

73964

O&T-99-6578-32

Comments on 49 CFR Part 40

Procedures for Transportation Workplace Drug and Alcohol Testing Programs: Proposed Rules  
Thursday, December 9, 1999

Employers' Name and Address: This information is required on both the drug and alcohol testing form. What address is to be used? For example: if a United Airlines employee based in **Kotzebue** Alaska is tested while in **Kotzebue**, may the collector enter a **Kotzebue** address or should the form show the company's headquarters address?

40.33 Collector Requirements: These collector requirements should serve to improve the proficiency of collections and we agree that they should be required of collectors who perform a significant number of collections. However, there are many collectors in rural areas whose primary business is not urine collections and who perform collections as a service to the community. In this situation, this additional requirement may discourage these collectors from performing collections and, as a result, leave rural areas without a collector. Perhaps this requirement should only be **palced** on collection businesses which perform a minimum number of DOT collections annually.

40.75 (a) (2) Step 5 of the CCF. If the collector is conducting the collection away from his/her primary business address, should the collector enter his/her business address or the location where the collection is **actually** conducted?

40.111 Quarterly Statistical Reports. The proposed regulation does not state how long the employer is required to retain the quarterly statistical reports. Currently an employer could dispose of the reports upon receipt or, if they are not receiving the reports at all, tell a DOT auditor that they disposed of the reports. I recommend that the rule require employers to retain the reports for 2 years.

40.139 Basis for verifying test results involving opiates. There appears to be a conflict between sections 40.133 (no contact positives) and 40.139. If employee, with a confirmed opiate positive, either fails or refuses to return phone calls from the MRO or refuses to participate in a face-to-face interview, is the MRO to verify the test positive or negative?

DEPT. OF TRANSPORTATION  
00 MAR -8 PM 12:09