

FTA

FEDERAL TRANSIT ADMINISTRATION

2019 Random Drug Testing Rate Increase

Drug & Alcohol Program Update

Iyon Rosario
Office of Transit Safety and Oversight
Federal Transit Administration

February 2019



U.S. Department of Transportation
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

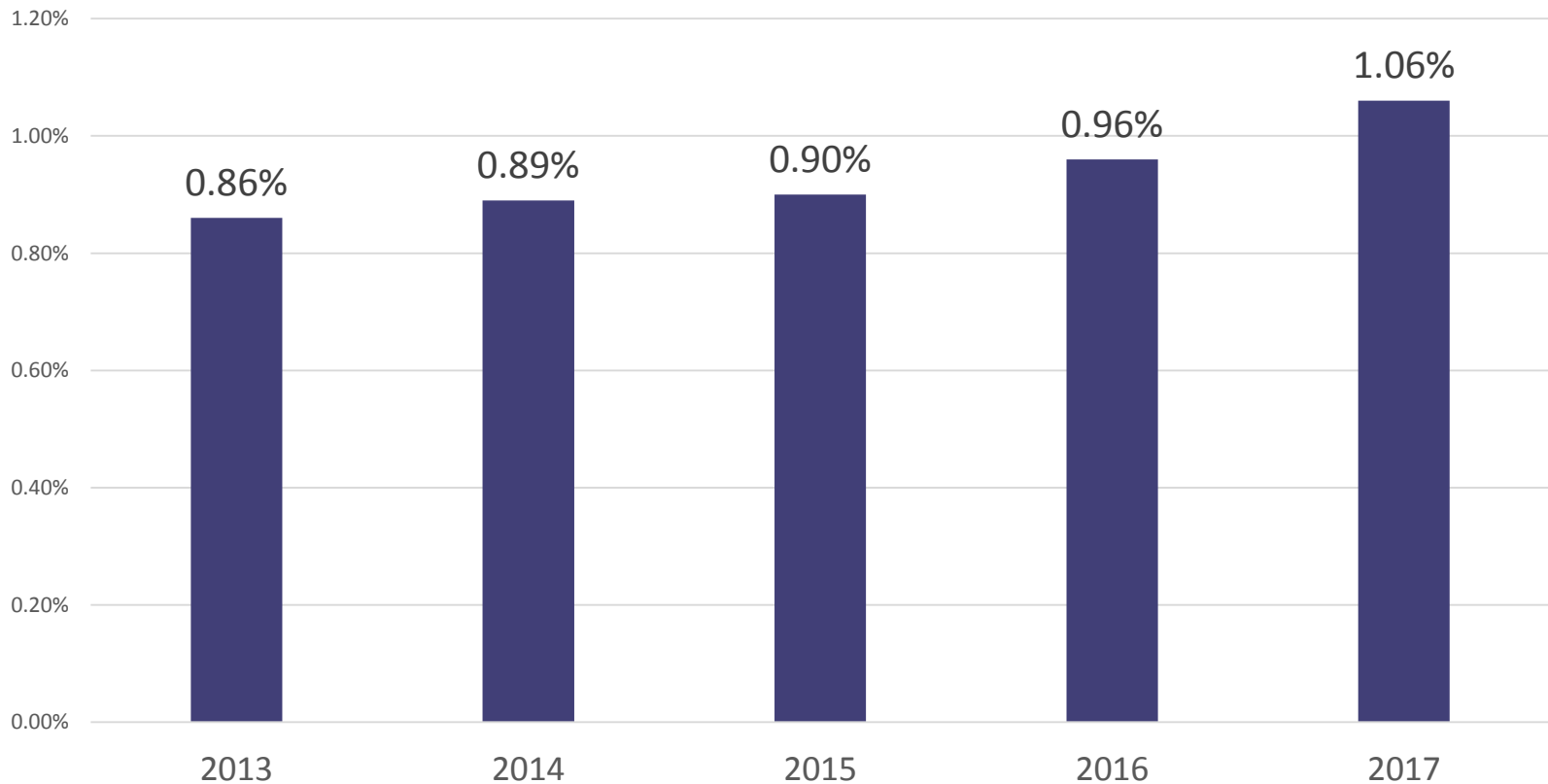
- In 1997, FTA implemented its drug and alcohol testing program with a set minimum random drug testing rate of 50%
- In 2007, the rate was lowered to 25% due to positive rate staying below one percent for 2 consecutive years
- The random rate for the last 4 years has steadily risen and is now over one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

