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# Controlled Substances and Alcohol Use and Testing

The Federal Motor Carrier Safety Administration (FMCSA) requires that all drivers who possess a commercial driver's license and operate a commercial motor vehicle in any state be tested for the use of certain controlled substances as well as alcohol misuse. This report discusses what is required by the FMCSA and how the program must be implemented.

## Introduction

To help prevent accidents, and resultant fatalities, injuries, and property damage caused by the misuse of alcohol or the use of controlled substances by drivers, the Federal Motor Carrier Safety Administration (FMCSA) requires that drivers who operate a commercial motor vehicle (CMV) in commerce, in any state, and are subject to the FMCSA's commercial driver's license (CDL) requirements, the Licencia Federal de Conductor (Mexico) requirements, or the commercial driver's license requirements of the Canadian National Safety Code, be tested for prohibited use of these substances. These regulations are codified in Title 49 CFR Part 382—*Controlled Substances and Alcohol Use and Testing*.

A CMV is defined as a motor vehicle or combination of motor vehicles that:

- Has a gross vehicle weight rating (GVWR) of 26,001 lb. (11,794 kg) or more; or
- Has a gross combination weight rating (GCWR) of 26,001 lb. (11,794 kg) or more inclusive of a towed unit(s) with a GVWR of more than 10,000 lb. (4,536 kg); or
- Is designed to transport 16 or more passengers (including the driver); or

- Is used in the transportation of hazardous materials in a quantity requiring placarding under the Department of Transportation's (DOT) *Hazardous Materials Regulations*.

An employer who employs himself/herself as a driver must comply with both the requirements that apply to employers and the requirements that apply to drivers and must implement a random alcohol and controlled substances testing program of two or more covered employees in the random testing selection pool. The FMCSA encourages small motor carriers and owner-operators to form consortiums and other cooperative groups to meet the testing requirements of the regulations.

These requirements do not apply to military personnel or to drivers exempted from the CDL requirements at the discretion of specific states. These exemptions may include:

- Operators of farm vehicles that are controlled and operated by a farmer and used to transport either agricultural products, farm machinery, farm supplies, or both to or from a farm, not used in the operations of a common or contract motor carrier, and used within 150 miles (241 kilometers) of the farmer's farm.

- Firefighters or other persons who operate CMVs that are necessary for the preservation of life or property, or the execution of emergency governmental functions, are equipped with audible and visual signals, and are not subject to normal traffic regulations.

Although the FMCSA has mandated testing for drivers of CMVs, this does not mean that individual motor carriers can implement these testing requirements for non-CMV drivers, without careful scrutiny of state and local law. Some states, as well as cities, regulate drug testing requirements. When a state or local law is inconsistent with or prevents full compliance with the federal regulations, it is automatically preempted; however, when federal regulations do not address a specific area, the state or local law prevails.

The drug testing issue is fraught with controversy, and recommendations for establishing a program should be reviewed carefully. Of concern is that removing drug-abusing drivers from operating CMVs will likely direct those drivers into segments of the industry that are not required to perform testing.

## Operating Prohibitions

The performance of specific “safety-sensitive functions” is prohibited when using controlled substances, on- or off-duty, or when using alcohol under certain conditions. “Safety-sensitive function” means all time from the time a driver begins to work, or is required to be in readiness to work, until the time he/she is relieved from work and all responsibility for performing work. Safety-sensitive functions include where a driver is:

- Waiting to be dispatched, unless relieved from duty by the motor carrier
- Inspecting or servicing a vehicle
- Driving

- In or on a CMV, other than time spent resting in a sleeper berth
- Involved in an activity associated with loading and unloading a vehicle
- Involved in an activity associated with a disabled vehicle

A driver cannot report for duty or remain on-duty requiring performance of safety-sensitive functions under the following conditions:

- When using any controlled substance, on- or off-duty, except pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver’s ability to safely operate a CMV (a motor carrier may require the driver to inform them of any therapeutic drug use), or if the driver has tested positive for controlled substances
- Within four hours after using alcohol or while having a breath alcohol concentration of 0.04 or greater, as indicated by an alcohol breath test

Also, a driver may not possess or use alcohol while performing safety-sensitive functions. If an employer is aware that the driver is violating any of these restrictions, the employer must not permit the driver to perform safety-sensitive functions.

