



FEDERAL TRANSIT ADMINISTRATION

# **2019 Random Drug Testing Rate Increase**

## **Drug & Alcohol Program Update**

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**Office of Transit Safety and Oversight**  
**Federal Transit Administration**

**December 2018**



FEDERAL TRANSIT ADMINISTRATION

# Random Testing Statutory Requirement

## Part 655.45 Random Testing

- 49 C.F.R. Part 655.45 (a) The minimum annual percentage rate for random drug testing shall be 50 percent of covered employees
- (c)(2) When the minimum annual percentage rate for random drug testing is 25% and the data received for the calendar year indicates the positive rate is equal to or greater than 1.0 percent, the Administrator will increase the minimum annual percentage to 50 percent of all covered employees

## Part 655.45 Random Testing

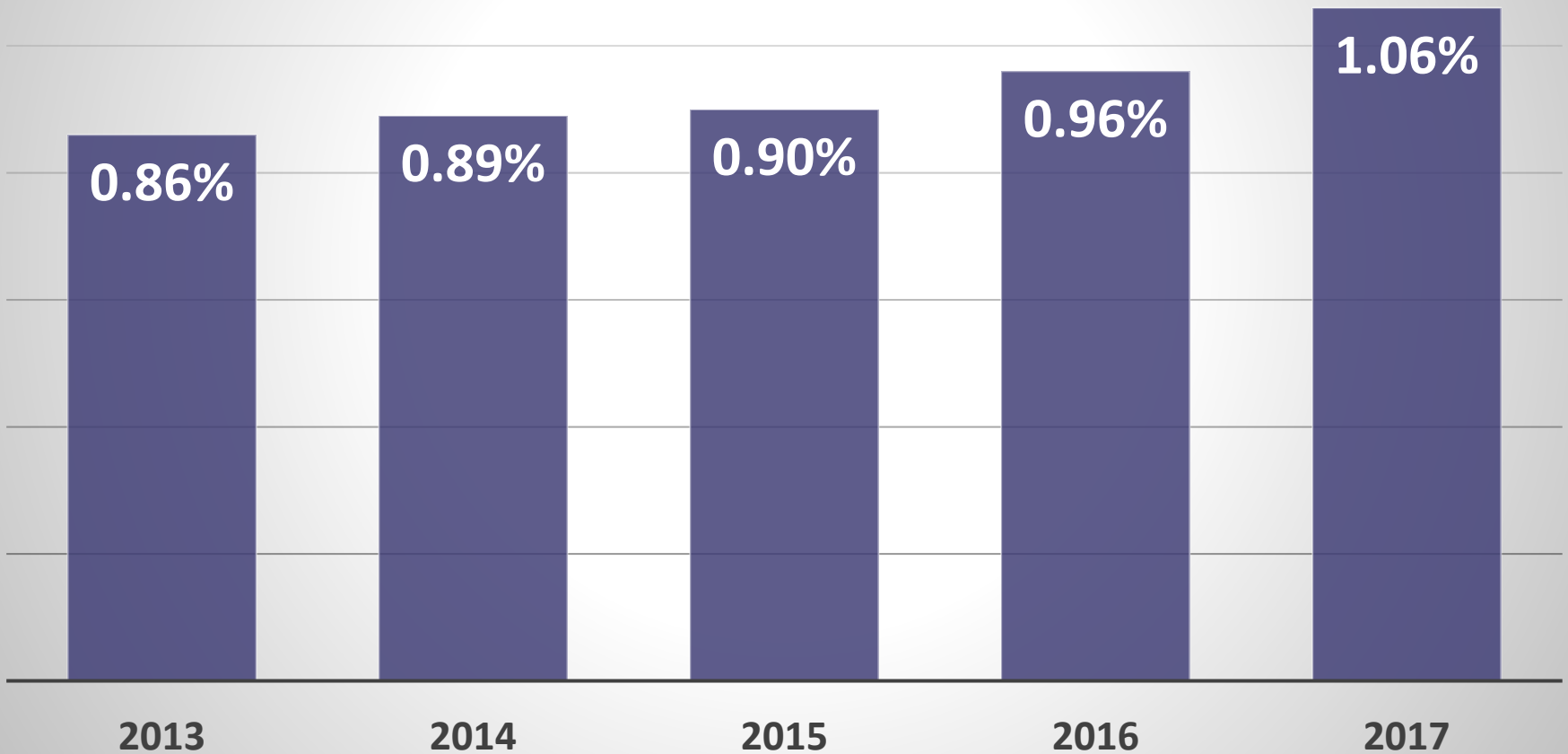
- In 1997, FTA implemented its drug and alcohol testing program with a set minimum random drug testing rate of 50%
- In 2007, the rate was lowered to 25% due to positive rate staying below one percent for 2 consecutive years
- The random rate for the last 4 years has steadily risen and is now over one percent at 1.06%

