

§ 40.1

Subpart B—Drug Testing

- 40.21 The drugs.
- 40.23 Preparation for testing.
- 40.25 Specimen collection procedures.
- 40.27 Laboratory personnel.
- 40.29 Laboratory analysis procedures.
- 40.31 Quality assurance and quality control.
- 40.33 Reporting and review of results.
- 40.35 Protection of employee records.
- 40.37 Individual access to test and laboratory certification results.
- 40.39 Use of certified laboratories.

Subpart C—Alcohol Testing

- 40.51 The breath alcohol technician.
- 40.53 Devices to be used for breath alcohol tests.
- 40.55 Quality assurance plans for EBTs.
- 40.57 Locations for breath alcohol testing.
- 40.59 The breath alcohol testing form.
- 40.61 Preparation for breath alcohol testing.
- 40.63 Procedures for screening tests.
- 40.65 Procedures for confirmation tests.
- 40.67 Refusals to test and uncompleted tests.
- 40.69 Inability to provide an adequate amount of breath.
- 40.71—40.77 [Reserved]
- 40.79 Invalid tests.
- 40.81 Availability and disclosure of alcohol testing information about individual employees.
- 40.83 Maintenance and disclosure of records concerning EBTs and BATs.

Subpart D—Non-Evidential Alcohol Screening Devices

- 40.91 Authorization for use of non-evidential alcohol screening devices.
- 40.93 The screening test technician.
- 40.95 Quality assurance plans for non-evidential screening devices.
- 40.97 Locations for non-evidential alcohol screening tests.
- 40.99 Testing forms.
- 40.101 Screening test procedure.
- 40.103 Refusals to test and uncompleted tests.
- 40.105 Inability to provide an adequate amount of breath or saliva.
- 40.107 Invalid tests.
- 40.109 Availability and disclosure of alcohol testing information about individual employees.
- 40.111 Maintenance and disclosure of records concerning non-evidential testing devices and STTs.

APPENDIX A TO PART 40—FEDERAL DRUG TESTING CUSTODY AND CONTROL FORM

APPENDIX B TO PART 40—THE BREATH ALCOHOL TESTING FORM

AUTHORITY: 49 U.S.C. 102, 301, 322, 5331, 20140, 31306, 45101–45106.

49 CFR Subtitle A (10–1–97 Edition)

SOURCE: 54 FR 49866, Dec. 1, 1989, unless otherwise noted.

Subpart A—General

SOURCE: 59 FR 7354, Feb. 15, 1994, unless otherwise noted.

§ 40.1 Applicability.

This part applies, through regulations that reference it issued by agencies of the Department of Transportation, to transportation employers, including self-employed individuals, required to conduct drug and/or alcohol testing programs by DOT agency regulations and to such transportation employers' officers, employees, agents and contractors (including, but not limited to, consortia). Employers are responsible for the compliance of their officers, employees, agents, consortia and/or contractors with the requirements of this part.

§ 40.3 Definitions.

The following definitions apply to this part:

Air blank. A reading by an EBT of ambient air containing no alcohol. (In EBTs using gas chromatography technology, a reading of the device's internal standard.)

Alcohol. The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohols including methyl or isopropyl alcohol.

Alcohol concentration. The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under this part.

Alcohol use. The consumption of any beverage, mixture or preparation, including any medication, containing alcohol.

Aliquot. A portion of a specimen used for testing.

Blind sample or blind performance test specimen. A urine specimen submitted to a laboratory for quality control testing purposes, with a fictitious identifier, so that the laboratory cannot distinguish it from employee specimens, and which is spiked with known quantities of specific drugs or which is blank, containing no drugs.