RANDOM TESTING RATES

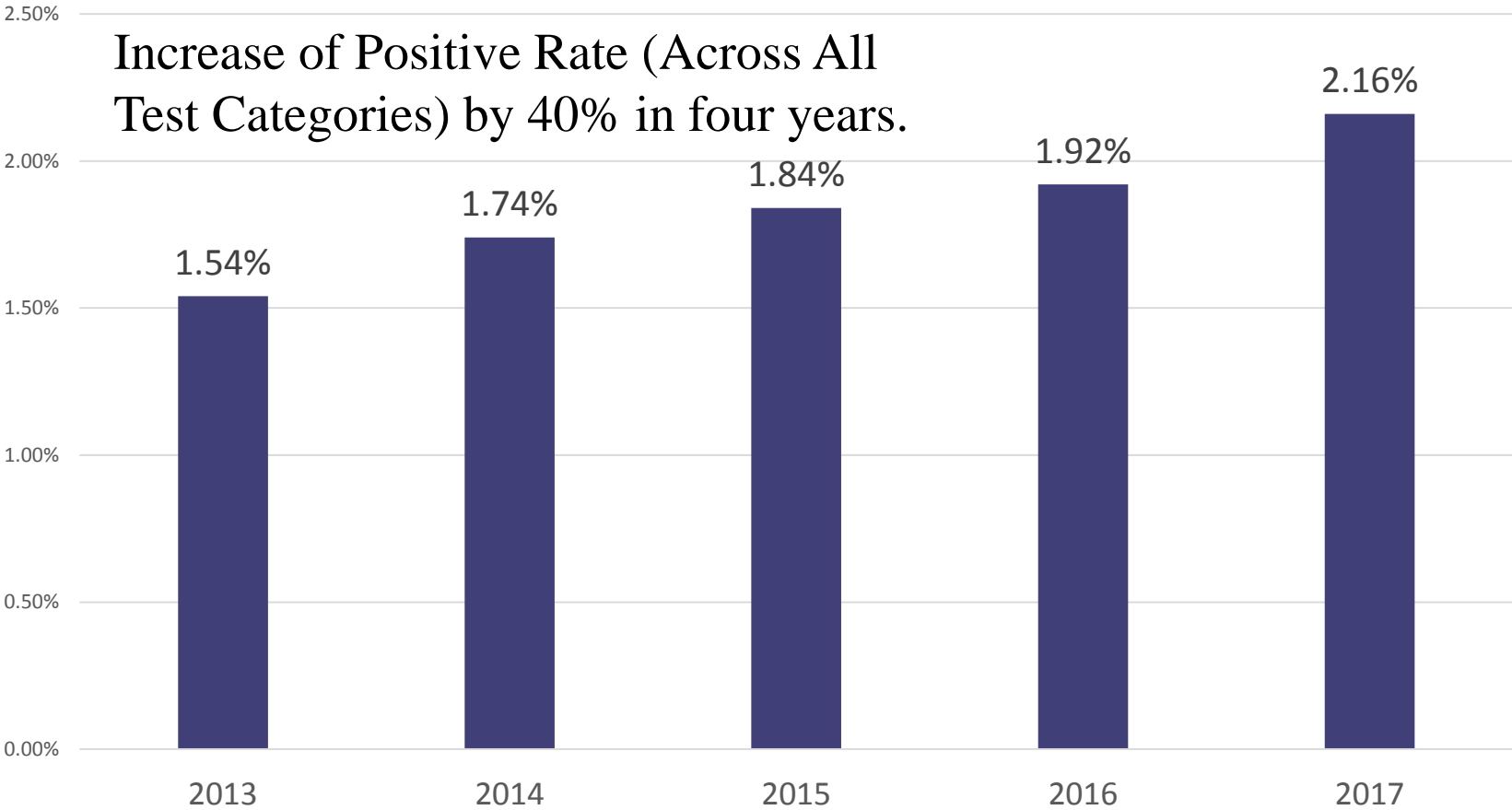
- Minimum Random Drug Testing Rate to Increase to 50%
 - Effective January 1, 2019
 - No waivers issued
 - Covers all FTA Covered Employers
 - Grantees, Contractors, Sub-recipients, Consortia/TPA
- Minimum Random Alcohol Testing Rate Remains at 10%

