

STATEMENT OF ELIZABETH HANFORD DOLE

SECRETARY OF TRANSPORTATION

before the

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

**CONCERNING LEGISLATION TO MANDATE TESTING PROGRAMS FOR
UNAUTHORIZED USE OF ALCOHOL AND CONTROLLED SUBSTANCES
IN THE AVIATION AND RAILROAD INDUSTRIES**

February 20, 1987

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I APPRECIATE YOUR INVITATION TO TESTIFY TODAY ON YOUR PROPOSED LEGISLATION TO MANDATE ALCOHOL AND DRUG TESTING IN THE AVIATION AND RAILROAD INDUSTRIES.

WHEN WE BOARD AN AIRPLANE, TRAIN, OR BUS, OR DRIVE OUR CARS ON THE HIGHWAY, WE LITERALLY PUT OUR LIVES IN THE HANDS OF OTHERS. THE EFFECTIVE OPERATION OF ANY TRANSPORTATION SYSTEM, THEREFORE, ULTIMATELY DEPENDS ON A FOUNDATION OF MUTUAL TRUST AND CONFIDENCE IN THE VIGILANCE AND RESPONSIBILITY OF OTHER PEOPLE.

THE ABUSE OF DRUGS AND ALCOHOL BY TRANSPORTATION WORKERS IN SAFETY-SENSITIVE FUNCTIONS IS A LIFE-THREATENING VIOLATION OF THAT TRUST. RARELY DOES THE PRIVATE CHOICE TO USE DRUGS HAVE MORE DEVASTATING PUBLIC CONSEQUENCES THAN ON OUR NATION'S ROADS, RAILS, WATERS AND AIRWAYS. THE PUBLIC THUS HAS EVERY RIGHT TO EXPECT A DRUG-FREE TRANSPORTATION SYSTEM, AND THOSE OF US WHO SERVE THE PUBLIC HAVE A DUTY TO SEE THAT THEIR EXPECTATIONS ARE MET.

LAST FALL, THE PRESIDENT AND THE CONGRESS JOINED TOGETHER IN A CALL FOR A DRUG-FREE AMERICA. IN SEPTEMBER, THE PRESIDENT ISSUED AN EXECUTIVE ORDER TO COMBAT DRUG USE BY FEDERAL WORKERS. CONGRESS SUBSEQUENTLY PASSED, AND THE PRESIDENT SIGNED, THE "ANTI-

DRUG ABUSE ACT OF 1986," EXTENDING THE FIGHT AGAINST DRUG ABUSE FROM BEEFED UP LAW ENFORCEMENT TO ENHANCED EDUCATION AND AWARENESS PROGRAMS.

THE DEPARTMENT OF TRANSPORTATION SHARES THAT COMMITMENT. WE ARE DEVELOPING PLANS FOR A SERIES OF STEPS, INCLUDING MANDATORY DRUG TESTING, TO ENSURE THAT THERE IS NO ROOM FOR DRUGS IN THE TRANSPORTATION WORKPLACE, WHETHER THAT WORKPLACE IS THE DEPARTMENT OF TRANSPORTATION OR ONE OF THE REGULATED INDUSTRIES. OUR GOAL IS NOT TO PUNISH SUCH EMPLOYEES, BUT RATHER TO ENCOURAGE INDIVIDUALS WITH A DEBILITATING PERSONAL PROBLEM TO SEEK HELP THROUGH REHABILITATION AND COUNSELING. WE RECOGNIZE THAT DRUG TESTING IS A VERY SENSITIVE ISSUE THAT MUST BE HANDLED WITH CARE. OUR WATCHWORD HAS BEEN AND WILL CONTINUE TO BE TO ASSURE THE SAFETY OF THE PUBLIC, WHILE RESPECTING INDIVIDUAL DIGNITY AND PRIVACY.

THE DEPARTMENT'S ALCOHOL AND DRUG USE PROGRAM FOR THE RAILROAD INDUSTRY PROVIDES AN IMPORTANT EXAMPLE OF THIS KIND OF APPROACH. LAST YEAR, WE IMPLEMENTED A FEDERAL RULE, THE FIRST IN AMERICAN RAILROAD HISTORY, PROHIBITING THE ON-DUTY USE OR POSSESSION OF ALCOHOL AND DRUGS; REQUIRING POST-ACCIDENT AND PRE-EMPLOYMENT DRUG TESTING; AND AUTHORIZING THE TESTING OF EMPLOYEES FOR REASONABLE CAUSE. BECAUSE OF THIS RULE, THE CONRAIL TRAIN CREW WAS TESTED FOR DRUGS AND ALCOHOL IN THE WAKE OF THE TRAGIC CONRAIL-AMTRAK COLLISION LAST MONTH.

