

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:

- This is a request for renewal of the previously approved information collection 2105-0529.
- The number of estimated annual burden hours has increased by 539,615 hours and 4,637,415 responses compared to the previous estimate.
- The increase in total burden hours was due to an increase in the number of pre-employment tests conducted by employers. See item #15 for more detailed explanation.
- **Response to Terms of Clearance:** No terms of clearance.

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 (USCG)¹ – require drug and alcohol testing for safety-sensitive employees in their regulated industries. With very 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.

¹ 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.

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 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 a specimen, 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. Most recently, on January 1, 2018 Part 40 was updated to include semi-synthetic opioids into its drug testing panel. [82 FR 52229]

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 (MRO), 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 the Department of Transportation’s goals of Safety and Environmental Sustainability. The regulatory requirement helps to promote the safety of the traveling public by working toward the elimination of drug and alcohol related transportation deaths and injuries; 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, Part 40 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 refusing to test or for testing positive for drug use or alcohol misuse. This information is used by employers and Department representatives to ensure that those refusing or 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 Department also permits the electronic transmission of laboratory results reports to MROs and the electronic storage of certain testing data and information. Almost all the laboratories submit their reports to MROs electronically. Furthermore, laboratories are required to submit semi-annual statistics to the Department. They can mail, fax, or submit them electronically. All the laboratories submit them electronically.

In April 2015, the Department issued a Final Rule to permit employers to use laboratories that have been approved by the Department of Health and Human Services for the use of electronic drug testing custody and control forms (eCCF). Currently, there are twelve such drug testing laboratories which together receive and process approximately 80% of the industries specimens for testing. Use of the eCCF benefits the DOT drug testing program by:

- 1) reducing the number of 5-part paper CCFs that laboratories have to print and ship to employers,
- 2) improving the accuracy of the data entered onto the eCCF, and
- 3) generating legible copies each and every time the eCCF is used.

The Department also permits employers to submit year end aggregate testing data (MIS reports - see Appendix D) via the Internet. Previous submissions were all completed by hand and mailed to the respective OAs. A majority of the reports are being submitted via the internet. In our estimation, approximately 97% of the 2018 MIS reports were submitted electronically.

Finally, in response to the Fighting Opioid Abuse in Transportation Act of 2018, the Department will be required to amend its drug and alcohol testing regulation 49 CFR Part 40 to permit the use of electronic forms, signatures and recordkeeping. As required by the Act, the Department will have 18 months to do so from when the DHHS/SAMHSA Division of Workplace Programs approves a laboratory for a completely paperless Federal Drug Testing Custody and Control Form. Among the changes that the Department would propose are provisions authorizing the use of electronic signatures on background checks and MRO reports, and an electronic version of the Alcohol Testing Form (ATF), along with updates and minor technical changes to certain provisions of Part 40.

We see the use of electronic forms, electronic storage and electronic signatures as greatly cost-reducing innovations that would improve the effectiveness of our program and allow for additional data collection for our programmatic needs.

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.

The source of the information collection requirements is unique for each separate occurrence and, therefore, there is no known duplication of this material. The information submitted or collected for recordkeeping purposes is unique, and no other existing effort can be used or modified for these purposes. The data collected is not available from any other source.

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

Most employers regulated by the Department's drug and alcohol testing regulations and the USCG are required to submit annual aggregate drug and alcohol testing statistics by completing the MIS form. In the past, this required the employer to complete the MIS form and then mail or fax it to the respective regulating DOT Operating Administration. Regulated employers with fewer than 50 employees may be required to submit MIS data when requested to do so by the regulating DOT Operating Administration. Employers regulated by the FTA, FRA, and USCG are required to submit MIS data regardless of size. The Department developed a computer-based application that permits employers to submit year end aggregate testing data (MIS form) electronically via the Internet. We estimate, approximately 97% of the 2018 MIS reports were submitted electronically.

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, custody and control 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 June 11, 2020, the Office of Drug and Alcohol Policy and Compliance (ODAPC) published a 60-day notice in the Federal Register [85 FR 35689] Docket # DOT-OST-2020-0049, informing the public of ODAPC's intention to extend an approved information collection.

On September 3, 2020, ODAPC also published the required 30-day notice in the Federal Register [85 FR 55065] again informing the public of ODAPC's request to extend an approved information collection. The Department identified an error in the calculations presented in the 30-day notice and published a correction on September 30, 2020 [85 FR 61796].

