

I support the efforts toward a single DOT MIS report form and offer the following comments in response to the NPRM.

I recommend that tests that are cancelled due to a legitimate "shy bladder" condition for a random test be counted toward the total number of tests required to meet the random testing rate requirement. I agree that all other tests that are cancelled should not be counted. However, failure to provide a urine specimen for which no "shy bladder" condition is found is counted as a "refusal to test". In like manner legitimate "shy bladder" conditions in random testing should be counted toward meeting the random testing rate even though they are cancelled tests.

It is a cumbersome and burdensome requirement to not count the first test of a situation in which the first test is a Negative-Dilute and the employer sends the employee in for a second test. The regulations are quite clear that the second test result is the result of record. Current DOT regulations do not specify that the first test result is to be cancelled and both tests are retained in MRO's and TPA's database systems as a Negative test. If these two tests are "one testing event" then the DOT regulations should specify that the first test be cancelled. Without this change the first test remains "Negative-Dilute" and the various database systems from which the information is drawn to complete the MIS reports will be unable to exclude this first test result from the total count.

The proposed procedure by which the total number of employees is determined will present a cumbersome burden for those large companies that perform a random selection on a weekly or daily basis. In a daily random selection process the proposed rule would require the addition of 365 entries for the number of employees. Perhaps there could be a maximum requirement of monthly (12) periods over which the number of employees is calculated for those companies who perform their random selection on a more frequent basis than once each month. Such companies could select the employee count on the date of the first random selection within the more frequent schedule (first selection in a month) as the count for that time period and divide by twelve. In addition, the Part 40 rules should make it clear that, whatever method of counting employees is finally selected, it is carried forward into the individual OA's rules. Currently OA's and individual auditors have different methods of calculating the total number of employees to which the random testing rate is to be applied. Clarification is required across all OA rules to remove these discrepancies.

I support the concept of an electronic Internet-based MIS submission form. There are many advantages to this type of system as are pointed out in the NPRM. However, the proposed form does require the signature of the Certifying Official. A mechanism that is used by other organizations who use Internet-based data submission but still require a Certifying Official signature is to require that the completed form be printed, signed, and mailed upon completion of the online submission process. This step should be added to the proposed rules.

I support having a one-page report for each company's submission. Even though some OA's require data for multiple occupation types (such as FAA and FTA) and companies in these transportation modes would have to file a separate report for each occupation type, the net is still fewer pages of reports and a consolidated reporting format..

Thank you for the opportunity to comment on this NPRM.

Sincerely,

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