

# DRUG & ALCOHOL CLEARINGHOUSE

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04 24 2024 OSHA Roundtable

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April 2024



U.S. Department of Transportation  
**Federal Motor Carrier Safety Administration**



## Agenda Topics

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- **Clearinghouse Background**
- **High-Level Clearinghouse User Roles**
- **Queries and Consent**
- **Violation Reporting**
- **Clearinghouse Statistics and RTD**
- **Impacts on FMCSA Operations**
- **FAQs**
- **Clearinghouse II Rule**



# Overview of the Clearinghouse

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# The Clearinghouse First Final Rule

- Mandated by Congress (MAP-21, Section 32402)
- Published December 5, 2016
- Established requirements for the Clearinghouse
- Implemented on January 6, 2020



**Learn more and access the Clearinghouse first final rule at:**

**[www.fmcsa.dot.gov/regulations/commercial-drivers-license-drug-and-alcohol-clearinghouse](http://www.fmcsa.dot.gov/regulations/commercial-drivers-license-drug-and-alcohol-clearinghouse)**

# FMCSA CDL Drug and Alcohol Clearinghouse

- The Drug and Alcohol Clearinghouse prevents impaired operation of CMVs by giving employers access to **real-time information** about which CDL drivers have **drug and alcohol program violations**, enabling employers to determine which drivers to **remove from safety-sensitive functions**.



Verified positive drug test



Alcohol test 0.04 or greater BAC



Refusal to test



Actual knowledge of a drug and alcohol program violation

The screenshot shows the homepage of the Drug and Alcohol Clearinghouse. At the top, there is a navigation bar with the logo and links for 'My Profile', 'Learn', 'About', and 'Contact'. The main heading reads 'Welcome to the Drug and Alcohol Clearinghouse' with a subtext: 'An online database that gives employers and government agencies real-time access to information about CDL driver drug and alcohol program violations.' Below this are 'Register' and 'Log In' buttons. A section titled 'Before You Register' includes a hand icon and text: 'Do you need help with registration? Identify your Clearinghouse user role and find out what you will need to complete your registration.' To the right, there is a list of features: 'Record', 'Consent', 'Query', and 'Safety'. A 'Learn More' section contains five icons with corresponding text: 'Find Answers to Commonly Asked Questions Read FAQs', 'Download Resources and Job Aids Visit the Learning Center', 'Learn About Purchasing Query Plans Get Pricing Info', 'Get the Latest from FMCSA Sign Up for Email Updates', and 'Clearinghouse Activity Read Monthly Summary Reports'. At the bottom, a blue banner titled 'Clearinghouse-II Final Rule: CDL Downgrades' contains text about the final rule and a 'RULE II' icon.

## Who is required to use the Clearinghouse?

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- ☑ Drivers who hold commercial driver's licenses (CDLs) or commercial learner's permits (CLPs)
- ☑ Employers of CDL drivers who operate commercial motor vehicles (CMVs)
- ☑ Consortia/Third-Party Administrations (C/TPAs)
- ☑ Medical Review Officers (MROs)
- ☑ Substance Abuse Professionals (SAPs)
- ☑ State Drivers Licensing Agencies (SDLAs)



# User Roles

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# Employer Requirements



## Register

- Link to your FMCSA Portal account (optional)



## Record

- Report CDL driver drug and alcohol program violations
- Positive alcohol tests, test refusals, actual knowledge



## Query

- Check if driver is prohibited from operating a CMV
- Pre-employment and annual



## Designate

- Designate a C/TPA (optional)
- C/TPA may conduct queries, report violations and RTD information on your behalf



# Driver Requirements



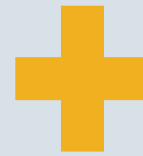
## Register

- Be sure to verify your CDL
- Needed to view Violation History, respond to query consent requests, and designate a SAP



## Consent

- Respond to consent requests for full queries from current and potential employers
- Note: All pre-employment queries are full queries
- This includes positive tests, test refusals, and actual knowledge



## Designate

- Designate a SAP, if needed, to record RTD information

Failure to provide consent to a request for a full query will result in the driver being prohibited from performing safety-sensitive functions (including operating a CMV) *for that employer*, in accordance with § [382.703\(c\)](#).

