

ANTI-DRUG & ALCOHOL PROGRAMS

Understanding the Regulatory Requirements

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Drug & Alcohol Federal Regulations

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49 CFR Part 40	Procedures for transportation workplace drug & alcohol testing programs
49 CFR Part 199	PHMSA Drug & Alcohol Testing
49 CFR Part 382	Federal Motor Carrier Safety Administration – Controlled Substances and Alcohol Use and Testing

PHMSA Drug Testing Requirements

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There are six scenarios where an employee may be drug tested:

1. Pre -Employment
2. Post accident
3. Randomly – 50% for drugs;
4. Reasonable cause – supervisors must be trained
5. Return to Work – after a positive drug test or refusal
6. Follow-up – at least 6 tests after the Return to Duty

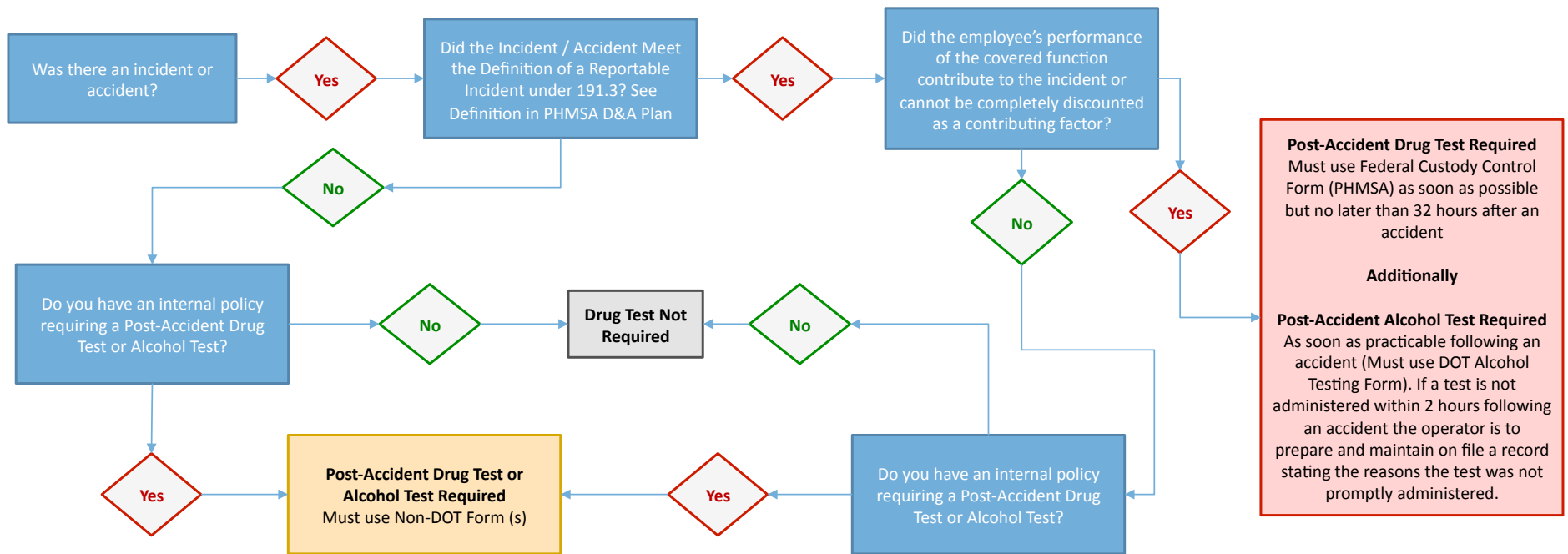
PHMSA Alcohol Testing Requirements

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There are five scenarios where an employee may be tested for alcohol:

1. Post Accident
2. Reasonable suspicion
3. Return to Duty
4. Follow UP

Determining if a Post-Accident Test is Needed:



Part 40 - DOT Procedures

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- How to conduct D&A tests
 - ▣ Who can perform them – techs must be trained
 - ▣ What procedures are to be used
 - Criteria or standards for drug specimen collection & testing – Must follow Part 40 and Part 199.
 - Alcohol concentration testing:
 - 0.000-0.019 - Negative
 - 0.020-0.039 – Off work
 - 0.040 and up – DOT Violation

Note on CDL

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If you have CDL Drivers:

- FMCSA Clearing House Regulations apply
 - ▣ Including pre-employment query

If you have CDL drivers that perform safety sensitive functions (covered tasks), you may need to create two separate pools to do random alcohol tests:

