

**Department of Transportation**  
**Office of the Secretary**  
**SUPPORTING STATEMENT**  
**49 CFR Part 40**  
**Procedures for Transportation Workplace**  
**Drug and Alcohol Testing Programs**  
**OMB Control # 2105-0529**

**Summary:**

**Request for renewal of previously approved information collection 2105-0529. The number of annual burden hours has decreased, by 110,459 hours, primarily due to fewer drug and alcohol tests being performed. 1,059,084 fewer responses were received in 2010 when compared to the previous estimates. See item #15 for more detailed explanation.**

**Justification**

**1. Explain the circumstances that make the collection of information necessary. Attach a copy of the appropriate statute or regulation mandating or authorizing the collection of information.**

Five of the Department's Operating Administrations (OA) – Federal Motor Carrier Safety Administration (FMCSA), Federal Aviation Administration (FAA), Federal Transit Administration (FTA), Federal Railroad Administration (FRA) and the Pipeline and Hazardous Materials Safety Administration (PHMSA) and the United States Coast Guard<sup>1</sup> – require drug and alcohol testing for safety-sensitive employees in their regulated industries. With few exceptions, however, all the drug and alcohol tests performed under the five OA and USCG regulations are conducted using a single source of drug and alcohol testing procedures – 49 CFR Part 40. The Office of the Secretary of Transportation (OST) is the proponent of Part 40.

The Department of Transportation (DOT) first published drug testing procedures – 49 CFR Part 40 – on November 21, 1988 [53 FR 47002] as an interim final rule and a year later on December 1, 1989 issued a final rule [54 FR 49852]. Part 40 prescribed the technical testing process that had to be adhered to by those required to implement existing OA drug testing regulations.

On October 28, 1991, the President of the United States signed Public Law 102 - 143, the Omnibus Transportation Employee Testing Act of 1991 (“the Act”) [Appendix A]. The Act compelled the Department to prescribe regulations that would require testing of safety-sensitive

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<sup>1</sup> For purposes of following the requirements of 49 CFR Part 40, “DOT, The Department, DOT Agency” is defined, at 40.3, to include the United States Coast Guard. The USCG has a memorandum of understanding [see appendix E] in which it follows 49 CFR Part 40 regulations.

employees in the aviation, highway, rail, and transit industries. The Act specifically mandated, among other things, privacy in collection techniques, incorporation of Department of Health and Human Services' (HHS) mandatory guidelines for drug testing and comparable safeguards for alcohol testing, collection of split samples of body fluid specimens, and confidentiality of test results. It required pre-employment, random, post-accident, and reasonable suspicion testing. Regulations prescribed by the Act needed to include provisions for identification of, and opportunity for treatment for, covered employees in need of assistance due to misuse of alcohol or illegal use of controlled substances.

The Act required changes to Part 40 (e.g., split specimen testing for drugs and provisions for alcohol testing) and to some of the OA regulations. The changes to Part 40, as directed by the Act, were published on February 15, 1994 [59 FR 7340].

In December 2000 [65 FR 79462], Part 40 was revised to produce a cleaner, better organized, simpler-to-follow rule that incorporated the most important guidance and interpretations and dealt creatively with numerous changes in the transportation and testing industries. It also served to introduce procedures designed to strengthen the quality and integrity of the testing program. Since the December 2000 revision, Part 40 was amended several times.

Overall, Part 40 directs the activities of numerous persons in the drug and alcohol testing process. Among these are transportation employees and employers, as well as, service agents – urine collectors, forensic laboratory testing personnel, Medical Review Officers, Breath Alcohol Technicians, Screening Test Technicians, and Substance Abuse Professionals.

DOT Goal: The Office of Drug and Alcohol Policy and Compliance (ODAPC) regulation and associated paperwork burdens support three Department of Transportation goals – the Safety Strategic Objective; the Security Measures; and the Environmental Stewardship Strategic Objective. The regulatory requirements help promote the safety of the traveling public by working toward the elimination of drug and alcohol related transportation deaths and injuries; the security of Americans by working toward ensuring that transportation employees are not hindered by drug and alcohol abuse; and protecting the natural environment by working toward reduction of drug and alcohol use being factors in toxic spills and releases.

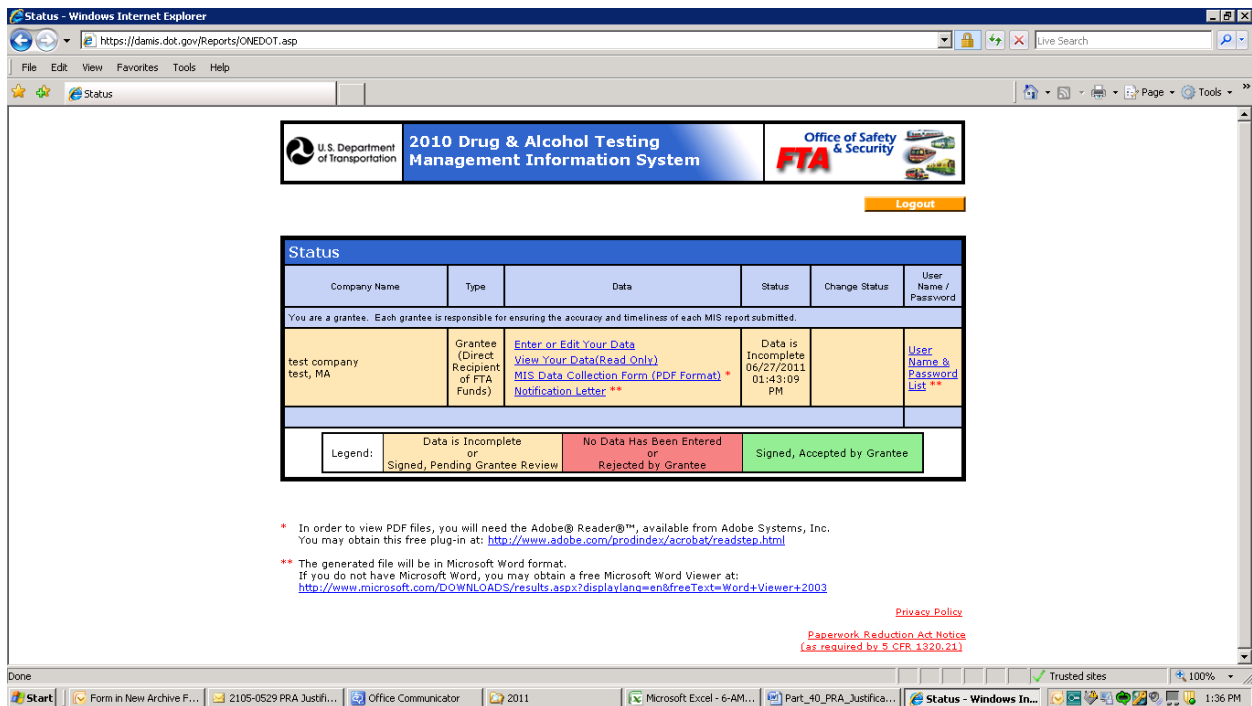
## **2. Indicate how, by whom, and for what purpose the information is to be used, and the actual use made of the information.**

