to eliminate the duplicate testing requirements for employees working under two sets of regulations.

Check out FTA's NPRM on the Federal Register web page at: <http://www.gpoaccess.gov>.

Inside This Issue

| | |
|--|---|
| FMCSA Medical FAQs for CDL Drivers | 1 |
| FTA Publishes NPRM | 1 |
| PHMSA has New D&A Program Manager | 1 |
| Questions from Readers | 2 |
| FAA Issues Final Rule | 3 |
| NHTSA Publishes CPL | 3 |
| Random Testing Rates for CY 2006 | 4 |
| Collector/BAT/Record Keeping White Papers | 4 |
| Transition to New E-mail Subscriber System | 4 |

PHMSA Appoints a New Drug & Alcohol Program Manager

The Pipeline and Hazardous Materials Safety Administration (PHMSA) announced that Ms. Cindy Ingrao is their new drug and alcohol program manager. Working in the immediate office of the Assistant Administrator/Chief Safety Office, Ms. Ingrao is responsible for directing the development and implementation of the Agency's drug and alcohol program.

Prior to PHMSA, Ms. Ingrao served in the Federal Aviation Administration's (FAA) Drug Abatement Division. In 2005, she received the Federal Air Surgeon's Excellence Award for developing, implementing and managing a streamlined pilot drug positive and alcohol violation investigative process.

She also selected graduated from the USDA Graduate School Executive Leadership Program. While at the FAA, Cindy worked closely with aviation advocacy groups, such as the Air Line Pilots Association and the Aircraft Owners & Pilots Association.

Ms. Ingrao may be reached at 202.366.2350 or cindy.ingrao@dot.gov.

Questions from Readers

May You Use Check Lists in Mock Proficiency Training?

In our [last issue](#), *ODAPC Dispatches* highlighted Mock Collection Basics. An alert reader, Betye Bailey, asked us a great question: May a collector use a check list/cheat sheet during the mock proficiencies?

The short answer is yes, but please be aware that the following conditions apply:

- The intent of a mock collection is to have the collector successfully demonstrate their understanding of what they have learned –i.e., are they proficient in the collection procedures, do they know their responsibilities as a collector.
- During the mock collections, the use of a check list is acceptable if the use of the check list was part of the training the collector received and is to be used in real-life collections.
- Using a check list only to help the collector pass the mock collections defeats the purpose of demonstrating proficiency.
- Check lists are not part of the regulatory collection process, so employees are not required to sign the completion of the list.
- Refusing to sign a check list is not a refusal to test.

Is there an article you would like to see in

ODAPC Dispatches, let us know at

<mailto:ODAPC@dot.gov>.

When is FMCSA Post-Accident Testing Required?

According to 49 CFR Part [382.303](#), a post-accident test is required when the following conditions apply:

| Accident occurred on a public road with any of the following: | Citation issued to the CMV driver | Employer to perform DOT drug and alcohol test. |
|---|-----------------------------------|--|
| Human fatality | YES → | YES |
| | NO → | YES |
| Bodily injury to anyone involved in the accident that resulted in immediate medical treatment away from the accident scene. | YES → | YES |
| | NO → | NO |
| Any vehicle disabled that required to be towed away. | YES → | YES |
| | NO → | NO |

Time is not on your side. Don't forget the time limits and documentation requirements below:

Alcohol Tests: Must be administered within 8 hours of the accident, and no alcohol test may be given outside of the 8 hours. If the 8 hours have passed, document the reasons why the test was not given within eight hours.

Drug Tests: Must be administered within 32 hours of the accident, and no drug test may be given outside the 32 hours. If 32 hours have passed, don't give any tests and document the reasons why.

Rules of thumb: Any test not administered within 2 hours, the company must document the reasons why. Remember that testing is only administered on a surviving driver.

