



This crash made national headlines, when an Amtrak train carrying Republican congressional members hit a refuse truck stopped on a crossing. The National Transportation Safety Board determined the driver was impaired from the combined effects of marijuana and gabapentin. The carrier's drug-testing program used over-the-counter kits and did not meet federal requirements.



PHOTO: NTSB

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TRUCKERS, DRUGS, AND SAFETY

Amid national trends such as the rapid rise of marijuana legalization and a continuing opioid abuse crisis, trucking faces some disturbing trends of its own.

In January 2018, a refuse-truck operator drove around a railroad-crossing gate in Virginia, only to find he couldn't negotiate around the other

gate without damage to his truck or the gate arm. He remained motionless as a passenger train carrying Republican congressional members to a retreat bore down on the crossing. The collision killed one of the passengers in the truck and injured others in the truck and on the train. The National Transportation Safety Board concluded that the driver was impaired by a mixture of marijuana and a prescription pain medication.

In the summer of 2018, a truck driver hit a school bus full of eighth-graders from a Milwaukee area school on a field trip to the Wisconsin Dells, injuring more than 20 people, several seriously; two had to be airlifted to the hospital. He allegedly had taken too much prescription medication — Xanax — plus another anti-anxiety med.

An Eastern Kentucky truck driver is spending 55 years in prison for causing a 2015 crash on I-75 near Chattanooga, Tennessee, that killed six people. Benjamin Brewer slammed into stopped traffic in a work zone without ever hitting his brakes. The NTSB blamed fatigue and drugs after his blood tested positive for methamphetamine.

These situations are the exception, not the rule, thanks to federal drug-testing rules and national commercial driver's license standards that went into effect in the 1990s.

But increasing legalization of marijuana at the state level, a nationwide opioid crisis, and a growing awareness of the widespread abuse of anti-anxiety medications, have raised concerns that more truck drivers are using drugs than we may think, and that the number is growing. And one group of trucking companies believes that "alarm-

"Our internal data within the Trucking Alliance show that we really do have an opioid problem in the trucking industry; we also have a cocaine problem."

— Lane Kidd, Alliance for Driver Safety & Security

ing" hair-testing results show that the urine-based federal drug-testing program is missing a lot of drug users.

Do the statistics tell the whole story?

Federal Motor Carrier Safety Regulations Part 382 outlines drug- and alcohol-testing requirements for motor carriers that employ commercial-vehicle drivers.

The positive rates for random testing are below 1%, according to the 2017 Federal Motor Carrier Safety Administration Drug and Alcohol Testing Survey, released in early January, which showed it was 0.8%, the same as in 2016.

However, those numbers may not tell the whole story.

FMCSA also requires drug and alcohol testing on drivers when:

- The driver is being considered for employment.
- The driver has been involved in a crash involving a fatality or when the driver is cited in a tow-away or injury-related crash.
- The driver is suspected by a supervisor of using drugs or alcohol while at work.

Last fall, Quest Diagnostics, a major drug-and-alcohol-testing provider, dug further into testing results by industry sector. Looking at both random and non-random testing, it found that between 2015 and 2017, the transportation and warehousing sector

saw the largest overall increase in positive tests of any sector, in large part due to significant increases in positive tests for cocaine and marijuana. The sector's overall positivity rate was lower than the majority of other sectors Quest reported on, but the rate of increase is a concern. Year over year, the rate of positive tests for cocaine increased 23% and for marijuana by 33%, Quest reported.

Neither of these sets of statistics includes the addition of four prescription opioids to the Department of Transportation's drug-testing panel starting in 2018. Quest said that change contributed to large increases in positive drug-testing rates in the federally mandated safety-sensitive workforce, which includes commercial drivers. That was especially true for post-accident testing, where the rate jumped more than 51%, from 3.1% in 2017 to 4.7% in 2018.

In addition, critics contend that the urine testing required by federal rules only catches a fraction of drug-using truck drivers. Advocates say hair testing offers a longer look back into an applicant's drug use and makes it more difficult to cheat.