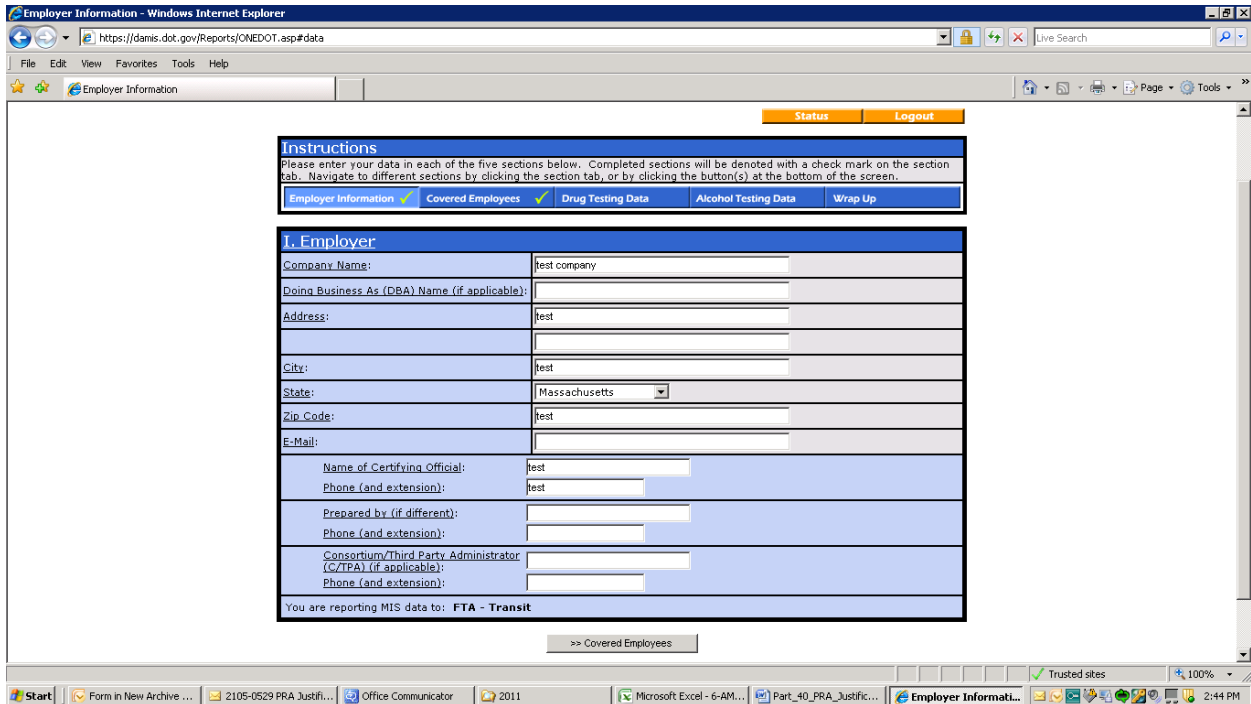
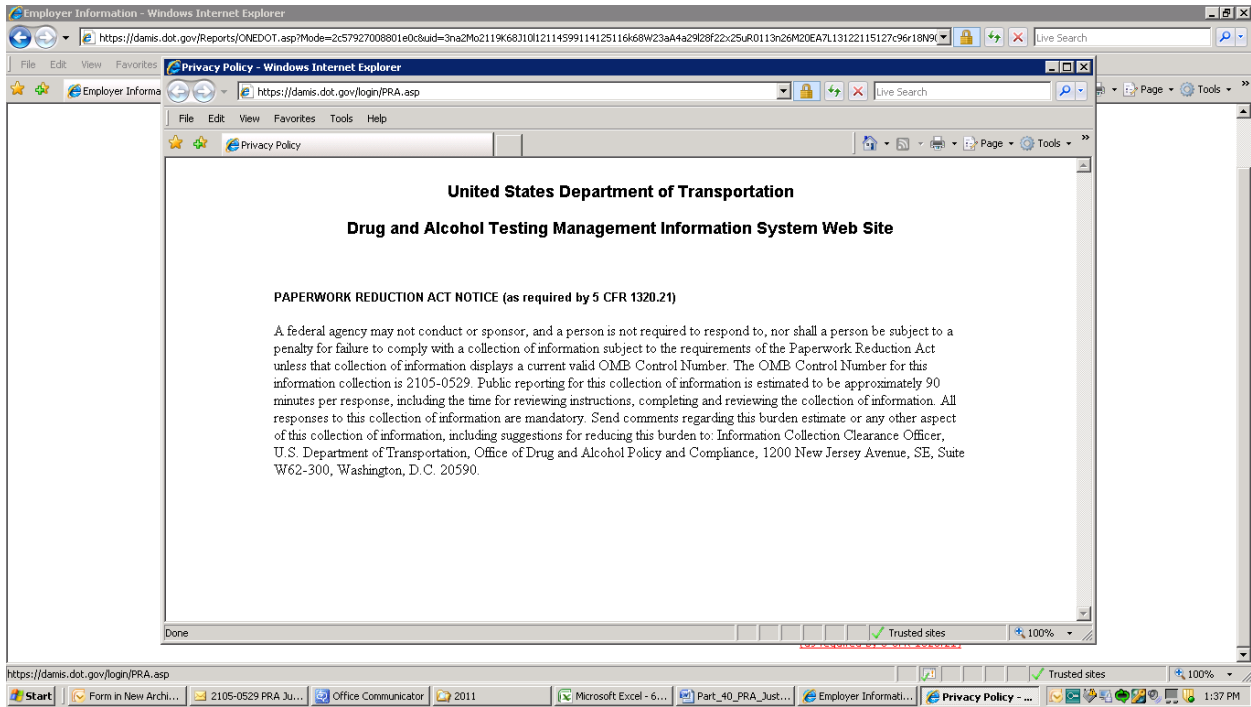
Part 40 requires the collection of information from a variety of transportation employers, employees and service agents. To ensure the required quality (e.g., privacy, accuracy and confidentiality) of the drug and alcohol testing services provided, OST requires documentation in the collection of urine, breath, and saliva specimens; screening and confirmation of specimen tests; the medical review of results; and the treatment recommendations for those testing positive for drug use or alcohol misuse. This information is used by employers and Department representatives to ensure that those testing positive are removed from safety-sensitive functions, that program problems are immediately identified and corrected, that quality assurance efforts

are working, that security and privacy measures are upheld, and that the fairness and credibility of the Department’s testing efforts are maintained.

**3. Describe whether, and to what extent the collection of information involves the use of automated, electronic, mechanical, or other forms of information technology. Also describe any consideration of using information technology to reduce burden.**

The Department believes the increased use of electronic methods is both inevitable and beneficial. Since the program’s inception, Part 40 was updated to permit scanned computer images for reporting drug and alcohol test results. The program also permits the electronic transmission of laboratory results reports to MROs and the electronic storage of certain testing data and information. The Department permits employers to submit year end aggregate testing data via the Internet (Previous submissions were all completed by hand and mailed to the respective OAs). In our estimation, approximately 89% of the 2009 MIS reports were submitted electronically. The following are screen shots of the various data elements the user would input into the system.





Covered Employees - Windows Internet Explorer  
 https://damis.dot.gov/Reports/ONEDOT.asp#data

U.S. Department of Transportation **2010 Drug & Alcohol Testing Management Information System** Office of Safety & Security **FTA**

Status Logout

**Instructions**  
 Please enter the total number of employees in each employee category below. Enter a zero for any employee category for which you have no employees.

Employer Information Covered Employees Drug Testing Data Alcohol Testing Data Wrap Up

**II. Employees Subject to Testing:**

Employee Category	Total Number of Employees in this Category
Revenue Vehicle Operation	12
Revenue Vehicle & Equipment Maint.	12
Revenue Vehicle Control/Dispatch	12
CDL/Non-Revenue Vehicle	12
Armed Security Personnel	12
<b>Total Number of Employees in this Category:</b>	<b>60</b>

Employer Information << >> Drug Testing Data

[Privacy Policy](#)  
[Paperwork Reduction Act Notice \(as required by 5 CFR 1320.21\)](#)

https://damis.dot.gov/Reports/help.asp?a=130816a7de35c9739b=2000

Drug Testing Data - Windows Internet Explorer  
 https://damis.dot.gov/Reports/ONEDOT.asp#data

Drug Testing Data

A green check mark will appear next to the category name when it has been completed.

Incomplete	Revenue Vehicle Operation
Incomplete	Revenue Vehicle & Equipment Maint.
Incomplete	Revenue Vehicle Control/Dispatch
Incomplete	CDL/Non-Revenue Vehicle
Incomplete	Armed Security Personnel

**III. Drug Testing Data: [Revenue Vehicle Operation]**

Type of Test	Total Number Of Test Results (Should equal the sum of columns 2,3,8,10,11 & 12)	1	2	3	4	5	6	7	8	Refusal Results					13	
										Verified Negative Results	Verified Positive Results - For One Or More Drugs	Positive For Marijuana	Positive For Cocaine	Positive For PCP		Positive For Opiates
Pre-Employment																
Random																
Post-Accident																
Reasonable Suspicion																
Return-to-Duty																
Follow-up																
<b>Total</b>																

Undo Changes Clear All Set Blanks to Zero

Alcohol Testing Data - Windows Internet Explorer  
 https://damis.dot.gov/Reports/ONEDOT.asp#data

**Employee Categories:**  
 YOU MUST FILL IN EACH CATEGORY TO COMPLETE THIS PORTION OF THE REPORTING.  
 A green check mark will appear next to the category name when it has been completed.


Incomplete	Revenue Vehicle Operation
Incomplete	Revenue Vehicle & Equipment Maint.
Incomplete	Revenue Vehicle Control/Dispatch
Incomplete	CDL/Non-Revenue Vehicle
Incomplete	Armed Security Personnel

**IV. Alcohol Testing Data: [Revenue Vehicle Operation]**


Type of Test	1	2	3	4	5	6	Refusal Results		Cancelled Results
	Total # Of Screening Test Results (Should equal the sum of columns 2,3,7 and 8)	Screening Tests With Results Below 0.02	Screening Tests With Results 0.02 Or Greater	Number Of Confirmation Tests Results	Confirmation Tests With Results 0.02 Through 0.039	Confirmation Tests With Results 0.04 Or Greater	"Shy Lung" With No Medical Explanation	Other Refusals To Submit To Testing	
Pre-Employment*									
Random*									
Post-Accident*									
Reasonable Suspicion*									
Return-to-Duty*									
Follow-up*									
<b>Total</b>									

Undo Changes   Clear All   Set Blanks to Zero

Wrap Up - Windows Internet Explorer  
 https://damis.dot.gov/Reports/ONEDOT.asp#data



**2010 Drug & Alcohol Testing Management Information System**



Status
Logout

**Instructions**  
 Please electronically sign your submission when you have completed all sections. All sections must be completed, and all data validation errors must be corrected before your data can be signed and submitted.