An employer cannot use a driver to perform safety-sensitive functions if the employer obtains information on a driver’s alcohol test with a concentration of 0.04 or greater; verified positive controlled substances test or that the driver has adulterated or substituted a test specimen; or a refusal by the driver to be tested, without first obtaining information on evaluation and resolution by a substance abuse professional. A driver who is found to have an alcohol concentration of 0.02 or greater, but less than 0.04, cannot perform safety-sensitive functions for a minimum of 24 hours following administration of the test.

Drivers must submit to required controlled substance and alcohol testing, and employers may not assign drivers who refuse to be tested to safety-sensitive functions.

Following an accident, a driver may not use alcohol until he/she undergoes a required post-accident alcohol test or for eight hours, whichever occurs first.

## Policy and Education

Employers must provide educational materials that explain the requirements of the *Controlled Substance and Alcohol Use and Testing* regulations and their policies and procedures with respect to meeting these regulations to each driver and also inform representatives of employee organizations of the availability of this material. Detailed discussion of the following subjects must be included:

- The identity of the person designated by the employer to answer driver questions about the materials
- The categories of drivers that are required to meet the regulations
- Sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the day the driver is required to be in compliance
- Specific information about prohibited conduct
- When testing is required
- The procedures for testing, including how the test is conducted to assure the integrity of the test and confidentiality of the results
- The requirement that a driver must be tested and information on refusing to be tested and its consequences
- The consequences of violating the prohibitions against alcohol misuse and the use of controlled substances
- The consequences for drivers found to have an alcohol concentration of 0.02 or greater, but less than 0.04

- The effects of alcohol and controlled substance use on an individual's health, work, and personal life; signs and symptoms of an alcohol or controlled substances problem; and available methods of intervening when an alcohol or a controlled substances problem is suspected, including confrontation, referral to an employee assistance program, and/or referral to management

The material supplied to drivers may also include information on additional employer policies with respect to the use or possession of alcohol or controlled substances, including any consequences for violations that are based on the employer's authority, independent of the regulations.

A driver must sign a statement certifying that he/she has received a copy of the materials, and the employer must maintain a copy of the signed statement.

Employers must assure that persons designated to determine whether reasonable suspicion exists to require a driver to undergo testing have received at least 60 minutes of training on alcohol misuse and an additional 60 minutes on controlled substances use. The required training must cover the physical, behavioral, speech, and performance indicators of probable alcohol misuse and the use of controlled substances.

## Testing Requirements

The regulations require motor carriers to establish an alcohol misuse and controlled substance driver testing program that includes preemployment (controlled substances only), reasonable suspicion, random, post-accident, return-to-duty, and follow-up testing. The detailed testing procedures that each motor carrier is required to implement under these regulations are contained in Title 49 CFR Part

40, *Procedures for Transportation Workplace Drug and Alcohol Testing Programs*.

Drivers must be notified by employers, before performing an alcohol or controlled substances test, that the test is being conducted under the requirements in Part 382 of the FMCSR.

As a result of the recent development of a wide array of available cheating devices, and the substantial incentive for employees to use such devices to cheat on required return-to-duty and follow-up drug tests, effective August 31, 2009, an employer must direct a collection under direct observation of an employee if the drug test is a return-to-duty test or follow-up test.

### **Preemployment Testing**

Prior to the first time a driver performs safety-sensitive functions for an employer, the driver must undergo testing for the use of controlled substances. However, the FMCSA allows the motor carrier to conduct a driver road test prior to the controlled substance test.

A motor carrier may waive testing if the driver participated in a controlled substance testing program that met the regulations within the previous 30 days and was either tested for controlled substances within the past 6 months or participated in a random controlled substances testing program for the previous 12 months. However, the employer must ensure that no prior employer within the previous six months has records of a violation of the controlled substance requirements.

The motor carrier must contact the controlled substances testing entity to assure compliance and obtain the following information (this information must be obtained every six months for as long as a motor carrier uses a driver it does not employ):

- Name and address of the program(s)
- Verification that the driver participates or participated in the program
- Verification that the program conforms to 49 CFR Part 40, *Procedures for Transportation Workplace Drug and Alcohol Testing Programs*
- Verification that the driver is qualified under the program
- The date the driver was last tested
- The results, positive or negative, of any test taken within the previous six months

An employer may, but is not required to, conduct preemployment alcohol testing. If an employer chooses to conduct preemployment alcohol testing, it must comply with the following requirements:

- A preemployment alcohol test must be conducted before the first performance of safety-sensitive functions for every covered employee (whether a new employee or someone who has transferred to a position involving the performance of safety-sensitive functions).
- All employees performing safety-sensitive functions must be treated the same for the purpose of preemployment alcohol testing (i.e., the program must not test some covered employees and not others).
- The preemployment tests must be conducted after making a contingent offer of employment or transfer, subject to the employee passing the preemployment alcohol test.
- All preemployment alcohol tests must be conducted according to the alcohol testing procedures.
- A covered employee must not be allowed to begin performing safety-sensitive functions unless the result of the employee's test indicates an alcohol concentration of less than 0.04.