# MRO and SAP Requirements



Register



Report

**MRO**

- Self-certify you meet all MRO qualifications per § [40.121](#)

- Positives and test refusals (e.g., adulterated and substituted)

**SAP**

- Self-certify you meet all SAP qualifications per § [40.281](#)
- Driver must designate you in the Clearinghouse

- Enter RTD information: date of initial SAP assessment, and date driver determined eligible for RTD testing

# Queries and Consent Requests

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# Query Requirement





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- A query is a check of the Clearinghouse to ensure a CDL driver is not prohibited from performing safety-sensitive functions (such as operating a CMV) due to a drug and alcohol program violation
- All queries require driver consent

Query Type	Description
<b>Pre-employment query</b>	Required for all newly hired CDL drivers
<b>Annual query</b>	Follows a rolling 12-month calendar Example: A query on driver J. Smith on December 1, 2022 satisfies the annual query requirement for J. Smith until December 1, 2023

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# Consent Requirements Based on Type of Query

Reason for Query	Type of Query	Consent Required
<p>Annual query</p> 	<p>Limited query</p> 	<p>General consent, done outside the Clearinghouse</p> <p>May be electronic or wet signature, one time or unlimited</p> <p>Limited consent form must specify time range</p>
<p>Pre-employment query</p> 	<p>Full query</p> 	<p>Specific consent, provided electronically within the Clearinghouse</p> <p>Required for each full query of an individual driver</p>



Download a [sample general consent form](#).

- If a driver refuses consent for any query, the query cannot be conducted and the driver is prohibited from performing safety-sensitive functions *for that employer*.

# Notification of New Information

**Sample Driver (US-CA-1234567)**

Record ID: QUERY.24S1FX.R947

**Employer Conducting Query: Sample Employer**

**Query Result: Result Not Available** ⓘ

**Query Status:** Specific consent required (2/1/2023 14:01:18)

**Conducted By:** Firstname Lastname | **Query Type:** Limited | **Query Submitted:** Manually



There is new information in this driver's Clearinghouse record. To determine if this information resulted in the driver having a "Prohibited" Clearinghouse status you will need to conduct a follow-on query, which requires sending the driver a new consent request.

If you click **Send Consent Request** below, this will send a consent request to the driver. There is no charge for this follow-on query.

[Send Consent Request](#)

[Close Query](#)

# Follow-on Query

Reason for Query	Type of Query	Consent Required
<p>Follow-on query</p> 	<p>Full query</p> 	<p>Specific consent, provided electronically within the Clearinghouse</p>

- Employer should complete follow-on query within 24 hours.
- If a driver refuses consent, the query cannot be conducted and the driver is prohibited from performing safety-sensitive functions *for that employer.*

**“New information” is not necessarily a notification that a queried driver is prohibited from performing safety-sensitive functions. The full query is needed to determine the driver’s eligibility status.**

# Violation Reporting

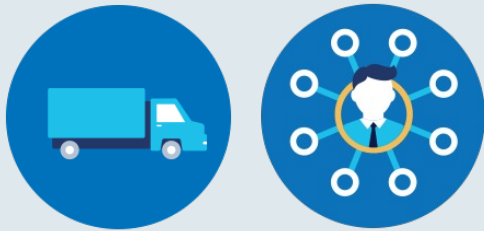


# Reporting Violations – Employers and C/TPAs

## What is the employer or designated C/TPA required to report?

### INFORMATION TO BE REPORTED TO CLEARINGHOUSE

(must be reported by close of the third business day following the date the employer obtained the information)



**Prospective/Current  
Employer of CDL Driver**

Or

**Service agent acting on  
behalf of Current  
Employer of CDL Driver**

An alcohol confirmation test with a concentration of 0.04% or higher

Refusal to test (alcohol) as specified in 49 CFR 40.261

Refusal to test (drug) not requiring a determination by the MRO as specified in 49 CFR 40.191



Actual knowledge, as defined in 49 CFR 382.107, that a driver has used alcohol on duty, used alcohol within four hours of coming on duty, used alcohol prior to post-accident testing, or has used a controlled substance

Negative RTD test results (drug and alcohol testing, as applicable)