Employer Information
Covered Employees
Drug Testing Data
Alcohol Testing Data
Wrap Up

**You have not yet electronically signed your data.**   [Download Data in Adobe PDF Format](#)

You have not finished entering your data.  
 Please click the following button(s) to return to any incomplete section(s).

Drug Testing Data
Alcohol Testing Data

Alcohol Testing Data <<

\* In order to view PDF files, you will need the Adobe® Reader™, available from Adobe Systems, Inc. You may obtain this free plug-in at: <http://www.adobe.com/prodindex/acrobat/readstep.html>

[Privacy Policy](#)  
[Paperwork Reduction Act Notice \(as required by 5 CFR 1320.21\)](#)

**4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purpose described in item 2 above.**

This information does not readily exist elsewhere.

**5. If the collection of information impacts small businesses or other small entities describe any methods used to minimize burden.**

In the past, employers regulated by the Department's drug and alcohol testing regulations and the USCG were in most instances required to submit annual aggregate drug and alcohol testing statistics. This required the employer to complete a form and then mail or fax it to the respective regulating DOT OA. The Department has developed a computer-based application which permits employers to submit year end aggregate testing data electronically via the Internet. We estimate, approximately 89% of the 2009 MIS reports were submitted electronically. Regulated employers with less than 50 employees may be required to submit MIS data when requested to do so by the regulating DOT Agency. Employers regulated by the USCG are required to submit MIS data regardless of size.

**6. Describe the consequences to Federal program or policy activities if the collection is not conducted or conducted less frequently, as well as any technical or legal obstacles to reducing burdens.**

Many DOT and USCG regulated employers rely on a number of persons or groups to coordinate and carry out their drug and alcohol testing responsibilities. Without this collection or by reducing the collection, program auditors and inspectors would not have information adequate to identify and address problems or compliance efforts in this safety program. In addition, legal chain-of-custody is imperative in ensuring that an individual's drug and alcohol test is an accurate reflection of the collection and testing event as well as in assigning a scientific result to a particular individual.

**7. Explain any special circumstances that would cause an information collection that would be inconsistent with the guidelines in 5 CFR 1320.5(d)(2)(i) - (viii).**

The information required is not in conflict with these guidelines.

**8. If applicable describe efforts to:**

**Notify the public of information collection prior to OMB submission:**

On April 13, 2011, the Office of Drug and Alcohol Policy and Compliance (ODAPC) published a 60-day notice in the Federal Register [76 FR 20804] Docket # DOT-OST-2011-0057, informing the public of ODAPC's intention to extend an approved information collection.

On July 19, 2011, ODAPC also published the required 30-day notice in the Federal Register [76 FR 42761] again informing the public of ODAPC's request to extend an approved information collection.

In both Federal Register notices, ODAPC solicited comments on whether the information collection is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility.

We asked whether the Department's estimate of the burden of the proposed information collection was accurate and for ways to enhance the quality, utility, and clarity of the information to be collected. The Department sought ways to minimize the burden for those who would have to provide the information, including the use of automated collection techniques or other forms of information technology.

### **Discussion of Comments to the Docket**

There were not comments to the docket on the 60-day notice. Comments to the 30-day notice are to be sent directly to the Office of Management and Budget.

### **Consultations outside of agency to obtain other views:**

OST has consulted with representatives from the Department's OAs, the USCG, HHS, and service agent groups. OST regularly consults with service agents regarding their concerns with the regulations.

### **Consultations with representatives of the effected population:**

OST regularly consults with DOT OAs, the USCG, employers, and service agents (e.g., Medical Review Officers, Substance Abuse Professionals, Urine Specimen Collectors, Screening Test Technicians, Breath Alcohol Technicians, and Consortia/Third Party Administrators), regarding their concerns with the regulations.

### **9. Explain any decision to provide payment or gift to respondents, other than remuneration of contracts or grantees.**

There are no circumstances of any payments or gifts to respondents.

### **10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulations, or agency policy.**

Some of the information to be collected contains information covered under the Federal Privacy Act and conditions of the provisions of privacy contained therein. The United States Supreme Court has upheld the privacy and confidentiality elements of the Department's testing program and chain-of-custody procedures contained in the Part 40 procedures. Some information



required of Part 40 can be released to third parties only after appropriate releases of information are signed.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

There are no issues pertaining to questions of this nature.

**12. Provide estimates of the hour burden of the collection of information.**

- A. Total Number of Respondents: 2,620,309 (see table below for an itemization)
- B. Total Number of Responses: 5,692,496 (see table below and worksheets in Appendix F for an explanation)
- C. Total Annual Hours Requested: 584,841 (see table below and worksheets in Appendix F for explanation)
- D. Current OMB Inventory: 695,300
- E. Difference: -110,459 (see item # 15 for an explanation)
- F. Explanation for Difference:
  - 1. Program Change: 5
  - 2. Adjustment: 110,454

**Summary Table of Burden Estimates:**

<b>PRA Item</b>	<b>Number of Respondents</b>	<b>Number of Responses</b>	<b>Burden Hours</b>	<b>Salary Costs (\$)</b>
Exemptions from Regulation Provisions Requests [40.7(a)]	1	1	3	84
Employer Stand-down Waiver Requests [40.21(b)]	5	5	40	1,120
Employee Testing Records from Previous Employers [40.25(a)]	728,324	1,667,672	222,235	6,225,968
Employee Release of Information [40.25(f)]	1,667,672	1,667,672	111,178	3,112,984

MIS Form Submission [40.26]	16,997	1,588	2,382	66,696
Collector (Qualification and Refresher) Training Documentation (40.33(b) & (e))*	5,000	5,000	333	9,324
Collector Error Correction Training Documentation [40.33(f)]	10,000	6,630	442	12,376
Laboratory Reports to DOT Regarding Unlisted Adulterant [40.91(e)]	1	1	1	28
Semi-Annual Laboratory Reports to Employers [40.111(a)]	48	480,693	32,046	897,288
Semi-Annual Laboratory Reports to DOT [40.111(d)]	48	76	5	140
Medical Review Officer (MRO) (Qualifications and Continuing Education) Training Documentation [40.121(c) & (d)]*	2,220	2,220	147	4,116
MRO Review of Negative Results Documentation [40.127(b)(2)(ii)]	11,000	250,665	16,711	467,908
MRO Failure to Contact Donor Documentation [40.131(c)(1)]	11,000	34,489	2,299	64,372
MRO Effort to Contact DER Documentation [40.131(c)(2)(iii)]	11,000	34,489	2,299	64,372
DER Successful Contact Employee Documentation [40.131(d)]	40,000	27,591	1,839	51,492
DER Failure to Contact Employee Documentation [40.131(d)(2)(i)]	40,000	6,897	459	12,852
MRO Verification of Positive Result Without Interview Documentation [40.133].	3,448	3,448	229	6,412
Adulterant/Substitution Evaluation Physician Statements [40.145(g)(2)(ii)(d)]	0	0	0	0
MRO Cancellation of Adulterant / Substitution for Legitimate Reason Reports [40.145(g)(5)]	0	0	0	0
Employee Admission of Adulterating / Substituting Specimen MRO Determination [40.159(c)]	15	15	1	28

Split Specimen Requests by MRO [40.171(c)]	2,372	2,372	158	4,424
Split Failure to Reconfirm for Drugs Reports by MRO [40.187(b)]	30	30	2	56
Split Failure to Reconfirm for Adulterant / Substitution Reports by MRO [40.187(c)]	4	4	1	28
Shy Bladder Physician Statements [40.193(f)]	510	510	43	1,204
MRO Statements Regarding Physical Evidence of Drug Use [40.195(b) & (c)]	0	0	0	0
Drug Test Correction Statements [40.205 (b)(1) & (2)]	25,000	51,000	6,800	190,400
Breath Alcohol Technician (BAT) / Screening Test Technician (STT) (Qualification and Refresher) Training Documentation [40.213(b)(c)&(e)**	2,000	2,000	133	3,724
BAT/STT Error Correction Training Documentation [40.213(f)]	66	66	4	112
Complete DOT Alcohol Testing Forms [40.225(a)]	10,000	1,326,085	176,811	4,950,708
Evidential Breath Testing Device Quality Assurance / Calibration Records [40.233(c)(4)]	10,000	10,000	666	18,648
Shy Lung Physician Statements [40.265(c) (2)]	66	66	4	112
Alcohol Test Correction Statements 40.271(b)(1)&(2)	132	132	9	252
Substance Abuse Professional (SAP) (Qualification and Continuing Education) Training Documentation 40.281(c)&(d)*	3,334	3,334	222	6,216
Employer SAP Lists to Employees [40.287]	10,000	47,430	3,162	88,536
SAP Reports to Employers [40.311(c),(d) & (e)]	10,000	60,000	4,000	112,000
Correction Notices to Service Agents [40.373(a)]	5	5	5	135

Notice of Proposed Exclusion (NOPE) to Service Agents [40.375(a)]	2	2	2	56
Service Agent Requests to Contest Public Interest Exclusions (PIE) [40.379(b)]	2	2	2	56
Service Agent Information to Argue PIE [40.379(b)(2)]	2	2	8	224
Service Agent Information to Contest PIE [40.381(a) & (b)]	2	2	8	224
Notices of PIE to Service Agents [40.399]	1	1	1	28
Notices of PIE to Employer and Public [40.401 (b) & (d)]	1	1	1	28
Service Agent PIE Notices to Employers [40.403 (b) & (d)]	1	300	150	4,200
<b>TOTAL</b>	<b>2,620,309</b>	<b>5,692,496</b>	<b>584,841</b>	<b>16,368,931</b>

\* pro-rated over a 5 year period based upon frequency of training requirement

\*\* pro-rated over a 5 year period based upon frequency of training requirement

The salary cost is based upon the Department of Labor's bureau of Labor Statistics average employee compensation hourly cost in 2009.