FAA Issues Final Rule on Refusal to Test

On June 21, 2006 the Federal Aviation Administration (FAA) issued a final rule on the disqualification of airman and airman medical certificate holders based on alcohol violations or refusals to submit to drug and alcohol testing.

The final rule changes the airman medical certification standards to disqualify an airman based on an alcohol test result of 0.04 or greater breath alcohol concentration (BAC) or a refusal to take a DOT drug or alcohol test.

The rulemaking also standardizes the time period for reporting refusals and certain test results to the FAA. Employers are now required to report pre-employment and return-to-duty test refusals. The final rule also amends the airman medical certification requirements and now allows suspension or revocation of airman medical certificates for pre-employment and return-to-duty test refusals. The rule also updates the regulations to recognize current breath alcohol testing technology.

Check out FAA's final rule at:

<http://www.dot.gov/ost/dapc/news.html>.



What Employees Need to Know About DOT Drug & Alcohol Testing is available on our website. You may also order small quantities (less than 50) at 202.366.DRUG (3784).

NHTSA Publishes Amended CPL list for EBTs

On June 29, 2006 the National Highway Traffic Safety Administration published an amended Conforming Products List (CPL) for instruments that conform to the Model Specifications for Evidential Breath Testing Devices.

The CPL was amended to include the following five instruments:

- “Alcotest 6810” manufactured by Draeger Safety Inc., Durango, CO.
- “Alcotector BAC-100” sold by Guth Laboratories of Harrisburg, PA.
- “Alcotector C2H5OH” sold by Guth Laboratories of Harrisburg, PA.
- “EV 30” manufactured by Lifeloc Technologies, Inc. of Wheat Ridge, CO.
- “DataMaster DMT” manufactured by National Patent Analytical Systems, Inc. of Mansfield, OH.

Please remember that NHTSA publishes this list for law enforcement agencies as well as employers covered by DOT workplace testing regulations. There are two types of DOT workplace alcohol tests –screening tests and confirmation tests.

So when looking for an approved device to use in DOT workplace alcohol testing, be aware that any device on the list can be used as a *screening* device, but only those devices listed on the CPL **without** an asterisk can be used for *confirmation* testing. And it goes without saying –but we will say it anyway— that employers should not use any device not listed on the CPL.

To check out the CPL visit:

<http://www.dot.gov/ost/dapc/>.

Random Rates for Drug & Alcohol Testing in 2006

Each DOT Agency and the U.S. Coast Guard require employers to conduct random drug testing of its safety-sensitive employees. All but PHMSA and USCG also require random alcohol testing. The following are the minimum DOT random drug and alcohol testing rates for the 2006 calendar year:

| DOT Agency | 2006 Random Drug Testing Rate | 2006 Random Alcohol Testing Rate |
|---|-------------------------------|----------------------------------|
| FAA Federal Aviation Administration | 25% | 10% |
| FMCSA Federal Motor Carrier Safety Administration | 50% | 10% |
| FRA Federal Railroad Administration | 25% | 10% |
| FTA Federal Transit Administration | 50% | 10% |
| PHMSA Pipeline & Hazardous Material Safety Administration | 25% | N/A |
| USCG DHS's U.S. Coast Guard | 50% | N/A |

Transition to New E-mail Subscription Service

DOT has migrated to a new e-mail subscriber system 'GovDelivery' from 'Lists Serve'. Any future e-mails from ODPAC will have the sender as DOT – ODAPC(USDOT@govdocs.com).

New White Papers from ODAPC Available on the Web

Thanks to your numerous calls about how to become a BAT, urine specimen collector or the specifics of record keeping requirements, ODAPC has developed a series of white papers:

- *How can I become a technician for DOT alcohol testing?*
- *How can I become a collector for DOT drug testing?*
- *Employer record keeping requirements for drug & alcohol testing information.*

You can check out these titles at:

<http://www.dot.gov/ost/dapc/documents.html>.

Collect all three or trade them with your friends, but please keep letting us know what information you need so that we can serve you best.

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