### Random Testing

The minimum annual percentage rate for random alcohol testing is currently 10 percent of the number of drivers employed by a motor carrier; and for controlled substances, the random testing rate is 50 percent. FMCSA requires random testing to be reasonably spread throughout the year. The FMCSA can increase or decrease these percentages, effective January 1 each year, based on the reported violation rate for the entire industry.

Random testing means that tests are unannounced and that every CMV driver of a motor carrier has an equal chance of being selected for testing. Selection of drivers for testing must be made by a scientifically valid method that guarantees that each driver has an equal chance of being tested each time selections are made (e.g., a random number table or a computer-based random number generator that is matched with driver's social security numbers, payroll identification numbers, or other comparable identifying numbers).

Each employer shall require that each driver who is notified of selection for random alcohol and/or controlled substances testing proceeds to the test site immediately; provided, however, that if the driver is performing a safety-sensitive function, other than driving a commercial motor vehicle, at the time of notification, the employer shall instead ensure that the driver ceases to perform the safety-sensitive function and proceeds to the testing site as soon as possible. For alcohol testing, the driver can only be tested while the driver is performing, or just before or just after performing, safety-sensitive functions.

### Reasonable Suspicion Testing

An employer must require that a driver be tested if the employer determines that reasonable suspicion of a violation of the prohibitions has occurred and there are specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver. The observations may include indications of the chronic and withdrawal effects of controlled substances.

The required observations for alcohol and/or controlled substances reasonable-suspicion testing must be made by a supervisor or company official who has received specified training in detecting drug abuse. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test cannot test the driver. A written record of the observations by the supervisor or company official that led him/her to require an alcohol or controlled substances test must be prepared before the results of the alcohol or controlled substances test are released or within a maximum of 24 hours, whichever comes first.

Notwithstanding the absence of a reasonable suspicion alcohol test, no driver shall report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, nor shall an employer permit the driver to perform or continue to perform safety-sensitive functions, until an alcohol test is administered and the driver's alcohol concentration measures less than 0.02, or twenty-four hours have elapsed following the determination that there is

reasonable suspicion to believe that the driver has violated the prohibitions concerning the use of alcohol.

### **Post-Accident Testing**

Following an accident involving a CMV, an employer is required to have a surviving driver tested for alcohol and controlled substance use, as soon as possible, if:

- A fatality resulted while the driver was involved in the performance of safety-sensitive functions.
- The driver receives a citation within eight hours (alcohol testing), or 32 hours (controlled substance testing) of the occurrence, for a moving traffic violation arising from the accident, provided the accident involved bodily injury to any person who receives medical treatment away from the scene of the accident or a motor vehicle needs to be towed or otherwise transported away from the scene.

Prior to a driver operating a commercial motor vehicle, an employer must provide the driver with necessary post-accident information, procedures, and instructions on complying with these requirements. A driver subject to post-accident testing must remain readily available for the testing or the employer may consider the driver to have refused to submit to testing.

The results of a breath or blood test for the use of alcohol, or urine test for the use of controlled substances, conducted by federal, state, or local officials having independent authority for the test, shall be considered to meet the requirements, provided such tests conform to the applicable federal, state or local alcohol or controlled substance testing requirements, and that the results of the tests are obtained by the employer.

If a post-accident alcohol test cannot be administered within two hours of the accident, or a controlled substance test cannot be administered within 32 hours, the employer must prepare records detailing why the tests could not be performed. The motor carrier must cease attempts to conduct the tests after 8 hours for alcohol or 32 hours for controlled substances.

### **Return-to-Duty Testing**

A driver found to be in violation of the alcohol and/or controlled substance prohibitions must pass a return-to-duty test before engaging in a safety-sensitive function. For alcohol, the test must show an alcohol concentration of less than 0.02, and for controlled substances, the results must be negative for controlled substance use. Effective August 31, 2009, an employer must direct a collection under direct observation of an employee if the drug test is a return-to-duty test.