**NOTE: See Appendix F for explanation worksheets**

## Supplemental Program Information:

### A. Number of Employers Regulated by DOT's drug and alcohol testing program

FMCSA	700,000
FRA	750
FAA	6,900
FTA	3,224
PHMSA	2,450
USCG	15,000
<b>Total</b>	<b>728,324</b>

[Based on 2009 DOT Operating Administration data]

### B. Number of Employees Regulated by DOT's drug and alcohol testing program

FMCSA	7,000,000
FRA	113,000
FAA	450,000
FTA	273,300
PHMSA	190,00
USCG	150,000
<b>Total</b>	<b>8,174,600</b>

[Based on 2009 DOT Operating Administration data]

### C. Service Agents:

Urine Collectors	25,000
Laboratories	38
Medical Review Officers (MRO)	11,000
Substance Abuse Professional (SAP)	15,000
Breath Alcohol Technician (BAT) & Screening Test Technician (STT)	10,000

[Based on ODAPC and HHS data]

Drug Testing:

Drug Tests Annually	5,100,000
Laboratory Non-negative Rate	1.67%
Laboratory Non-negatives	86,224
MRO Verified Positive Rate	.93%
MRO Verified Positives	47,430

[Based on 2009 MIS and laboratory data]

D. Alcohol Testing:

Alcohol Tests Annually	1,326,085
Alcohol Positive Rate	.33%
Alcohol Positive Tests	4,376

[Based on 2009 MIS and Industry data]

**13. Provide estimates of total annual cost burden to respondents or record keepers resulting from the collection of information.**

There are no costs to the respondents.

**14. Provide estimates of annualized cost to the Federal government.**

There are no additional costs to the Federal Government.

**15. Explain the reasons for any changes or adjustments reported in items 13 or 14 of the OMB form 83-1.**

Overall the total burden hours have decreased by 110,459 (5 – program change; 110,454 – adjustments).

The program change of 5 burden hours was as a result of a regulatory change in which the laboratories were required to provide summary reports to DOT (see PRA item 40.111(d) in the table below).

The adjustments of 110,454 burden hours is represented by the fewer number of drug and alcohol tests performed by employers, which may be attributed to the lower number of non-

negative drug test results and a weak economy. The adjustments are mostly represented by reductions in:

- the number of requests for information from previous employers (39,655 hours),
- the number of employee's authorizing release of their testing information (19,767),
- the number of negative results reviewed by the MRO (6,289), and
- the number of alcohol tests performed (37,116 hours).

(See the table below for an itemization of the changes in burden hours)

<b>PRA Item</b>	<b>Number of Responses</b>	<b>Burden Hours</b>
Exemptions from Regulation Provisions Requests [40.7(a)]	1	3
<b>New</b>	1	3
<b>Difference</b>	0	0
Employer Stand-down Waiver Requests [40.21(b)]	10	80
<b>New</b>	5	40
<b>Difference</b>	5	40
Employee Testing Records from Previous Employers [40.25(a)]	1,964,178	261,890
<b>New</b>	1,667,672	222,235
<b>Difference</b>	296,506	39,655
Employee Release of Information [40.25(f)]	1,964,178	130,945
<b>New</b>	1,667,672	111,178
<b>Difference</b>	296,506	19,767
MIS Form Submission [40.26]	1,702	2,553
<b>New</b>	1,588	2,382
<b>Difference</b>	114	171

Collector (Qualification and Refresher) Training Documentation (40.33(b) & (e))	5,000	333
<b>New</b>	5,000	333
<b>Difference</b>	0	0
Collector Error Correction Training Documentation [40.33(f)]	13,800	920
<b>New</b>	6,630	442
<b>Difference</b>	7,170	478
Laboratory Reports to DOT Regarding Unlisted Adulterant [40.91(e)]	1	1
<b>New</b>	1	1
<b>Difference</b>	0	0
Semi-Annual Laboratory Reports to Employers [40.111(a)]	437,670	29,178
<b>New</b>	480,693	32,046
<b>Difference</b>	-43,023	-2,868
Semi-Annual Laboratory Reports to Employers [40.111(d)]	0	0
<b>New</b>	76	5
<b>Difference</b>	-76	-5
Medical Review Officer (MRO) (Qualifications and Continuing Education) Training Documentation [40.121(c) & (d)]	3,630	242
<b>New</b>	2,220	147
<b>Difference</b>	1,140	95



MRO Review of Negative Results Documentation [[40.127(b)(2)(ii)]	345,000	23,000
<b>New</b>	250,665	16,711
<b>Difference</b>	94,335	6,289
MRO Failure to Contact Donor Documentation [40.131(c)(1)]	69,000	4,600
<b>New</b>	34,489	2,299
<b>Difference</b>	34,511	2,301
MRO Effort to Contact DER Documentation [40.131(c)(2)(iii)]	48,300	3,220
<b>New</b>	34,489	2,299
<b>Difference</b>	13,811	921
DER Successful Contact Employee Documentation [40.131(d)]	47,817	3,187
<b>New</b>	27,591	1,839
<b>Difference</b>	20,226	1,348
DER Failure to Contact Employee Documentation [40.131(d)(2)(i)]	483	32
<b>New</b>	6,897	459
<b>Difference</b>	-6,414	-427
MRO Verification of Positive Result Without Interview Documentation [40.133].	483	32
<b>New</b>	3,448	229

<b>Difference</b>	-2,965	-197
Adulterant/Substitution Evaluation Physician Statements [40.145(g)(2)(ii)(d)]	0	0
<b>New</b>	0	0
<b>Difference</b>	0	0
MRO Cancellation of Adulterant / Substitution for Legitimate Reason Reports [40.145(g)(5)]	0	0
<b>New</b>	0	0
<b>Difference</b>	0	0
Employee Admission of Adulterating / Substituting Specimen MRO Determination [40.159(c)]	15	1
<b>New</b>	15	1
<b>Difference</b>	0	0
Split Specimen Requests by MRO [40.171(c)]	5,175	345
<b>New</b>	2,372	158
<b>Difference</b>	2,803	187
Split Failure to Reconfirm for Drugs Reports by MRO [40.187(b)]	61	4
<b>New</b>	30	2
<b>Difference</b>	31	2
Split Failure to Reconfirm for Adulterant / Substitution Reports by MRO [40.187(c)]	4	1

<b>New</b>	4	1
<b>Difference</b>	0	0
Shy Bladder Physician Statements [40.193(f)]	690	58
<b>New</b>	510	43
<b>Difference</b>	180	15
MRO Statements Regarding Physical Evidence of Drug Use [40.195(b) & (c)]	0	0
<b>New</b>	0	0
<b>Difference</b>	0	0
Drug Test Correction Statements [40.205 (b)(1) & (2)]	69,000	9,200
<b>New</b>	51,000	6,800
<b>Difference</b>	18,000	2,400
Breath Alcohol Technician (BAT) / Screening Test Technician (STT) (Qualification and Refresher) Training Documentation [40.213(b)(c)&(e)]	2,000	133
<b>New</b>	2,000	133
<b>Difference</b>	0	0
BAT/STT Error Correction Training Documentation [40.213(f)]	80	5
<b>New</b>	66	4
<b>Difference</b>	14	1

Complete DOT Alcohol Testing Forms [40.225(a)]	1,604,453	213,927
<b>New</b>	1,326,085	176,811
<b>Difference</b>	278,368	37,116
Evidential Breath Testing Device Quality Assurance / Calibration Records [40.233(c)(4)]	10,000	666
<b>New</b>	10,000	666
<b>Difference</b>	0	0
Shy Lung Physician Statements [40.265(c)(2)]	80	5
<b>New</b>	66	4
<b>Difference</b>	14	1
Alcohol Test Correction Statements [40.271(b)(1)&(2)]	160	11
<b>New</b>	132	9
<b>Difference</b>	28	2
Substance Abuse Professional (SAP) (Qualification and Continuing Education) Training Documentation [40.281(c)&(d)]	3,334	222
<b>New</b>	3,334	222
<b>Difference</b>	0	0
Employer SAP Lists to Employees [40.287]	114,000	7,600
<b>New</b>	47,430	3,162

