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Caitlyn E. Stewart  
Vice President – Regulatory Affairs

December 20, 2023

Ms. Lisa S. Davis  
Public Health Advisor  
Division of Workplace Programs  
Substance Abuse and Mental Health Services Administration  
5600 Fishers Lane  
Rockville, MD 20857

RE: Proposed Addition of Fentanyl and Removal  
of MDA and MDMA to the Authorized Drug  
Testing Panels for Urine and Oral Fluid (Docket  
No. 2023-22797 and 2023-25463)

Dear Ms. Davis,

The American Waterways Operators (AWO) is the tugboat, towboat, and barge industry's advocate, resource, and united voice for safe, sustainable, and efficient transportation on America's waterways, oceans, and coasts. Our industry is the largest segment of the nation's 40,000-vessel domestic maritime fleet and moves 665 million tons of cargo each year safely, sustainably, and efficiently. On behalf of AWO's more than 300 member companies, we appreciate the opportunity to comment on the Substance Abuse and Mental Health Services Administration's (SAMHSA) proposed changes to the authorized drug testing panels for urine and oral fluid.

The tugboat, towboat, and barge industry supports more than 270,000 jobs in related industries nationwide, including 38,000 positions as mariners on board our vessels. While not directly subject to chemical testing requirements established by the U.S. Department of Transportation (DOT), U.S. Coast Guard regulations require mariners to participate in pre-employment, periodic, random, post-incident, and reasonable cause chemical testing that adheres to the federal workplace testing procedures established by DOT in 49 CFR Part 40.

AWO members are deeply committed to ensuring the safety of mariners aboard their vessels and upholding public and environmental safety in the waterways on which they work. Maintaining a drug-free workplace is vital to meeting those goals. In the spirit of cooperation toward that shared goal of safety, AWO is pleased to offer these comments.

### **Removal of MDA and MDMA from the Authorized Drug Testing Panels for Urine and Oral Fluid**

During the December 5 meeting of the Drug Testing Advisory Board, SAMHSA staff provided data indicating that in the past decade the positivity rate for MDMA dropped from an average of 0.004% in 2013-2017 to an average of 0.002% in 2018-2023, with the positivity rate for MDA even lower than that of MDMA, and recommended their removal from the authorized drug testing panels. SAMHSA staff explained that while PCP has a similarly low average positivity rate, regional variations warrant maintaining PCP in the drug testing panels.

AWO members have not experienced differing positivity rates or regional variations in MDA and MDMA that would indicate trends in the maritime industry diverge from those SAMHSA has identified. Therefore, AWO agrees with SAMHSA's determination that the low positivity rates for MDA and MDMA justify their removal from the authorized drug testing panels because removal will not adversely affect workplace and public safety.

### **Addition of Fentanyl to the Authorized Drug Testing Panels for Urine and Oral Fluid**

Like SAMHSA, AWO members recognize the growing use of fentanyl and the dangers it poses to upholding workplace safety. In the interest of safety, AWO supports adding fentanyl and norfentanyl to the drug testing panel provided implementation of these additions does not negatively impact the efficiency and effectiveness of the overall federal workplace drug testing program. Proper implementation must ensure that the addition of fentanyl and norfentanyl: (1) does not create delays in receiving drug test results beyond current timeframes; (2) does not create uncertainty about the validity of oral fluid specimen results as compared to urine specimen testing; and, (3) does not require additional specimens or impose other testing burdens to test for both fentanyl and norfentanyl. If those conditions can only be met by adding norfentanyl at a later date as further scientific means of testing are developed, AWO would support the addition of only fentanyl at this time.

Additionally, when SAMHSA considers implementation timelines and effective dates for regulatory changes, AWO urges SAMHSA to coordinate with the U.S. Coast Guard alongside DOT and its regulated agencies. The added step of Coast Guard regulatory implementation of DOT regulations lengthens the process of applying federal workplace drug testing programs to the maritime industry and this should be taken into account to ensure effective implementation and modal parity.

Thank you again for the opportunity to submit comments on the proposed changes to the authorized drug testing panels for urine and oral fluid. We would be pleased to answer any questions or provide further information to assist in your decision-making.

Sincerely,



Caitlyn E. Stewart  
Vice President – Regulatory Affairs