



Highlights of [GAO-08-220T](#), a testimony before the Subcommittee on Highways and Transit, Committee on Transportation and Infrastructure, House of Representatives

Why GAO Did This Study

Crashes involving commercial motor carriers, including trucks and buses, account for 13 percent of all highway deaths each year. While illegal drug use is not among the most frequently cited factors associated with large truck crashes; studies show that the use of illegal drugs, such as marijuana, heroin, or cocaine, can severely impair driving ability. Since 1988, federal regulations have required commercial drivers to submit urine samples to be tested for drugs. The Federal Motor Carrier Safety Administration (FMCSA) is responsible for ensuring compliance with these regulations. News reports and other investigations have raised concerns that drivers may be escaping detection by avoiding the test or somehow altering the results.

This testimony provides preliminary information on the challenges confronting FMCSA in (1) overseeing and enforcing compliance with drug testing regulations and (2) ensuring the integrity of the drug tests and the processes for keeping drivers with identified drug problems off the roads. It is based on work currently in process, which includes examining options to address these challenges. GAO's work thus far has included interviews with officials from the Department of Transportation (DOT) and the Substance Abuse and Mental Health Services Administration (SAMHSA), along with a wide variety of stakeholders, including motor carriers, unions, and industry associations. GAO discussed this testimony with DOT officials and incorporated their comments as appropriate.

To view the full product, including the scope and methodology, click on [GAO-08-220T](#). For more information, contact Katherine Siggerud at (202) 512-2834 or siggerudk@gao.gov.

MOTOR CARRIER SAFETY

Preliminary Information on Challenges to Ensuring the Integrity of Drug Testing Programs

What GAO Found

FMCSA faces two key challenges in ensuring that commercial motor carriers have drug testing programs in place. First, there appears to be a significant lack of compliance among motor carriers, particularly small carriers and self-employed drivers. Violations of drug testing protocols are noted in more than 40 percent of FMCSA's safety audits conducted since 2003 of carriers that have recently started operations and more than 70 percent of the compliance reviews conducted on carriers already in the industry since 2001. These problems also extend to service agents, which are entities that collect urine samples or administer other aspects of the program. For example, GAO investigators working under cover tested 24 collection sites and determined that 22 did not fully comply with applicable protocols. The second challenge is that FMCSA's oversight activities are limited, both in quantity and scope. Safety audits, which are targeted at new entrants, began in 2003 and, as a result, do not affect carriers in business earlier than 2003. Such companies can be covered in compliance reviews, but these reviews occur at only about 2 percent of carriers a year, according to FMCSA data. In addition, FMCSA oversight does not specifically address compliance by service agents, such as collection sites, unless there are particular allegations or complaints.

Even when FMCSA is able to ensure that carriers and others are in compliance with drug testing requirements, there are additional challenges in ensuring the integrity of drug testing programs. The urine test itself can be subverted in various ways, such as adulterating or diluting the urine sample or substituting synthetic urine or a drug-free sample. Products designed to "beat" the test are brazenly marketed on the Internet. The extent to which subversion is occurring is unknown—and is impossible to determine. SAMHSA officials with whom we met told us when adulterants work well and destroy the evidence of their presence, they are undetectable. Furthermore, the required urine test has certain limitations. For example, it covers only five drug categories (marijuana; cocaine; amphetamines; opiates, such as heroin; and phencyclidine (PCP)), and it may provide a clean result if a person has not used any of these drugs within the past several days. Finally, drivers may not disclose instances in which they failed previous drug tests. If they are able to remain drug-free for enough time to pass a preemployment test, their new employer may not know about their past history of drug use.

GAO identified various options to address these challenges, some of which were proposed by carriers, industry associations, DOT, and others. These options include publicizing educational information about the regulations for carriers, service agents, and drivers; encouraging carriers to do more to ensure service agent compliance; improving and expanding FMCSA oversight and enforcement authority; adopting federal legislation to prohibit products designed to tamper with a drug test; and developing a national reporting requirement for past positive drug test results. GAO's ongoing work will examine the advantages and disadvantages of the various options in more detail; we expect to issue the report in May 2008.