<b>Difference</b>	66,570	4,438
SAP Reports to Employers [40.311(c),(d) & (e)]	40,960	2,730
<b>New</b>	60,000	4,000
<b>Difference</b>	-19,040	-1,270
Correction Notices to Service Agents [40.373(a)]	5	5
<b>New</b>	5	5
<b>Difference</b>	0	0
Notice of Proposed Exclusion (NOPE) to Service Agents [40.375(a)]	2	2
<b>New</b>	2	2
<b>Difference</b>	0	0
Service Agent Requests to Contest Public Interest Exclusions (PIE) [40.379(b)]	2	2
<b>New</b>	2	2
<b>Difference</b>	0	0
Service Agent Information to Argue PIE [40.379(b)(2)]	2	8
<b>New</b>	2	8
<b>Difference</b>	0	0
Service Agent Information to Contest PIE [40.381(a) & (b)]	2	8

<b>New</b>	2	8
<b>Difference</b>	0	0
Notices of PIE to Service Agents [40.399]	1	1
<b>New</b>	1	1
<b>Difference</b>	0	0
Notices of PIE to Employer and Public [40.401 (b) & (d)]	1	1
<b>New</b>	1	1
<b>Difference</b>	0	0
Service Agent PIE Notices to Employers [40.403 (a)]	300	150
<b>New</b>	300	150
<b>Difference</b>	0	0
<b>Total Old</b>	6,751,580	695,300
<b>Total New</b>	5,692,496	584,841
<b>Total Difference in burden hours</b>	1,059,084	110,459

**16. For collections of information whose results will be published, outline plans for tabulation and publication.**

The proposed information collection is not slated for publication.

**17. If seeking approval not to display the expiration date for OMB approval of the information collection, explain.**

Testing for alcohol (and drugs) as required by the Omnibus Transportation Employee Testing Act of 1991, is considered a long-term program. There are currently no plans to modify the content of the information on the alcohol form or the method of conducting alcohol tests. With this in mind, the DOT considers this form one that will be used well into the future. An expiration date could, in and of itself, create a problem in the field for the technicians (e.g. an employee might refuse to take a test because it appears that the form is outdated). Also in order to take advantage of the economy of scale, many printers of the form – including the Federal Government Printing Office – print this form in large quantities. An expiration date may unnecessarily reduce the value of these forms, and place an undue burden on employers to have more reprinted solely because of the date.

Similar to the alcohol testing form, the Management Information Form (MIS) has not been modified and there are no plans to modify the content of the form. The current form has not changed since its inception. The DOT considers this form one that will be used within the DOT Agencies and their regulated industries well into the future. The DOT Agencies would not want any employer to be out of compliance if they used an MIS form with the incorrect expiration date.

**18. Explain each exception to the certification statement identified in item 19 “Certification for Paperwork Reduction Act Submissions,” of OMB form 83-1.**

Not applicable.

**List of Appendices:**

- A. Omnibus Transportation Employees Testing Act of 1991
- B. 49 CFR Part 40
- C. Part 40 ATF Form
- D. Part 40 MIS Form
- E. USCG Memorandum Of Understanding
- F. PRA Worksheets

APPENDIX A:  
Omnibus  
Act



# Appendix B:

## 49 CFR Part 40

Appendix C:  
Part 40  
ATF Form

Appendix D:  
Part 40  
MIS Form

Appendix E:  
USCG  
Memorandum  
of  
Understanding

Appendix F:  
PRA  
Worksheets

## PRA Cost Indicator Worksheet

PRA Task: *Exemptions from Regulation Provisions Requests*

Regulation Citation: *40.7(a)*

*Narrative: Based upon past performance, we believe there will be few requests for exemptions to requirements in Part 40. We estimate that there will be 1 request per year and that each request will take approximately 3 hours to write. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

*# Exemption Requests: 1 annually*

*# Annual Burden Hours: 3*

*Annual Burden \$ Cost: \$84.00*

## PRA Cost Indicator Worksheet

PRA Task: *Employer Stand-down Waiver Requests*

Regulation Citation: *40.21(b)*



*Narrative: Based upon data from the Department's Operating Administrations and the USCG, there are 728,324 employers within the transportation industries. Operating Administration and ODAPC estimate that there will be 10 requests per year and that each request will take approximately 8 hours to write. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

*# Waiver Requests: 10 annually*

*# Annual Burden Hours: 80*

*Annual Burden \$ Cost: \$2,160.00*

## PRA Cost Indicator Worksheet

PRA Task; *Employee Testing Records from Previous Employers*

Regulation Citation: *40.25(a)*

Narrative: *Based upon MIS data from the Department's Operating Administrations and the USCG, we estimated there are 1,667,672 safety-sensitive employees hired annually within the transportation industries. Employers will have to obtain drug and alcohol testing records from previous employers for each of these employees. Both the gaining employer and the previous employer(s) will have roles in this process. We estimate that each report will take approximately 8 minutes to document. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

# Record Requests: *1,667,672 annually*

# Annual Burden Hours: *222,356*

Annual Burden \$ Cost: *\$6,003,619*

## PRA Cost Indicator Worksheet

PRA Task: *Employee Releases of Information*

Regulation Citation: *40.25(f)*

Narrative: *Based upon MIS data from the Department's Operating Administrations and the USCG, we estimated there are 1,667,672 safety-sensitive employees hired annually within the transportation industries. Employers will have to obtain drug and alcohol testing records from previous employers for each of these employees. Employees must sign releases of information before the information can be requested and provided. Both the employer and the employee will have roles in this release process. We estimate it will take approximately 4 minutes to write the release. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

# Releases of Information: *1,667,672 annually*

# Annual Burden Hours: *111,178*

Annual Burden \$ Cost: *\$3,001,809*

## PRA Cost Indicator Worksheet

PRA Task: *MIS Form Submission*

Regulation Citation: *40.26*

Narrative: *Based upon data from the Department's Operating Administrations, there are 728,324 employers within the transportation industries. Depending on the Operating Administration regulations, some of these employers may be required to submit aggregate annual drug and alcohol testing data via the Drug and Alcohol Testing MIS Data Collection Form. Based on the MIS data, 16,997 companies were required to submit a completed MIS form. Of the 14,228 MIS reports submitted, 89% were submitted electronically. We estimate that it will take approximately 90 minutes to complete the form. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

# MIS Form: *1,588 annually*

# Annual Burden Hours: *2,382*

Annual Burden \$ Cost: *\$64,314*

## PRA Cost Indicator Worksheet

PRA Task: *Collector (Qualification and Refresher) Training Documentation*

Regulation Citation: *40.33(b)&(e)*

Narrative: *Based upon collection industry and DOT data, there are approximately 25,000 urine collectors. This number has remained steady from year to year (as new collectors enter the field and seasoned collectors leave) for the past several years. All collectors must be trained and must document the fact that training took place. Documentation of the training is usually in the form of a letter or statement acknowledging the name of the participant, the date and location of training, and the name of the trainer attesting to the error-free collections, Because training requirements are on a 5-year cycle, we have calculated the training documentation requirement pro-rated over a 5-year period. We estimate it will take 4 minutes to document the training. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

# Collector Training Documentation: *5,000 annually*

# Annual Burden Hours: *333*

Annual Burden \$ Cost: *\$9,000*

## PRA Cost Indicator Worksheet

PRA Task; *Collector Error Correction Training Documentation*

Regulation Citation: *40.33(f)*

Narrative: *Based upon laboratory data, we have determined that 5.1 million drug tests annually are accomplished under DOT authority within the transportation industries. Of these tests, laboratories report that approximately .13% have fatal errors caused by collectors. When such errors occur, collectors must receive training focusing upon the error that resulted in a canceled test Documentation of this training must be made and is usually in the form of a letter or statement acknowledging the name of the participant, the date and location of training, and the name of the person attesting to the error-free collections. We estimate it will take approximately 4 minutes to write the error-correction statement. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

# Collector Error Training Documentation: *6,630 annually*

# Annual Burden Hours: *442*

Annual Burden \$ Cost: *\$11,934*

## PRA Cost Indicator Worksheet

PRA Task: *Laboratory Reports to DOT Regarding Unlisted Adulterant*

Regulation Citation: *40.91(e)*

Narrative: *Based upon past performance, we believe there will be few new adulterants reported annually to DOT. We estimate there will be 1 per year and that each report will take approximately .5 hours to write. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

# Unlisted Adulterant Reports: *1 annually*

# Annual Burden Hours: *1*

Annual Burden \$ Cost: *\$27*

## PRA Cost Indicator Worksheet

PRA Task: *Semi-Annual Laboratory Reports to Employers*

Regulation Citation: *40.111(a)*

Narrative: *Based upon data from the Department's Operating Administrations, there are 728,324 employers within the transportation industries. Approximately one-third of these employers are to receive a report (showing the drug testing accomplished) on a semi-annual basis from the laboratory they are using. Employers who do not conduct more than 5 tests during the 6-month period will not receive any report. We estimate it will take approximately 4 minutes to write the semi-annual report. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

# Laboratory Reports: *480,693 annually*

# Annual Burden Hours: *32,046*

Annual Burden \$ Cost: *\$865,247*



## PRA Cost Indicator Worksheet

PRA Task: *Semi-Annual Laboratory Reports to DOT*

Regulation Citation: *40.111(d)*

Narrative: *Based upon the Department of Health and Human Services listing of certified laboratories, there are 38 laboratories that provide drug testing services for DOT regulated employers. All of these laboratories are required to provide a report to DOT on a semi-annual basis. We estimate it will take approximately 4 minutes to write the semi-annual report. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