1. Employees that work on the pipeline and any CDL drivers that spend more than 50% of their time on the pipeline
2. CDL drivers that spend less than 50% of their time on the pipeline



SIF Anti-D&A Plan – Chapter 10

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SIF Drug and Alcohol Reference Matrix

Chapter 10. SIF Drug and Alcohol Reference Matrix				
Comprehensive Anti-Drug and Alcohol Misuse Program vs SIF Anti Drug Plan				
10.1. Anti-Drug Program				
Table 10.1. Protocol Area A: Anti-Drug Program, Plan and Policies				
Protocol	Regulation	Description	SIF	
A.01		Anti-Drug Plan and Plan Scope		
A.01a	199.101	Written Anti-Drug Plan		
A.01b	199.3	Covered Employees	Appendix A, Anti-Drug Positions Subject-to-Testing	
A.01.c	199.115	Employer Contracted Drug Testing	Section 7.1, "Contractor Employees "	
A.01.d	40.13	DOT vs Non-DOT Tests	Section 3.4, "DOT Drug And Alcohol Tests In Relation To Non-DOT Tests "	
A.01.e	40.341	Third Party Verification	Section 7.1, "Contractor Employees "	
A.02		Anti-Drug Policies		
A.02.a	40.21;199.7	Employee Stand Down	Section 4.8, "Stand Down Process "	Section 4.9, "Stand-Down Waivers "
A.02.b	40.23;199.7;40.285;199.103	Drug Regulations Violations	Section 4.4, "Receiving Verified Test Results "	Section 4.5, "Use Of Persons Who Fail Or Refuse A Drug Test " Section 4.9, "Stand-Down Waivers "
Table 10.2. Protocol Area B: Officials, Representatives and Agents				
Protocol	Regulation	Description	SIF	
B.01		Employer Responsibilities for Officials,, Representatives and Agents		
B.01.a	40.11;199.115	Qualification Requirements	Section 7.1, "Contractor Employees "	
B.01.a	40.121;199.109	Medical Review Officer	Appendix M, Medical Review Officers and the Verification Process (Subpart G)	
B.01.a	40.33	Urine Specimen Collector	Appendix L, Urine Collection Personnel (Subpart C)	
B.01.a	40.281	Substance Abuse Professional	Appendix K, Substance Abuse Professionals and the Return to Duty Process (Subpart O)	
B.01.b	40.15	Designated Employer Representative	Section 3.1, "Employer Responsibilities "	

Keeping Your Anti-D&A Plan Current

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- The APGA SIF will keep the plan up-to-date with changes in regulations.
- It is **your responsibility** to annually review the plan to ensure all your system specific information.

NOTE: Did you update your plan in 2018 when the synthetic opioids were added to the DOT test panel?

What to do about testing during COVID-19

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- WHAT ODAPC SAYS FOR EMPLOYERS:
 - MODAL REGULATIONS STILL APPLY
 - EMPLOYERS SHOULD CONTACT COLLECTION SITES TO VERIFY THAT THEY ARE STILL PROVIDING SERVICES AND THEY ARE FOLLOWING CDC GUIDELINES.
 - IF USUAL SITE IS NOT AVAILABLE, IS THERE AN ALTERNATIVE SITE?
 - IS IT POSSIBLE TO FIND A MOBILE COLLECTOR
 - IF YOU HAVE AN EMPLOYEE WHO REFUSES TO GO TO CLINIC DUE TO COVID-19 CONCERNS, YOU MUST EVALUATE THE REASON FOR THE REFUSAL TO DETERMINE IF YOU ARE GOING TO CALL THIS A REFUSAL TO TEST.
- EMPLOYEES SHOULD
 - PROACTIVELY DISCUSS CONCERNS ABOUT TESTING WITH EMPLOYER

What to do about testing during COVID-19

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- ❑ WHAT PHMSA SAYS ABOUT TESTING:
 - ❑ Operators are permitted under the part 199 regulations to schedule the date, time, and location of the pre-employment drug test.
 - ❑ Moreover, the regulations allow for random drug testing to be spread reasonably throughout the calendar year.
 - ❑ PHMSA will consider using its enforcement discretion with regards to requirements found in 49 C.F.R. § 199.105(a) and (c).
 - ❑ DOCUMENT, DOCUMENT, DOCUMENT! Operators who are unable to comply with these regulations should maintain documentation explaining what specific requirements are not being met, how the non-compliance is related to COVID-19, *and what alternative measures are being taken to ensure safety...including the clinics that you called to arrange for testing.*

QUESTIONS?

“Raise your hand” to ask a question or type it into the chat box on the GoToMeeting platform.



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