

**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**

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 of \$40.79 in March 2023 (BLS USDL-23-1305 June 16, 2023).*

Exemption Requests: *1 annually*

Annual Burden Hours: *3*

Annual Burden \$ Cost: *\$122*

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 549,029 employers within the transportation industries. Operating Administration and ODAPC estimate that there will be 0 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 March 2023.*

Waiver Requests: *0 annually*

Annual Burden Hours: *0*

Annual Burden \$ Cost: *\$0.00*

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 and lab data, we estimated there are 4,127,482 safety-sensitive employees hired annually within the transportation industries. Employers, other than those regulated by the Federal Motor Carrier Safety Administration (FMCSA), will have to obtain drug and alcohol testing records from previous employers for each of these employees. As of January 6, 2023, FMCSA-regulated employers are no longer required to request information from a driver's previous FMCSA-regulated employers, as they must conduct a query of the FMCSA Drug and Alcohol Clearinghouse instead. We estimate that approximately 76 percent of the safety-sensitive employees hired annually are regulated by FMCSA. 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 2023.*

Record Requests: *990,596 annually (4,127,482 x 24%)*

Annual Burden Hours: *132,079 (990,596 x 8)/60*

Annual Burden \$ Cost: *\$5,387,502*

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 4,127,482 safety-sensitive employees hired annually within the transportation industries. Employers, other than those regulated by the Federal Motor Carrier Safety Administration (FMCSA), 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. As of January 6, 2023, FMCSA-regulated employers are no longer required to request information from a driver's previous FMCSA-regulated employers, as they must conduct a query of the FMCSA Drug and Alcohol Clearinghouse instead. We estimate that approximately 76 percent of the safety-sensitive employees hired annually are regulated by FMCSA. 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 March 2023.*

Releases of Information: *990,596 annually (4,127,482 x 24%)*

Annual Burden Hours: *132,079 (990,596 x 8)/60*

Annual Burden \$ Cost: *\$5,387,502*

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 549,029 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, 19,699 companies were required to submit a completed MIS Form. We estimate it will take approximately 90 min to complete the form. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in March 2023.*

MIS Form: *19,699 annually*

Annual Burden Hours: *29,549*

Annual Burden \$ Cost: *\$1,205,304*

PRA Cost Indicator Worksheet

PRA Task: *Urine 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 March 2023.*

Collector Training Documentation: *5,000 annually*

Annual Burden Hours: *333*

Annual Burden \$ Cost: *\$13,583*

PRA Cost Indicator Worksheet

PRA Task; *Urine Collector Error Correction Training Documentation*

Regulation Citation: 40.33(f)

Narrative: *Based upon laboratory data, we estimate that 7,191,988 drug tests annually are accomplished under DOT authority within the transportation industries. Of these tests, laboratories report that approximately .25% 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 March 2023.*

Collector Error Training Documentation: 17,980 (7,191,988 x .25%)

Annual Burden Hours: 1,199 (17,980 x 4 min)/60

Annual Burden \$ Cost: \$48,907 (1,199 x 40.79)

PRA Cost Indicator Worksheet

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

Regulation Citation: *40.35(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. We expect that all urine collectors will also become trained in oral fluid collections. 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 March 2023.*

Collector Training Documentation: *5,000 annually*

Annual Burden Hours: *333*

Annual Burden \$ Cost: *\$13,583*

PRA Cost Indicator Worksheet

PRA Task; *Oral Fluid Collector Error Correction Training Documentation (new)*

Regulation Citation: 40.35(f)

Narrative: *Based upon laboratory data, we estimate that 7,191,988 drug tests annually are accomplished under DOT authority within the transportation industries. Of these tests, laboratories report that approximately .25% 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 March 2023.*

Collector Error Training Documentation: 17,980 (7,191,988 x .25%)

Annual Burden Hours: 1,199 (17,980 x 4 min)/60

Annual Burden \$ Cost: \$48,907 (1,199 x 40.79)

PRA Cost Indicator Worksheet

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

Regulation Citation: *40.87(e)*

Narrative: *Based upon past performance, we believe there will be no new adulterants reported annually to DOT. If there were any reports of new adulterants, we estimate 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 March 2023.*

Unlisted Adulterant Reports: *0 annually*

Annual Burden Hours: *0*

Annual Burden \$ Cost: *\$0*

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 549,029 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 March 2023.

