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January 5, 2000

Department of Transportation
Mary Bernstein, Director
Office of Drug and Alcohol Policy and Compliance (ODAPC)
400 7th Street, SW., Room 10403
Washington DC, 20590

RE: NPRM Comment Period Extension Request (OMB Control Number: Unpublished)

Dear Ms. Bernstein:

OST-99-6578-3

The Substance Abuse Program Administrators Association (SAPAA) is requesting an extension of the comment period for the Notice of Proposed Rule Making (NPRM) published in the *Federal Register*, December 9, 1999 (Docket Number: OST-99-6578). The comment period as stated in the NPRM is for 120 days with a closing date of April 7, 2000. SAPAA hereby requests a closing date for comments receipt 60 days following the publication of the final version of the Custody and Control Form (CCF) by Department of Health and Human Services, (DHHS). This will allow for an evaluation of the final CCF in order to prepare comments to the applicability of the 49 CFR Part 40 NPRM. If the final version of the revised CCF is published at least 60 days before the close of the NPRM comment period, then the original closing date should remain the same.

The reason for this request are the numerous references in the NPRM to the proposed revision of the Custody and Control Form (CCF) by Department of Health and Human Services (DHHS). DHHS published a Notice of Proposed Revision NPR on November 15, 1999, with a closing date of January 14, 2000. At the last meeting of the Drug Testing Advisory Board on December 8, 1999, it was announced that DHHS planned to review the comments and publish a final version of the CCF sometime during February or March, 2000.

The provisions regarding the CCF are so entwined in the drug testing procedures that it is impossible to review the NPRM in a comprehensive manner without taking the CCF into consideration. With 40 sections where the CCF is mentioned, it will be extremely difficult to make effective comments to the NPRM until the final version of the CCF is published in the Federal Register.

This NPRM is of extreme importance to the drug and alcohol testing industry. The numerous references to the CCF in the NPRM deserves a full evaluation and comment for applicability to drug testing program management by both companies and TPAs.

A listing of the NPRM sections where CCF is referred to is attached to this request.

For further information or question about this request, please contact SAPAA. Thank you for your consideration of this request.

**COPY FOR YOUR
INFORMATION**

SUBSTANCE ABUSE PROGRAM ADMINISTRATORS ASSOCIATION

1550 S. Coast Highway, Suite 201 . Laguna Beach, CA 92651 . (800) 672-7229 . (949) 376-3456 Fax . www.sapaa.com

CC: Mr. Robert **Ashby**, Deputy **Assistant** General Counsel for Regulation and Enforcement
Docket Clerk, Department of Transportation

Attachments

The proposed revision of the **CCF** is mentioned in the following areas of the **NPRM**. Areas where the current form is clearly defined are given in **this** listing of references for the **CCF**.

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| <p>1. Preamble section titled: Drug Testing Forms and Materials</p> <p>2. Preamble section titled: Electronic Records and Signatures</p> <p>3. Preamble section titled: Collection Process (refers to the current CCF form)</p> <p>4. Proposed rule: Section 40.3 definition of Chain-of-Custody</p> <p>5. Proposed rule: Section 40.3 definition of Collector</p> <p>6. Proposed rule : Section. 40.15(f)</p> <p>7. Proposed rule: Section 40.33(a)(2)(i)(B)</p> <p>8. Proposed rule: Section 40.43(d)(5)</p> <p>9. Proposed rule: Sections. 40.45--use of CCF. (Refers to current CCF)</p> <p>10. Proposed rule: Sections. 40.47--use of CCF. (Refers to current CCF)</p> <p>11. Proposed rule: Sections 40.63 - 40.71— (Specimen collection procedure refers to current CCF)</p> <p>12. Proposed rule: Section 40.75—(Specimen collection procedure refers to current CCF)</p> <p>13. Proposed rule: Section 40.83</p> <p>14. Proposed rule: Section 40.95 (refers to current CCF)</p> <p>15. Proposed rule: Section 40.97</p> <p>16. Proposed rule: Section 40.103</p> <p>17. Proposed rule: Section 40.123</p> | <p>18. Proposed rule: Section 40.127 (Refers to current CCF)</p> <p>19. Proposed rule: Section 40.129 (Refers to current CCF)</p> <p>20. Proposed rule: Section 40.131</p> <p>21. Proposed rule: Section 40.143</p> <p>22. Proposed rule: Section 40.147 (Refers to current CCF)</p> <p>23. Proposed rule: Section 40.149 (Refers to current CCF)</p> <p>24. Proposed rule: Section 40.151 (Refers to current CCF)</p> <p>25. Proposed rule: Section 40.153 (Refers to current CCF)</p> <p>26. Proposed rule: Section 40.155 (Refers to current CCF)</p> <p>27. Proposed rule: Section 40.157 (Refers to current CCF)</p> <p>28. Proposed rule: Section 40.159</p> <p>29. Proposed rule; Section 40.175 (Refers to current CCF)</p> <p>30. Proposed rule: Section 40.177 (Refers to current CCF)</p> <p>31. Proposed rule: Section 40.179 (Refers to current CCF)</p> <p>32. Proposed rule: Section 40.181 (Refers to current CCF)</p> <p>33. Proposed rule: Section 40.183 (Refers to current CCF)</p> |
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34. Proposed **rule**: section **40.191**

35. Proposed rule: **Section 40.193**

36. **Proposed** rule: **Section 40.197**

37. Proposed rule: Section **40.201**

38. **Proposed** rule: Section **40.203**

39. Proposed rule: Section **40.353**

40. Proposed rule: Appendix C to Part **40**

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