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.

There were no comments to the 60-day Federal Register notice. Comments to the 30-day Federal Register notice are to be sent directly to the Office of Management and Budget.

Consultations outside of agency to obtain other views:

OST regularly consults with representatives from the Department's OAs, the USCG, and HHS. 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.

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 the appropriate releases of information are signed by the employee.

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:	3,593,202
B. Total Number of Responses:	11,858,782
C. Total Annual Hours Requested:	1,287,811
D. Current OMB Inventory:	748,196
E. Difference:	539,615 (see item # 15 for an explanation)
F. Explanation for Difference:	
1. Program Change:	0
2. Adjustment:	539,615

PRA Item	Number of Respondents	Number of Responses	Burden per Response (min)	Burden Hours	Total Salary Costs(\$)
Exemptions from Regulation Provisions Requests [40.7(a)]	1	1	180	3	\$104
Employer Stand-down Waiver Requests [40.21(b)]	0	0	480	0	\$0
Employee Testing Records from Previous Employers [40.25(a)]	584,628	3,538,179	8	471,757	\$16,379,410
Employee Release of Information [40.25(f)]	3,538,179	3,538,179	4	235,878	\$8,189,704
MIS Form Submission [40.26]	17,840	17,840	90	26,760	\$929,107
Collector (Qualification and Refresher) Training Documentation (40.33(b) & (e))	5,000	5,000	4	333	\$11,561
Collector Error Correction Training Documentation [40.33(f)]	12,000	19,625	4	1,308	\$45,425
Laboratory Reports to DOT Regarding Unlisted Adulterant [40.91(e)]	0	0	30	0	\$0
Semi-Annual Laboratory Reports to Employers [40.111(a)]	23	385,854	4	25,723	\$893,123
Semi-Annual Laboratory Reports to DOT [40.111(d)]	23	46	4	3	\$106
Medical Review Officer (MRO) (Qualifications and Continuing Education) Training Documentation [40.121(c) & (d)]	1,000	1,000	4	66	\$2,291

PRA Item	Number of Respondents	Number of Responses	Burden per Response (min)	Burden Hours	Total Salary Costs(\$)
MRO Review of Negative Results Documentation [[40.127(b)(2)(ii)]]	5,000	381,055	4	25,403	\$881,992
MRO Failure to Contact Donor Documentation [40.131(c)(1)]	5,000	63,827	4	4,255	\$147,738
MRO Effort to Contact DER Documentation [40.131(c)(2)(iii)]	5,000	63,827	4	4,255	\$147,738
DER Successful Contact Employee Documentation [40.131(d)]	51,061	51,061	4	3,404	\$118,190
DER Failure to Contact Employee Documentation [40.131(d)(2)(i)]	12,765	12,765	4	851	\$29,547
MRO Verification of Positive Result Without Interview Documentation [40.133].	5,000	12,765	4	851	\$29,547
Adulterant/Substitution Evaluation Physician Statements [40.145(g)(2)(ii)(d)]	0	0	30	0	\$0
MRO Cancellation of Adulterant / Substitution for Legitimate Reason Reports [40.145(g)(5)]	0	0	30	0	\$0
Employee Admission of Adulterating / Substituting Specimen MRO Determination [40.159(c)]	40	40	4	3	\$104
Split Specimen Requests by MRO [40.171(c)]	5,000	7,206	4	480	\$16,680
Split Failure to Reconfirm for Drugs Reports by MRO [40.187(b)]	35	34	4	2	\$69

PRA Item	Number of Respondents	Number of Responses	Burden per Response (min)	Burden Hours	Total Salary Costs(\$)
Split Failure to Reconfirm for Adulterant / Substitution Reports by MRO [40.187(c)]	5	5	5	1	\$34
Shy Bladder Physician Statements [40.193(f)]	773	773	5	64	\$2,238
MRO Statements Regarding Physical Evidence of Drug Use [40.195(b) & (c)]	0	0	0	0	\$0
Drug Test Correction Statements [40.205 (b)(1) & (2)]	25,000	154,732	8	20,630	\$716,308
Breath Alcohol Technician (BAT) / Screening Test Technician (STT) (Qualification and Refresher) Training Documentation [40.213(b)(c)&(e)]	2,000	2,000	4	133	\$4,617
BAT/STT Error Correction Training Documentation [40.213(f)]	168	168	4	11	\$390
Complete DOT Alcohol Testing Forms [40.225(a)]	10,000	3,378,454	8	450,460	\$15,639,989
Evidential Breath Testing Device Quality Assurance / Calibration Records [40.233(c)(4)]	10,000	10,000	4	666	\$23,123
Shy Lung Physician Statements [40.265(c)(2)]	168	168	4	11	\$390
Alcohol Test Correction Statements [40.271(b)(1)&(2)]	337	337	4	22	\$781

