

While I understand the general reason for the request for variance, I don't truly see a need for it. Management of two pools within the same company, one regulated and one not regulated, is a relatively common task managed easily by TPA's and MRO's on a daily basis. I see no compelling reason for a company to have to place all of their participants into a single pool.

The fundamental functions of all current editions of quality program management software allow numerous, if not unlimited, numbers of pool groups and consortia to be easily managed in a single interface. Moreover, I am unaware of any laboratory or collection site that is currently qualified to provide regulated testing services who will not also provide a "look alike" service for non-regulated users.

While it does take more effort on the part of the program administrator to manage two pools of workers, the overall effort level is negligible. If the employer desires to maintain a DOT style program for non-regulated employees, the only significant changes that would be required are the maintenance of separate databases and the provision of both federal and non-federal requisitions to branch offices. It's a simple task to achieve and would require very little training for the branch level DER's to comply with.

Furthermore, the overall size of these two employers would have a real potential to skew statistical data for the entire industry. Given that the majority of regulated workplaces have achieved a very low positivity rate compared to non-regulated pools, the insurgence of a large number of non-regulated workers into the regulated data stream, along with the increased positivity they carry, could be deleterious. Since several of the laws on the books allow modal officials to adjust random selection rates based upon positivity levels, this is clearly not in the best interest of the overall regulated program.

This request does, however, point out and shine a great deal of light onto one of the more significant problems in the industry, and that's the lack of ability to utilize a single set of standards and forms for all forms of testing. I would suggest that the DOT could eliminate some of the troubles Mayflower and United Van Lines are dealing with by adopting an electronic CCF as well as allowing a variance to the current paper CCF to allow a "Regulated / Non-Regulated" checkbox. The savings to the lab industry would be great as there would no longer be a need for the practice of establishing a SAMHSA and an in-house account for every mixed workplace.

In summary, HSG believes that there are better solutions to the problems faced by these employers. Simply allowing an employer to maintain a single hybrid (DOT/Non-DOT) pool is a poor solution. A more lasting solution, in the form of CCF procedural revisions, would more effectively address the needs and realities of the industry.