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Jennifer A. Carpenter
President & CEO

November 9, 2020

Eugene D. Hayes
Substance Abuse and Mental Health Services Administration
Center for Substance Abuse Prevention
Division of Workplace Programs
5600 Fishers Lane, Room 16N02
Rockville, MD 20857

Re: Mandatory Guidelines for Federal Workplace
Drug Testing (Docket No. SAMHSA-2020-0001)

Dear Mr. Hayes:

The American Waterways Operators is the national trade association for the tugboat, towboat and barge industry. AWO's more than 300 member companies own and operate barges and towing vessels on the U.S. inland and intracoastal waterways; the Atlantic, Pacific and Gulf coasts; and the Great Lakes. The tugboat, towboat and barge industry provides family-wage jobs and ladders of career opportunity for more than 50,000 Americans, including 38,000 positions as mariners on board our vessels who safely, securely and efficiently move more than 760 million tons of cargo critical to the U.S. economy.

On behalf of AWO's member companies, thank you for the opportunity to review and comment on the Department of Health and Human Service's (DHHS) proposed changes to the Mandatory Guidelines for Federal Workplace Drug Testing Programs that will impact their compliance options for pre-employment and random drug testing requirements.

Tugboat, towboat and barge operators are committed to upholding drug-free workplaces and ensuring mariners never operate vessels while impaired. DHHS' proposal to add hair as an authorized drug testing specimen is an important step in providing operators with options and flexibility to meet those safety priorities. However, the current proposal and its projected costs inhibit the utility of hair testing. Compared to DHHS' stated cost of \$6.50-11.00 per urine specimen, which is currently the only authorized testing method available to the maritime industry, the estimated cost of \$40.00-45.00 per hair specimen alone makes it economically unfeasible for operators to adopt. The costs added by the requirement to collect an additional "alternate" approved specimen (urine, or oral fluid once that testing method is approved by the Department of Transportation) either simultaneously with the collection of the hair specimen or at a later date if the hair specimen results in a positive test makes adoption of hair testing untenable.

The integrity gained through direct observation and collection of hair specimens, and the inability to adulterate a sample, is a critical benefit. That primary benefit will also be achieved when oral fluid testing is approved for use in the maritime industry, and oral fluid testing achieves that benefit at a comparatively lower cost than hair testing and without the added burdens and costs of the “alternate” sample collection required with hair testing. We hope that with time the reliability of hair testing will increase so that the process may be streamlined and the costs may be brought down to make it a more feasible testing option.

Thank you again for the opportunity to engage in DHHS’ consideration of authorizing hair specimen testing within the Mandatory Guidelines for Federal Workplace Drug Testing. We would be pleased to answer any questions or provide further information as you see fit.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Carpenter". The signature is written in a cursive, flowing style.

Jennifer A. Carpenter
President and CEO