

DEPT. OF TRANSPORTATION
DOCKETS

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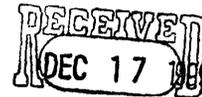


An FDX Company

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69987

December 14th, 1999



Mary Bernstein
Director, Office of Drug and
Alcohol Policy & Compliance
47th St. SW Room #10403
Washington, DC 20590

Ref: Docket #OST996578-2
Drug Test Rules for Transportation Workers

Dear Ms. Bernstein;

RPS, Inc. is a major Transportation company delivering small packages throughout North America. Promoting a safe work environment, which includes driver personnel, has always been a top priority with our company. Additionally, we are obligated to insure that our nation's highways are as safe as possible, which requires each of us to remove drivers who choose to consume illegal substances while operating commercial motor vehicles.

With that, we are very interested in providing input concerning the current proposals to revise the rules as outlined in Docket #OST996578.

- o Concerning the proposal--the collection process be terminated if an employee who presented an insufficient amount of urine refused the collector's subsequent request that he or she drinks additional fluids. A failure to drink as directed would constitute a refusal to test under this plan, the agency explained. The notice spelled out other circumstances in which employee actions are considered to be a refusal to test.

RPS Response: The collection process should not be recorded as a cancelled test. If there is a refusal to drink liquids the test should be processed as a refusal to test and the carrier notified immediately. In the RPS system this would be driver disqualification or contract termination.

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- o The proposal addressing possible changes to its current practice of prohibiting employers in regulated industries from "standing down" employees--taking them temporarily out of service based on a report from a medical review officer that the employee has a confirmed positive test that is still awaiting completion of the verification process. This prohibition, however, is inconsistent with the longstanding use of the stand-down procedure DOT said has been used with respect to its employees--air traffic controllers and other safety-sensitive employees.

RPS Response: We are satisfied with the current rules. Waiting for verification would allow a driver who tested positive to continue to operate a commercial motor vehicle - not a good idea.

- o The proposal to change the rules concerning an adulterated or unsuitable specimen is also a concern. For instance, when an employer receives a report from a medical review officer that there is a substituted or adulterated specimen, the employer must remove the affected employee immediately from any safety-sensitive functions, according to the proposed rule. Moreover, upon being informed of the unsuitable specimen, the employer must direct the employee involved to immediately submit a new specimen under direct observation, according to DOT,

RPS Response: We agree that a driver should not be given a "second opportunity" to be tested if the first specimen was adulterated. We also agree that an "unsuitable" specimen (not substituted or adulterated) would require an immediate new specimen under direct observation.

In closing, we are currently closely reviewing the Federal Register dated December 9th, 1999 and will provide more input in the very near future.

Sincerely,



George Bosko
Safety Supervisor

GB/eb

Cc: Michael Humm, Safety Director

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