THE FEDERAL RAILROAD ADMINISTRATION ALSO HAS BEEN WORKING WITH RAIL MANAGEMENT AND LABOR ON "OPERATION RED BLOCK," A SUCCESSFUL VOLUNTARY PROGRAM THAT REACHES OUT TO ASSIST EMPLOYEES BEFORE THEIR USE OF DRUGS OR ALCOHOL CAN POSE A THREAT TO SAFETY. THE PROGRAM, INITIATED BY THE UNION PACIFIC RAILROAD AND ITS LABOR

ORGANIZATIONS IN 1983, EMPHASIZES AWARENESS, EDUCATION, PREVENTION AND TREATMENT WITH UNION-LED PREVENTION COMMITTEES. THE PROGRAM SEEKS TO CHANGE ATTITUDES BY ENCOURAGING THE USER TO SEEK COUNSELING AND TREATMENT, AND BY REDUCING NON-USER TOLERANCE OF DRUG AND ALCOHOL USE IN THE WORKPLACE. THE PROGRAM HAS PROVEN A MAJOR SUCCESS; SO SUCCESSFUL THAT IT HAS NOW BEEN ADOPTED BY ROUGHLY HALF THE NATION'S MAJOR RAILROADS.

I BELIEVE, HOWEVER, THAT EVEN STRONGER MEASURES ARE NECESSARY. SINCE THE RAILROAD SAFETY ACT'S ENACTMENT IN 1970, THE FRA HAS HAD GENERAL REGULATORY AUTHORITY OVER ALL AREAS OF RAILROAD SAFETY, BUT HAS NEVER HAD AUTHORITY TO IMPOSE STATUTORY SANCTIONS ON AN INDIVIDUAL WHO HAS VIOLATED FEDERAL SAFETY RULES. THE TIME HAS COME TO PROVIDE THAT AUTHORITY SO THAT THE FRA RULES GENERALLY, WHETHER RANDOM TESTING OR STANDARDS TO PREVENT TAMPERING WITH SAFETY DEVICES, WILL BE DIRECTLY ENFORCEABLE AGAINST EMPLOYEES WITH SAFETY-RELATED RESPONSIBILITIES.

WE HAVE TRANSMITTED LEGISLATION PROPOSING THAT DOT BE GRANTED THIS AUTHORITY AS PART OF THE RAIL SAFETY REAUTHORIZATION ACT. I URGE YOU TO CONSIDER IT SERIOUSLY, EITHER AS PART OF THE RAIL SAFETY BILL, OR AS AN ADDITION TO THE LEGISLATION WE DISCUSS HERE TODAY.

OUR EFFORTS EXTEND TO THE DEPARTMENT'S OWN EMPLOYEES AS WELL AS TO THOSE OF THE INDUSTRIES WE REGULATE. I RECENTLY PROPOSED A COMPREHENSIVE PROGRAM FOR DOT EMPLOYEES. THE PROGRAM INCLUDES EXTENSIVE DRUG AWARENESS AND EDUCATION CAMPAIGNS, COUNSELING AND REHABILITATION, AND RANDOM DRUG TESTING FOR EMPLOYEES IN CRITICAL SAFETY AND SECURITY-RELATED POSITIONS.

AFTER AN INTENSIVE REVIEW WITHIN THE DEPARTMENT AND CAREFUL CONSIDERATION FOR THE LEGITIMATE CONCERNS OF THE AFFECTED EMPLOYEES, I CONCLUDED THAT RANDOM TESTING PROVIDES THE MOST REASONABLE DETERRENT AVAILABLE TO SUBSTANCE ABUSE BY SUCH EMPLOYEES. MORE THAN ANY OTHER MEASURE, I BELIEVE IT WILL ENCOURAGE INDIVIDUALS IN SUCH JOBS WITH DRUG PROBLEMS TO END THEIR DEPENDENCY AND SEEK REHABILITATION. AN EMPLOYEE WITH A DRUG PROBLEM MUST NEVER BE IN A JOB WITH RESPONSIBILITY FOR TRANSPORTATION SAFETY.

OUR DRUG TESTING EXPERIENCE AMONG COAST GUARD UNIFORMED PERSONNEL, AND COMPARABLE EXPERIENCE IN THE DEPARTMENT OF DEFENSE, BEARS THIS OUT. AS YOU KNOW, MILITARY PERSONNEL HAVE BEEN SUBJECT TO RANDOM TESTING FOR SEVERAL YEARS. IN THE COAST GUARD'S MANDATORY RANDOM TESTING PROGRAM, THE INCIDENCE OF DRUGS IN URINE SAMPLES DECREASED FROM ABOUT TEN PERCENT TO ABOUT THREE PERCENT FROM OCTOBER 1983 THROUGH 1986. ALTHOUGH ILLEGAL DRUG USE WAS CERTAINLY PROHIBITED BY THE COAST GUARD PRIOR TO THE TESTING PROGRAM, RANDOM TESTING MADE AN ENORMOUS DIFFERENCE. ONCE INDIVIDUALS RECOGNIZED THAT RANDOM TESTING WAS LIKELY TO UNCOVER DRUG ABUSE, MOST ABUSERS CHANGED THEIR BEHAVIOR.

