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For Information: Lane Kidd
lanekidd@truckingalliance.org

New Legislation Will Disqualify Truck Drivers Who Fail Hair Drug Tests

Commercial truck drivers who fail a hair test for illegal drug use will be disqualified, in new legislation introduced by **Arkansas Congressman Rick Crawford (R-AR).** Crawford is Vice Chairman of the U.S. House Transportation & Infrastructure Committee.

The Trucking Alliance, a nonpartisan coalition of freight and logistics businesses and a long-time advocate for hair drug testing of commercial truck drivers, supports Congressman Crawford's bill.

Employer's Actual Knowledge of Driver's Drug Use
Named *the "Drug and Alcohol Clearinghouse Public Safety Improvement Act,"* (DAC Safety Act), employers with actual knowledge of a driver's positive hair drug test will report that information to the Federal Motor Carrier Safety Administration (FMCSA). The bill number is H.R. 4320.

FMCSA already recognizes ways, other than the required urine test, that give an employer "actual knowledge" of a driver's drug use. These include a DUI ticket or a driver's admission of drug use. Crawford's bill will add a positive hair drug test to the list. Drivers will be immediately removed from performing safety-sensitive functions, such as operating a commercial vehicle, until successful completion of a return-to-duty process.

"Thousands of licensed truck drivers fail hair drug tests each year, but FMCSA doesn't disqualify them," said Lane Kidd, managing director of the Trucking Alliance, "The DAC Safety Act will close that loophole and make sure those drivers don't skirt the system."

Congress recognized hair drug testing of commercial truck drivers 10 years ago. But neither the Trump nor Biden Administrations issued testing guidelines. Several U.S. trucking companies didn't wait on bureaucratic red tape and contracted with certified drug testing laboratories to analyze hair, in addition to the federally required urine test.

Hair Drug Tests are 8x More Effective
Kidd said the trucking companies have discovered regular drug users easily pass the urine test but fail the hair test. "Those drivers simply refrain from using drugs for a couple days to pass a urine test but the hair test catches them," added Kidd.

In fact, researchers at the University of Tennessee and University of Central Arkansas (UCA) concluded that hair testing is 8x more effective at detecting habitual drug use than a urine exam.

“Our analysis of over one-million pre-employment drug tests from a nationwide and multi-generational sample uncovered clear differences between hair and urine testing outcomes. Hair has a significantly higher positivity rate and a particular ability to detect hard drugs, such as cocaine, opioids, and methamphetamines/amphetamines, which urine would otherwise miss,” said Dr. Doug Voss, Professor of Logistics and Supply Chain Management at UCA.

Industry Support for DAC Safety Act

“Hair drug tests are proven and accurate, but FMCSA policy doesn’t accept those results. This legislation will eliminate the agency’s shameful bureaucratic red tape that has kept this from happening for 10 years. We are thankful for Congressman Crawford's leadership in addressing this critical safety issue. And we applaud the introduction of this bill which will keep thousands of known drug users from operating tractor trailers on our roadways.”

John Culp, President
Maverick Transportation LLC, Little Rock, AR

“Positive hair drug test results should be reported to the Clearinghouse so that employers have a truck driver’s more complete safety record. Doing so will enhance accountability across our industry and help keep our highways safer for everyone.”

Josh Hankins, Sr. Vice President of Safety & Security
JB Hunt Transport Services, Lowell, AR

“Finally, we’ll be able to share with FMCSA what we know about a licensed truck driver’s illegal drug use. When a driver applicant fails a hair drug test, we disqualify them. But under FMCSA’s current policy, they can go down the road and pass a urine test and become someone else’s employee. This legislation will close that loophole and will definitely be a step on the path for more road safety.”

Dean Newell, Vice President - Safety and Driver Training
Maverick Transportation, LLC, Little Rock, AR

“*We applaud Congressman Rick Crawford for introducing this legislation that will allow FMCSA to accept positive hair testing results to the Clearinghouse. This improvement will ensure that unsafe drivers remain off of our highways.”*

Garth Pitzel, Associate VP, Safety and Driver Development
Bison Transport USA, Amherst, WI

“Hair drug tests are much more effective at identifying drug users and including them in the Clearinghouse will make our industry safer for everyone.”

Wilson Risinger, Vice President of Safety
KLLM Transport Services, Jackson, MS

“If an employer has actual knowledge of a truck driver’s illegal drug use, how can FMCSA refuse to accept that information? This glaring failure permits habitual drug users to continue driving large commercial trucks on public highways, without first obtaining the proper counseling and treatment. There is no logical reason why positive hair drug test results should not be reported to the Clearinghouse.”

Brett Sant, Senior Vice President of Safety & Risk Management
Knight-Swift Transportation Holdings, Inc., Phoenix, AZ

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