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OF TRANSPORTATION
DOCKETS

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March 23, 2000

Docket Clerk

Attn: Docket No OST-99-6578-54

US Dept of Transportation

400 7th Street SW

Room PL-401

Washington DC 20590

I am writing as a concerned employer who is mandated under US Dept of Transportation regulations (**49 CFR Part 40**) to Drug & Alcohol Test my employees in a **safety** sensitive position. Specifically, I am concerned about the proposed changes that would restrict our ability to use consortia and third Party administrators to perform drug and alcohol testing result reporting.

Employers such as myself depend upon the value-added regulatory compliance services provided to us by consortia and third Party Administrators. For us, the services are analogous, for example, to the payroll **services** providers that we use. Consortia and third party administrators assist the business community and maintain the public safety by implementing compliant drug screening programs, administering the entire screening process, reporting results, maintaining records, guiding the employers through the employee sanctioning process, and assisting the employer in seeking substance abuse treatment for employees. Without this assistance, we would find it very **difficult** and prohibitively expensive, to implement a compliant drug and alcohol testing program for our employees, much less knowledgeable of the additional steps required if one of our employees who tested positive. You may find that some employer will stop being in compliance because of this difficulty.

Employers, as it is, are solely burdened by astronomical costs when trying to maintain compliance, not the employee. **By** removing the valued service provided by third party administrators, you add to that expense. The additional burden costs and manpower demands, resulting from the changes proposed to **49 CFR Part 40**, will surely stress a small business such as ours.

I am requesting that the US Dept of Transportation, as it rewrites **49 CFR Part 40**, to clearly define the critical role played by consortia and third party administrators, and continue to allow them to act as the "agent of the employer". This can be accomplished, I believe, in one of the following ways: allow consortia and third party administrators to continue acting as the "agent of the employer", for those business entities with **50** or fewer **employers**, or, allow consortia and third party administrators to continue acting as the "agent of the employer" for all business entities. As "agent of the employers" the consortia and the third party administrators would be allowed to receive results directly **from** the **MRO**.

Thank you for your consideration of this report.

Sincerely,

MERIT ASPHALT, INC.

A handwritten signature in black ink, appearing to read "Robert Pedersen".

Robert Pedersen

Production Manager

