



National School Transportation Association

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June 29, 2015

Substance Abuse and Mental Health Services Administration
Attention: Division of Workplace Programs
1 Choke Cherry Road
Room 7-1029
Rockville, Maryland 20857

Attention: Written Comments for the Request for Information Regarding Specific Issues Related to the Use of the Hair Specimen for Drug Testing

Dear Sir or Madam:

The National School Transportation Association (NSTA) is pleased to offer information for the Substance Abuse and Mental Health Services Administration's (SAMHSA) Request for Information Regarding Specific Issues Related to the Use of the Hair Specimen for Drug Testing as published in Volume 80 of the *Federal Register* on May 29, 2015.

NSTA is the membership organization for school bus companies engaged primarily in transporting students to and from school and school-related activities under contract to public school districts. Our members offer a range of services to our school district partners, from full turn-key service to management operations and specialized transportation. NSTA members range from small family businesses serving one district to large corporations operating thousands of buses across many states, all committed to the safe, efficient, and economical transportation of America's children.

As an industry regulated under the Department of Transportation, school bus contractors across the country are required to implement drug and alcohol testing for their safety-sensitive transportation employees. The Federal Motor Carrier Safety Administration (FMCSA) requires that persons subject to the Commercial Driver's License (CDL) requirements and their employers implement an alcohol and drug testing program for CDL holders who operate vehicles carrying 16 passengers or more including the driver. The drug tests cover five classes of drugs: marijuana; cocaine; opiates; amphetamines and methamphetamines; and phencyclidine (PCP) and testing is required in the following instances: pre-employment; random; reasonable suspicion; certain post-accident; return-to-duty; and follow-up. As you likely know, FMCSA dictates how tests are to be administered and currently only allows urine testing.

NSTA and its members care deeply about safety of the transportation of schoolchildren. The nation's 500,000 yellow school buses are the safest mode of transportation over all others. Students are 58 times more likely to arrive at school alive if they ride the school bus than if they drive themselves or ride with friends. In addition, students are safer riding in a school bus - 23 times safer actually - than if they are driven to school by a parent.

NSTA strongly believes that before commercial motor vehicle carriers are permitted to use an alternative to the current urine tests, there must be consensus that the alternate method is scientifically and technologically proven to be both valid and reliable and is accompanied by testing standards approved by SAMSHA. A lack of clarity on federal drug testing requirements for commercial motor vehicle operators and drivers will not serve to enhance safety. In addition, NSTA believes any new drug testing method should be usable and reliable for all required tests (pre-employment, random, for cause, post-collision, and reasonable suspicion) rather than some, but not all, of those tests.

As school bus drivers typically have a positive random rate of 1% or less, NSTA supports DOT drug and alcohol testing programs as an important component of continuing the strong record of safety for the transportation of schoolchildren. We oppose the use of hair specimen testing as an acceptable alternative method to detect drug use, however, and we raise the following concerns:

- The current science of hair testing is unreliable with studies showing unacceptable levels of false positives due to environmental contamination. Unlike urine testing, which is an isolated specimen from inside the body, hair is outside the body and exposed to all external drug contaminants that might be present in the environment surrounding the body. The higher rate of false positives results in an increased administrative burden with additional time spent evaluating employees or potential employees.
- Research has shown that hair testing may be racially biased against minorities, as studies show dark colored hair retains drugs better than light colored hair.
- Research has shown that hair testing results may be affected by cosmetic treatment of hair, including color application and bleach.
- High levels of false positive tests associated with hair testing and confusion over a carrier's method of drug testing could make recruiting school bus drivers, which are already in short supply, more difficult and increase driver turnover.
- The costs associated with conducting hair follicle tests are twice the costs associated with conducting urine tests.
- If hair testing is available as an alternative to urine testing, carriers may have to incur costs for having the capability to conduct both types of tests based on driver demand issues.

SAMSHA poses several questions in the Request for Information. NSTA believes the best information and data available to answers these questions would come from those in the in the medical field.

In closing, we appreciate the opportunity to offer our comments on this Request for Information and look forward to working with the Substance Abuse and Mental Health Services Administration on this issue.

Thank you for the opportunity to provide these written comments. If you require further clarification, please do not hesitate to contact me at (703) 684-3200.

Sincerely,



Ronna Sable Weber
Executive Director