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Your Single Source for DOT Compliance
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January 19, 2010

Robert L. Stephenson II, MPH
Division of Workplace Programs, CSAP
1 Choke Cherry Road
Room 2-1035
Rockville, MD 20857

Dear Mr. Stephenson:

The following comments on the Proposed Revisions to the Federal Drug Testing Custody and Control Form are provided by Foley Services, Inc., a leading national provider of drug and alcohol testing programs. The company currently services more than 18,000 drug and alcohol testing clients with the majority regulated by the DOT. We are respectfully submitting comments on the following seven areas:

1. Steps Should Follow the Collection Process in Numerical Order

The redesign of the Federal Custody and Control Form provides an opportunity to reorder the form so that it is more user-friendly for collectors. Currently, Step 5 must be completed before Step 4. As this is counter-intuitive, we believe it causes unnecessary confusion at the collection site level. Auditors continue to uncover instances where collectors have completed collections based on the numerical order of the CCF rather than the correct procedural order specified in the DOT's Urine Specimen Collection Guidelines.

2. Time of Attempt

We suggest adding a line in Step 2 instructing the collector to indicate the time of the donor's first attempt. Far too often, collectors performing collections in "Shy Bladder" situations fail to record this critical information on the "Remarks" line.

3. Drug Tests to be Performed Does Not Include Ecstasy

Step I, "F. Drug Tests to be Performed" lists THC, COC, PCP, OPI, AMP and THC & COC Only and Other. Shouldn't MDMA be included in the first group to make it a 6-panel option? MDMA/MDA/MDEA are included in Step 5A: Primary Specimen Report.

4. Chain-of-Custody and Tamper-Evident Seals

A third tamper-evident seal should be created for use when an IITF must reseal a sample and send it to an HHS laboratory for further testing. Tamper-evident tape affords little donor protection since it is easily broken and could even potentially be removed and replaced. A tamper-evident seal, on the other hand, would limit the possibility of

specimen tampering and would provide another means of verifying the sample once it arrives at the HHS laboratory.

Additionally, we understand the need to reduce the size of the tamper-evident seals to accommodate other changes that are being made to the form. However, we are concerned that reducing the width of the seals will make them more prone to inadvertent tears.

5. Testing Authority

We understand that "D. Specify Testing Authority" was added to help with agency reporting requirements. The introduction of this item also brings the potential for errors at the collection site level. How will such errors be corrected? Will correction require an affidavit? What happens if ID is not completed?

6. Implementation Period

The current CCF is approved through 2012. Once the new CCF is in place: What happens when a collection is performed using the legacy form? Will the lab automatically perform a 6-panel test for a DOT drug test?

7. CCF Legibility

We have reviewed DATIA's position on forensically viable carbonless Chain of Custody Forms and propose that HHS consider alternatives to pre-printed forms. Additionally, the print quality of pre-printed forms could be improved to facilitate transmission via fax and scanning/email.

Sincerely,

Donald E. Lewis
President
Foley Services, Inc.