Maverick Transportation, an Arkansas-based carrier hauling flatbed and refrigerated freight, has been hair-testing driver applicants since 2012. Out of 8,211 drivers tested, says Dean Newell, vice president of safety and driver training, there were 235 positives — but only 11 drivers who failed both hair and urine tests taken at the same time.

"So that's 224 that passed the urine test," but not the hair test, Newell says — 224 applicants that had used drugs in the recent past, who the company otherwise might have hired if they were using only the DOT-required urine tests.

'Alarming' numbers

Maverick is a member of the Alliance for Driver Safety & Security, a group of safety-conscious trucking and logistics companies

pushing for reforms. The Trucking Alliance, as it's known, wants the Department of Transportation to recognize hair testing for pre-employment testing in place of a urine test.

Currently, carriers that use hair-testing must pay for both it and the required urine tests. They believe hair-testing, though twice the cost of urine testing, helps keep drug-impaired drivers out of their fleets.

This dual testing means the Trucking Alliance has been able to compare pre-employment hair-testing vs. urine-testing results for the same drivers — and the numbers are “alarming,” says Lane Kidd, managing director of the Alliance.

The group has found that hair testing is nine times more effective in identifying drug users than the current urine test. Those numbers are preliminary; at press time, the Alliance was finishing up its analysis of the data. But what he's seen so far, Kidd says, is disturbing.

“Our internal data within the Trucking

Alliance show that we really do have an opioid problem in the trucking industry; we also have a cocaine problem in the trucking industry. Our test results show that marijuana is way back in third,” he says.

Arkansas-based J.B. Hunt Transport, one of the largest for-hire trucking companies in the country, has conducted hair tests on driver applicants for over a decade. More than 4,700 driver applicants who passed the urine test were identified as lifestyle drug users by analysis of their hair samples.

“There is no place for illegal drug use in the transportation industry,” says Greer Woodruff, J.B. Hunt's senior vice president of safety and security, “Hair tests substantially reduce the chance that lifestyle drug users are behind the wheel endangering the public.”

Driving high

Quest Diagnostics' rate of positive drug tests across all industries hit a 14-year high in

2018, and marijuana was at the top of the list.

And no wonder: There are only 14 states where marijuana use is completely illegal, according to DISA, another workplace drug testing service, as more and more states allow legal medical or recreational use of marijuana to some extent.

However, as far as the federal government is concerned, marijuana remains classified as a Schedule I substance under the Controlled Substances Act. Thus, distribution of marijuana is a federal offense, and it's still illegal for anyone with a commercial driver's license to use — even if they are operating intra-state in a state where cannabis use is legal.

“Use of THC [Tetrahydrocannabinol, the primary psychoactive component of cannabis] is forbidden for a regulated driver, no matter the source,” explains Kathy Close, a transportation editor at safety and compliance consultants J.J. Keller & Associates. “As a result, medical and recreational marijuana and some CBD oils, even if legal under state law, are federally banned.”

Abigail Potter, the self-proclaimed “drug czar” of the American Trucking Associations, notes that it's not just those with a CDL who are affected. Even for drivers operating commercial vehicles under 26,000 pounds that don't require a CDL, “you still have to be medically qualified to operate, and one of the requirements is to not use a controlled substance, which includes marijuana.”

Even if buying, selling, or using marijuana is legal in a state, actually driving under the influence of marijuana is illegal in all 50 states and D.C., whether you're a commercial driver or not — for good reason.

