



DRIVER SAFETY LETTER

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DOT Clarifies Marijuana Testing Policy

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In a House Committee on Transportation & Infrastructure hearing earlier this summer, U.S. Department of Transportation Secretary Pete Buttigieg confirmed that his agency believes the U.S. Department of Justice's proposal to reschedule marijuana from a Schedule I to a Schedule III drug will not change the current requirements for testing transportation workers, including truck drivers, for marijuana.

According to the American Trucking Association, "If the trucking industry's ability to conduct drug testing for marijuana use were to be restricted, a heightened risk of impaired drivers would threaten our nation's roadways. DOT and ATA share the goals of achieving zero highway fatalities and ensuring the commercial driving workforce is qualified to operate safely. We are committed to partnering with DOT to mitigate harmful impacts caused by the potential reclassification of marijuana."

And it's not without due concern. Last year, the National Transportation Safety Board (NTSB) released a study showing that marijuana and alcohol remain the most detected drugs in impaired driving crashes resulting in serious or fatal injuries.

Similarly, researchers at the National Institute on Alcohol Abuse and Alcoholism found that, between 2000 and 2018, crash deaths involving marijuana more than doubled, from 9% to 21.5%. Separate studies revealed that state-level marijuana legalization "was associated with a 6.5% increase in injury crash rates and a 2.3% increase in fatal crash rates." Additionally, following Canada's 2018 legalization of marijuana, the country's emergency rooms saw a 94% increase in the rate of marijuana-involved traffic injuries.

As of May 2024, marijuana (Δ 9-THCA) represented around 60 percent – 150,647 total – of all positive employer drug tests of regulated CMV drivers since the January 2020 implementation of the FMCSA Drug and Alcohol Clearinghouse.

Secretary Buttigieg explicitly stated that USDOT anticipates that it will maintain the authority to conduct testing of marijuana use by commercial motor vehicle drivers and other safety-sensitive transportation workers.

"Our understanding of the rescheduling of marijuana from Schedule I to Schedule III is that it would not alter DOT's marijuana testing requirements with respect to the regulated community," he said. "For private individuals who are performing safety-sensitive functions, subject to drug testing, marijuana is identified by name, not by reference to one of those classes. So even if it was in its classification, we do not believe that that would have a direct impact on that authority."