



DRUG & ALCOHOL CLEARINGHOUSE

TALKING POINTS

Drug and Alcohol Clearinghouse
Staff Contact: XX
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FMCSA Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse

What is the Clearinghouse and how does it improve safety?

- Numerous studies have shown that driving under the influence of alcohol and/or drugs is dangerous for everyone on the road. Due to their size and weight, crashes that involve commercial motor vehicles (CMVs) have increased risk of injuries and fatalities. Impaired driving of CMVs can be a deadly combination.
- FMCSA's Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse (Clearinghouse) improves safety by helping employers, States, and enforcement personnel to determine which drivers to remove from operating a CMV due to actions that violate Federal drug and alcohol testing regulations.
- The Clearinghouse is a secure online database that centralizes records of FMCSA drug and alcohol program violations, incurred by drivers who operate CMVs on public roads.
 - Drug and alcohol program violations include positive drug tests, tests with a blood alcohol concentration of 0.04 or greater, and refusals to test. Employers also report actual knowledge of a drug and alcohol program violations.
- The Clearinghouse gives employers, State Driver Licensing Agencies (SDLAs), and State and Federal enforcement personnel real-time information, enabling them to verify that CDL holders and commercial learner's permit (CLP) holders are not prohibited from operating a CMV.
- The Clearinghouse has been operational since January 6, 2020, as mandated by Congress under the Moving Ahead for Progress in the 21st Century Act (MAP-21).
- The Agency believes the Clearinghouse increases safety by allowing employers of CDL drivers, State agencies, and law enforcement to identify

drivers who attempt to conceal alcohol and drug violations that prohibit them from operating CMVs. The Clearinghouse further ensures that, before returning to operating CMVs on public roads, those with drug and alcohol program violations complete the regulatory requirement for evaluation and treatment, often referred to as the return-to-duty (RTD) process.

How do violations reported in the Clearinghouse affect CDL drivers? (Second Clearinghouse final rule)

- As required in the second Clearinghouse final rule (Clearinghouse-II), beginning November 18, 2024, SDLAs must query the Clearinghouse before issuing, renewing, transferring, or upgrading a CDL or issuing, renewing, or upgrading a CLP; and must review a driver's information when notified by the Clearinghouse of a status change.
- Clearinghouse-II adds a layer of safety, making it more difficult for drivers to conceal their drug and alcohol program violations from current or prospective employers and evade the commercial motor vehicle (CMV) driving prohibition. It also supports FMCSA's goal of ensuring that only qualified drivers are eligible to receive and retain a CDL, thereby reducing the number and severity of CMV crashes.
- SDLAs will be required to remove the CDL or CLP privilege from the driver's license of an individual subject to the CMV driving prohibition. This would result in a downgrade of the license until the driver completes the RTD process.
- This means that, beginning November 18, 2024, drivers with a "prohibited" status in the Clearinghouse will lose or be denied their State-issued commercial driving privileges.
 - SDLAs with legislative authority currently have the option to voluntarily query the Clearinghouse and downgrade CDLs for prohibited drivers and may do so before the compliance date.

What is the return-to-duty RTD process?

- A driver with a drug and alcohol program violation is prohibited from operating CMVs for any DOT-regulated employer until the return-to-duty (RTD) process is complete.
- The RTD process is established by 49 CFR part 40, subpart O.
- At a high level, these are the steps a driver must take to complete the RTD process:
 - Initial assessment with a Substance Abuse Professional (SAP). The driver's employer is required to provide a list of DOT-qualified SAPs.

- Drivers select their SAP based on their own research.
 - Complete education/treatment plan determined by the SAP. Upon completion, the SAP determines if driver is eligible for a RTD drug and/or alcohol test(s) (RTD tests must be ordered by the driver's employer).
 - The employer enters the driver's negative RTD test result in the Clearinghouse, which updates their status to "not prohibited." Driver may resume operation of CMVs and must complete the follow-up testing plan prescribed by their SAP.
- Information about drug and alcohol program violations is retained in the Clearinghouse for five years from the date of the violation determination, or until the successful completion of the RTD process and follow-up testing plan has been reported to the Clearinghouse, whichever is longer.

Clearinghouse by the numbers

- Data from the Clearinghouse shows it is effective. As of September 2023:
 - More than 235,221 drug and alcohol program violations have been reported in the Clearinghouse.
 - Over 4.8 million individuals have registered in the Clearinghouse.
 - More than 22 million queries have been conducted, including over 8 million pre-employment queries.
 - The Clearinghouse has been queried for the records of more than 5 million unique drivers.

Source: FMCSA Drug and Alcohol Clearinghouse September 2023 Monthly Summary Report:

https://clearinghouse.fmcsa.dot.gov/content/resources/Clearinghouse_MonthlyReport_Sept2023.pdf

Who registers for the Clearinghouse and how do they use it?

- Those required to register for the Clearinghouse include:
 - **Employers of drivers required to possess and use a CDL or CLP**, or their **designated service agents**, who report drug and alcohol program violations and conduct required queries to determine if a driver has a "prohibited" status in the Clearinghouse.
 - Note that interstate and intrastate motor carriers must register as employers, as well as school bus transportation companies, construction equipment operators, limousine companies, municipalities that employ CDL and CLP holders (such as waste management vehicles), and government agencies that employ drivers subject to FMCSA's CDL requirements (such as

municipalities, school districts, the Department of Defense, etc.).

- **Medical review officers** who report positive drug test results.
 - **Drivers who hold a CDL or CLP** who need to respond to employer consent requests or would like to electronically view their Clearinghouse record when applying for a job.
 - **Substance Abuse Professionals** who report on the completion of driver initial assessments and driver eligibility for return-to-duty testing.
- To register for the Clearinghouse, visit: <https://clearinghouse.fmcsa.dot.gov/>.
 - There is no cost for registration. Employers are required to purchase query plans to conduct queries. For more information visit: <https://clearinghouse.fmcsa.dot.gov/Query/Plan>.
 - Commercial drivers are not required to immediately register for the Clearinghouse, but will need to register to respond to an employer's request for specific consent prior to the completion of a pre-employment query or other full query being conducted. Drivers who do not consent to these queries will not be eligible to operate CMVs for the employer requesting the consent.

Where can I learn more about the Clearinghouse?

- FMCSA's Clearinghouse website contains important resources, such as user brochures and instructional documents, including step-by-step registration instructions for all users. Employers and others can visit <https://clearinghouse.fmcsa.dot.gov> to access these resources.