



**DEPARTMENT OF TRANSPORTATION**

**4910-9X**

**Office of the Secretary**

**[Docket No. DOT-OST-2020-0049]**

**Information Collection Activities; Requests for Comments**

**AGENCY:** Office of the Secretary (OST), DOT.

**ACTION:** Notice and request for public comment and submission to OMB for clearance of renewed approval of information collection.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below will be forwarded to the Office of Management and Budget (OMB) for review and comments. The ICR describes the nature of the information collection and its expected burden. A Federal Register Notice with a 60-day comment period soliciting comments on the following information collection was published on June 11, 2020. The purpose of this Notice is to allow 30 days for public comment.

**DATES:** Comments to this notice must be received by **[INSERT DATE 30 DAYS FROM THE PUBLICATION DATE IN THE FEDERAL REGISTER]**.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](https://www.reginfo.gov/public/do/PRAMain). Find this information collection by selecting “Currently under Review—Open for Public Comments” or by using the search function. Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal identification information, will be available for public view.

**FOR FURTHER INFORMATION CONTACT:** Bohdan Baczara, Office of Drug and Alcohol Policy and Compliance, Office of the Secretary, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590; 202-366-3784 (voice), 202-366-3897 (fax), or bohdan.baczara@dot.gov. When submitting comments or requesting information, please include the docket number and information collection title for reference.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 2105-0529

*Title:* Procedures for Transportation Workplace Drug and Alcohol Testing Programs

*Type of Review:* Clearance of a renewal of an information collection

*Form Numbers:* DOT F 1385; DOT F 1380

*Respondents:* The information will be used by transportation employers, Department representatives, and a variety of service agents.

*Abstract:* Under the Omnibus Transportation Employee Testing Act of 1991, DOT is required to implement a drug and alcohol testing program in various transportation-related industries. This specific requirement is elaborated in 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs. This request for a renewal of the information collection for the program includes 43 burden items including the U.S. Department of Transportation Alcohol Testing Form (ATF) [DOT F 1380] and the DOT Drug and Alcohol Testing Management Information System (MIS) Data Collection Form [DOT F 1385].

The ATF includes the employee's name, the type of test taken, the date of the test, and the name of the employer. Data on each test conducted, including test results, is necessary to document that the tests were conducted and is used to take action, when required, to ensure safety in the workplace. The MIS form includes employer specific drug and alcohol testing

information such as the reason for the test and the cumulative number of test results for the negative, positive, and refusal tests. No employee specific data is collected. The MIS data is used by each of the affected DOT Agencies (i.e., Federal Aviation Administration, Federal Transit Administration, Federal Railroad Administration, Federal Motor Carrier Safety Administration, and the Pipeline and Hazardous Materials Safety Administration) and the United States Coast Guard when calculating their industry's annual random drug and/or alcohol testing rate.

*Estimated total number of respondents: 3,593,202.*

*Estimated number of Responses: 11,841,478*

*Frequency of Response: The information will be collected annually.*

*Estimated Total Number Burden Hours; 1,287,811*

<b>PRA Item</b>	<b>Number of Respondents</b>	<b>Number of Responses</b>	<b>Burden Hours</b>	<b>Salary Costs(\$)</b>
Exemptions from Regulation Provisions Requests [40.7(a)]	1	1	3	\$104
Employer Stand-down Waiver Requests [40.21(b)]	0	0	0	\$0
Employee Testing Records from Previous Employers [40.25(a)]	584,628	3,538,179	471,757	\$16,379,410
Employee Release of Information [40.25(f)]	3,538,179	3,538,179	235,878	\$8,189,704
MIS Form Submission [40.26]	17,840	17,840	26,760	\$929,107
Collector (Qualification and Refresher) Training Documentation (40.33(b) & (e))	5,000	5,000	333	\$11,561
Collector Error Correction Training Documentation [40.33(f)]	12,000	19,625	1,308	\$45,425
Laboratory Reports to DOT Regarding Unlisted Adulterant [40.91(e)]	0	0	0	\$0
Semi-Annual Laboratory Reports to Employers [40.111(a)]	23	385,854	25,723	\$893,123
Semi-Annual Laboratory Reports to DOT [40.111(d)]	23	46	3	\$106