MIS Testing Data

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



Positive Rate (Across All Test Categories)



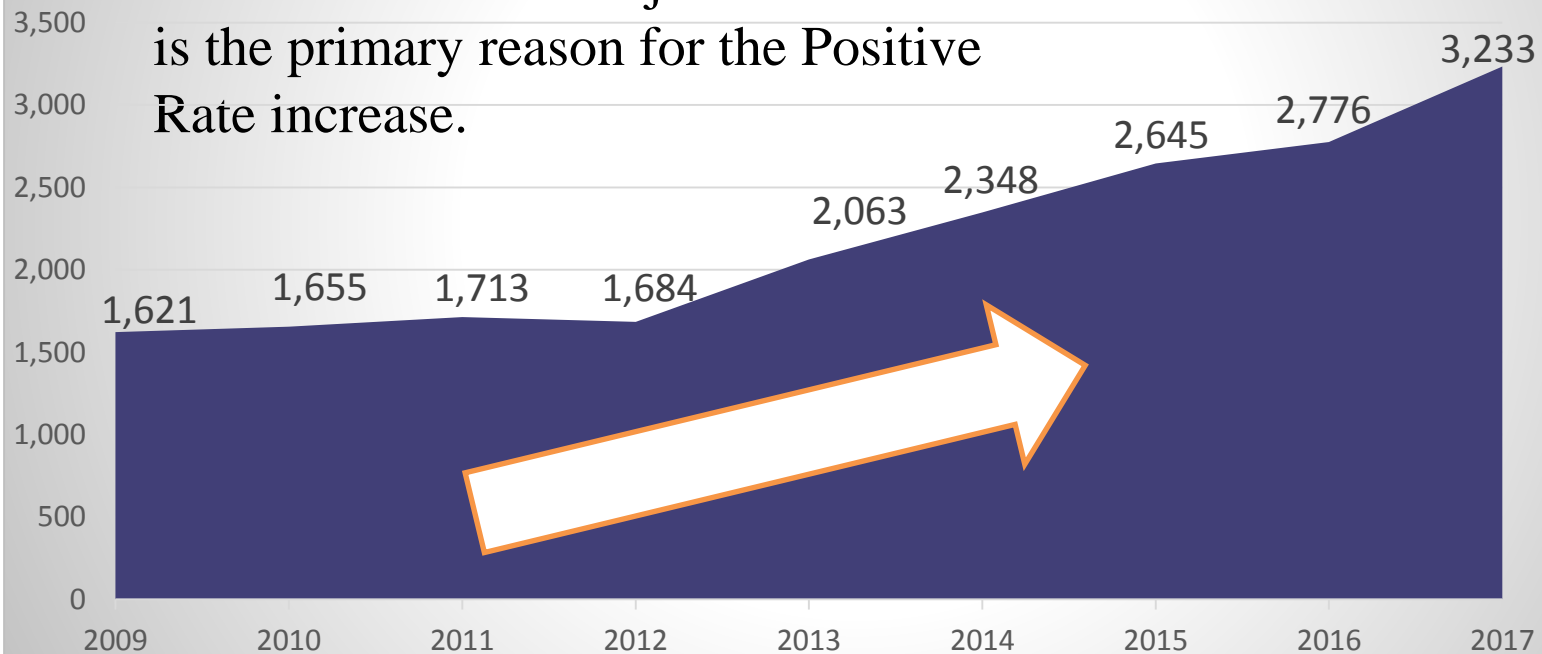
Opiate and Marijuana Impact on FTA Tests

YEAR	Total Randoms	Opiates Random Positive	% of Random Total	Marijuana Random Positive	% of Random Total	Covered Employees
2017	97933	20	0.02%	583	0.59%	308923
2016	95657	27	0.03%	493	0.52%	304864
2015	100491	18	0.02%	477	0.47%	303081
2014	97630	34	0.03%	457	0.47%	299501
2013	99804	32	0.03%	452	0.45%	296174