### **Follow-Up Testing**

A driver who is determined by a substance abuse professional to need assistance in resolving problems associated with alcohol misuse and/or controlled substance abuse must be subject to unannounced follow-up testing by his/her employer. The substance abuse professional specifies the number and type of tests required, with at least six tests being conducted during the first twelve months the driver returns to duty. The tests can only be conducted when the driver is performing safety-sensitive functions or just before or just after performing safety-sensitive functions. Effective August 31, 2009, an employer must direct a collection under direct observation of an employee if the drug test is a return-to-duty test.

The requirements of the follow-up testing plan follow the employee to subsequent employers or through breaks in service.

Some examples include:

**Example 1:** The employee returns to duty with Employer A. Two months afterward, after completing the first two of the required six follow-up tests, the employee quits his job with Employer A and begins to work in a similar position for Employer B. The employee remains obligated to complete the four additional tests during the next 10 months of safety-sensitive duty, and Employer B is responsible for ensuring that the employee does so.

**Example 2:** The employee returns to duty with Employer A. Three months later, after the employee completes the first two of the required six follow-up tests, Employer A lays the employee off for economic or seasonal employment reasons. Four months later, Employer A recalls the employee. Employer A must ensure that the employee completes the remaining four follow-up tests during the next nine months.

## Testing Procedures

The methodology for controlled substances and alcohol misuse testing are detailed in Title 49 CFR Part 40, *Procedures for Transportation Workplace Drug and Alcohol Testing Programs*. Specific procedures must be followed to assure that the tests are performed accurately.

### Alcohol Testing

Two tests are required to determine if a driver has a prohibited alcohol concentration. A screening test is conducted first. Any result

less than 0.02 alcohol concentration is considered a negative test. If the alcohol concentration is 0.02 or greater, a second confirmation test must be conducted within 30 minutes of the screening test.

The initial screening test may be conducted using non-evidential testing devices approved by the National Highway Traffic Safety Administration (NHTSA), in lieu of an evidential breath-testing device (EBT). Non-evidential breath-testing devices currently include breath-testing and saliva-testing devices. The confirmation test must be made with an EBT that prints out the results, date and time, a sequential test number, and the name and serial number of the EBT to assure the reliability of the results.

Tests must be conducted by properly trained technicians. A "screening test technician" (STT) must complete a course of instruction, equivalent to the Department of Transportation model course, on the proper procedures to follow for an initial screening test, or be a "breath alcohol technician" (BAT). Confirmation tests must be conducted by a BAT who is properly trained on operating the EBT he or she is using and who has completed a course of training equivalent to the Department of Transportation model course, to assure competency in the required breath-testing procedures.

The use of non-evidential screening devices will often occur at a site removed from the site of the EBT confirmation test. Where a driver needs to be transported to the EBT site, the driver must be observed by an employer representative who can ensure that the driver arrives at the confirmation testing site safely and in a timely manner.

### Controlled Substance Testing

Controlled substance testing is conducted by having a driver's urine sample analyzed for the presence of:

- Marijuana (THC metabolite)
- Cocaine
- Amphetamines
- Opiates
- Phencyclidine (PCP)

The analysis is performed at laboratories certified and monitored by the Department of Health and Human Services (DHHS). Information on certified laboratories can be obtained from the DHHS by clicking on the following link: <http://www.samhsa.gov/workplace/lab-list>.

The basic procedure involves a driver providing a urine specimen in a location that affords privacy, while maintaining security to help assure that the specimen is not tampered with. The specimen is subdivided into two bottles labeled as a "primary" and a "split" specimen; the collector seals and labels the specimen, completes a chain of custody document, and prepares the specimen and accompanying paperwork for shipment to an approved drug testing laboratory. The specimen collection procedures and chain of custody assure that the specimen's security, proper identification, and integrity are not compromised.

Only the "primary" specimen bottle is opened and used for the urinalysis. If the analysis of the primary specimen confirms the presence of illegal, controlled substances, the driver has 72 hours to request that the "split" specimen be sent to another DHHS-certified laboratory for analysis.