# RANDOM TESTING RATES

- Minimum Random Drug Testing Rate to Increase to 50%
  - Effective January 1, 2019
    - No waivers issued
  - Covers all FTA Covered Employers
    - Grantees, Contractors, Sub-recipients, Consortia/TPA
- Minimum Random Alcohol Testing Rate Remains at 10%

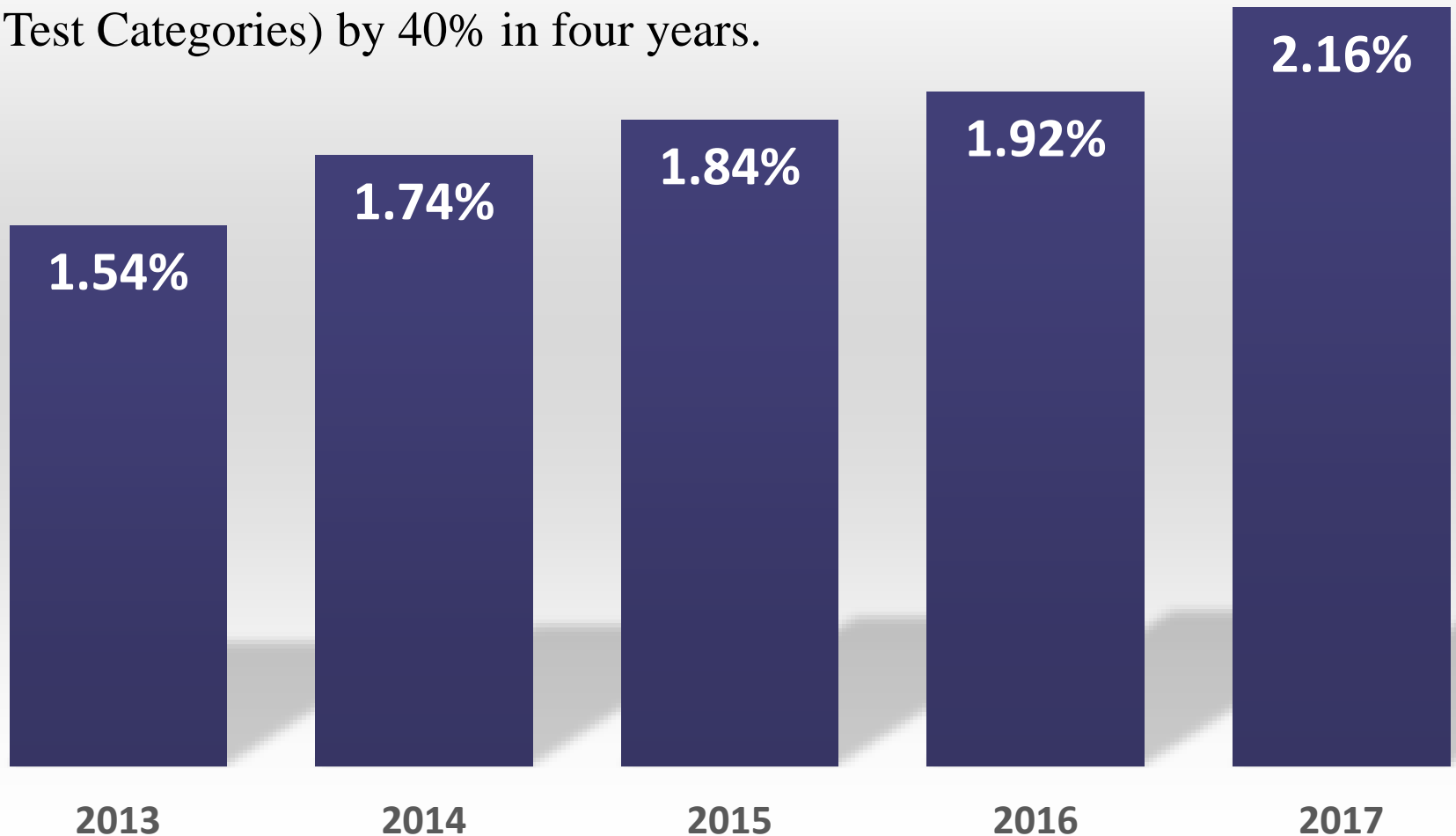
# MIS Testing Data

## FTA Random Testing Positive Rate (2013 - 2017) Across All Drug Categories



## Positive Rate (Across All Test Categories)

Increase of Positive Rate (Across All Test Categories) by 40% in four years.