# Laboratory Reports: *76 annually*

# Annual Burden Hours: *5*

Annual Burden \$ Cost: *\$136*

## PRA Cost Indicator Worksheet

PRA Task: *Medical Review Officer (MRO) (Qualification and Continuing Education) Training Documentation*

Regulation Citation: *40.121 (c)&(d)*

Narrative: *Based upon industry and DOT data, there are approximately 11,000 MROs. All MROs must be trained and must document the fact that training took place. Documentation of the training is usually in the form of a letter or statement acknowledging the name of the participant, the date and location of training, and the name of the trainer. Because training requirements are on a 3~year cycle, we have calculated the training documentation requirement pro-rated over a 3-year period. We estimate it will take 4 minutes to write the letter or statement. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

# MRO Training Documentation: *3,630 annually*

# Annual Burden Hours: *242*

Annual Burden \$ Cost: *\$6,534*

## **PRA Cost Indicator Worksheet**

PRA Task: *MRO Review of Negative Results Documentation*

Regulation Citation: *40.127(b)(2)(ii)*

Narrative: *Based upon industry and MIS data, there are 5.1 million drug tests annually accomplished under DOT authority within the transportation industries. Of these, approximately 98.3%, or 5,013,300 are laboratory negative results. MROs are required to review 5% of these negative results per year and document that review by initialing the CCF. We estimate it will take approximately 4 minutes to document the review of a negative result. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

# Negative Results Reviews: *250,665 annually*

# Annual Burden Hours: *16,711*

Annual Burden \$ Cost: *\$451,197*

## PRA Cost Indicator Worksheet

PRA Task: *MRO Failure to Contact Donor Documentation*

Regulation Citation: *40.131 (c)(1)*

Narrative: *There are 5.1 million drug tests annually accomplished under DOT authority within the transportation industries. Laboratories report that 1.67% of all tests result in a confirmed laboratory positive result ~ 86,224 annually. MROs are required to contact all employees with a laboratory positive result. When an MRO is unable to contact an employee who has a positive test result, the MRO is required to document the failed attempt MROs report that they cannot contact the employee in approximately 50% of these instances. We estimate it will take approximately 4 minutes to write the documentation. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

# MRO Documentation: *43,112 annually*

# Annual Burden Hours: *2,874*

Annual Burden \$ Cost: *\$77,601*

## PRA Cost Indicator Worksheet

PRA Task: *MRO Effort to Contact DER Documentation*

Regulation Citation: *40.131 (c)(2)(iii)*

*Narrative: There are 5.1 million drug tests annually accomplished under DOT authority within the transportation industries. Laboratories report that 1.67 % of all tests result in a confirmed laboratory positive result – 86,224 annually. MROs are required to contact all employees with a laboratory positive result. When an MRO is unable to contact an employee who has a positive test result, the MRO must contact the employer for assistance in contacting the employee and document the event. MROs report that they must contact the employer in approximately 35% of these instances. We estimate it will take approximately 4 minutes to write the documentation. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

*# MRO Documentation: 30,178 annually*

*# Annual Burden Hours: 2,011*

*Annual Burden \$ Cost: \$54,320*

## **PRA Cost Indicator Worksheet**

PRA Task: *DER Successful Contact Employee Documentation*

Regulation Citation: *40.131(d)*

*Narrative: There are 5.1 million drug tests annually accomplished under DOT authority within the transportation industries. Laboratories report that 1.67% of all tests result in a confirmed laboratory positive result ~ 86,224 annually. MROs are required to contact all employees with a positive result. When an MRO is unable to contact a employee who has a positive test result, the MRO must contact the employer for assistance in contacting the employee. MROs report that they must contact the employer in approximately 35% of these instances. If the employer is able to contact the employee, they must document this contact. We estimate it will take approximately 4 minutes to write the documentation. Employers report being mostly successful in contacting the employee. We estimate, based upon contacts with employers and MROs, that 99% of those that must be contacted by the employer, are contacted. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

*# DER Documentation: 29,876 annually*

*# Annual Burden Hours: 1,991*

*Annual Burden \$ Cost: \$53,777*

## PRA Cost Indicator Worksheet

PRA Task: *DER Failure to Contact Employee Documentation*

Regulation Citation: *40.131(d)(2)(i)*

Narrative: *There are 5.1 million drug tests annually accomplished under DOT authority within the transportation industries. Laboratories report that 1.67% of all tests result in a confirmed laboratory positive result – 86,224 annually. MROs are required to contact all employees with a positive result. When an MRO is unable to contact a employee who has a positive test result, the MRO must contact the employer for assistance in contacting the employee. MROs report that they must contact the employer in approximately 35% of these instances. If the employer is able to contact the employee, they must document this contact. Employers report being mostly successful in making contact with the employee. We estimate, based upon contacts with employers and MROs, that 1% of those that must be contacted by the employer, are unable to be contacted. We estimate it will take approximately 4 minutes to write the documentation. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

# DER Documentation: *302 annually*

# Annual Burden Hours: *20*

Annual Burden \$ Cost: *\$543*

## **PRA Cost Indicator Worksheet**

PRA Task: *MRO Verification of Positive Result Without Interview Documentation*

Regulation Citation: 40.133

*Narrative: There are 5.1 million drug tests annually accomplished under DOT authority within the transportation industries. Laboratories report that 1.67% of all tests result in a confirmed laboratory positive result – 86,224 annually. MROs are required to contact all employees with a positive result. When an MRO is unable to contact an employee who has a positive test result, the MRO must contact the employer for assistance in contacting the employee. MROs report that they must contact the employer in approximately 35% of these instances. If the employer is able to contact the employee, they must document this contact. Employers report being mostly successful in making contact with the employee. We estimate, based upon contacts with employers and MROs, that 1% of those that must be contacted by the employer, are unable to be contacted. This 1% will be reported as positive by the MRO. We estimate it will take approximately 4 minutes to write the documentation. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

*# MRO Documentation: 302 annually*

*# Annual Burden Hours: 20*

*Annual Burden \$ Cost: \$543*



## PRA Cost Indicator Worksheet

PRA Task: *Adulterant /Substitution Evaluation Physician Statements*

Regulation Citation: *40.145(g)(2)(ii)(d)*

*Narrative: There are 5.1 million drug tests annually accomplished under DOT authority within the transportation industries. When a drug test is reported by the laboratory as adulterated or substituted, the MRO must determine if the donor has a legitimate reason for presenting a specimen with such a result. If the MRO believes that a donor may have a medical condition causing such a result, the MRO must ensure that the donor has a physical examination verifying the condition. The physician conducting the evaluation must provide a short written statement to the MRO documenting the results of the examination. The physician, the MRO, and the employer all have roles in the process. We estimate each report will take 1/2 hour to write and that there will be no such reports. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

*# Physician Evaluation Documentation: 0 annually*

*# Annual Burden Hours: 0*

*Annual Burden \$ Cost: \$0*

## PRA Cost Indicator Worksheet

PRA Task: *MRO Cancellation of Adulterant / Substitution for Legitimate Reason Reports*

Regulation Citation: *40.145(g)(5)*

Narrative: *There are 5.1 million drug tests annually accomplished under DOT authority within the transportation industries. When a drug test is reported by the laboratory as adulterated or substituted, the MRO must determine if the donor has a legitimate reason for presenting a specimen with such a result. If the MRO believes that a donor may have a medical condition causing such a result, the MRO must ensure that the donor has a physical examination verifying the condition. The physician conducting the evaluation must provide a short written statement to the MRO documenting the results of the examination. When the MRO believes that a legitimate reason exists, the MRO must cancel the test and report that to the DOT. We estimate each report will take 1/2 hour to write and that there will be no such reports. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

# MRO Cancellation Reports: *0 annually*

# Annual Burden Hours: *0*

Annual Burden \$ Cost: *\$0*

## PRA Cost Indicator Worksheet

PRA Task: *Employee Admission of Adulterating / Substituting Specimen  
MRO Documentation*

Regulation Citation: *40.159(c)*

Narrative: *There are 5.1 million drug tests annually accomplished under DOT authority within the transportation industries. A small percentage of specimens are untested due to their unsuitability for testing. MROs are required to contact all employees with an unsuitable test in order to determine if medical reasons exist for the result. According to MROs, some donors admit to either adulterating or substituting the specimen to cause the unsuitable test result. We know, based upon contacts with MROs that few of these admissions occur. We estimate that approximately 15 admissions occur annually. When they occur, MROs must document the fact and that it will take approximately 4 minutes to do so. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

*.# MRO Documentation: 15 annually*

*# Annual Burden Hours: 1*

*Annual Burden \$ Cost: \$27*

## PRA Cost Indicator Worksheet

PRA Task: *Split Specimen Requests by the MRO*

Regulation Citation: *40.171(c)*

Narrative: *There are 5.1 million drug tests annually accomplished under DOT authority within the transportation industries. Of these, approximately .93% or 47,430 are verified by the MRO as being positive (for drugs, adulterants, or substitutions). Of these approximate 47,430 results, MROs report that approximately 5% of the employees request their split to be tested at a second laboratory. MROs are required to put requests for these additional tests in writing. We estimate it takes approximately 4 minutes to document the request. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