PRA Item	Number of Respondents	Number of Responses	Burden per Response (min)	Burden Hours	Total Salary Costs(\$)
Substance Abuse Professional (SAP) (Qualification and Continuing Education) Training Documentation [40.281(c)&(d)]	3,334	3,334	4	222	\$7,707
Employer SAP Lists to Employees [40.287]	10,000	115,713	4	7,714	\$267,837
SAP Reports to Employers [40.311(c),(d) & (e)]	10,000	94,456	4	6,297	\$218,634
Correction Notices to Service Agents [40.373(a)]	25	25	60	25	\$868
Notice of Proposed Exclusion (NOPE) to Service Agents [40.375(a)]	5	5	600	50	\$1,736
Service Agent Requests to Contest Public Interest Exclusions (PIE) [40.379(b)]	2	2	60	2	\$69
Service Agent Information to Argue PIE [40.379(b)(2)]	2	2	120	8	\$277
Service Agent Information to Contest PIE [40.381(a) & (b)]	2	2	240	8	\$277
Notices of PIE to Service Agents [40.399]	1	1	60	1	\$34
Notices of PIE to Employer and Public [40.401 (b) & (d)]	1	1	60	1	\$34
Service Agent PIE Notices to Employers [40.403 (a)]	1	300	30	150	\$5,208
Total New	3,593,202	11,858,782	2,196	1,287,811	\$44,712,987

* 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 2019.

NOTE: See Appendix F for explanation worksheets

Supplemental Program Information:

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

Mode	# of Employers	# of Employees
FMCSA	530,000	4,300,000
FRA	3,750	143,300
FAA	6,600	465,000
FTA	3,391	305,375
PHMSA	5,378	593,854
USCG	4,700	225,000
Total	553,818	6,032,529

[Based on 2020 DOT Operating Administration data call]

B. Service Agents:

Role	#
Urine Collectors	25,000
Laboratories	23
Medical Review Officers (MRO)	5,000
Substance Abuse Professional (SAP)	15,000
Breath Alcohol Technician (BAT) & Screening Test Technician (STT)	10,000

[Based on ODAPC and HHS data]

C. Drug Testing:

Activity	#
Drug Tests Annually	7,736,623
Laboratory Non-negative Rate	2.75%
Laboratory Non-negatives	212,757
MRO Verified Positive Rate	1.33%
MRO Verified Positives	102,952

[Based on 2018 MIS, laboratory data]

D. Alcohol Testing:

Activity	#
Alcohol Tests Annually	3,378,454
Alcohol Positive Rate	.38%

[Based on 2018 MIS, lab, and FMCSA 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.

Each of the line items in the attached PRA Cost Indicator Worksheet provides a narrative as to how the burden hours and costs were estimated. As indicated in the table below, there was an overall increase of 539,615 in the total estimated burden hours (most of which were related to pre-employment and alcohol testing):

- The number of requests for information from previous employers (164,179 hours)
- The number of employees authorizing release of their testing information (82,089 hours)
- The number of alcohol tests conducted (244,060 hours)

Itemization of burden is provided in the tables below

Exemptions from Regulation Provisions Requests [40.7(a)]PRA	Number of Responses	Burden Hours
Previously Approved	1	3
Increase due to change in Agency Estimate	0	0
Current Request	1	3

Employer Stand-down Waiver Requests [40.21(b)]	Number of Responses	Burden Hours
Previously Approved	5	40
Increase due to change in Agency Estimate	-5	-40
Current Request	0	0

Employee Testing Records from Previous Employers [40.25(a)]	Number of Responses	Burden Hours
Previously Approved	2,306,837	307,578
Increase due to change in Agency Estimate	1,231,342	164,179
Current Request	3,538,179	471,757

Employee Release of Information [40.25(f)]	Number of Responses	Burden Hours
Previously Approved	2,306,837	153,789
Difference	1,231,342	82,089
Current Request	3,538,179	235,878