Completion of follow-up testing

# Reporting Violations – MROs and SAPs

## What information is the MRO or SAP required to report?

	INFORMATION TO BE REPORTED TO CLEARINGHOUSE	DEADLINE FOR REPORTING INFORMATION
<b>MRO</b> 	Verified positive drug test result	Within <b>two</b> business days of making a determination or verification of a DOT-approved drug test
	Refusal to test (drug) requiring a determination by the MRO as specified in § <a href="#">40.191</a>	
	Changes a verified drug test per part § <a href="#">40.149</a>	Within <b>one</b> business day of making any change in the reported results
<b>SAP</b> 	Identification of driver and date the initial assessment was initiated	By the close of the business day following the date of initial assessment
	Date of determination of eligibility for RTD testing	By the close of the business day following the determination that the driver completed the RTD process

# Statistics

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

# Drug Violation Data as of January 1, 2024

## Substances Identified in Positive Drug Tests

Substance	2020	2021	2022	2023	# Tests Identified*
Marijuana Metabolite (Δ9-THCA)	29,511	31,085	40,916	37,657	139,169
Cocaine Metabolite (BZE)	7,940	8,765	10,953	10,326	37,984
Methamphetamine (MET/MAMP)	5,187	5,082	5,569	4,515	20,353
Amphetamine (AMP)	4,953	4,904	5,349	4,222	19,428
Oxymorphone (OXYM)	1,372	1,276	1,398	1,094	5,140
Oxycodone (OXYC)	1,106	1,049	1,130	923	4,208
Hydrocodone (HYC)	1,082	1,048	1,042	836	4,008
Hydromorphone (HYM)	1,000	930	965	811	3,706
Morphine (MOP)	443	353	445	370	1,611
Codeine (COD)	386	329	444	358	1,517
6-Acetylmorphine (6-AM)	302	191	177	116	786
Phencyclidine (PCP)	137	118	138	90	483
Ecstasy (MDMA)	65	60	68	76	269
Methylenedioxyamphetamine (MDA)	30	33	45	49	157
<b>All substances</b>	<b>53,514</b>	<b>55,223</b>	<b>68,639</b>	<b>61,443</b>	<b>238,819</b>

# Return-to-Duty (RTD) Process



A driver with a drug and alcohol program violation is prohibited from performing safety-sensitive functions, including operating CMVs, for any DOT-regulated employer until the RTD process is complete.

**The steps drivers must take to complete the RTD process is established by 49 CFR part 40, subpart O, as follows:**

- 1 Select a Substance Abuse Professional (SAP) and successfully complete education/ treatment plan.
- 2 Take the return-to-duty test.
- 3 When employer or C/TPA enters negative RTD test, Clearinghouse status changes to “not prohibited” and driver is eligible to resume performing safety-sensitive functions.



**By November 18, 2024**, as part of new Federal regulations, drivers with a “prohibited” status in the Clearinghouse will lose or be denied their State-issued commercial driving privileges.

# FAQs

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## Common Questions – Medical Marijuana

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- DOT Medical Marijuana Notice
  - <https://www.transportation.gov/odapc/medical-marijuana-notice>
- The Department of Transportation’s Drug and Alcohol Testing Regulation – 49 CFR Part 40, at 40.151(e) – does not authorize “medical marijuana” under a state law to be a valid medical explanation for a transportation employee’s positive drug test result.

## Common Questions - Prescriptions

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- **Can FMCSA remove a positive drug test violation from the Clearinghouse based on a driver's prescription?**
  - No. Under 49 CFR 40.149, only the MRO would request removal of a violation from the Clearinghouse if they determine that there is a valid medical explanation for a positive test result—not FMCSA.
- **Will a prospective employee's drug and alcohol violation history with other DOT modes be available in the Clearinghouse?**
  - No, the Clearinghouse will contain only drug and alcohol program violation information for employees subject to the testing requirements under the Federal Motor Carrier Safety Regulations in 49 CFR part 382.



## FAQs – Other Modes and Non-CDL Drivers

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- **Are employers of non-CDL drivers who operate CMVs required to query or report violations to the Clearinghouse?**
  - No. Only employers who employ drivers subject to 49 CFR parts 382 and 383 must query or report information to the Clearinghouse.

