



**Owner-Operator Independent Drivers Association**

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October 13, 2021

The Honorable Meera Joshi  
Deputy Administrator  
Federal Motor Carrier Safety Administration  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, D.C. 20590

Dear Deputy Administrator Joshi:

We are writing to notify you of disruptions affecting FMCSA's drug and alcohol testing system that have caused significant challenges and frustration for truckers.

In order to remain compliant with federal drug and alcohol rules, all drivers subject to the requirements of a commercial driver's license must submit to random testing. When a driver is notified that they will be tested, they must immediately report to a testing site. If a driver encounters issues at the collection site that prevent the facility from completing the test, such as a lack of testing equipment or qualified staff, they cannot simply leave the site. Even if a facility is unable to complete the required test, the driver cannot immediately leave. This is because leaving the site could constitute a refusal, which has the same consequences as a positive test. As a result, a trucker would lose their ability to drive.

When a driver finds that a facility cannot complete a test, they have to remain at the site and communicate with their employer or testing consortium to thoroughly document the situation and attempt to find another facility to conduct the test. These situations create challenges and frustrations for drivers, the testing sites, employers, and the consortiums that facilitate testing.

OOIDA operates a drug and alcohol consortium to help drivers comply with mandatory testing requirements as part of the services that we offer our members. Increasingly, our association has experienced difficulties finding facilities to schedule and complete necessary tests for our members. Drivers have reported to facilities that lack equipment, like drug testing specimen cups, due to the current broader shortages of plastics. In other instances, facilities don't have qualified personnel to administer the test. From what we have heard from testing facilities, these disruptions are due to the continuing impacts of the COVID-19 pandemic.

With these ongoing problems, we ask that FMCSA issue guidance or provide temporary relief so truckers are not stripped of their ability to drive just because of supply chain issues limiting drug and alcohol testing capabilities. FMCSA has already issued relief for other testing challenges caused by the pandemic that allowed the Agency to exercise discretion when enforcing certain requirements for the rates and frequency of drug and alcohol testing.<sup>1</sup>

FMCSA should also clarify what options are available to drivers when they encounter facilities that cannot complete tests. Furthermore, FMCSA should ensure that all DOT staff responsible for administering the drug and alcohol testing program are aware of these issues and can recognize them when they are reported. At a minimum, FMCSA must alleviate potential confusion that drivers may face by improving communication about these complications.

Thank you,

A handwritten signature in black ink that reads "Todd Spencer". The signature is written in a cursive, flowing style.

Todd Spencer  
President & CEO  
Owner-Operator Independent Drivers Association, Inc.

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<sup>1</sup> <https://www.fmcsa.dot.gov/emergency/notice-enforcement-discretion-determination-random-controlled-substance-and-alcohol>