

## **Congress Should Put the Brakes on Hair Testing Bus and Truck Drivers**

Too often Washington is a place where all good ideas go to die and where bad ideas flourish. The latest bad idea? Some in the commercial motor vehicle industry are pressuring Congress to undermine scientists and established protocol in order to allow the industry to use an unsubstantiated form of drug testing: hair specimen testing.

Drivers who climb behind the wheel every day and the unions that represent them are committed to safety, and understand that illegal drug use has no place on our nation's highways. That's why the Department of Transportation (DOT) requires drivers to regularly submit to drug testing via urine testing. But here's the important part: Drivers do so with the expectation that the federally required tests are backed by objective, scientific and forensically sound evidence, and that the rules that put those tests in place are effective at keeping our transportation system safe while also protecting the rights of workers.

This half-baked hair specimen testing idea violates those principles.

Experts at the Department of Health and Human Services (HHS) have long determined which specimens are suitable for drug testing and set technical standards for performing the tests. The DOT uses those scientific standards to develop procedures for drug testing bus and truck drivers and other transportation employees. This system has been applied to urine testing and since 1991, urine samples have been used as the reliable standard for drug testing drivers. By stark contrast, HHS has not approved hair specimen for use in drug tests, and no HHS-issued technical standards for hair testing exist — and for good reason. Hair testing is not ready for primetime.

A bus driver who provides hair for a drug test could test positive for drugs she or he never actually took. You see, hair absorbs substances that people come into contact with through the environment and labs performing hair tests are currently incapable of distinguishing between drugs that drivers are exposed to and those which they actually ingested. Yes, you read that right. This kind of testing, which can't actually determine how hair was contaminated, has the ability to put the livelihoods of thousands of responsible, hardworking men and women at risk.

There's more to this story. Some drugs bond at greater rates to hair that is darker and more porous, leading to the serious concern that hair testing has an inherent racial bias. In fact, 10 African Americans brought a case alleging that the hair tests used by the Boston Police Department are racially discriminatory. The [U.S. Court of Appeals for the First Circuit](#) found that these employees had proven "beyond reasonable dispute" a prima facie case that the Police Department's hair testing program was in fact discriminatory. The case is pending an appeal.

The fact that hair testing programs can discriminate should be cause enough for concern to put the brakes on any federal hair testing proposal. It's also a reminder that, while plenty of politicians attack the bureaucracy of our government there's a reason for all of those policies and procedures: they work. The fact is, most lawmakers aren't scientists and, therefore, shouldn't be creating science-based policies without input from experts.

We all agree that maintaining a drug-free workforce is critically important to keeping our transportation system as safe as possible. But testing hardworking drivers using an unproven, unscientific and potentially biased measure won't fulfill that goal. When it comes to drug testing commercial motor

vehicle drivers, Congress and industry leaders should [stick with what works](#) and stop challenging good science.