Medical Review Officer (MRO) (Qualifications and Continuing Education) Training Documentation [40.121(c) & (d)]	1,000	1,000	66	\$2,291
MRO Review of Negative Results Documentation [[40.127(b)(2)(ii)]	5,000	381,055	25,403	\$873,000
MRO Failure to Contact Donor Documentation [40.131(c)(1)]	5,000	63,827	4,255	\$147,738
MRO Effort to Contact DER Documentation [40.131(c)(2)(iii)]	5,000	63,827	4,255	\$147,738
DER Successful Contact Employee Documentation [40.131(d)]	51,061	51,061	3,404	\$118,190
DER Failure to Contact Employee Documentation [40.131(d)(2)(i)]	12,765	12,765	851	\$29,547
MRO Verification of Positive Result Without Interview Documentation [40.133].	5,000	12,765	851	\$29,547
Adulterant/Substitution Evaluation Physician Statements [40.145(g)(2)(ii)(d)]	0	0	0	\$0
MRO Cancellation of Adulterant / Substitution for Legitimate Reason Reports [40.145(g)(5)]	0	0	0	\$0
Employee Admission of Adulterating / Substituting Specimen MRO Determination [40.159(c)]	40	40	3	\$104
Split Specimen Requests by MRO [40.171(c)]	5,000	7,206	480	\$16,680
Split Failure to Reconfirm for Drugs Reports by MRO [40.187(b)]	35	34	2	\$69
Split Failure to Reconfirm for Adulterant / Substitution Reports by MRO [40.187(c)]	5	5	1	\$34
Shy Bladder Physician Statements [40.193(f)]	773	773	64	\$2,238
MRO Statements Regarding Physical Evidence of Drug Use [40.195(b) & (c)]	0	0	0	\$0
Drug Test Correction Statements [40.205 (b)(1) & (2)]	25,000	154,732	20,630	\$716,308
Breath Alcohol Technician (BAT) / Screening Test Technician (STT) (Qualification and Refresher) Training Documentation [40.213(b)(c)&(e)]	2,000	2,000	133	\$4,617

BAT/STT Error Correction Training Documentation [40.213(f)]	168	168	11	\$390
Complete DOT Alcohol Testing Forms [40.225(a)]	10,000	3,378,454	450,460	15,639,989
Evidential Breath Testing Device Quality Assurance / Calibration Records [40.233(c)(4)]	10,000	10,000	666	\$23,123
Shy Lung Physician Statements [40.265(c)(2)]	168	168	11	\$390
Alcohol Test Correction Statements [40.271(b)(1)&(2)]	337	337	22	\$781
Substance Abuse Professional (SAP) (Qualification and Continuing Education) Training Documentation [40.281(c)&(d)]	3,334	3,334	222	\$7,707
Employer SAP Lists to Employees [40.287]	10,000	115,713	7,714	\$267,837
SAP Reports to Employers [40.311(c),(d) & (e)]	10,000	94,456	6,297	\$218,634
Correction Notices to Service Agents [40.373(a)]	25	25	25	\$868
Notice of Proposed Exclusion (NOPE) to Service Agents [40.375(a)]	5	5	50	\$1,736
Service Agent Requests to Contest Public Interest Exclusions (PIE) [40.379(b)]	2	2	2	\$69
Service Agent Information to Argue PIE [40.379(b)(2)]	2	2	8	\$277
Service Agent Information to Contest PIE [40.381(a) & (b)]	2	2	8	\$277
Notices of PIE to Service Agents [40.399]	1	1	1	\$34
Notices of PIE to Employer and Public [40.401 (b) & (d)]	1	1	1	\$34
Service Agent PIE Notices to Employers [40.403 (a)]	1	300	150	\$5,208
<b>Total New</b>	<b>3,593,202</b>	<b>11,841,478</b>	<b>1,287,811</b>	<b>44,703,995</b>

*Public Comments Invited:* 1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; 2) the accuracy of the Department's estimate of the burden of the

proposed information collection; 3) ways to enhance the quality, utility and clarity of the information to be collected; and 4) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended.

Issued in Washington, DC on August 28, 2020.

**Bohdan Baczara,**

*Deputy Director,*

*DOT, Office of Drug and Alcohol Policy and Compliance.*

[FR Doc. 2020-19366 Filed: 9/2/2020 8:45 am; Publication Date: 9/3/2020]