The City of Seattle and its CDL Holders

Presented by
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Seattle Public Utilities CDL Coordinator
Federal Regulations

- We are **required** to have a program that complies with the Federal Department of Transportation (DOT) regulations
  - 49 CFR Part 40
  - FMCSA 49 CFR Part 382
  - USCG 46 CFR Parts 4 & 16

- **Who is covered?**
  FMCSA – Anyone who operates, on a roadway accessible to the public, a vehicle
  - >26,000 GVWR
  - that was originally designed to transport at least 15 passengers (+ the driver)
  - that must be placarded as hazardous, regardless of the size
  USCG
  - Anyone working on a commercial vessel in a position that could affect the safe operation of the vessel
Categories of Drug Tests

- Pre-Employment
- Random
- Post-Accident
- Reasonable Suspicion
- Return to Duty
- Follow-up
Pre-employment
49 CFR 382.301

- Before someone is added or returned to the Random Pool, regardless of how long on City payroll.
- Negative result must be reported before performing safety-sensitive duties.

HOWEVER

- There is no point doing the drug test until the background check is complete.
- There is no point in doing any of it if the complete abstract is scary.
Random
(49 CFR 382.305)

- Unannounced
- Spread reasonably throughout the calendar year
- Scientifically valid random selections
- Every driver equal chance every time
- Every driver selected will be tested
  - Not so easy to excuse tests since August 2001 rewrite
- “Proceed immediately” once notified
**FMCSA Post Accident**  
(49 CFR 382.303)

- Fatality? Yes
- Driver cited? Maybe
- Driver cited + vehicle towed? Probably
  - If vehicle is towed because of damage beyond tires or headlights - Yes
- Driver cited + medical treatment? Yes
- Contact Citywide Safety? Yes!
Testing Process Overview

- Samples treated as evidence
- Standardized procedures
- Precautions to limit alterations
- Privacy afforded donor (with exceptions)
- Donor signs certifying statement
  - NOT a consent statement; **no consent necessary**
- Chain of Custody initiated and maintained
Process Overview (cont’d)

• Collection
  • Certified collectors, STT & BATs (8-hour class + proficiency demonstrations)

• Analysis – two step process for each test
  • Urine Drug Screen – Laboratory – drugs, adulterants, etc.
  • Evidential Breath Alcohol – “Breathalyzer” – screens out acetone, etc.

• MRO (Medical Review Officer) review
• Substance Abuse Professional
• Recertification required for all of the above
## Drugs & Cutoff Levels

<table>
<thead>
<tr>
<th>Initial test analyte</th>
<th>Initial test cutoff concentration</th>
<th>Confirmatory test analyte</th>
<th>Confirmatory test cutoff concentration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marijuana metabolites</td>
<td>50 ng/mL</td>
<td>THCA&lt;sup&gt;1&lt;/sup&gt;</td>
<td>15 ng/mL</td>
</tr>
<tr>
<td>Cocaine metabolites</td>
<td>150 ng/mL</td>
<td>Benzoylcegonine</td>
<td>100 ng/mL</td>
</tr>
<tr>
<td>Opiate metabolites</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Codeine/Morphine&lt;sup&gt;2&lt;/sup&gt;</td>
<td>2000 ng/mL</td>
<td>Codeine</td>
<td>2000 ng/mL</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Morphine</td>
<td>2000 ng/mL</td>
</tr>
</tbody>
</table>
### Drugs & Cutoff Levels

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<th>Confirmatory test cutoff concentration</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-Acetylmorphine</td>
<td>10 ng/mL</td>
<td>6-Acetylmorphine</td>
</tr>
<tr>
<td>Phencyclidine</td>
<td>25 ng/mL</td>
<td>Phencyclidine</td>
</tr>
<tr>
<td>Amphetamines</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AMP/MAMP</td>
<td>500 ng/mL</td>
<td>Amphetamine</td>
</tr>
<tr>
<td>MDMA</td>
<td></td>
<td>Methamphetamine</td>
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<tr>
<td>MDMA</td>
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<td>MDA</td>
</tr>
<tr>
<td>MDMA</td>
<td></td>
<td>MDEA</td>
</tr>
</tbody>
</table>
*What about Marijuana? No consideration for Marijuana is allowed for CDL holders per Federal Law. As a matter of fact, because the City receives Federal funds, no consideration can be made for any employee with a Medical Marijuana authorization if they “fail” a drug test.

*Afraid to eat a Poppy Seed Muffin? Testing cutoff levels for opiates were increased from 300 ng/ml to 2,000 ng/ml as of December 1, 1998. Can you believe we’re still talking about this?!
Blood Alcohol Content

- **.40** Death
- **.13** Average DUI
- **.08** Legally drunk lose license
- **.02** Legally drunk CDL medically affected
- **.02** Under 21 lose license
Blood Alcohol Concentration and Consequences

• **0.08** gm Alc/210 L breath is DUI
• **0.04** gm Alc/210 L breath is violation of Part 40.
  • Report must be filed with WA State DOL
• **0.02** gm Alc/210 L breath is DOT “prohibited conduct”; it is positive and employee must be removed from safety sensitive duties. This is treated the same as 0.04 under City policy.
Alcohol Elimination

BAC Decrease over time

<table>
<thead>
<tr>
<th>Time</th>
<th>BAC</th>
</tr>
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<tbody>
<tr>
<td>1:00 AM</td>
<td>0.14</td>
</tr>
<tr>
<td>2:00 AM</td>
<td>0.12</td>
</tr>
<tr>
<td>3:00 AM</td>
<td>0.10</td>
</tr>
<tr>
<td>4:00 AM</td>
<td>0.08</td>
</tr>
<tr>
<td>5:00 AM</td>
<td>0.06</td>
</tr>
<tr>
<td>6:00 AM</td>
<td>0.04</td>
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<tr>
<td>7:00 AM</td>
<td>0.02</td>
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<tr>
<td>8:00 AM</td>
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<td>10:00 AM</td>
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<tr>
<td>11:00 AM</td>
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<tr>
<td>12:00 PM</td>
<td>0.00</td>
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<tr>
<td>1:00 PM</td>
<td>0.00</td>
</tr>
<tr>
<td>2:00 PM</td>
<td>0.00</td>
</tr>
</tbody>
</table>

Fast metabolism
Average metabolism
Slow metabolism
Alcohol Consequences

Alcohol cannot be consumed within eight hours prior to performing a safety-sensitive duty.
Your CDL Record

- Getting stopped for an alcohol-related offense on your own time, in a non-commercial, non-City vehicle, will result in suspension of your CDL for one year.

- If you already have a “serious traffic offense” on your record, including previous alcohol-related misadventures, it will be a LIFETIME suspension of your CDL.
Your CDL Record

- Alcohol-related citations stay on your CDL record for life.
- There is no such thing as an “Occupational CDL”.
- Chances are, The City would be unable to maintain your employment.
Personal Citations

- CDL holders must report any change in license status (suspension, etc.) to their employers within 24 hours.

- Federal & State regulations also require that a CDL holder report any moving violation (anything except a parking ticket) to the employer within 24 hours.

  - This means citations in your personal vehicle!
To drive in intrastate or interstate commerce, you must have passed a medical examination, within the past 2 years, in accordance with Federal Motor Carrier Safety Regulations 49 CFR 391, Subpart E, as defined in the Federal Motor Carrier Safety Administration's (FMCSA).

Always carry your medical card with you. It is your responsibility to make sure the card is not expired.

Not having it, or having an expired card, may fall under the category “serious traffic offense” starting in January 2012.
Internet Resources


QUESTIONS?