

## **Department of Transportation (DOT) Will Soon Allow Oral Fluid for DOT Drug Tests**

The Department of Transportation (DOT) announced the effective date of regulations allowing oral fluid specimens to be used for federal drug tests. Under the DOT's mandated testing program, found in [49 CFR Part 40](#), the addition of oral fluids is effective June 1, 2023. (Note: The correct term for the bodily fluid used in drug testing regulations is 'oral fluid'; however, we often notice people referring to it is "saliva testing". Saliva is just one of the components that make up oral fluid.)

Before you get too excited, collection sites should be aware that although the final rule was published today and rule goes into effect June 1, 2023, it is unlikely that you will be able to begin conducting oral fluid specimen at that time. The reason for this is due to a second factor in the new rules that requires the U.S. Department of Health and Human Services to certify at least two laboratories for oral fluid testing, which has not occurred yet. Therefore, until this happens, NO oral fluid specimen collections should be conducted for DOT drug testing. Until then, trained specimen collectors should continue collecting urine specimens only.

### **Will separate and additional training be required of current specimen collectors? Yes!**

The new rules require specific training for any person who will be conducting oral fluid collections for DOT drug tests. No currently-trained urine specimen collectors will be 'grandfathered in' or anything of the sorts. Basically, anyone wishing to become trained as an oral fluid specimen collector must participate in compliant training that meets the regulatory requirements. Oral fluid (O.F.) collector training is a little more complicated than urine specimen collector training, due to the requirement that O.F. specimen collectors need to be trained on the specific oral fluid collection device(s) they will use in the real world. There is no "one size fits all" for O.F. collector training, as there is with urine specimen collector training. (More details to come in a future post and newsletter regarding the training requirements and additional changes and tweaks to the latest federal rules.)

### **Will employers be required to start using oral fluid drug testing when it is available?**

No. The DOT is giving employers the option of using oral fluid specimen testing for their federally-covered employees, but it is not required. It is expected that some employers will choose to continue using urine specimens only for DOT drug testing, that some employers may choose to use oral fluid testing only, and that many employers will use a combination of both test types. We suggest that employers remain open to using both

types of specimens to ensure that their drug testing program is as flawless as possible. Example: The Designated Employer Representative (DER) for XYZ Company sends a DOT-regulated employee to a collection site for a random urine drug test, but the employee (donor) cannot provide a urine specimen of sufficient volume. XYZ Company's DER can instruct their collection site to immediately move switch to performing an oral fluid specimen collection in all 'shy bladder' situations, hence avoiding the 3-hour shy bladder waiting period.

### **What are some additional benefits of oral fluid collections for DOT drug testing?**

Another benefit of oral fluid collections is the fact that all oral fluid collections will be observed, which will reduce the potential for cheating on a federal drug test. Oral fluid collections also remove the ongoing problem with urine collections that require an observer of the same gender as the donor. This will alleviate issues for the transgender and non-binary population, since oral fluid collections provide a non-gender-specific option for collectors of any gender to conduct direct observation collections.

Certified Training Solutions will be posting a lot more information on this new final rule over a series of posts and articles. Stay tuned!

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