# Split Specimen Requests: *2,372 annually*

# Annual Burden Hours: *158*

Annual Burden \$ Cost: *\$4,268*

## PRA Cost Indicator Worksheet

PRA Task: *Split Failure to Reconfirm for Drugs Reports by MRO*

Regulation Citation: *40.187(b)*

Narrative: *There are 5.1 million drug tests annually accomplished under DOT authority within the transportation industries. If a split specimen fails to reconfirm the positive drug test result of the primary specimen, the MRO must report that to the DOT. We estimate it takes approximately 4 minutes for the MRO to write the report. Our data shows that there were 30 such reports made to ODAPC in 2009. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

# MRO Reports: *30 annually*

# Annual Burden Hours: *2*

Annual Burden \$ Cost: *\$54*

## PRA Cost Indicator Worksheet

PRA Task: *Split Failure to Reconfirm for Adulterant / Substitution Reports by MRO*

Regulation Citation: *40.187(c)*

Narrative: *There are 5.1 million drug tests annually accomplished under DOT authority within the transportation industries. If a split specimen fails to reconfirm the adulterant / substitution test result of the primary specimen, the MRO must report the failure to reconfirm to the DOT. Our data shows that there were 4 such reports made to ODAPC in 2009. We estimate it will take the MRO approximately 5 minutes to write the report. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

# MRO Reports: *4 annually*

# Annual Burden Hours: *1*

Annual Burden \$ Cost: *\$27*

## PRA Cost Indicator Worksheet

PRA Task: *"Shy Bladder" Physician Statement*

Regulation Citation: *40.193*

*Narrative: There are 5.1 million drug tests annually accomplished under DOT authority within the transportation industries. According to MROs and our experience with inquires on them, approximately one collection in 10,000 or .01% results in an employee not providing the adequate amount of urine. In such cases, the employee must be evaluated for having a medical or psychological condition that would have precluded the person from providing the requisite amount of urine. The physician conducting the evaluation must provide a short written statement to the MRO documenting the results of the examination. The physician, the MRO, and the employer all have roles in the process. We estimate it takes approximately 5 minutes for the evaluating physician to write the report to the MRO. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

*# "Shy Bladder" Evaluation Reports: 510 annually*

*# Annual Burden Hours: 43*

*Annual Burden \$ Cost: \$1,147*

## PRA Cost Indicator Worksheet

PRA Task: *MRO Statements Regarding Physical Evidence of Drug Use*

Regulation Citation: *40.195(b)&(c)*

Narrative: *There are 5.1 million drug tests annually accomplished under DOT authority within the transportation industries. According to MROs, collection sites, and our experience with inquires on the matter, approximately one collection in 10,000 or .01% results in an employee not providing the adequate amount of urine. In pre-employment, return-to-duty, and follow-up testing situations, when the employee cannot provide an adequate amount of urine because of a permanent or long-term disability, a physician must conduct an evaluation to determine if the employee demonstrates signs and symptoms of drug use. If there is physical evidence of drug use, the MRO must provide the employer a statement accordingly. Our experience shows that there have been no circumstances, to this point in time, when an employee with this type of permanent disability also exhibits physical evidence of drug use. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

# MRO Statements: *0 annually*

# Annual Burden Hours: *0*

Annual Burden \$ Cost: *\$0*



## PRA Cost Indicator Worksheet

PRA Task: *Drug Test Correction Statements*

Regulation Citation: *40.205(b)(1)&(2)*

Narrative: *Based upon MIS and laboratory data, we have determined that 5.1 million drug tests annually are accomplished under DOT and USCG authority within the transportation industries. Of these tests, laboratories and MROs report that approximately 1% have correctable errors. When such errors occur, they can be corrected by submission of correction statements from the individuals (usually collectors) who have made the errors. We estimate it takes approximately 8 minutes for the collector to document the event. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

# Correction Statements: *51,000 annually*

# Annual Burden Hours: *6,800*

Annual Burden \$ Cost: *\$183,600*

## **PRA Cost Indicator Worksheet**

PRA Task: *Breath Alcohol Technician (BAT) /Screening Test Technician (STT) (Qualification and Refresher) Training Documentation*

Regulation Citation: *40.213(b),(c)&(e)*

Narrative: *Based upon collection industry and DOT data, there are approximately 10,000 BAT/STTs. This number has remained steady from year to year (as new technicians enter the field and seasoned technicians leave) for the past several years. All technicians must be trained and must document the fact that training took place. Documentation of the training is usually in the form of a letter or statement acknowledging the name of the participant, the date and location of training, and the name of the trainer. Because training requirements are on a 5~year cycle, we have calculated the training documentation requirement pro-rated over a 5-year period. We estimate it will take approximately 4 minutes to document the training.*

# BAT/STT Training Documentation: *2,000 annually*

# Annual Burden Hours: *133*

Annual Burden \$ Cost: *\$3,600*

## PRA Cost Indicator Worksheet

PRA Task; *BAT/STT Error Correction Training Documentation*

Regulation Citation: *40.213(f)*

Narrative: *Based upon MIS and collector data, we have determined that approximately 1,326,085 alcohol tests annually are accomplished under/DOT authority within the transportation industries. According to industry and OST estimates, a small portion of these tests .005%-have fatal errors caused by technicians. When such errors occur, technicians must receive training focusing upon the error that resulted in a canceled test. Documentation of this training must be made and is usually in the form of a letter or statement acknowledging the name of the participant, the date and location of training, and the name of the person attesting to the error-free tests. We estimate it takes approximately 4 minutes for the BAT/STT to write the letter or statement. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

# BAT/STT Error Training Documentation: *66 annually*

# Annual Burden Hours: *4*

Annual Burden \$ Cost: *\$119*

## PRA Cost Indicator Worksheet

PRA Task: *Complete the DOT Alcohol Testing Forms*

Regulation Citation: *40.225(a)*

Narrative: *Based upon MIS and industry data, we estimate there are approximately 1,326,085 alcohol tests annually accomplished under DOT authority within the transportation industries. Each alcohol test must have a corresponding Alcohol Testing Form (ATF) which documents information related to the collection and testing of the saliva (for the screening test) or breath (for the screening test and the confirmation test). The STT and / or BA T, employee, and employer all have roles in filling out and / or filing and storing each ATF. We estimate it take the BAT/STT approximately 8 minutes to complete the ATF. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

*#ATFs: 1,326,085 annually*

*# Annual Burden Hours: 176,811*

*Annual Burden \$ Cost: \$4,773,897*

## PRA Cost Indicator Worksheet

PRA Task: *Evidential Breath Testing Device (EBT) Quality Assurance / Calibration Records*

Regulation Citation: *40.233(c)(4)*

Narrative: *The National Highway Traffic Safety Administration (NHTSA) requires that each approved evidential breath testing device (EBT) have a QA Plan developed by the manufacturer. We require that the collection site file and store the plan that was provided with their EBT(s) and create calibration records every time EBTs are calibrated. From industry and MIS data, we estimate that there are 10,000 EBT records generated annually. We estimate it takes the collection site personnel approximately 4 minutes to complete the calibration record. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

# EBT Records: *10,000 annually*

# Annual Burden Hours: *666*

Annual Burden \$ Cost: *\$18,000*

## PRA Cost Indicator Worksheet

PRA Task: *"Shy Lung" Physician Statement*

Regulation Citation: 40.265 (c)(2)

Narrative: *Based upon MIS and industry data, we estimate there are approximately 1,326,085 alcohol tests annually accomplished under DOT authority within the transportation industries. According to employer, BAs and our experience with inquiries on the matter, approximately one collection in 20,000 or .005% results in an employee not providing the adequate amount of breath. In such cases, the employee must be evaluated for having a medical or psychological condition that would have precluded the person from providing the requisite breath. The physician conducting the evaluation must provide a short written statement to the employer documenting the results of the examination. The physician and the employer have roles in the process. We estimate it takes the physician approximately 4 minutes to complete the statement. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

# "Shy Lung" Reports: 66 annually

# Annual Burden Hours: 4

Annual Burden \$ Cost: \$119

## PRA Cost Indicator Worksheet

PRA Task: *Alcohol Test Correction Statements*

Regulation Citation: *40.271(b)(1)&(2)*

Narrative: *Based upon MIS and industry data, we estimate there are approximately 1,326,085 alcohol tests annually accomplished under DOT authority within the transportation industries. Based upon industry and OST estimates, approximately .01% have correctable errors. When such errors occur, they can be corrected by submission of correction statements from the individuals (usually BATs and STTs) who have made the errors. We estimate it takes the BAT/STT approximately 4 minutes to complete the error correction statement. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

# Correction Statements: *132 annually*

# Annual Burden Hours: *9*

Annual Burden \$ Cost: *\$238*

## PRA Cost Indicator Worksheet

PRA Task: *Substance Abuse Professional (SAP) (Qualification and Continuing Education) Training Documentation*