The test is a two-stage process. First, a screening test is performed. If the test is positive for the presence of controlled substances, a confirmation test is performed for each identified drug using gas chromatography/mass spectrometry (GC/MS) analysis. GC/MS confirmation assures that over-the-counter medications or preparations are not reported as positive results.

### Medical Review Officer

All test results must be reviewed and interpreted by a physician, designated a "Medical Review Officer" (MRO), before they are reported to the employer. The MRO must be a licensed physician with knowledge of substance abuse disorders and may be an employee of the motor carrier or a private physician retained for this purpose. The MRO cannot be an employee of the laboratory conducting the drug test unless the laboratory establishes a clear separation of functions to prevent any appearance of conflict of interest; including assuring that the MRO has no responsibility for and is not supervised by or the supervisor of, any persons who have responsibility for the drug testing or quality control operations of the laboratory.

If the laboratory reports a positive result to the MRO, the MRO (or someone who works for the MRO) must contact the driver (in person or by telephone) and conduct an interview to determine if there is an alternative medical explanation for the specific drug found in the driver's urine. If the driver provides the MRO with appropriate documentation for a legitimate medical excuse, the drug test is reported as negative to the employer.

An MRO who is not able to contact a driver about a positive test result must document efforts to do so and then contact a management official of the motor carrier and inform the motor carrier to tell the driver to contact the MRO as quickly as possible. The MRO cannot tell the motor carrier the reason for wanting to speak to the driver. FMCSA fully expects that motor carriers will require the driver to contact the MRO prior to being dispatched. If the driver expressly refuses to talk to the MRO or does not contact the MRO within 72 hours after being notified by the motor carrier to contact the MRO, the MRO is to report the test as positive to the motor carrier and provide a report detailing the MRO's unsuccessful efforts to contact the driver.

The MRO must report all drug test results to the employer indicating:

- Full name of the employee tested;
- Specimen ID number and the donor Social Security Number or employee ID number;
- Reason for the test, if indicated (e.g., random, post-accident);
- Date of the collection;
- Date the MRO received Copy 2 of the Federal Drug Testing Custody and Control Form (CCF);
- Result of the test (i.e., positive, negative, dilute, refusal to test, test cancelled) and the date the result was verified by the MRO;
- For verified positive tests, the drug(s)/metabolite(s) for which the test was positive;
- For cancelled tests, the reason for cancellation; and
- For refusals to test, the reason for the refusal determination (e.g., in the case of an adulterated test result, the name of the adulterant).

## Employee Referral, Evaluation, and Treatment

An employer is not required to provide rehabilitation, pay for treatment, or reinstate a driver in his/her safety-sensitive position if a driver is found to be in violation of the prohibited practices. The employer must advise the violating driver of the resources available in evaluating and resolving problems associated with the misuse of alcohol and the use of controlled substances, including the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs.

Prior to a driver performing a safety-sensitive function, the driver found to be in violation of the rules must be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and/or controlled substance use (this cannot be a business where the substance abuse professional has a financial interest). If assistance is determined to be necessary, the substance abuse professional must determine that the driver properly follows any rehabilitation program.

## Recordkeeping

Employers are required to maintain records on their alcohol misuse and controlled substances use prevention programs.

The following information must be kept for a minimum of five years:

- Records of driver alcohol test results with an alcohol concentration of 0.02 or higher
- Records of driver-verified positive controlled substances test results
- Documentation of refusals to take required alcohol and/or controlled substances tests

- Calibration documentation for EBTs
- Driver evaluation and referrals
- Records related to the administration of the alcohol and controlled substances testing programs
- A copy of any calendar year summary specifically requested by a regulatory official

Records related to the alcohol and controlled substances collection process (except calibration of EBTs) must be maintained for a minimum of two years.

Records of negative and canceled controlled substances test results and alcohol test results with a concentration of less than 0.02 must be maintained for a minimum of one year.

Records related to the education and training of breath alcohol technicians, screening test technicians, supervisors, and drivers must be maintained by the employer, while the individual performs the functions that require the training, and for two years after ceasing to perform those functions.

### **Types of Records**

The following specific types of records must be maintained.