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

99.4% Increase

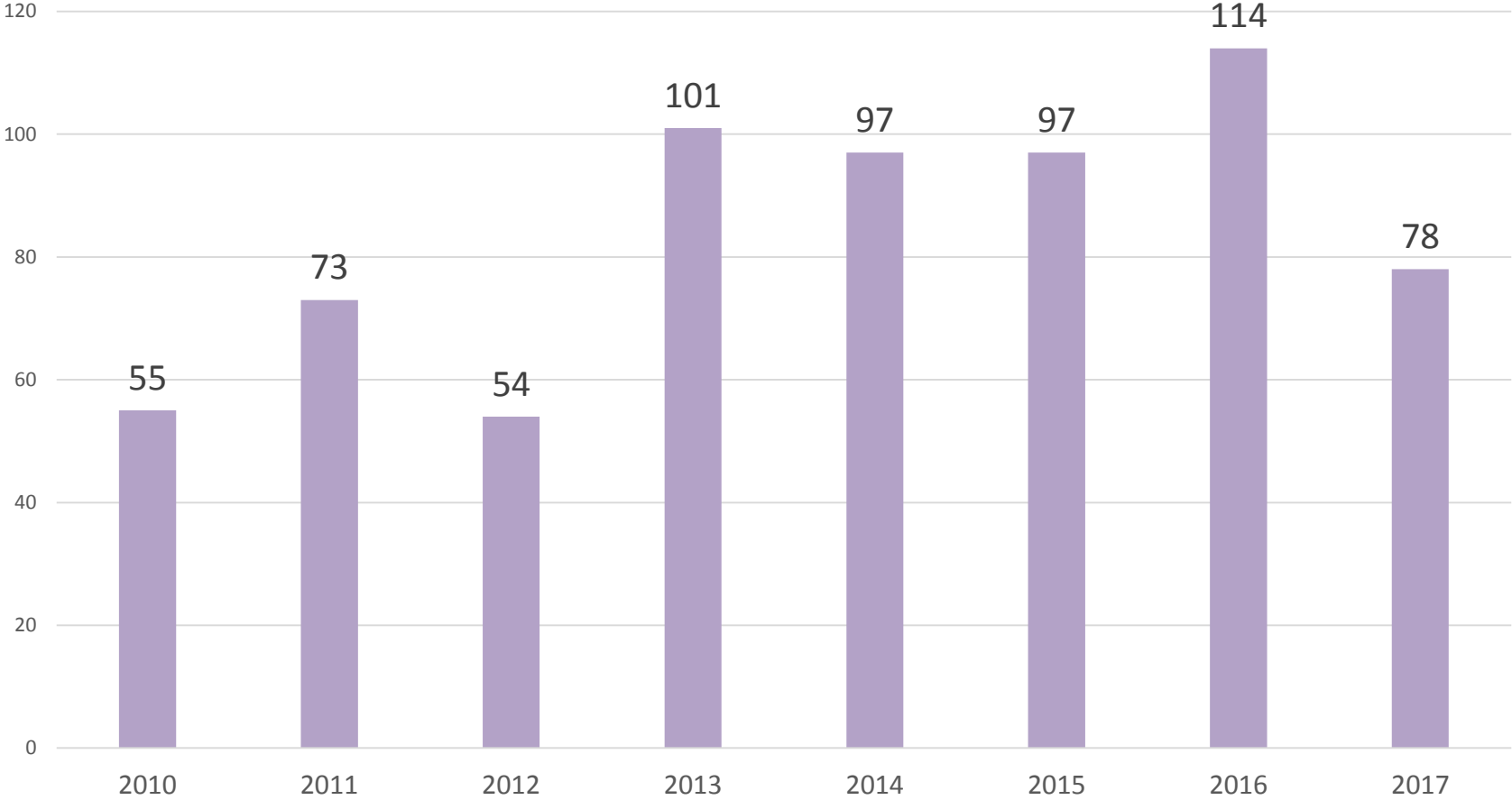
Increase in THC/Marijuana Positives is the primary reason for the Positive Rate increase.



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 random rate increased to 50% for drugs effective 1/1/2019, alcohol remains 10% and covered under Part 655

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 15, 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???

- FTA.DAMIS@DOT.GOV