Regulation Citation: *40.281 (c)&(d)*

Narrative: *Based upon counseling industry and DOT data, there are approximately 10,000 SAPs. This number has remained steady for the past several years (as new SAPs enter the field and seasoned SAPs leave). All SAPs must be trained and must document the fact that training took place. Documentation of the training is usually in the form of a letter or statement acknowledging the name of the participant, the date and location of training, and the name of the trainer. Because training requirements are on a 3-year cycle, we have calculated the training documentation requirement pro-rated over a 3-year period. We estimate it takes approximately 4 minutes to complete the training statement. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

# SAP Training Documentation: *3,334 annually*

# Annual Burden Hours: *222*

Annual Burden \$ Cost: *\$6,000*



## PRA Cost Indicator Worksheet

PRA Task: *Employer SAP Lists to Employees*

Regulation Citation; *40.287*

Narrative: *Employees who test positive for drugs and alcohol or who refuse a test are required to be evaluated by a SAP prior to being considered for return to a safety-sensitive transportation job. Employers are required to provide these employees with listings of qualified SAPs. Based upon MIS data, approximately 47,430 employees annually require the SAP process. We estimate it takes the employer approximately 4 minutes to document the list. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

*# SAP Lists: 47,430 annually*

*# Annual Burden Hours: 3,162*

*Annual Burden \$ Cost: \$85,374*

## PRA Cost Indicator Worksheet

PRA Task: *SAP Reports to Employers*

Regulation Citation: *40.311(c), (d)&(e)*

*Narrative: Employees who test positive for drugs and alcohol or who refuse a test are required to be evaluated by a SAP prior to being considered for return to a safety-sensitive transportation job. SAPs are required to provide reports regarding their initial evaluation and their follow-up evaluations to employers. Based upon MIS data, approximately 20,000 employees annually participate in the SAP process. We estimate it takes the SAP approximately 4 minutes to complete each report. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

*# SAP Reports: 40,000 annually*

*# Annual Burden Hours: 2,666*

*Annual Burden \$ Cost: \$71,999*

## PRA Cost Indicator Worksheet

PRA Task: *Correction Notices to Service Agents*

Regulation Citation: *40.373(a)*

Narrative: *Per industry estimates there are approximately 61,000 service agents serving the transportation industries. When a service agent performs in a manner that investigators find to be an egregious violation of DOT rules and they do not, or cannot, correct the problem, the service agent will receive a correction notice. Each notice will take approximately 1 hour to write. Based upon past examples, DOT estimates that there will be 5 of these issued annually. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

# Notices: *5 annually*

# Annual Burden Hours: *5*

Annual Burden \$ Cost: *\$135*

## PRA Cost Indicator Worksheet

PRA Task; *Notice of Proposed Exclusions (NOPE) to Service Agents*

Regulation Citation; *40.375(a)*

Narrative: *Per industry estimates there are approximately 61,000 service agents serving the transportation industries. When a service agent performs in a manner that investigators find to be an egregious violation of DOT rules and they do not, or cannot, correct the problem, the service agent will receive a correction notice. When the service agent does not correct the problem, a NOPE will be submitted to them. Based upon past examples, DOT estimates that there will be 2 of these issued annually. Each NOPE will take approximately 1 hour to write. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

# Notices: *2 annually*

# Annual Burden Hours: *2*

Annual Burden \$ Cost: *\$54*

## PRA Cost Indicator Worksheet

PRA Task; *Service Agent Requests to Contest Public Interest Exclusions (PIE)*

Regulation Citation: 40.379

Narrative: *Per industry estimates there are approximately 61,000 service agents serving the transportation industries. When a service agent performs in a manner that investigators find to be an egregious violation of DOT rules and they do not, or cannot, correct the problem, the service agent will receive a correction notice. When the service agent does not correct the problem, a NOPE will be submitted to them. When the NOPE is submitted, the service agent can submit a request to contest the issuance of a PIE. Based upon past examples, DOT estimates that there will be 2 of these submitted annually. We estimate this request will take approximately 1 hour to write. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

# Requests: *2 annually*

# Annual Burden Hours: *2*

Annual Burden \$ Cost: *\$54*

## PRA Cost Indicator Worksheet

PRA Task: *Service Agent Information to Argue PIE*

Regulation Citation: *40.379(b)(2)*

Narrative: *Per industry estimates there are approximately 61,000 service agents serving the transportation industries. When a service agent performs in a manner that investigators find to be an egregious violation of DOT rules and they do not, or cannot, correct the problem, the service agent will receive a correction notice. When the service agent does not correct the problem, a NOPE will be submitted to them. When the NOPE is submitted, the service agent can submit a request to contest the issuance of a PIE. Services agents contesting the PIE are required to submit information that presents their supporting arguments against the issuance of a PIE. Based upon past examples, DOT estimates that there will be 2 of these submitted annually. We estimate it will take will take 4 hours to write. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

# Information to Argue PIE: *2 annually*

# Annual Burden Hours: *8*

Annual Burden \$ Cost: *\$216*

## PRA Cost Indicator Worksheet

PRA Task: *Service Agent Information to Contest PIE*

Regulation Citation: *40.381(a)&(b)*

Narrative: *Per industry estimates there are approximately 61,000 service agents serving the transportation industries. When a service agent performs in a manner that investigators find to be an egregious violation of DOT rules and they do not, or cannot, correct the problem, the service agent will receive a correction notice. When the service agent does not correct the problem, a NOPE will be submitted to them. When the NOPE is submitted, the service agent can submit a request to contest the issuance of a PIE. Services agents contesting the PIE are required to submit information that presents their supporting arguments against the issuance of a PIE. Afterward, the service agent must present information to contest the PIE, Based upon past examples, DOT estimates that there will be 2 of these submitted annually. We estimate it will take 4 hours to write. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

# Information to Contest PIE: *2 annually*

# Annual Burden Hours: *8*

Annual Burden \$ Cost: *\$216*

## PRA Cost Indicator Worksheet

PRA Task: *PIE Notice Decisions to Service Agents*

Regulation Citation: 40.399

Narrative: *Per industry estimates there are approximately 61,000 service agents serving the transportation industries. When a service agent performs in a manner that investigators find to be an egregious violation of DOT rides and they do not, or cannot, correct the problem, the service agent will receive a correction notice. When the service agent does not correct the problem, a NOPE will be submitted to them. When the NOPE is submitted, the service agent can submit a request to contest the issuance of a PIE. Services agents contesting the PIE are required to submit information that presents their supporting arguments against the issuance of a PIE. Afterward, the service agent must present information to contest the PIE. When a decision on the issuance of the PIE is made, a notice will be issued to the service agent. Based upon past examples, DOT estimates that there will be 1 of these submitted annually. We estimate it will take 1 hour to write. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

*# PIE Notices: 1 annually*

*# Annual Burden Hours: 1*

*Annual Burden \$ Cost: \$27*



## **PRA Cost Indicator Worksheet**

PRA Task: *Notices of PIE to Employers and Public*

Regulation Citation: *40.401(b)&(d)*

Narrative: *Per industry estimates there are approximately 61,000 service agents serving the transportation industries. When a service agent performs in a manner that investigators find to be an egregious violation of DOT rules and they do not, or cannot, correct the problem, the service agent will receive a correction notice. When the service agent does not correct the problem, a NOPE will be submitted to them. When the NOPE is submitted, the service agent can submit a request to contest the issuance of a PIE. Services agents contesting the PIE are required to submit information that presents their supporting arguments against the issuance of a PIE. Afterward, the service agent must present information to contest the PIE. When a decision on the issuance of the PIE is made, a notice will be issued to the service agent. At this time, notice of the PIE will also be made to employers and the public in a Federal Register notice. Based upon past example, DOT estimates that there will be 1 of these made annually. This information will take approximately 1 hour to write. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

# Federal Register PIE Notices: *1 annually*

# Annual Burden Hours: *1*

Annual Burden \$ Cost: *\$27*

## **PRA Cost Indicator Worksheet**

PRA Task: *Service Agent PIE Notices to Employers*

Regulation Citation: *40.403(a)*

Narrative: *Per industry estimates there are approximately 61,000 service agents serving the transportation industries. When a service agent performs in a manner that investigators find to be an egregious violation of DOT rules and they do not, or cannot, correct the problem, the service agent will receive a correction notice. When the service agent does not correct the problem, a NOPE will be submitted to them. When the NOPE is submitted, the service agent can submit a request to contest the issuance of a PIE. Services agents contesting the PIE are required to submit information that presents their supporting arguments against the issuance of a PIE. Afterward, the service agent must present information to contest the PIE. When a decision on the issuance of the PIE is made, a notice will be issued to the service agent. At this time, notice of the PIE will also be made to employers and the public in a Federal Register notice. Service agents receiving the PIE are required to notify all employers they serve. This information will take approximately 1/2 hour to write. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in 2009.*

# Service Agent Notices: *300 annually*

# Annual Burden Hours: *150*

Annual Burden \$ Cost: *\$4,050*