Laboratory Reports: $365,983 (549,029 \times .3333) \times 2$

Annual Burden Hours: $24,399 (365,983 \times 4)/60$

Annual Burden \$ Cost: $\$995,235 (24,399 \times 40.79)$

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 19 laboratories that provide drug testing services for DOT regulated employers. All of these laboratories are required to provide a report to each DOT mode and the USCG on a semi-annual basis for (1) urine tests, and (2) oral fluid tests. 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 March 2023.*

Laboratory Reports: 456 annually (19 labs x 2 rpts/year x 6 modes x 2 specimen types)

Annual Burden Hours: 30 (456 x 4)/60

Annual Burden \$ Cost: \$1,224

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 5,000 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 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 write the letter or statement. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in March 2023.*

MRO Training Documentation: *1,000 annually*

Annual Burden Hours: *67 (1000 x 4)/60*

Annual Burden \$ Cost: *\$2,733*

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 7,191,988 drug tests annually accomplished under DOT authority within the transportation industries. Of these, approximately 97.65%, or 7,022,698 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 March 2023.*

Negative Results Reviews: *351,135 (7,022,698 x 5%) annually*

Annual Burden Hours: *23,409 (351,135 x 4)/60*

Annual Burden \$ Cost: *\$954,853*

PRA Cost Indicator Worksheet

PRA Task: *MRO Failure to Contact Donor Documentation*

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

Narrative: *There are approximately 7,191,988 drug tests annually accomplished under DOT authority within the transportation industries. Laboratories report that 2.35% of all tests result in a confirmed laboratory positive result ~ 169,290 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 30% 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 March 2023.*

MRO Documentation: *50,787 (169,290 x 30%) annually*

Annual Burden Hours: *3,386 (50,787 x 4)/60*

Annual Burden \$ Cost: *\$138,115*

PRA Cost Indicator Worksheet

PRA Task: *MRO Effort to Contact DER Documentation*

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

Narrative: There are approximately 7,191,988 drug tests annually accomplished under DOT authority within the transportation industries. Laboratories report that 2.67 % of all tests result in a confirmed laboratory non-negative (positive, adulterated, substituted, invalid) result – 192,080 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 30% 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 March 2023.

MRO Documentation: 57,624 (192,080 x 30%) annually

Annual Burden Hours: 3,842 (57,624 x 4)/60

Annual Burden \$ Cost: \$156,715

PRA Cost Indicator Worksheet

PRA Task: *DER Successful Contact Employee Documentation*

Regulation Citation: *40.131(d)*

Narrative: *There are approximately 7,191,988 drug tests annually accomplished under DOT authority within the transportation industries. Laboratories report that 2.67% of all tests result in a confirmed laboratory non-negative (positive, adulterated, substituted, invalid) result ~ 192,080 annually. MROs are required to contact all employees with a non-negative result. When an MRO is unable to contact an employee who has a non-negative test result, the MRO must contact the employer for assistance in contacting the employee. MROs report that they must contact the employer in approximately 30% 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 80% 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 March 2023.*

DER Documentation: *46,099 annually ((192,080 x 30%) x 80%) annually*

Annual Burden Hours: *3,073 (46,099 x 4)/60*

Annual Burden \$ Cost: *\$125,348*

PRA Cost Indicator Worksheet

PRA Task: *DER Failure to Contact Employee Documentation*

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

Narrative: *There are approximately 7,191,988 drug tests annually accomplished under DOT authority within the transportation industries. Laboratories report that 2.67% of all tests result in a confirmed laboratory non-negative (positive, adulterated, substituted, invalid) result ~ 192,080 annually. MROs are required to contact all employees with a non-negative result. When an MRO is unable to contact an employee who has a non-negative test result, the MRO must contact the employer for assistance in contacting the employee. MROs report that they must contact the employer in approximately 30% 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 20% 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 March 2023.*

