



**Attention Clients: Important information regarding changes to 49CFR Part 40 and implementation date for revisions to HHS and DOT workplace drug testing programs**

The Department of Transportation (DOT) has published its final rule regarding Procedures for Transportation Workplace Drug and Alcohol Testing Programs (49 CFR Part 40). This final rule is based on the Notice of Proposed Rulemaking (NPRM) published by the DOT on February 4, 2010. The changes are intended to harmonize Part 40 with the DHHS Mandatory Guidelines for Federal Workplace Drug Testing Programs. ***The effective date for both the HHS and DOT guidelines is October 1, 2010.***

The changes incorporate the additional drugs and lower cutoffs and many of the other provisions of the HHS guidelines. However, the final rule does **not** allow the use of HHS-Certified Instrumented Initial Testing Facilities (IITFs) to conduct initial drug testing. This is because the Omnibus Transportation Act requires laboratories to be able to perform both initial and confirmation testing and IITFs cannot conduct confirmation testing.

The full document will be available on the DOT website as of Monday, August 16, 2010 at [www.dot.gov/ost/dapc](http://www.dot.gov/ost/dapc)

A revised federal custody and control form that accommodates the changes to the program is awaiting final OMB approval; MEDTOX will have the new forms available for distribution beginning mid-September unless the final approval is delayed. ***Please note that while it appears there will be a grace period permitting use of the current forms after October 1, the new forms CANNOT be used prior to the implementation date.*** Please make sure that you have sufficient supplies of the current form to accommodate your testing needs prior to the implementation date.

We encourage you to continue visiting our website for additional updates as new information becomes available.