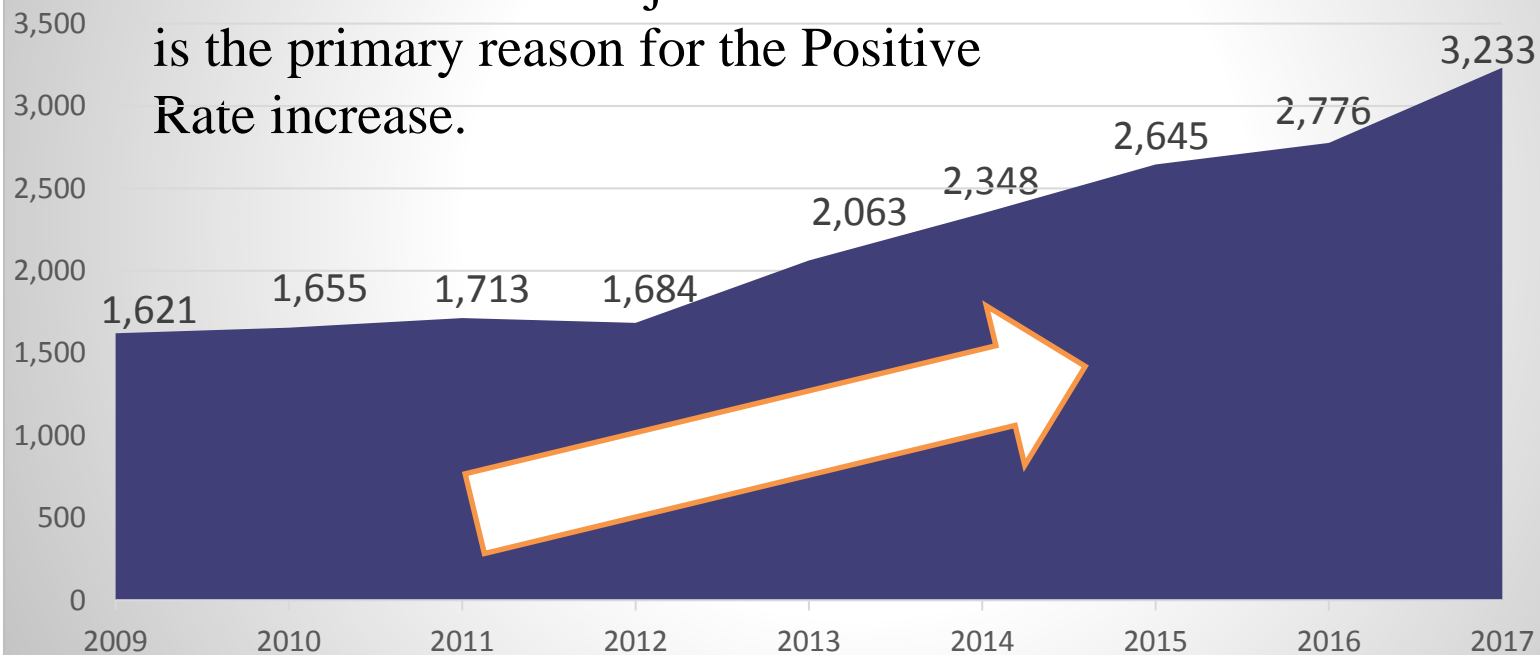
# Opiate and Marijuana Impact on FTA Tests

YEAR	Total Randoms	Opiates Random Positive	% of Random Total	Marijuana Random Positive	% of Random Total	Covered Employees
2017	97,933	20	0.02%	583	0.59%	308,923
2016	95,657	27	0.03%	493	0.52%	304,864
2015	100,491	18	0.02%	477	0.47%	303,081
2014	97,630	34	0.03%	457	0.47%	299,501
2013	99,804	32	0.03%	452	0.45%	296,174

