

Dear Valued EDPM Client:

The Department of Transportation (DOT) just published its Final Rule regarding changes to drug testing regulations. The following is a summary of these changes from the DOT Office of Drug & Alcohol Policy Compliance:

- 1) The Department is required by the Omnibus Transportation Employees Testing Act (Omnibus Act) to follow the HHS requirements for the testing procedures/protocols and drugs for which we test.
- 2) Primary laboratory requirements in this final rule include:
 - Testing for MDMA (aka. Ecstasy);
 - Lowering cutoff levels for cocaine and amphetamines;
 - Conducting mandatory initial testing for heroin
- 3) The Department brought several testing definitions in-line with those of HHS.
- 4) Each Medical Review Officer (MRO) will need to be re-qualified - including passing an examination given by an MRO training organization - every five years. The Final Rule eliminated the requirement for each MRO to take 12 hours of continuing education every three years.
- 5) An MRO will not need to be trained by an HHS-approved MRO training organization as long as the MRO meets DOT's qualification and requalification training requirements.
- 7) The Final Rule does **not** allow the use of HHS-Certified Instrumented Initial Testing Facilities (IITFs) to conduct initial drug testing because the Omnibus Act requires laboratories to be able to perform both initial and confirmation testing but IITFs cannot conduct confirmation testing.
- 8) The Final Rule is effective October 1, 2010.

Implications for Employers:

As the details of these changes are finalized (by laboratories, etc.), EDPM will update provide updates, particularly on how these changes may impact non-DOT testing. For those employers especially that have policies and procedures for non-DOT testing that mirror DOT testing, you may consider providing notification to employees of these changes or updating policies to reflect these changes. If you would like to discuss, please email us at compliance@edpm.com.