



# ODAPC Dispatches

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*Our Mission:*

*To ensure the safety of the traveling public; reduce the demand for illicit drugs; deter the use of illicit drugs & the misuse of alcohol in the transportation industry; and create prevention & treatment opportunities for transportation employers & employees.*

## **ODAPC Safety / Consumer Alert on Breath Testing Device**

Employers covered under DOT & USCG drug & alcohol testing regulations should not use the "Alcohol √" disposable breath alcohol screening device manufactured by Akers Biosciences, Inc.'s of Thorofare, NJ.

At the end of February, The National Highway Traffic Safety Administration (NHTSA) notified Akers Biosciences that its breath alcohol screening device "Alcohol √" was not in compliance with NHTSA requirements for a breath screening device.

NHTSA originally approved the Akers' device in May 2001, but recent testing showed that the device had been substantially modified, creating both false positives and false negatives.

Based on the report from NHTSA, ODAPC is concerned that use of a device that produces false positives and false negatives is not suitable to guarantee public safety or a fair program. Therefore, ODAPC asks that all regulated employers not use any of the Akers "Alcohol √" alcohol screening devices. While the original device did meet NHTSA's requirements, consumers have no way of distinguishing between the original Akers device and the non-conforming modified device. Out of concern for the safety of the traveling public, DOT is recommending that none of the "Alcohol √" devices be used.

Remember that all breath alcohol screening devices must appear on NHTSA's conforming products list to be used in DOT & USCG drug & alcohol testing. For a complete list of conforming products, visit [http://www.dot.gov/ost/dapc/bat\\_stt.html](http://www.dot.gov/ost/dapc/bat_stt.html).

## **Management Information Systems (MIS) Reporting**

By March 15, 2005, many employers regulated by DOT and/or USCG are required to have submitted Management Information Systems (MIS) data of drug and alcohol testing.

To make it easier for these employers, ODAPC has created a MIS PAGE <http://www.dot.gov/ost/dapc/mis.html> with regulatory specific text on who must submit a MIS report, when and how. The MIS PAGE also contains links to DOT Agency and USCG specific sites with instructions on submitting the MIS reports.

Employers with questions about MIS reporting requirements should contact DOT Agency or USCG Drug and Alcohol Program managers at <http://www.dot.gov/ost/dapc/oamanagers.html>.

Have friends in the same boat? Then, don't hesitate to forward this announcement to other employers subject to DOT or USCG drug & alcohol testing regulations.

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## **Two New DOT Agencies: The Research & Innovative Technology Administration (RITA), and Pipeline & Hazardous Materials Safety Administration (PHMSA)**

U.S. Transportation Secretary Norman Y. Mineta announced the creation of two new agencies at DOT to help the Department more effectively execute its mission of developing and applying innovative technologies to create the transportation system of the 21st century. RITA is to focus on innovation and research, and PHMSA will work pipeline and hazardous materials safety issues.

The new agencies began operating Feb. 20, a week before the deadline set by Congress. RITA and the PHMSA were authorized on Nov. 30, 2004 when President Bush signed the Norman Y. Mineta Research & Special Programs Improvement Act.

"These new agencies will help the Department focus on two critical priorities for our nation's transportation system -- innovation and safety," Secretary Mineta said. "RITA reflects how important research and technology are to our core mission, while the creation of PHMSA will continue and strengthen our commitment to safety."

RITA is dedicated to the advancement of the department's priorities for innovation and research in transportation technologies and concepts. Visit their web site at <http://www.rita.dot.gov/>.

PHMSA oversees the safety of the more than 800,000 daily shipments of hazardous materials in the United States and 64 percent of the nation's energy that is transported by pipelines. Visit their web site at <http://www.phmsa.dot.gov/> . PHMSA will have responsibility for the drug testing program formerly operated by RSPA for the pipeline industry.

With the creation of these two agencies, the Research & Special Projects Administration (RSPA) was ended with components of RSPA being reorganized into the two new administrations.

RITA will be composed of the following:

- RSPA's Office of Innovation, Research and Education,
- The Volpe National Transportation Systems Center in Cambridge, MA,
- The Transportation Safety Institute in Oklahoma City, OK.
- The Secretary's Office of Intermodalism
- The Bureau of Transportation Statistics.

PHMSA will be composed of the following:

- RSPA's Office of Hazardous Materials Safety
- RSPA's Office of Pipeline Safety will form PHMSA.

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