



September 26, 2008

**TO: TTD EXECUTIVE COMMITTEE**

**FR:** Larry I. Willis, General Counsel and Chief of Staff

**RE: Procedures for Transportation Workplace Drug and Alcohol Testing Programs**

Attached is the final version of TTD's comments on the Department of Transportation's proposed rule to mandate extremely intrusive new direct observation procedures for all follow-up and return-to-duty testing.

TTD and a number of unions have previously filed a Petition for Reconsideration of this rule. In response, DOT changed the effective date of its mandate that direct observation must occur in every follow-up and return-to-duty test and asked for comments on this part of the rule. DOT's proposal to expand the procedure for direct observation where it is already required went into effect on August 25, 2008, over our objections. The attached comments therefore address the specific question of whether direct observation should be expanded to all return-to-duty and follow-up tests.

If you have any questions, please contact me at 202/628-9262 or at [larryw@ttd.org](mailto:larryw@ttd.org)

Attachment

Please click on link for the attachment

[http://www.magnetmail.net/images/clients/TTD\\_comm/attach/TTDCommentsonDAFinalRule.pdf](http://www.magnetmail.net/images/clients/TTD_comm/attach/TTDCommentsonDAFinalRule.pdf)

cc: Designated Reps.

Legislative Committee

Lawyers Committee

Health and Safety Committee