MIS Form Submission [40.26]		
Previously Approved	601	902
Increase due to change in Agency Estimate	17,239	25,858
Current Request	17,840	26,760

Collector (Qualification and Refresher) Training Documentation [40.33(b) & (e)]	Number of Responses	Burden Hours
Previously Approved	5,000	333
Increase due to change in Agency Estimate	0	0
Current Request	5,000	333

Collector Error Correction Training Documentation [40.33(f)]	Number of Responses	Burden Hours
Previously Approved	10,144	676
Increase due to change in Agency Estimate	9,481	632
Current Request	19,625	1,308

Laboratory Reports to DOT Regarding Unlisted Adulterant [40.91(e)]	Number of Response	Burden Hours
Previously Approved	0	0
Increase due to change in Agency Estimate		
Difference	0	0
Current Request	0	0

Semi-Annual Laboratory Reports to Employers [40.111(a)]	Number of Response	Burden Hours
Previously Approved	368,599	24,573
Increase due to change in Agency Estimate	17,255	1,150
Current Request	385,854	25,723

Semi-Annual Laboratory Reports to DOT [40.111(d)]	Number of Response	Burden Hours
Previously Approved	68	5
Increase due to change in Agency Estimate	-22	-2
Current Request	46	3

Medical Review Officer (MRO) (Qualifications and Continuing Education) Training Documentation [40.121(c) & (d)]	Number of Response	Burden Hours
Previously Approved	1,000	66
Increase due to change in Agency Estimate	0	0
Current Request	1,000	66

MRO Review of Negative Results Documentation [[40.127(b)(2)(ii)]	Number of Response	Burden Hours
Previously Approved	311,294	20,752
Increase due to change in Agency Estimate	69,761	4,651
Current Request	381,055	25,403

MRO Failure to Contact Donor Documentation [40.131(c)(1)]	Number of Response	Burden Hours
Previously Approved	33,600	2,240
Increase due to change in Agency Estimate	30,227	2,015
Current Request	63,827	4,255

MRO Effort to Contact DER Documentation [40.131(c)(2)(iii)]	Number of Response	Burden Hours
Previously Approved	33,600	2,240
Increase due to change in Agency Estimate	30,227	2,015
Current Request	63,827	4,255

DER Successful Contact Employee Documentation [40.131(d)]	Number of Response	Burden Hours
Previously Approved	26,880	1,792
Increase due to change in Agency Estimate	24,181	1,612
Current Request	51,061	3,404

DER Failure to Contact Employee Documentation [40.131(d)(2)(i)]	Number of Response	Burden Hours
Previously Approved	6,720	448
Increase due to change in Agency Estimate	6,045	403
Current Request	12,765	851

MRO Verification of Positive Result Without Interview Documentation [40.133].	Number of Response	Burden Hours
Previously Approved	6,720	448
Increase due to change in Agency Estimate	6,045	403
Current Request	12,765	851

Adulterant/Substitution Evaluation Physician Statements [40.145(g)(2)(ii)(d)]	Number of Response	Burden Hours
Previously Approved	0	0
Increase due to change in Agency Estimate	0	0
Current Request	0	0

MRO Cancellation of Adulterant / Substitution for Legitimate Reason Reports [40.145(g)(5)]	Number of Response	Burden Hours
Previously Approved	0	0
Increase due to change in Agency Estimate	0	0
Current Request	0	0

Employee Admission of Adulterating / Substituting Specimen MRO Determination [40.159(c)]	Number of Response	Burden Hours
Previously Approved	40	3
Increase Due to Change in Agency Estimate	0	0
Current Request	40	3

Split Specimen Requests by MRO [40.171(c)]	Number of Response	Burden Hours
Previously Approved	4,970	331
Increase Due to Change in Agency Estimate	2,236	149
Current Request	7,206	480

Split Failure to Reconfirm for Drugs Reports by MRO [40.187(b)]	Number of Response	Burden Hours
Previously Approved	33	2
Increase Due to Change in Agency Estimate	1	0
Current Request	34	2

Split Failure to Reconfirm for Adulterant / Substitution Reports by MRO [40.187(c)]	Number of Response	Burden Hours
Previously Approved	6	1
Increase Due to Change in Agency Estimate	-1	0
Current Request	5	1

Shy Bladder Physician Statements [40.193(f)]	Number of Response	Burden Hours
Previously Approved	634	53
Difference	139	11
Current Request	773	64

