



Notice: Federal Drug Testing Custody and Control Form & Technical Amendment
49 CFR Part 40 - Interim Final Rule (IFR)
Effective October 1, 2010

The IFR provides instructions to employers, collectors, laboratories, and Medical Review Officers (MROs) for use of the new Department of Health and Human Services (HHS) Federal Drug Testing Custody and Control Form (CCF), and it offers a technical amendment to laboratories regarding mandatory reporting of confirmed positive drug / drug metabolite quantitations to MROs. The effective date of the IFR is October 1, 2010. The IFR is at: <http://edocket.access.gpo.gov/2010/pdf/2010-24038.pdf>.

Regarding Use of the CCF:

1. DOT- regulated employers and their service agents are authorized to begin using the new CCF on October 1, 2010.

The new CCF is at: <http://www.reginfo.gov/public/do/DownloadDocument?documentID=189034&version=1>

2. Use of old CCFs is permitted through September 30, 2011, because of the large number of existing supplies. If the old CCF is used on or before September 30, 2011, collectors and laboratories will:
 - a. **Collector:** Write in the specific DOT Agency under which the specimen is collected in the Remarks Section in Step 2 on Copy 1 of the old CCF.
 - b. **Laboratory:** Before transmitting a confirmed positive drug test for MDMA, MDA, or MDEA, as appropriate, to the MRO, check "positive" box and write in the specific MDMA, MDA, or MDEA analyte in the "Remarks" section in Step 5-A of Copy 1.

3. The IFR provides instructions for:

- a. Filling out Step 1-D on Copy 1 of the new CCF, which now includes the Federal testing authorities – HHS; DOT; and Nuclear Regulatory Commission (NRC), with further specificity for the DOT Agencies – FMCSA; FAA; FRA; FTA; PHMSA; and the USCG;
- b. Filling out Step 5-A on Copy 1 of the new CCF, which now lists MDMA, MDA, and MDEA, as well as "Δ9-THCA" after "Marijuana Metabolite" and "BZE" after "Cocaine Metabolite" to specify the drug analytes;
- c. Filling out Step 6 on Copy 2 of the new CCF, which now has a line for the MRO to note the drug(s) for which a positive result is verified, and a new line item "other" for documenting other "refusal to test" situations – for example, when there is no legitimate medical explanation for the employee providing an insufficient amount of urine;
- d. Filling out Step 7 on Copy 2 of the new CCF, which now has a box the MRO is to check if a split specimen is reported as cancelled; and
- e. Revised instructions for completing the CCF are on the reverse side of Copy 5.

Other Items:

- In harmonizing with HHS, Part 40 will require mandatory reporting of confirmed positive drug / drug metabolite quantitations by laboratories to MROs.
- A new section §40.14 was added to spell-out, in a single Part 40 section, the information employers and their C/TPAs must routinely provide to collectors.

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