

SCHNEIDER POSITION: DRUG AND ALCOHOL CLEARINGHOUSE RULE PROMOTES SAFETY AND CREATES NEEDED INDUSTRY RESOURCE

THE INDUSTRY STANDS UNITED

As a whole, the trucking industry must maintain a zero-tolerance policy when it comes to drug and alcohol use, particularly as more states legalize marijuana use. However, under the current drug and alcohol screening programs, employers do not always have the proper tools or bandwidth to accurately and expeditiously identify CDL holders who have received positive drug or alcohol results in the past, have refused a drug or alcohol test or have violated other drug and alcohol testing regulations.

More often than not, carriers use the best information available and rely on a driver's word that they haven't been involved in any drug- or alcohol-related infractions. Because of this, drivers who have had positive test results without completing the required substance abuse program can continue to work without their employer knowing or move among different carriers unnoticed.

Because drivers who are under the influence compromise safety, initiatives are needed to address driver drug and alcohol use.

RULE BACKGROUND AND KEY COMPONENTS

Enacted on July 6, 2012, The Moving Ahead for Progress in the 21st Century Act (MAP-21) required the creation of a national clearinghouse for federally mandated drug and alcohol test results of commercial motor vehicle operators. In February 2014, the U.S. Department of Transportation's Federal Motor Carrier Safety Administration (FMCSA) formally announced a proposed rule to create the clearinghouse. The rule includes the following components:

- FMCSA-regulated motor carrier employers, among others, would be required to support the DOT in implementing testing programs.
- Employers would be required to report actual knowledge of traffic citations for driving a commercial vehicle while under the influence of drugs or alcohol. They would also report positive alcohol test results.
- An official database and its terms of use would be established.
- Laboratories that provide official drug testing services would have to report summaries of testing activities annually.
- Medical review officers would report positive drug tests.
- Substance abuse professionals would have to report the completion of drug and alcohol treatment programs.



FUSING SAFETY AND COMPLIANCE

Once the database is created, it will become the comprehensive and official place to check whether a prospective or current driver has violated the federal drug and alcohol regulations. This will also greatly reduce or eliminate the problem of a currently employed driver seeking new employment and testing positive without the current employer knowing or acting on the test results. The database will help keep potentially dangerous drivers off the road and enhance public safety.

The database will also serve as a way to ensure compliance and full industry participation with an often-ignored existing mandate. Though all carriers are required to implement drug and alcohol testing programs for CDL holders and submit the summary of their testing results to the FMCSA, many cite a lack of resources and fail to do this. The database will force these carriers to either comply or lose their license to operate.

SCHNEIDER'S POSITION

The final rule will be implemented Jan. 6, 2020. Beginning in fall 2019, users can create an account to gain access to the clearinghouse upon implementation in January.

The rule is projected to cost \$154 million annually and remove tens of thousands of drivers from entering the market. These increased costs are being passed along to shippers and consumers, becoming a permanent part of the market's supply chain and distribution costs. Despite the financial burden associated with the rule, Schneider believes it will be beneficial to the industry and motoring public, and it is long overdue, as it will help keep the nation's roads and drivers safer.

FEDERAL DRUG & ALCOHOL VIOLATORS DATABASE

- Comprehensive and official list
- Reduce or eliminate driver testing dishonesty
- Enhance public safety
- Ensure industry compliance and participation