
Commentary

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Contact: Dr. Bob DuPont
Ph: 301 231 9010

GAO Report Identifies Challenges for Trucker Drug Testing Program

The U.S. Government Accountability Office (GAO) has released its report to Congress on Motor Carrier Safety entitled, "Improvements to Drug Testing Programs Could Better Identify Illegal Drug Users and Keep Them off the Road". In its final report, the GAO highlights and recommends solutions to many of the problems undermining the effectiveness of the federally enforced drug testing program for Commercial Drivers. Under current law, all commercial drivers are required to submit to random testing for illegal drugs, and must submit to drug testing after accidents.

The GAO concluded that there may be tens of thousands of truck drivers on the roads who have failed a drug test. Under the current federally mandated drug testing system, a truck driver who tests positive for any illegal substance loses his Commercial Driver's License. This is known as the per se zero-tolerance standard. The per se standard has been in use by the FMCSA since 1988, and it serves as a working model for the states that have adopted per se drugged driving laws for all drivers.

Under the Federal Motor Carrier Safety Administration (FMCSA) program, a trucker who has failed a drug test is not supposed to be able to regain his license before he completes a required treatment and follow-up testing regimen. The GAO estimates that less than half of the 85,000 truck drivers who test positive each year fulfill these requirements prior to driving again.

The GAO called for the FMCSA to create and maintain a national Commercial Driver's License (CDL) database, which would track CDL's across all 50 states and possibly Canada and Mexico as well. The main purpose of the comprehensive database of CDL's is to ensure that drivers with a failed drug test cannot "job-hop" or "state-hop", i.e. simply change jobs or in such states where state-wide CDL registries are kept, change states and continue driving commercial vehicles. CDL's are required for those who operate tractor trailers, trucks, and buses.

Today's Trucking, an industry publication, quoted American Trucking Associations' (ATA) CEO Bill Graves as saying, "We are requesting additional help from the government since it is a federally required program involving significant federal oversight. Today's release of a GAO report confirms the need for what ATA has been recommending for many years—a national database of drug and alcohol test results."

GAO investigators, in the course of their investigation, also found many gaping loopholes in the collection process of the drug testing program. Problems ranged from non-compliant trucking companies to lax oversight at the urine-specimen collection facilities. Collection facilities were inspected clandestinely by GAO undercover agents who found that none of the collection facilities were following all of the required policies laid out by the Department of Transportation for proper specimen collection. Agents were

able to cheat the drug tests easily and in a variety of ways. This calls into question the reported number of truckers testing positive. While FMCSA data would show that between 1.3 and 2.8% of truck drivers fail their drug tests, the actual number of drug using truckers could be much higher. A study in Washington State, ongoing since 1998, estimates the true prevalence of drug positives among CDL's to be about 10%.

The Dallas Morning News, which had previously documented many of the same problems found by the GAO, quoted Representative Peter DeFazio, D-OR, chairman of the House Highways and Transit Subcommittee saying, "It raises extraordinary concerns. We have a system of drug testing that is totally inadequate. You can easily beat the system."

Also receiving government scrutiny are the manufacturers and distributors of products and services designed to aid in cheating the drug tests.

The GAO reports highlights the challenges that remain for the CDL drug testing program, which has been a success despite its vulnerabilities. Many, if not all of the challenges faced by the FMCSA in implementing a rigorous and fool-proof system for drug testing commercial drivers should be anticipated by those states with enforceable per se drugged driving statutes for all drivers, and by those states considering adopting the per se standard. America's roads are unquestionably safer as a result of the DOT program and they would be safer still if all drivers were held to the same standard. Drugs are especially dangerous when mixed with driving. The Department of Transportation has known this for 20 years when it comes to commercial drivers, but has failed thus far to hold all drivers accountable to the tough and enforceable per se zero-tolerance standard.

-Robert L. DuPont, M.D., is president of the Institute for Behavior and Health. He is a former White House Drug Czar and former director of the National Institute on Drug Abuse (NIDA).

-Established in 1978, the Institute for Behavior and Health, Inc. (IBH) is a 501(c) 3 non-profit organization. IBH is a national leader in the development of new ideas to reduce illegal drug use. In recent years IBH has targeted drugged driving, school-based drug abuse prevention programs, policies that emphasize prevention and investment in better treatment approaches. Non-partisan and non-political, IBH serves as a catalyst for change.