MRO Statements Regarding Physical Evidence of Drug Use [40.195(b) & (c)]	Number of Response	Burden Hours
Previously Approved	0	0
Increase Due to Change in Agency Estimate	0	0
Current Request	0	0

Drug Test Correction Statements [40.205 (b)(1) & (2)]	Number of Response	Burden Hours
Previously Approved	126,800	16,907
Increase Due to Change in Agency Estimate	27,932	3,723
Current Request	154,732	20,630

Breath Alcohol Technician (BAT) / Screening Test Technician (STT) (Qualification and Refresher) Training Documentation [40.213(b)(c)&(e)]	Number of Response	Burden Hours
Previously Approved	2,000	133
Increase Due to Change in Agency Estimate	0	0
Current Request	2,000	133

BAT/STT Error Correction Training Documentation [40.213(f)]	Number of Response	Burden Hours
Previously Approved	77	5
Increase Due to Change in Agency Estimate	168	11
Current Request	91	6

Complete DOT Alcohol Testing Forms [40.225(a)]	Number of Response	Burden Hours
Previously Approved	1,548,000	206,400
Increase Due to Change in Agency Estimate	1,830,454	244,060
Current Request	3,378,454	450,460

Evidential Breath Testing Device Quality Assurance / Calibration Records [40.233(c)(4)]	Number of Response	Burden Hours
Previously Approved	10,000	666
Increase Due to Change in Agency Estimate	0	0
Current Request	10,000	666

Shy Lung Physician Statements [40.265(c)(2)]	Number of Response	Burden Hours
Previously Approved	77	5
Increase Due to Change in Agency Estimate	91	6
Current Request	168	11

Number of Responses	Number of Response	Burden Hours
Previously Approved	155	10
Increase Due to Change in Agency Estimate	182	12
Current Request	337	22

Substance Abuse Professional (SAP) (Qualification and Continuing Education) Training Documentation [40.281(c)&(d)]	Number of Response	Burden Hours
Previously Approved	3,334	222
Increase Due to Change in Agency Estimate	0	0
Current Request	3,334	222

Employer SAP Lists to Employees [40.287]	Number of Response	Burden Hours
Previously Approved	71,000	4,733
Increase Due to Change in Agency Estimate	44,713	2,981
Current Request	115,713	7,714

SAP Reports to Employers [40.311€,(d) & €]	Number of Response	Burden Hours
Previously Approved	36,000	2,400
Increase Due to Change in Agency Estimate	58,456	3,897
Current Request	94,456	6,297

Correction Notices to Service Agents [40.373(a)]	Number of Response	Burden Hours
Previously Approved	25	250
Increase Due to Change in Agency Estimate	0	-225
Current Request	25	25

Notice of Proposed Exclusion (NOPE) to Service Agents [40.375(a)]	Number of Response	Burden Hours
Previously Approved	2	20
Difference	3	30
Current Request	5	50

Service Agent Requests to Contest Public Interest Exclusions (PIE) [40.379(b)]	Number of Response	Burden Hours
Previously Approved	2	2
Increase Due to Change in Agency Estimate	0	0
Current Request	2	2

Service Agent Information to Argue PIE [40.379(b)(2)]	Number of Response	Burden Hours
Previously Approved		
Increase Due to Change in Agency Estimate	0	0
Current Request	2	8

Service Agent Information to Contest PIE [40.381(a) & (b)]	Number of Response	Burden Hours
Previously Approved	2	8
Increase Due to Change in Agency Estimate	0	0
Current Request	2	8

Notices of PIE to Service Agents [40.399]	Number of Response	Burden Hours
Previously Approved	1	1
Increase Due to Change in Agency Estimate	0	0
Current Request	1	1

Notices of PIE to Employer and Public [40.401 (b) & (d)]	Number of Response	Burden Hours
Previously Approved	1	1
Increase Due to Change in Agency Estimate	0	0
Current Request	1	1

Service Agent PIE Notices to Employers [40.403 (a)]	Number of Response	Burden Hours
Previously Approved	300	150
Increase Due to Change in Agency Estimate	0	0
Current Request	300	150

2105-0529	Number of Response	Burden Hours
Previously Requested	7,221,367	748,196
Increases Due to Change in Agency Estimate	11,858,782	1,287,811
Burden Requested	19,080,149	2,036,007

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 Operating Administrations and their regulated industries well into the future. The DOT Operating Administrations 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