# Clearinghouse II Rule Implementation

## Reminder: Clearinghouse-II SDLA Requirements

### Mandatory CDL Downgrade

- Remove CLP or CDL privilege within 60 days of **being notified by FMCSA** of a driver's prohibited status in the Clearinghouse
- If **notified by FMCSA** that a driver's status changed to "not prohibited"
  - Terminate CLP/CDL privilege removal process; or
  - Reinstate the previously-removed CLP/CLP privilege
- If **notified by FMCSA** that a driver's prohibited status was due to erroneous entry, reinstate as soon as possible and expunge driving record

### Non-Issuance

- **Query Clearinghouse** prior to commercial licensing transaction
- Deny commercial licensing transaction if Clearinghouse query shows driver in a prohibited status
- Commercial licensing transaction = issuing, duplicates, renewing, transferring, or upgrading a CDL or issuing, renewing, or upgrading a CLP

Beginning



# Number of Currently Prohibited Drivers In Each State

As of March 1, 2024

State (ESC)	Number of Prohibited Drivers
CT	1,710
DC	226
DE	698
MA	1,731
MD	3,294
ME	702
NH	455
NJ	3,669
NY	6,200
PA	5,457
RI	296
VA	3,471
VT	217
WV	700

State (MWSC)	Number of Prohibited Drivers
IA	1,646
IL	7,831
IN	3,308
KS	1,557
MI	5,512
MN	2,117
MO	4,563
NE	1,088
OH	5,612
WI	2,793

State (SSC)	Number of Prohibited Drivers
AL	3,422
AR	2,230
FL	8,959
GA	9,229
KY	2,221
LA	3,542
MS	3,054
NC	6,254
OK	2,901
SC	3,228
TN	4,353

State (WSC)	Number of Prohibited Drivers
AK	383
AZ	3,024
CA	11,353
CO	2,779
HI	290
ID	1,010
MT	536
ND	425
NM	1,090
NV	1,796
OR	1,501
SD	409
TX	15,213
UT	1,436
WA	2,524
WY	429

## CDL Downgrades: Timeline



### Pre-Compliance Date

- SDLAs with legislative authority *may* begin downgrading CDLs for drivers with a “prohibited” Clearinghouse status
- Pull Prohibited Drivers Report to identify prohibited drivers
- Pull Driver Status Change Report to track reinstatements



### Compliance Date (November 18, 2024)

- SDLAs *must* downgrade CDLs for drivers with a “prohibited” Clearinghouse status
- Within 60 days from FMCSA notification
- Includes all historic prohibitions (violations entered since January 6, 2020, still open) – SDLAs must pull report



### Post-Compliance Date

- SDLAs must continue to downgrade CDLs for drivers with a “prohibited” Clearinghouse status
- Within 60 days from FMCSA notification
- Once State backlog is cleared, will only need to address new/current prohibitions

## Resources

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### Where can I learn more about the Clearinghouse-II final rule?



#### ■ Visit

- SDLA Resources:  
<https://clearinghouse.fmcsa.dot.gov/Resource/Page/SDLA-Resources>
- Drug and Alcohol Clearinghouse:  
<https://clearinghouse.fmcsa.dot.gov/>



#### ■ Contact

- Clearinghouse Team:  
[SDLAclearinghouse@dot.gov](mailto:SDLAclearinghouse@dot.gov)
- <https://clearinghouse.fmcsa.dot.gov/Contact>

## Questions?

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- **For more information:**
  - Visit the Clearinghouse Learning Center at: <https://clearinghouse.fmcsa.dot.gov/Learn> for resources and answers to common questions
- **Contact us:**
  - Email [clearinghouse@dot.gov](mailto:clearinghouse@dot.gov)
  - Call 844-955-0207

