

CALIFORNIA
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CVSS

COMMERCIAL VEHICLE **SAFETY SUMMIT**

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Controlled Substance and Alcohol Testing (CSAT) and the Drug and Alcohol Clearinghouse

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Legal Authority

How do we get there?

Section 34520 California Vehicle Code (CVC)

Which leads us to:

Title 49, Code of Federal
Regulations (CFR),
Parts 382, 392.4, 392.5, 655, and 40



Who does this apply to?

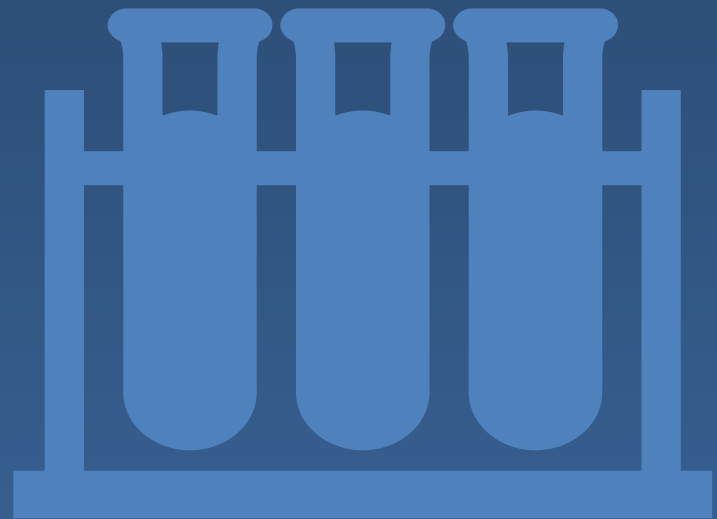
Drivers who operate vehicles meeting the Federal definition of a commercial motor vehicle (CMV):

- Vehicle of any size transporting hazardous material requiring placards – Title 49, CFR, Part 172.
- Vehicle designed to transport 16 or more passengers, including the driver.
- Truck with a gross vehicle weight rating of 26,001 pounds or more.
- Combination with a gross combined vehicle weight rating of 26,001 pounds or more.



What tests are required?

- Pre-employment
- Random
- Reasonable suspicion
- Post accident
- Return-to-duty
- Follow-up



Pre-Employment Test

- As an employer – You are required to receive the negative result of a controlled substance test PRIOR to allowing a driver to operate your CMV.
- If you fail to obtain a negative test result before you allow a driver to operate your vehicle, this is an unsatisfactory condition.



Random Testing

- Most carriers use a third party administrator known as a consortium.
 - If you employ only one driver, you must be enrolled in a consortium.
- All drivers who operate CMVs, must be immediately enrolled in your random testing program.
 - If selected, immediately proceed to a collection site.



Random Testing

- Consortia use pools for testing:
 - Owner/operators, school bus drivers, etc.
- Tests must be:
 - Reasonably spread out through the year and must be made by a scientifically valid random method.
- Federal Motor Carrier Safety Administration (FMCSA) annual rates for testing in 2021:
 - 50% for controlled substances.
 - 10% for alcohol.



Reasonable Suspicion

- All supervisors designated to supervise drivers must have reasonable suspicion training.
- Training includes 1-hour each of alcohol and drug abuse recognition training.
- The carrier must maintain a record of training.
- The training is intended to protect you through education.



Post Accident Testing

- Always required if there is a fatal collision.
- If a citation was issued to the driver at the scene of the accident, AND if:
 - Disabling damage requiring a tow away from the scene of either vehicle involved, OR;
 - Injury of either party requiring medical help away from the scene.

NOTE: You have a maximum timeframe to complete this testing of 32 hours for drugs and 8 hours for alcohol.



Return to Duty/Follow-up Testing

- Required if your driver tested positive or refused a test (drug or alcohol).
 - Driver must complete a substance abuse professional (SAP) documented plan for follow up tests:
 - 6 unannounced follow-up tests in first 12 months, may be longer.
 - Obtain a verified negative return-to-duty test prior to allowing a driver who engaged in prohibited conduct operate your CMV.