OF COURSE, MOST DEPARTMENT AND INDUSTRY EMPLOYEES ARE LAW ABIDING AND RESPONSIBLE CITIZENS. BY ASKING THOSE IN SAFETY-RELATED POSITIONS TO UNDERGO A DRUG TEST--WE ARE SEEKING THEIR HELP--THAT WE MIGHT ALL JOIN TOGETHER TO FIGHT A SERIOUS SOCIETAL PROBLEM THAT HURTS EVERY ONE OF US--WHETHER OR NOT WE OURSELVES ABUSE DRUGS OR ALCOHOL. IN ADDITION TO OUR REGULATORY INITIATIVES, THE DEPARTMENT PLANS TO HOLD FIELD CONFERENCES ON DRUG USE PREVENTION PROGRAMS WITHIN THE TRANSPORTATION INDUSTRY.

THESE CONFERENCES WILL PROVIDE A FORUM TO EXCHANGE INFORMATION ABOUT EFFECTIVE, COMPREHENSIVE DRUG PREVENTION PROGRAMS IN TRANSPORTATION. THERE ARE MANY FINE PROGRAMS DEVELOPED TO ADDRESS THE DRUG ISSUE. THESE CONFERENCES WILL PROVIDE AN OPPORTUNITY FOR ALL WHO ARE RESPONSIBLE FOR TRANSPORTATION SAFETY TO LEARN FROM EACH OTHER.

YOUR LETTER INVITING ME TO TESTIFY AT THIS HEARING CONTAINED A NUMBER OF SPECIFIC QUESTIONS ABOUT YOUR PROPOSED LEGISLATION. I WANT TO BE AS RESPONSIVE AS I POSSIBLY CAN TO YOUR QUESTIONS. HOWEVER, WE HAVE A NUMBER OF RULEMAKINGS UNDERWAY THAT DEAL WITH THIS ISSUE AND FOR WHICH THE DOCKET REMAINS OPEN. THUS, I CAN ANSWER YOUR QUESTIONS ON OUR PROGRAM FOR DEPARTMENT EMPLOYEES IN SOME DETAIL, BUT I CANNOT BE AS SPECIFIC REGARDING PROPOSED RULEMAKING ACTION FOR THE REGULATED INDUSTRIES. OTHERWISE, I COULD BE PERCEIVED AS PRE-JUDGING THE OUTCOME AND JEOPARDIZING THE INTEGRITY OF THE RULEMAKING PROCESS AND COULD REDUCE NECESSARY FLEXIBILITY TO CRAFT A REASONABLE RULE. WHILE IT IS NECESSARY TO FORM PRELIMINARY OPINIONS IN THE DEVELOPMENT OF ANY POLICY PROPOSAL, MY MIND REMAINS OPEN TO ANY INFORMATION WE RECEIVE DURING THE RULEMAKING THAT COULD CHANGE THESE OPINIONS.

WITH THAT CAVEAT IN MIND, LET ME SAY THAT I STRONGLY SUPPORT CHAIRMAN HOLLINGS' BILL, S. 362, AND SENATOR DANFORTH'S BILL, S. 356. BOTH BILLS WOULD AMEND THE FEDERAL AVIATION AND RAIL SAFETY STATUTES TO MANDATE COMPREHENSIVE DRUG AND ALCOHOL TESTING AND REHABILITATION PROGRAMS FOR "SAFETY-SENSITIVE" EMPLOYEES, INCLUDING DOT EMPLOYEES WHOSE DUTIES INCLUDE DIRECT RESPONSIBILITY FOR FLIGHT OPERATIONS. I WOULD LIKE OUR STAFFS TO WORK TOGETHER TO MAKE SOME TECHNICAL IMPROVEMENTS, SUCH AS ASSURING THAT ANY

APPLICATION TO FOREIGN AIR CARRIERS IS FULLY CONSISTENT WITH THE UNITED STATES' INTERNATIONAL OBLIGATIONS . IN ADDITION, THE RAIL SECTION'S DESIGNATION OF THE EMPLOYEE CATEGORIES SUBJECT TO TESTING AS "EMPLOYEES RESPONSIBLE FOR SAFETY-SENSITIVE FUNCTIONS, AS DETERMINED BY THE SECRETARY" COULD BE USED THROUGHOUT THE BILL TO REFER TO AIRLINE AND FEDERAL AVIATION ADMINISTRATION EMPLOYEES AS WELL. IN GENERAL, HOWEVER, I BELIEVE YOUR BILLS TAKE THE RIGHT APPROACH IN ADDRESSING THIS PROBLEM AND I WILL DO ALL I CAN TO SUPPORT YOUR EFFORTS. I LOOK FORWARD TO WORKING WITH YOU ON THIS AS WELL AS OTHER INITIATIVES IN OUR JOINT EFFORTS TO ACHIEVE A DRUG-FREE AMERICA.

THIS COMPLETES MY PREPARED STATEMENT. I WOULD BE PLEASED TO RESPOND TO YOUR QUESTIONS.