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DEPT. OF TRANSPORTATION
DOCKETS

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March 20, 2000

Department of Transportation
Docket Clerk

Attn: Docket No. **OST-99-6578 - 55**
400 7th Street, SW., Room **PL401**
Washington, DC **20590**

1000 RPS Drive
Coraopolis, PA 15108
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Ref: Drug Test Rules for Transportation Workers

FedEx Ground is a major transportation company delivering small packages throughout North America. We are obligated to help insure that our nation's highways are as safe as possible, this requires each of us to remove drivers who choose to consume illegal substances while operating commercial motor vehicles. Additionally promoting a safe work environment, which includes driver personnel, has always been a top priority with our company. **FedEx** Ground is an award-winning carrier in transportation safety.

With that, we are very interested in providing input concerning the above proposal to revise the rules as outlined in Docket # **OST 99-6578**

- Whether **self-instruction** is adequate for this purpose or whether more formal training should be required (e.g. a specified course with a **certification** requirement, as is the case for **STT's** and **BAT's**)
40.33

***FedEx Ground response:** As a carrier, we feel the collector does require more training and that a certification process should be instituted; however, we do not agree with the carrier being responsible for keeping files of each collector and their retraining.*

- Whether we should also require an immediate recollection under direct observation if an employee's specimen is dilute.

***FedEx Ground response:** The donor should immediately perform a re-test under direct observation. It should also be mandatory for employers to send the donor back to the collection site for another test under direct observation*

- On the advantages, disadvantages, costs, and benefits of mandatory **adulterant** testing.

***FedEx Ground response:** We agree with mandatory adulterant testing, in order to improve the process of keeping substance abuse out of the industry.*

- On the viability of having the employee return for a second collection if collector error results in a laboratory's rejecting a specimen for testing.

***FedEx Ground response:** We are in support of sending the donor for a second collection if the rejected specimen is due to collector error.*

- Whether the blind specimen requirement should be eliminated entirely or modified in a different way from the **NPRM** proposal.

***FedEx Ground response:** We don't agree with eliminating the blind specimens, this keeps the labs on their toes concerning integrity. We believe the rules should be kept as they are.*

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- Whether an exception to this rule should be made in the case of **PCP**, for which there are no known legitimate medical applications

FedEx Ground response: The rule should not change. The MRO still has the final say based on medical use insights.

- Whether a similar provision should be created to apply to other types of testing. (**RE**: permanent or long-term disability – “shy bladder”)

FedEx Ground response: We agree with ‘shy bladder’ blood test for those people on pre-employment tests who have disabilities preventing testing of urine.

- Whether there should be a split performed on tampered specimens

FedEx Ground response: We recommend that no split be performed on tampered specimens.

- Whether a retest under direct observation should also be required in cases of dilute specimen

FedEx Ground response: We agree as long as the retest would occur immediately under direct observation

- Whether (as proposed at **40.183(d)(4)**) there should be a retest under direct observation when a split specimen is unavailable for testing.

FedEx Ground response: No, we are able to use split specimens all the time. The collectors must be held accountable to perform splits.

- How the current post-accident alcohol testing form is working for collection and other concerned **personnel**.

FedEx Ground response: We believe law enforcement is the most appropriate person to conduct the testing because they have the B.A. T. available at the local law enforcement facility. Most carriers cannot comply with the current regulations. In the true spirit of safety, the law enforcement has direct contact at the scene of the accident.

- How best to strike this balance in this situation where **40.329** would authorize **MRO’s** who work for more than one DOT employer to inform Employer B that an employee has had a positive test or refusal to test in this capacity as an employee of Employer A.

FedEx Ground response: We agree with the MRO office advising other accounts about positive drug tests. This will promote highway safety. Carriers should have the information to know that a prospective employee was positive for any type of testing (&e-employment, random, follow-up).

Sincerely,

George **Bosko**
Safety Supervisor

Elizabeth **Bracci**
Safety Coordinator

Kelley Taylor
Safety Coordinator

GB/kt
cc: Michael **Humm**, Safety Director

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