Marijuana impairment behind the wheel causes drivers to exhibit poor judgment, decreased motor coordination, and decreased



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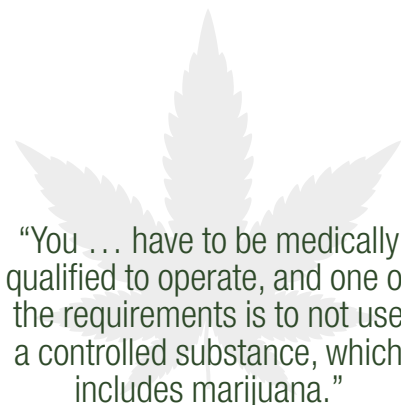
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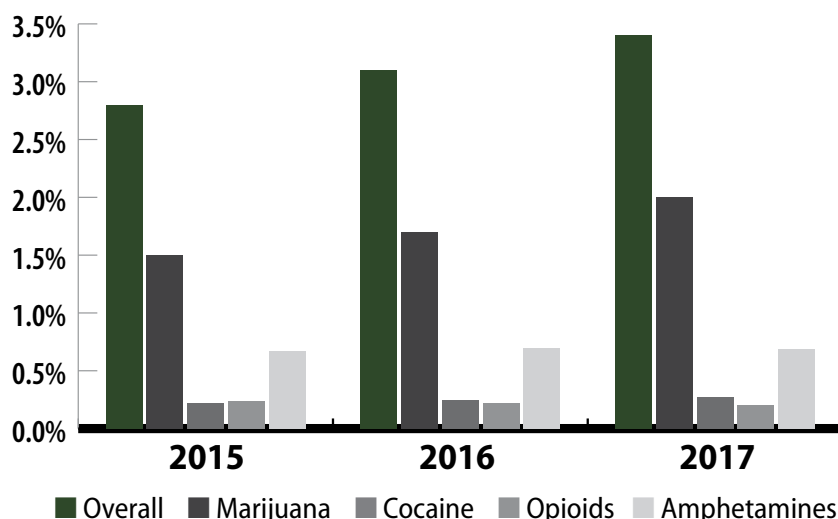
– Abigail Potter, American Trucking Associations

reaction time. And marijuana impairment while driving is likely to become a larger problem as legal access to the drug increases, notes the American Transportation Research Institute, the research arm of ATA.

Marijuana use already appears to be leading to an increased number of crashes. Crashes are up by as much as 6% in Colorado, Nevada, Oregon and Washington, compared with neighboring states that haven't

POSITIVE DRUG TESTS ON THE RISE IN TRANSPORTATION AND WAREHOUSING SECTOR

Urine testing for pre-employment, random, and post-accident



SOURCE: QUEST DIAGNOSTICS DRUG TESTING INDEX

Quest Diagnostics reports that between 2015 and 2017, the transportation and warehousing sector experienced the largest overall drug-test positivity increase of any sector, in large part due to significant increases in positive tests for cocaine and marijuana.



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legalized marijuana for recreational use, according to research by the Insurance Institute for Highway Safety and Highway Loss Data Institute.

One of the first states to legalize marijuana was Colorado, back in 2014. Greg Fulton, president of the Colorado Motor Carriers Association, has gotten a good look at the impact on trucking in the state. He says he knows one Colorado carrier that tells applicants to not even bother to apply if they have partaken of cannabis within a certain period of time — yet that fleet still was getting a 60% failure rate on its pre-employment testing.

But marijuana is not the only problem drug on the rise, inside trucking and out.

The opioid epidemic

Opioids are a class of drugs that include the illegal drug heroin, synthetic opioids such as fentanyl, and prescription pain relievers such as OxyContin, Vicodin, and co-

“We’re talking about a small percentage of people who cause a bad name for our industry.”

– Dennis Dellinger, Cargo Transporters

deine. The Department of Health and Human Services in 2017 declared opioid abuse to be a public health emergency.

Opioids are increasingly involved in fatal crashes. A study published by the Journal of the American Medical Association “provides compelling evidence that driver use of prescription opioids may double the risk of fatal two-vehicle crash initiation,” according to study co-authors Stanford Chihuri

and Guohua Li, with the Center for Injury Epidemiology and Prevention at Columbia University Medical Center.

To help address this nationwide epidemic, the DOT added four prescription opioids to its drug-testing panel, effective in 2018: hydrocodone, hydromorphone, oxycodone and oxycodone. It noted that these four drugs are already tested for in many transportation employers’ non-DOT testing programs, “because of their widespread use and potentially impairing effect.”