#### *Collection Process*

Records related to the collection process include:

- Collection logbooks, if used
- Documents relating to the random selection process
- Calibration documentation for EBT devices
- Documentation of BAT training
- Documents generated in connection with decisions to administer reasonable suspicion alcohol or controlled substances tests and those related to post-accident tests

- Documents verifying existence of a medical explanation of the inability of a driver to provide adequate breath or to provide a urine specimen for testing
- Annual calendar year summaries of the results of alcohol and controlled substances testing programs specifically requested by a regulatory official

#### *Driver's Test Results*

Records related to a driver's test results include:

- The employer's copy of the alcohol test form, including the results of the test
- The employer's copy of the controlled substances test chain of custody and control form
- Documents sent by the MRO to the employer
- Documents related to the refusal of any driver to submit to a required alcohol or controlled substances test
- Documents presented by a driver to dispute the result of a test
- Documents generated in connection with verifications of prior employers' alcohol or controlled substances test results

#### *Driver Evaluations*

Records related to driver evaluations include:

- Records pertaining to a determination by a substance abuse professional concerning a driver's need for assistance
- Records pertaining to a driver's compliance with the recommendations of a substance abuse professional

#### *Education and Training*

Records related to education and training include:

- Materials on alcohol misuse and controlled substance use awareness, including a copy of the employer's policy on alcohol misuse and controlled substance use
- Documentation of educational materials provided to drivers and a receipt for same signed by the driver

- Documentation of the training provided to supervisors, including documentation of training for BATs

### Testing

Administrative records related to alcohol and controlled substances testing include:

- Agreements with collection site facilities, laboratories, breath alcohol technicians, screening test technicians, medical review officers, consortia, and third-party service providers
- Names and positions of officials and their role in the employer's alcohol and controlled substances testing program(s)
- Semi-annual laboratory statistical summaries of urinalysis testing
- The employer's alcohol and controlled substances testing policy and procedures

### Record Security and Distribution

Records must be maintained in a secure location with controlled access and be available to FMCSA for inspection at the employer's principal place of business within two business days after a request. The information contained in the records may only be released to a:

- Driver who requests information, in writing, on any records pertaining to his/her tests, or to a person designated by the driver to receive the records (the recipient is then required to keep the information confidential)
- Regulatory authority having jurisdiction over the employer or any of its drivers
- Subsequent employer based on the specific written request of the driver
- Decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the driver related to the testing or if the driver was determined to engage in prohibited activity by the employer and is seeking a benefit such as workers' compensation or unemployment compensation

## Procedures for Transportation Workplace Drug and Alcohol Testing Programs

The required procedures for conducting the drug testing program required by FMCSA are contained in Title 49 CFR Part 40, *Procedures for Transportation Workplace Drug and Alcohol Testing Programs* [http://www.dot.gov/ost/dapc/NEW\\_DOCS/part40.html?proc](http://www.dot.gov/ost/dapc/NEW_DOCS/part40.html?proc), as issued by the Office of the Secretary, DOT. These guidelines cover the following areas:

- Subpart A—Administrative Provisions
- Subpart B—Employer Responsibilities
- Subpart C—Urine Collection Personnel
- Subpart D—Collection Sites, Forms, Equipment and Supplies Used in DOT Urine Collections
- Subpart E—Urine Specimen Collections
- Subpart F—Drug Testing Laboratories
- Subpart G—Medical Review Officers and the Verification Process
- Subpart H—Split Specimen Tests
- Subpart I—Problems in Drug Tests
- Subpart J—Alcohol Testing Personnel
- Subpart K—Testing Sites, Forms, Equipment and Supplies Used in Alcohol Testing
- Subpart L—Alcohol Screening Tests
- Subpart M—Alcohol Confirmation Tests
- Subpart N—Problems in Alcohol Testing
- Subpart O—Substance Abuse Professionals and the Return-to-Duty Process
- Subpart P—Confidentiality and Release of Information
- Subpart Q—Roles and Responsibilities of Service Agents
- Subpart R—Public Interest Exclusions

The intent of these procedures is to safeguard the accuracy and integrity of test results and the privacy of individuals who are tested.

## References

1. Federal Motor Carrier Safety Regulations. 49 CFR 382, *Controlled Substances and Alcohol Use and Testing*. Washington, DC: U.S. Department of Transportation. July 31, 2009. <http://www.fmcsa.dot.gov/regulations/title49/part/382>.
2. U.S. Department of Transportation. 49 CFR 40, *Procedures for Transportation Workplace Drug and Alcohol Testing Programs*. Washington, DC. July 31, 2009. [http://www.dot.gov/ost/dapc/NEW\\_DOCS/part40.html?proc](http://www.dot.gov/ost/dapc/NEW_DOCS/part40.html?proc).

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