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 Transcending Technology in Transportation Safety

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## DOT Issues Guidance on Use of CBD by Truck Drivers



February 28, 2020



The Office of Drug and Alcohol Compliance and Policy of the U.S. Department of Transportation has issued a [guidance document](#) on the use of products containing Cannabidiol (“CBD”) by truck drivers and other workers in safety-sensitive positions.

The guidance indicated that in the 2018 Farm Bill, Congress removed hemp from the definition of marijuana under the Controlled Substances Act. Under the Farm Bill, hemp-derived products containing a concentration of up to 0.3% tetrahydrocannabinol (“THC”) are not controlled substances. THC is the primary psychoactive component of marijuana. Any product, including CBD products, with a concentration of more than 0.3% THC remains classified as marijuana, a Schedule I drug under the Controlled Substances Act.

Further, the DOT stated it is important for all employers and safety-sensitive employees to know:

1. The Department of Transportation requires testing for marijuana and not CBD.



**IDEALEASE** **NPTC**  
 National Private Truck Council  
 A one day seminar in your area co-sponsored by Idealease, Inc. and NPTC

## Transcending Technology in Transportation Safety

Idealease and the National Private Truck Council NPTC will again be hosting safety seminars in 2020. The one-day seminar this year will focus on new safety technologies available on trucks today, basic safety and compliance, regulation changes, load securement and CSA. The seminars and will be provided to all

2. The labeling of many CBD products may be misleading because the products could contain higher levels of THC than what the product label states. The Food and Drug Administration (FDA) does not currently certify the levels of THC in CBD products, so there is no Federal oversight to ensure that the labels are accurate. The FDA has cautioned the public that: "Consumers should beware purchasing and using any [CBD] products." The FDA has stated: "It is currently illegal to market CBD by adding it to a food or labeling it as a dietary supplement." Also, the FDA has issued several warning letters to companies because their products contained more CBD than indicated on the product label.
3. The Department of Transportation's Drug and Alcohol Testing Regulation, Part 40, does not authorize the use of Schedule I drugs, including marijuana, for any reason. Furthermore, CBD use is not a legitimate medical explanation for a laboratory-confirmed marijuana positive result. Therefore, Medical Review Officers will verify a drug test confirmed at the appropriate cutoffs as positive, even if an employee claims they only used a CBD product.



It remains unacceptable for any safety-sensitive employee subject to the Department of Transportation's drug testing regulations to use marijuana. Since the use of CBD products could lead to a positive drug test result, Department of Transportation-regulated safety-sensitive employees should exercise caution when considering whether to use CBD products.



### FMCSA: CDL Drug and Alcohol Clearinghouse Identifies Nearly 8,000 Violations

The CDL Drug and Alcohol Clearinghouse has identified nearly 8,000 positive substance abuse tests of commercial drivers during the first weeks of operation, the

Federal Motor Carrier Safety Administration (FMCSA) said.

The data is the first information that FMCSA has released to the public since the clearinghouse launched on January 6, 2020. Since the launch, more than 650,000 registrants have signed up for the service.

FMCSA established the clearinghouse to help employers identify drivers who have violated FMCSA drug and alcohol testing program requirements and are prohibited from operating a commercial motor vehicle (CMV). The site also confirms that drivers have received the required evaluation and treatment before returning to driving.

#### How does an employer learn of a violation?

Ideally customers, potential customers and NPTC members at no charge. The seminar provides important information applicable for both the novice and experienced transportation professionals.



#### Spring Dates

3/11/2020	San Leandro, CA
4/6/2020	Columbia, SC
4/7/2020	Atlanta, GA
4/14/2020	Cleveland, OH
4/15/2020	Youngstown, OH
4/16/2020	Tampa, FL
4/21/20	Kansas City, MO
4/22/2020	Dallas, TX
4/23/20	Memphis, TN
4/30/2020	Chattanooga, TN
5/5/2020	Wausau, WI
5/6/2020	Madison, WI
5/7/2020	Aurora, CO
5/13/2020	Portland, OR
5/14/2020	Santa Fe Springs, CA
5/20/2020	Altoona, IA
5/20/2020	Baltimore, MD
5/21/2020	Manheim, PA
7/22/2020	Santa Rosa, CA

#### Fall Dates

9/23/2020	Brantford, ON
9/23/2020	Indianapolis, IN
9/29/2020	Fort Wayne, IN
10/1/2020	Oklahoma City, OK
10/7/2020	Eugene, OR
10/13/2020	Charlottesville, VA
10/22/2020	Birmingham, AL
10/29/2020	Phoenix, AZ

[Click Here](#) to view a schedule of all Safety Seminars offered.

Employers who are subject to 49 CFR Part 382 (i.e., operate CMVs requiring a CDL) must query the clearinghouse to learn of and act on any unresolved FMCSA testing violations. Employers may use a designated third party to perform queries on their behalf.

Clearinghouse queries are required:

- Before a prospective employee performs a safety-sensitive function for the first time, and
- Annually on existing drivers to learn of any violation occurring under another motor carrier's testing program.

As a best practice, employers may query the system more often than annually on current drivers.

## FMCSA Updates FAQs on Use of Bulk Queries to Clearinghouse

The Federal Motor Carrier Safety Administration's Drug & Alcohol Clearinghouse gives employers and third-party administrators the option to conduct queries individually, or to upload multiple queries at once. The agency has updated its [Frequently Asked Questions](#) on how this process works, including how to track the progress of a query for an individual driver when multiple queries have been requested.



## Roadcheck 2020 May 5-7 will focus on Driver Requirements

Driver requirements will be the emphasis of the 2020 International Roadcheck, hosted annually by the Commercial Vehicle Safety Alliance (CVSA).

This year's Roadcheck is scheduled to take place May 5-7, a month earlier than its traditional date. Organizers said the date change may allow for more favorable weather conditions in many of the participating jurisdictions across North America.

Inspectors will primarily be conducting the [North American Standard Level I Inspection](#), which is the most thorough roadside inspection. It is a 37-step procedure that includes an examination of both driver operating requirements and vehicle mechanical fitness. Drivers are required to provide items such as their driver's license, hours-of-service documentation, motor carrier registration and shipping documentation, and inspectors will be checking drivers for seat belt usage and the influence of alcohol and/or drugs. The vehicle inspection includes checking items such as the brake systems, cargo securement, coupling devices, driveline/driveshaft, exhaust systems, frames, fuel systems, lighting devices (required lamps), steering mechanisms, suspensions, tires, van and open-top trailer bodies, wheels, rims and hubs, windshield wipers, and emergency exits (on buses).

International Roadcheck is a CVSA program with participation by the U.S.



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Federal Motor Carrier Safety Administration, Canadian Council of Motor Transport Administrators, Transport Canada, and the Secretariat of Communications and Transportation (Mexico).



[Learn more about International Roadcheck.](#)



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