

FMCSA Clearinghouse Records More Than 56,000 Truck Driver Violations in 2020

By Eric Miller, *Transport Topics*

More than 56,000 drug and alcohol violations were recorded last year in a database intended to track truck drivers' compliance history and prevent them from job-hopping in the event of a failed drug test.

The number of driver violations reported rose by roughly 10,000 over the final two months of 2020, the first full year of operation for the Federal Motor Carrier Safety Administration's Drug and Alcohol Clearinghouse.

According to a new summary report, just 1,203 of the total driver violations were alcohol-related. Of those, most were for drivers who tested with a blood alcohol concentration of 0.04 or greater.

Of the 45,000 driver violators who lost their jobs due to the violations, 34,000 have not yet completed the return-to-work program — a statistic that has some in the industry concerned that those drivers may be leaving their jobs for good.

The violations overwhelmingly included drivers who tested positive for drug use, but also included those who declined to take a drug test or were suspected of cheating on a test.

"The good news is that the system is working in capturing violations by drivers and allowing employers and enforcement personnel to verify a driver's status prior to permitting him/her [to drive]," said Duane DeBruyne, an FMCSA spokesman. "Any violation reported is a bad thing; blocking prohibited drivers from endangering themselves and the lives of the motoring public is a good thing."

DeBruyne said the Clearinghouse is making it more difficult for prohibited drivers to circumvent the required return-to-duty process, thereby preventing them from continuing to operate large commercial motor vehicles and potentially, "endanger themselves and the lives of everyone traveling our nation's roadways."

Carriers, state driver licensing agencies and law enforcement officials use the Clearinghouse to check a driver's violations.

"I believe the 56,000 drivers with violations reiterates the importance of this Clearinghouse, and shines a spotlight on a rather large loophole in the drug and alcohol testing process that has existed for many years," said Dan Horvath, vice president of safety policy for American Trucking Associations.

Dave Osiecki, president of Scopelitis Transportation Consulting, said the return-to-work number is low. "It's concerning, and it bears watching and tracking," Osiecki said. "The percentage of drivers with violations who are getting evaluated, and completing the

treatment process, has risen slowly over the past several months. This is a good sign, but it's also clear that many drivers are not entering treatment, which suggests they've left the industry."

Osiecki said that when FMCSA published the final Clearinghouse rule in 2016, the agency used historical industry data to provide an annual violation estimate. "FMCSA's estimate was 53,500 drug and alcohol violations annually. Their estimate was remarkably close," he said.

"According to our interpretation of Motor Carrier Management Information System data, there are 5,174,170 truck drivers under the authority of FMCSA," said Norita Taylor, a spokeswoman for the Owner-Operator Independent Drivers Association. "Fifty-six thousand drivers represents 1.1% of the available driver pool." Other trucking groups have differing estimates of the size of the driver pool.

The leading number of drug test failures — 29,500 — was for marijuana, according to the report, which summarized violations recorded since Jan. 6, 2020, when the Clearinghouse officially went into effect.

There were more than 7,940 failed tests for cocaine use, and 4,953 for amphetamines. Also included in the total were about 1,120 tests described as reasonable suspicion of attempts to cheat on a drug test, the report said.

In 2020, about 1.6 million drivers and 197,000 employers registered in the Clearinghouse. Slightly more than 67,000 of the employers registered have identified themselves as owner-operators, according to FMCSA.

During 2020, there were 136,806 full queries on the Clearinghouse, 1.4 million pre-employment queries and 2.7 million limited queries, according to the report.

Besides making pre-employment checks, employers are required by regulation to make checks on the database annually to ensure none of their employees have any drug violations.

"It's important to note that having a drug or alcohol testing violation is not an automatic end to a driver's career," said ATA's Horvath. "While there is a significant number of drivers who have not yet completed the return-to-duty testing process, that number continues to grow. With continued education about the drug and alcohol testing program, and consequences for noncompliance, we hope to see violations decrease and the number of drivers who have completed the return-to-duty process increase."

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