

COMPLIANCE BULLETIN

January 9, 2019

FMCSA RANDOM DRUG AND ALCOHOL TESTING RATES FOR 2019

U.S. DOT ANNOUNCES RANDOM DRUG AND ALCOHOL TEST RATES FOR 2019:

The FMCSA this week announced minimum employee random drug and alcohol testing rates for 2019. The test rates are the minimum percentage of employees who are subject to U.S. DOT drug and alcohol requirements who must undergo a random test during the upcoming calendar year. The number of random tests conducted by employers for 2019 must equal at least 25 percent for drugs and 10 percent for alcohol. These are the same rates required in 2018.

Employees Subject to Testing

Hazardous material employee (49 CFR 171.8) means a person who is employed by a hazmat employer and who in the course of employment directly affects hazardous materials transportation safety. This term includes an owner-operator of a motor vehicle which transports hazardous materials in commerce. This term also includes an individual, employed by a hazmat employer who, during the course of employment:

- Loads, unloads, or handles hazardous materials;
- Manufactures, tests, reconditions, repairs, modifies, marks, or otherwise assures containers, drums, or packagings are qualified for use in HAZMAT transportation;
- Prepares hazardous materials for transportation;
- Responsible for safety of transporting hazardous materials;
- Operates a vehicle to transport hazardous materials.

Employers of both ***intrastate*** and ***interstate*** drivers requiring a CDL license are responsible for implementing and conducting driver drug and alcohol testing programs. Employers may do this using their own employees or contract services, or by joining together in a drug and alcohol testing consortium that provides services to all member companies. Any individual conducting the drug and alcohol tests must be trained to operate evidential breath testing (EBT) equipment and be proficient in breath testing procedures.

Random alcohol testing must be conducted just before, during, or just after a driver's performance of safety-sensitive duties including the transportation, loading or unloading of hazardous materials. The driver is randomly selected for testing from a "pool" of subject drivers. The random testing dates and times are unannounced and must be reasonably spread throughout the year.

Employers are also required to conduct pre-employment drug tests, post accident, reasonable suspicion, return to duty and follow up drug and alcohol tests on CDL drivers under certain circumstances. The test rates for random testing **do not** apply to pre-employment, post accident, reasonable suspicion, return to duty or follow up tests. Instead these tests are performed on a per occurrence basis.

For more information, please click [here](#).

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