



Highlights of [GAO-08-600](#), a report to congressional requesters

Why GAO Did This Study

Federal law requires commercial drivers to submit urine specimens for drug testing. The Federal Motor Carrier Safety Administration (FMCSA) is responsible for ensuring that motor carriers comply with these regulations. Recent reports have raised concerns that some drivers may not be tested, some may be tested but avoid detection, and some may test positive but continue to drive. GAO was asked to look at these challenges. This report reviews (1) the factors that contribute to challenges related to drug testing and (2) the various options that exist to address these challenges. GAO obtained information from a wide variety of stakeholders in the drug testing industry, and analyzed data from FMCSA and others to determine the potential effectiveness of various options.

What GAO Recommends

GAO recommends that the Secretary of Transportation expedite efforts related to improving safety audits and implementing a national database of drug testing information. GAO suggests Congress consider (1) adopting legislation to ban subversion products, (2) providing FMCSA with additional authority over entities involved in the drug testing process, and (3) encouraging or requiring states to suspend commercial driver's licenses of drivers who fail or refuse to take a drug test. DOT and HHS generally agreed with the findings and recommendations in this report.

To view the full product, including the scope and methodology, click on [GAO-08-600](#). For more information, contact Katherine A. Siggerud at (202) 512-2834 or siggerudk@gao.gov.

MOTOR CARRIER SAFETY

Improvements to Drug Testing Programs Could Better Identify Illegal Drug Users and Keep Them off the Road

What GAO Found

Many factors contribute to the challenges of detecting drivers who are using illegal drugs and keeping them off the road until they complete the required return-to-duty (treatment) process. Factors contributing to drivers not being in a drug testing program include FMCSA's limited oversight resources for all carriers and limited enforcement options for safety audits of new carriers. Although FMCSA and its state partners review thousands of carriers each year, these reviews touch about 2 percent of the industry. As a result, carriers have limited incentives to follow the regulations. Factors contributing to failures to detect drug use include the ease of subverting the urine test, either because collection sites are not following protocols or because drivers are using products that are widely available to adulterate or substitute urine specimens. For example, GAO investigators, posing as commercial truck drivers needing drug tests, found that employees at 10 of 24 collection sites tested did not ask the investigator to empty his pants pockets, as they are required to do, to ensure he was not carrying adulterants or substitutes. Factors contributing to drivers testing positive yet continuing to drive include drivers not divulging past drug test history, carriers' failure to conduct thorough background checks on a driver's past drug testing history, and self-employed owner-operators' failure to remove themselves from service.

GAO's analysis identified the following options as having the greatest potential for addressing these challenges:

- For increasing the number of drivers tested: **strengthen the enforcement of safety audits for new carriers.** Stiffer requirements for having a testing program will likely result in more new entrants having effective drug testing programs. DOT has begun this improvement.
- For reducing opportunities to subvert the test: **additional authority to levy fines when collection sites do not follow federal protocols.** This could decrease the opportunity to subvert the test. Also, **congressional action to ban subversion products at the federal level** could make these products more difficult to obtain.
- For reducing the number of drivers who test positive and continue to drive: **a national database of drug testing information.** This would allow for more thorough checking of applicants' past test results. FMCSA has begun to lay the groundwork for a database, but FMCSA may need additional authority to ensure accurate reporting of information. Also, using the database to **encourage states to suspend a driver's commercial driver's license** after a positive drug test or refusal to test would be a more direct way to compel drivers to complete the return-to-duty process.

Any of these options would require either additional resources or a transfer of resources that fund other safety-related initiatives, and some of the options require federal or state legislation and rule making. A national database would have to consider driver protections and a process by which information can be corrected or removed.