



**David J. Osiecki**  
Executive Vice President and  
Chief of National Advocacy

May 13, 2016

Ms. Kana Enomoto  
Principal Deputy Administrator  
Substance Abuse and Mental Health Services Administration  
5600 Fishers Lane  
Rockville, MD 20857

Ms. Enomoto;

On behalf of the American Trucking Associations<sup>1</sup> (ATA), I am writing to request an update on the Substance Abuse and Mental Health Services Administration's (SAMHSA) progress on meeting the legislative mandate to develop hair testing standards for federally mandated drug testing. ATA's members have been eagerly awaiting the development of hair testing standards. SAMHSA's development of hair testing standards is an integral step in improving the safety of our nation's roadways.

As you may already know, ATA is a large and diverse federation of trucking industry representatives. While our members range in size and type, they share a common interest in putting safety first. Our focus on safety has lead our members to be strong supporters of the inclusion of hair as an alternative testing specimen in mandatory, transportation-related federal drug testing programs. On December 4, 2015, P.L. 114-94, known as the Fixing America's Surface Transportation Act (FAST Act), was signed into law. The Act requires "The Secretary of Health and Human Services (HHS) to issue scientific and technical guidelines for hair testing as a method of detecting the use of controlled substances for purpose of section 31306 of Title 49, United States Code" within one year.

SAMHSA's Drug Testing Advisory Board has already been reviewing the technical and scientific issues surrounding hair testing for several years. In June of last year, the DTAB issued unanimous recommendations that "SAMHSA pursue hair as an alternative specimen in the Mandatory Guidelines for Federal Workplace Drug Testing Programs, including performance standards that sufficiently address external contamination and hair color impact." Hair testing is a validated, proven, effective method for detecting illegal drug use that has been widely embraced by private industry, many governments worldwide, and SAMHSA's very own advisory board.

Regrettably, the delayed development of hair testing standards for mandatory federal drug testing programs has allowed hundreds of known drugs users to continue driving commercial motor vehicles. Since hair testing is not an accepted Department of Transportation (DOT) testing method, companies that conduct hair tests are effectively prohibited from sharing these test results with other employers or from reporting them to

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<sup>1</sup> ATA is a united federation of motor carriers, state trucking associations, and national trucking conferences created to promote and protect the interests of the trucking industry. Directly and through its affiliated organizations, ATA represents more than 30,000 motor carriers in the United States, Canada, and Mexico encompassing every type and class of motor carrier operation.

the future commercial driver drug and alcohol clearinghouse being developed. As a result, drivers who fail pre-employment hair tests can simply seek employment with other carriers where they can more easily pass a pre-employment urine drug test, without fear that their positive hair test results will follow them. In other words, commercial drivers that have tested positive on hair tests are still on the road driving large trucks, but driving for other companies.

Again, we'd like to reiterate the importance of SAMHSA taking swift action on developing hair testing standards. Professional truck drivers represent 97% of those subject to U.S. Department of Transportation-required drug tests, so SAMHSA's progress on this issue is extremely important to highway safety. Please let us know if there is anything that ATA can do to help in the development of these standards.

Thank you in advance for a timely response. I can be reached at 703 838 1996 if you or someone on your team would like to discuss our mutual interest in finalizing the standards.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. Osiecki", with a stylized flourish at the end.

Dave Osiecki

CC: Secretary Anthony Foxx, U.S. Department of Transportation  
Acting Administrator, Scott Darling, Federal Motor Carrier Safety Administration  
Acting Director, Patrice Kelly, U.S. DOT Office of Drug & Alcohol Policy & Compliance