DER Documentation: *11,525 annually ((192,080 x 30%) x 20%) annually*

Annual Burden Hours: *768 (11,525 x 4)/60*

Annual Burden \$ Cost: *\$31,327*

PRA Cost Indicator Worksheet

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

Regulation Citation: 40.133

Narrative: *There are approximately 7,191,988 drug tests annually accomplished under DOT authority within the transportation industries. Laboratories report that 2.67% of all tests result in a confirmed laboratory non-negative (positive, adulterated, substituted, invalid) result ~ 192,080 annually. MROs are required to contact all employees with a non-negative result. When an MRO is unable to contact an employee who has a non-negative test result, the MRO must contact the employer for assistance in contacting the employee. MROs report that they must contact the employer in approximately 30% of these instances. If the employer is able to contact the employee, it 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 20% of those that must be contacted by the employer, are unable to be contacted. This 20% 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 March 2023.*

MRO Documentation: *11,525 annually ((192,080 x 30%) x 20%) annually*

Annual Burden Hours: *768 (11,525 x 4)/60*

Annual Burden \$ Cost: *\$31,327*

PRA Cost Indicator Worksheet

PRA Task: *Adulterant /Substitution Evaluation Physician Statements*

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

Narrative: There are approximately 7,191,988 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 March 2023.

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 approximately 7,191,988 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 March 2023.*

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 approximately 7,191,988 drug tests annually accomplished under DOT authority within the transportation industries. A small percentage (~ .23%) of specimens is 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 40 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 March 2023.*

MRO Documentation: *40 annually*

Annual Burden Hours: 3

Annual Burden \$ Cost: \$122

PRA Cost Indicator Worksheet

PRA Task: *Split Specimen Requests by the MRO*

Regulation Citation: *40.171(c)*

Narrative: *There are approximately 7,191,988 drug tests annually accomplished under DOT authority within the transportation industries. Of these, approximately 2.37% or 170,450 are verified by the MRO as being positive (for drugs, adulterants, or substitutions). Of these approximate 170,450 results, MROs report that approximately 7% 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 March 2023.*

Split Specimen Requests: *11,932 annually (170,450 x 7% annually)*

Annual Burden Hours: *795 (11,932 x 4)/60*

Annual Burden \$ Cost: *\$32,428*

PRA Cost Indicator Worksheet

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

Regulation Citation: *40.187(b)*

Narrative: *There are approximately 7,191,988 drug tests annually accomplished under DOT authority within the transportation industries. If a split specimen fails to reconfirm the positive, adulterated, or substituted 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 an average of 70 such reports/year made to ODAPC between 2020-2022. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in March 2023.*

MRO Reports: *70 annually*

Annual Burden Hours: *5*

Annual Burden \$ Cost: *\$204*

PRA Cost Indicator Worksheet

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

Regulation Citation: *40.187(c)*

Narrative: *There are approximately 7,191,988 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 was an average of 8 such reports made to ODAPC between 2020-2022. 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 March 2023.*

MRO Reports: *8 annually*

Annual Burden Hours: *1*

Annual Burden \$ Cost: *\$41*

PRA Cost Indicator Worksheet

PRA Task: *"Shy Bladder" Physician Statement*

Regulation Citation: *40.193*

Narrative: There are approximately 7,191,988 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 March 2023.

"Shy Bladder" Evaluation Reports: 719 annually

Annual Burden Hours: 60

Annual Burden \$ Cost: \$2,447

PRA Cost Indicator Worksheet

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

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

Narrative: *There are approximately 7,191,988 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 March 2023.*

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: There are approximately 7,191,988 drug tests annually accomplished under DOT authority within the transportation industries. Of these tests, laboratories and MROs report that approximately 2% 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 March 2023.

Correction Statements: 143,840 annually

Annual Burden Hours: 19,179

Annual Burden \$ Cost: \$782,311

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: *\$5,425*

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 8,025,159 alcohol tests annually are accomplished under/DOT authority within the transportation industries. According to industry and OST estimates, a small portion of these tests 0.005% 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 March 2023.*

BAT/STT Error Training Documentation: 401 annually

Annual Burden Hours: 27

Annual Burden \$ Cost: \$1,101

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 8,025,159 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 BAT, 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 March 2023.*

#ATFs: 8,025,159 annually

Annual Burden Hours: 1,070,021

Annual Burden \$ Cost: \$43,646,157

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 March 2023.*

EBT Records: *10,000 annually*

Annual Burden Hours: *667*

Annual Burden \$ Cost: *\$27,166*

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 8,025,159 alcohol tests annually accomplished under DOT authority within the transportation industries. According to employer, BATs, MIS data, and our experience with inquires on the matter, approximately one collection in 20,000 or 0.005% 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 March 2023.

