

New DOT Urine Specimen Collection Guidelines – Effective August 25, 2008

As you know, the DOT revised 49 CFR Part 40 in a Federal Register published June 25, 2008. The part 40 amendments are effective August 25, 2008.

Some urine collection procedures were changed make it more difficult to beat the DOT drug tests. The DOT Urine Specimen Collection Guidelines have been updated to reflect changes to the collection process. The new Guidelines – which are also effective August 25, 2008 – are now available on our website at: www.dot.gov/ost/dapc/udsc.html.

The Department changed the observed collection procedures because there is ample evidence suggesting that more and more devices are available in the market place designed to tamper with specimens (for example, devices expressly designed to bring “clean” urine into collections so specimens would test negative). Many of these were designed to be undetected even if specimens were observed using the old procedures.

There are three basic types of devices. [Of course, there could be other devices, but these are currently the basic three devices]:

1. One device has a long plastic tube connected to a bottle containing heated urine.
2. Another device consists of a short plastic tube attached to a battery-heated plastic bag.
3. One device goes a step further by replacing the tube with very realistic prosthetic genitalia designed to match the employee’s skin tone.

The new direct observation procedures require the observer to check for these devices when an employee is subject to an observed collection. These new procedures are for those employees and situations for which observed collections are already required, or in the case of #5 below, was an employer’s option.

1. Employees with dilute specimens with creatinine in the 2-5 range.
2. Employees with invalid test results with no valid medical explanation.
3. Employees who tested positive, adulterated, or substituted & their split specimens were not available for testing [splits not collected; missing or destroyed in transit].
4. Employees who submit out-of-temperature range specimens or tampered-with specimens at collection sites.
5. Employees with prior positives and refusals. Return-to Duty & Follow-Up drug testing under direct observation goes from employer option under the old rules to required under the new amendment.

The Guidelines state that employees having observed collections must be instructed to raise clothing, just above the navel; lower clothing, to mid-thigh; then turn around to show the same gender observers they do not have prosthetic devices for beating the tests. If no device is detected, the employee is permitted to return clothing to its proper observed-collection position. Then the observed collection will take place.

The following refusals to test are also noted in the Guidelines:

1. An employee admits to the collector that he or she adulterated or substituted their specimen.
2. The employee behaves in a confrontational way that disrupts the collection process.
3. The employee fails to follow the observer’s instructions to raise and lower their clothing and to turn around to permit the observer to determine if the employee has a prosthetic or other device that could be used to interfere with the collection process.
4. The employee possesses or wears a prosthetic or other device that could be used to interfere with the collection process.
5. The employee refuses to wash his or her hands – after being directed to do so.

Part 40 and the observed collection procedures, as always, apply to DOT-regulated testing.

Jim L. Swart
Acting Director
Office of Drug and Alcohol Policy and Compliance
U.S. Department of Transportation