

Trucking Risk Advisor

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FMCSA Grants Temporary Preemployment Drug Testing Waiver

The Federal Motor Carrier Safety Administration (FMCSA) recently granted a [three-month waiver](#) from certain preemployment drug testing requirements. The waiver—which went into effect on June 5, 2020, and expires on Sept. 30, 2020—allows eligible carriers to rehire commercial motor vehicle (CMV) drivers who have been furloughed or laid off for more than 30 days without having to administer all preemployment drug screening tests.

The FMCSA granted the waiver to encourage motor carriers to rehire CMV drivers who were laid off or furloughed due to COVID-19, thus promoting the rebuilding of the United States' transportation infrastructure. Specifically, under the waiver, employers may forgo the administration of a preemployment test by:

- Ensuring the CMV driver has participated in a controlled substances testing program within the previous 90 days.
- Verifying that the CMV driver was tested for controlled substances within the past six months or participated in the random controlled substances testing program for the previous 12 months.
- Verifying that the CMV driver does not have a controlled substance violation record with another DOT agency within the previous six months.
- Purchasing a preemployment query from the Drug & Alcohol Clearinghouse and ensuring the CMV driver is not allowed to perform safety-sensitive functions if the results of the query show that the driver had a violation.
- Investigating the CMV driver's drug and alcohol testing history with current and previous employers.
- Emailing the FMCSA within five business days of any recordable accident involving any driver for whom the waiver was used.

Under current regulations, employers must perform drug screening tests for controlled substances and receive a verified negative test result before hiring a new CMV driver. However, an exception allows carriers to forgo the preemployment drug test if a driver has participated in a compliant controlled substances testing program within the previous 30 days.

The FMCSA's new waiver extends that 30-day period to 90 days. Because preemployment screening is conducted at the employer's expense, this effectively reduces the cost of hiring CMV drivers for passenger and property carriers. To learn more, click [here](#).

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