## Positive Drug Test Results – THC/Marijuana (2009-2017)

99.4% Increase

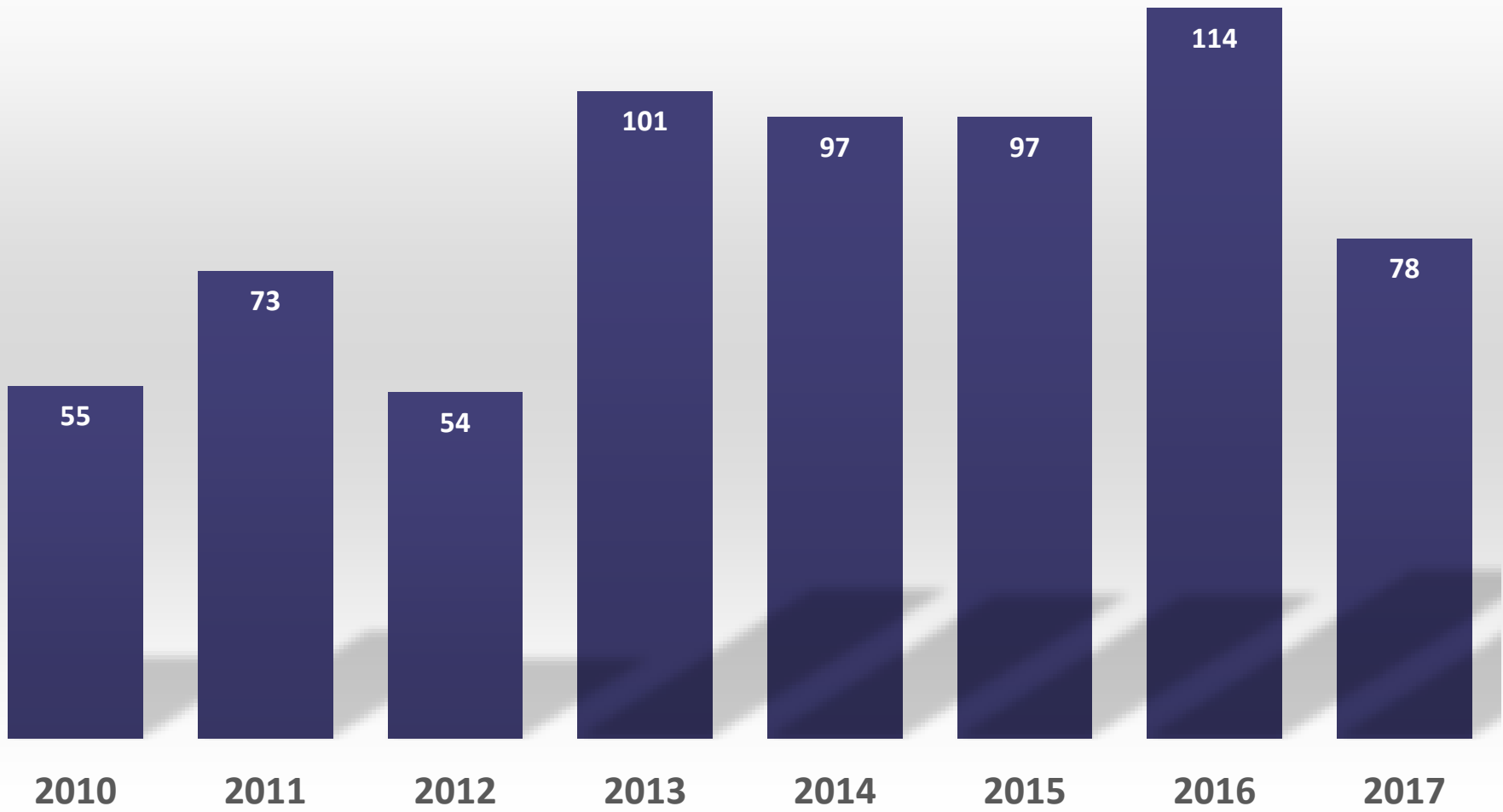
Increase in THC/Marijuana Positives  
is the primary reason for the Positive  
Rate increase.



# Marijuana Leads Growth of Positive Tests

- National Random Test Aggregate is over 1%
- Changing state laws and social “normalization” is leading factor

## Verified Opiate Positives - All Test Categories (2010 - 2017)



# Opiate (Opioid) Positives

- When adjusted for increase in number of total covered employees, opiates positives are steady
- However, ALL data on opiates originates before HHS inclusion of semi-synthetic opioids
- 2018 MIS data may show higher opioid positive rates for randoms

# Modal Agencies and Random Testing Rate

- Effective 1/1/2018 PHMSA increased to 50% for random drug testing
- In June 2017 FRA began testing Maintenance of Way Workers at 50%
- USCG will increase random drug rate to 50% effective 1/1/2019

# Impact on Public Safety Outweighs Cost Increase

- Increased detection and deterrence
- Potential reduction of injuries/damage due to increased detection and deterrence
- With semi-synthetic opioids included in the 5-Panel, increase in random testing minimum is prudent, following 2018 data (submitted by March 2019)
- With ever-changing state and local laws regarding marijuana allowances, increase in random testing minimum is prudent

# WHAT EMPLOYERS NEED TO DO

- May require FTA D&A Policy Revision
  - If policy specifies the rate of random drug testing
- Multi-Modal Random Pool
  - Random selections now at higher rate (50%)

\*No Waivers Issued

\*Auditors Will Review Beginning 1/1/19



# QUESTIONS???

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