The Inspection

- Only conducted at the principle place of business (PPB).
- Encompasses all drivers operating CMVs for the carrier, regardless of location.
- Often completed in conjunction with a terminal inspection, if it is at the PPB.



Initial CSAT Inspection

- Drivers list with date of hire from carrier and date of enrollment from the consortium.
- MIS Data Collection form (annual summary) for prior year (5-year retention).
- Semi-annual laboratory statistical summary report (>5 drivers a must).



Initial CSAT Inspection

- Written policy which includes 12 required items per Title 49, CFR, Part 382.601(b).
- Driver signed receipt for policy.
- Pre-employment negative result prior to use.
- Chain-of-custody and control forms for all testing completed in prior year(s).
- Random selection documents.



Initial CSAT Inspection

- Pre-employment inquiry.
- Enrollment in FMCSA Drug & Alcohol Clearinghouse:
 - Pre-employment full query of new driver prior to use.
 - Annual query of all CMV drivers.
 - Any query requires written or electronic driver consent.
 - Must be maintained by carrier.



Initial CSAT Inspection

- Reasonable suspicion supervisory training, any written determination of same, number of supervisors.
- SAP documents for referral from positive test results or refusals to test.



Initial CSAT Inspection

- Clearinghouse specific requirements
- Employer must report by the 3rd business day:
 - A refusal to test for either drugs or alcohol.
 - Blood alcohol content (BAC) test result of 0.04 percent or greater.
 - The driver successfully completed all follow-up tests.
 - Actual knowledge of prohibited conduct.
 - Return to duty negative result.



Initial CSAT Inspection

- The employer must conduct an annual full query within 24 hours, **when an annual limited query returns information.**
- Verify driver did not operate their CMV, if the driver refused to grant consent to the query.



Ratings: Satisfactory

- All CMV drivers are enrolled in your random Department of Transportation (DOT) CSAT program – verified by consortium.
- Clearinghouse enrollment and inquiries have been made, consent records retained.
- Annual summary and semi-annual laboratory statistical summary records match.
- Pre-employment negative results and inquiries are on file.



Ratings: Satisfactory

- There is written policy and driver receipt of written policy.
- Documented reasonable suspicion training for supervisory staff.
- Records are produced for the inspection and maintained per requirements in Title 49, CFR, Part 382.401.



Ratings: Unsatisfactory

- Allowing a driver to operate your CMV without:
 - A pre-employment negative drug test result prior to operation.
 - A pre-employment inquiry for 24 months of testing history and/or failing to report that information to another carrier upon request.
 - Enrollment in the Clearinghouse.
 - Queries, records, reporting



Ratings: Unsatisfactory

- Allowing a driver to operate your CMV without:
 - Immediately enrolling drivers in your random DOT testing program, i.e., consortium.
 - Using a certified lab, ensuring drug tests are reviewed by a medical records officer, or ensuring drivers immediately proceed to collection site.



Ratings: Unsatisfactory

- Allowing a driver to operate your CMV after:
 - Failing to test when required.
- A combination failure of any three of the following:
 - No written policy.
 - No driver receipt of policy.
 - No reasonable suspicion training.
 - Failure to maintain required records.
 - Using a driver within 24 hours of a 0.02 or higher BAC result.



What Happens Now?

California Highway Patrol (CHP):

- Documents the findings in a detailed report.
- Assigns a rating of unsatisfactory.
- Gives specific direction on how to comply.
- Returns in 100-120 days and re-evaluates your records and safety management practices of CSAT.



Resources for Compliance

FMCSA, The Motor Carrier Safety Planner

<https://csa.fmcsa.dot.gov/SafetyPlanner/Default.aspx>

FMCSA, Drug & Alcohol Clearinghouse

<https://clearinghouse.fmcsa.dot.gov>

CHP:

<https://www.chp.ca.gov/Programs-Services/Programs/Commercial-Vehicle-Section>

CHP 800F, Controlled Substances and Alcohol Testing Compliance Checklist

CHP 800J, What is CSAT? Controlled Substances and Alcohol Testing





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For more information,
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