"Shy Lung" Reports: 401 annually

Annual Burden Hours: 27

Annual Burden \$ Cost: \$1,101

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 8,025,159 alcohol tests annually accomplished under DOT authority within the transportation industries. Based upon industry and ODAPC estimates, approximately 0.01% has 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 March 2023.*

Correction Statements: *803 annually*

Annual Burden Hours: *54*

Annual Burden \$ Cost: *\$2,203*

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 March 2023.*

SAP Training Documentation: *3,334 annually*

Annual Burden Hours: *222*

Annual Burden \$ Cost: *\$9,055*

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 laboratory and MIS data, approximately 116,467 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 March 2023.*

SAP Lists: 116,467 annually [(total # drug tests)x(avg overall violation rate drug) + (total # alcohol tests)x(avg overall violation rate alcohol)]

Annual Burden Hours: 7,764

Annual Burden \$ Cost: \$316,694

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 100,629 employees annually participate in the SAP process (total number of return-to-duty tests conducted). 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 March 2023.*

SAP Reports: *201,258 annually*

Annual Burden Hours: *13,417*

Annual Burden \$ Cost: *\$547,279*

PRA Cost Indicator Worksheet

PRA Task: *Correction Notices to Service Agents*

Regulation Citation: *40.373(a)*

Narrative: *Per industry estimates there are approximately 55,000 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 25 of these issued annually. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in March 2023.*

Notices: *25 annually*

Annual Burden Hours: *25*

Annual Burden \$ Cost: *\$1,020*

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 55,000 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 5 of these issued annually. Each NOPE will take approximately 10 hour to write. Wage estimates were based upon Department of Labor's Bureau of Labor Statistics average employee compensation hourly cost in March 2023.

Notices: 5 annually

Annual Burden Hours: 50

Annual Burden \$ Cost: \$2,040

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 55,000 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 March 2023.*

Requests: *2 annually*

Annual Burden Hours: 2

Annual Burden \$ Cost: \$82

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 55,000 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 the service agent does not, or cannot, correct the problem, the service agent will receive a correction notice. When the service agent does not correct the problem, a Notice of Proposed Exclusion (NOPE) will be sent to them. The NOPE contains the initiating official's recommendations concerning the issuance of a Public Interest Exclusion (PIE). When the NOPE is sent, 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 March 2023.*

Information to Argue PIE: *2 annually*

Annual Burden Hours: *8*

Annual Burden \$ Cost: *\$326*

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 55,000 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 March 2023.

Information to Contest PIE: 2 annually

Annual Burden Hours: 8

Annual Burden \$ Cost: \$326

PRA Cost Indicator Worksheet

PRA Task: *PIE Notice Decisions to Service Agents*

Regulation Citation: 40.399

Narrative: *Per industry estimates there are approximately 55,000 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 Notice of Proposed Exclusion (NOPE) will be sent to them. When the NOPE is received, the service agent can submit a request to contest the issuance of a Public Interest Exclusion (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 March 2023.*

PIE Notices: 1 annually

Annual Burden Hours: 1

Annual Burden \$ Cost: \$41

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 55,000 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 March 2023.

Federal Register PIE Notices: 1 annually

Annual Burden Hours: 1

Annual Burden \$ Cost: \$41

PRA Cost Indicator Worksheet

PRA Task: *Service Agent PIE Notices to Employers*

Regulation Citation: *40.403(a)*

Narrative: Per industry estimates there are approximately 55,000 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. Based on past example and our knowledge of the industry, we estimate that a service agent could have a client list of at least 300 DOT regulated employers. 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 March 2023.

Service Agent Notices: 300 annually

Annual Burden Hours: 150

Annual Burden \$ Cost: \$6,119