ATA welcomed FMCSA’s move. “We have a lot of companies that have been doing hair testing for years, and they started to notice that trend of increased opiate use,” Potter says.

One of those is Maverick. “I’m seeing more opiates and opioids than I’ve ever seen,” Newell says. “Everyone’s talking about we’ve got a problem in this country, and I’m seeing that, too. No longer is marijuana the number one” drug detected in the fleet’s drug testing; “it’s like number three or four.”

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DRUG AND ALCOHOL CLEARINGHOUSE ON THE WAY

A long-awaited federal drug and alcohol clearinghouse, after many delays, is scheduled to go into effect next year.

The clearinghouse has long been advocated for by motor carriers concerned about truck drivers who fail a drug and alcohol test at one company but are able to find a way to pass a test at another company and get hired. There's currently no way for a hiring company to know if a candidate has failed a drug test at another company. The clearinghouse aims to change that.

The clearinghouse will be a secure online database that will allow the Federal Motor Carrier Safety Administration, employers of commercial vehicle drivers, state driver licensing agencies, and law enforcement officials to identify – in real-time – commercially licensed drivers who have violated federal drug- and alcohol-testing requirements.

One shortcoming of the new system is that it will only include DOT-mandated testing results. "While employers may conduct drug and alcohol testing that is outside the scope of the DOT testing requirements, positive test results or refusals for such non-DOT testing may not be reported to the clearinghouse," explains an FMCSA website devoted to information about the new system.

For advocates who use optional hair analysis to test drivers for drugs and say it's far more accurate than the required urine testing, that's a loophole. But it's a start.

Also of rising concern is an increasing number of people taking benzodiazepines, or "benzos," such as Xanax and Ativan — sedatives used to treat anxiety and sleeplessness. They can be especially dangerous when taken with opioids. Obviously, something that can be used to help patients sleep is of concern when used by professional drivers. However, these medications are not included in the DOT's drug-testing panel. Some fleets are testing for them anyway.

Uppers: A trucking challenge

For commercial drivers, stimulants may be a larger problem than for the general public. This includes illegal drugs such as cocaine, methamphetamine, and ecstasy, and prescription medications such as Adderall and Dexedrine.

Even though hours-of-service rules have long regulated driver workday maximums and rest minimums, and electronic logging devices were mandated in 2017 to track those hours, drivers may still be prone to fatigue or even simply highway hypnosis.

It's easy to understand the temptation to take an "upper." But these stimulants can change perceptions and reaction time, and even cause hallucinations.

"Back before drug and alcohol testing, that was a common thing in this industry," says Dennis Dellinger, president of North-Carolina-based truckload carrier Cargo Transporters, a member of the Trucking Alliance. "They called them the uppers or the cross-roads or whatever, and it was pretty ram-

pant in the industry. People didn't like to talk about it, but it existed."

Cargo Transporters, which has more than 500 tractors, started hair testing for pre-employment about two years ago. In 2018, the company ran 275 drivers through urine and hair pre-employment drug tests. Out of those, 15 tested positive in hair testing, but only one came back positive on the urine test. And about half of those were for stimulants such as cocaine.

Nevertheless, Dellinger believes the situation is better now than it was before drug- and alcohol-testing was put into place. Most drivers today recognize their livelihoods depend on staying drug-free, he says. Those who fail? "We're talking about a small percentage of people who cause a bad name for our industry."

Letting those substance abusers slip through the cracks can have devastating consequences, in terms of fatalities, injuries, crash costs, and lawsuits. It can happen even to carriers that are following all the rules. But in the face of a major driver shortage, others may be sloppy in their background checks and drug-testing programs, or even purposely overlook signs of trouble — until one of their drivers causes a crash, possibly killing themselves or others, or ends up on the wrong end of an NTSB investigation, a lawsuit, or a jail sentence. 🚚



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