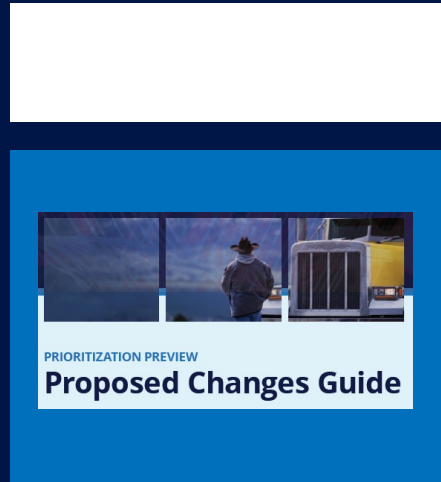


# FMCSA Update Proposed SMS Changes

April 24, 2024



U.S. Department of Transportation  
Federal Motor Carrier Safety Administration





# What is NEW in this proposed SMS change?

- Reorganized BASICs
- Reorganized Roadside Violations
- Simplified Severity Weights
- Improved Intervention Thresholds
- Proportionate Percentiles
- Greater Focus on Recent Violations
- Updated Utilization Factor
- New Segmentation
- Accounting for Non-Preventable Crashes



# What is NEW in this proposed SMS change?

## ▪ Reorganized BASICS

- The term BASICS is being replaced by SAFETY CATEGORIES
- Reorg the Unsafe Driving and Vehicle Maintenance Safety Categories
- Unsafe Driving will include
  - Drug and Alcohol violations
  - ALL Operating after OOS violations



# What is NEW in this proposed SMS change?

- **Reorganized BASICS**

- The term BASICS is being replaced by SAFETY CATEGORIES
- Reorg to the Unsafe Driving and Vehicle Maintenance Safety Categories
- **Vehicle Maintenance will include**
  - Driver Observed
  - Vehicle Maintenance



# What is NEW in this proposed SMS change?

## ■ Reorganized Roadside Violations

- From 959 roadside violations to **116 VIOLATION GROUPS**
- All 959 can still be cited roadside, for prioritization purposes, similar violations would be grouped, all violations written will appear on the inspection report and be found in the system...
- If a MC was cited for 2 or more violations in a violation group during a roadside, then SMS would treat that set of violations as ONE when calculating the carrier's safety **measure** in that Safety Category
- Example – HOS violations on one inspection, 11, 14, 60/70 and no 30 minute break



# What is NEW in this proposed SMS change?

## ▪ Simplified Severity Weights

- Moving from a scale of **1 – 10 based on the violation** to:
- A scale of **1 or 2** based on the violation group
  
- **2 points earned** –
  - One or more violations in a violation group if:
  - Violations are OOS (except Unsafe Driving)
  - Driver Disqualification violations apply to Unsafe Driving Safety Category 383.51
- **1 point** – if none of the violations in a set are OOS or Driver DQ...1 point assigned



# What is **NEW** in this proposed SMS change?

## ▪ **Proportionate Percentiles**

- Using the EXACT number of inspections and crashes rather than number within the safety event group
- Customizes percentile to exact number of carrier events
- Gradual increases or decreases month to month
- Carrier's changes in measure will have a greater influence on percentile changes
- Allows FMCSA to compare similar carriers to similar carriers
- Better trend analysis for carriers month to month

# What is NEW in this proposed SMS change?

- **Greater Focus on Recent Violations**

- Only prioritizes assignments if the carrier has data within the last 12 months

- Applies to the following Safety categories

- HOS
- Vehicle Maintenance
- VM Driver Observed
- HM
- Driver Fitness



# What is NEW in this proposed SMS change?

- **Updated Utilization Factor**

- Utilization factor moving from 200,000 VMT to
- 250,000 VMT
- More accurate measures focuses agency resources on carriers most in need of intervention





# What is NEW in this proposed SMS change?

## ▪ New Segmentation

- Current SMS only segments Unsafe and Crash BASICs
- Proposed changes in segments - the above and:
  - HM – Cargo Tank and non-CT carriers
  - Driver Fitness
    - Straight Truck
    - Combination



# What is NEW in this proposed SMS change?

- **Non-preventable Crashes**

- Proposed SMS changes will continue to exclude from measurement the determined non-preventable crashes and will add those to the Pre-employment Screening Program
- SMS and prioritization is an evolving process – as we listen and learn we can adapt and adjust
- Data to information, information to Action, Action to saving lives!





# PRIORITIZATION PREVIEW

[Home](#)

[SMS](#)

[FRN Link](#)

WELCOME

# FMCSA is improving how we use data to make roads safer

Motor carriers: See what your prioritization results would be under the proposed new methodology.

[Log In](#)



<https://csa.fmcsa.dot.gov/prioritizationpreview>



# Questions?