

Buttigieg: Rescheduling pot will not affect trucker drug testing

DOT Secretary also commits to assisting East Coast dock worker labor talks

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DOT would not lose authority over testing drivers for marijuana, according to Buttigieg. (Photo: Jim Allen/FreightWaves)

WASHINGTON — U.S. Transportation Secretary Pete Buttigieg pushed back on assertions that federal regulators could lose the ability to test truck drivers for marijuana use if the drug is deregulated down to a Schedule III substance.

Responding to that concern from lawmakers at a House Transportation and Infrastructure Committee hearing on Thursday — and to the concerns of

the American Trucking Associations — Buttigieg testified that if the Biden administration’s [marijuana rescheduling rulemaking](#) is finalized, it would not alter DOT’s marijuana testing requirements with respect to the industries it regulates, including trucking.



Buttigieg testifying on June 27. Credit: U.S. House T&I Committee

“Our commitment to testing continues regardless of the schedule [classification],” Buttigieg said. “And we believe our authorities are intact because they don’t call for testing by reference to where marijuana sits in its classification. So whether we’re talking about the regulated community — truck drivers — or our own personnel, such as an air traffic controller, our understanding is that nothing about that reclassification would change” DOT testing authority.

In [a letter](#) to Buttigieg prior to the release of the proposed rulemaking last month, Dan Horvath, ATA’s senior vice president for regulatory affairs and safety policy, pointed out that DOT drug and alcohol testing requirements are limited in their testing authority by the Department of Health and Human Services, which currently allow employers that are federally regulated to test their employees only for drugs listed in Schedule I or II under the Controlled Substances Act.

"Therefore, without additional action, deregulation or rescheduling of marijuana would have the likely consequence of precluding testing for all professional drivers and transportation workers as part of the DOT testing program," Horvath wrote.

Buttigieg confirmed that is not the case, however. "But we're going to continue to evaluate any indirect impacts that reclassification might have," he said at the hearing.

DOT ready to help East Coast port labor snag

Buttigieg also attempted to quell [concerns of a strike](#) at U.S. East and Gulf Coast container terminals. Negotiations to renew a labor agreement that expires on Sept. 30 between dockworkers and terminal operators came to a halt earlier this month amid [disputes over port automation](#).

Rep. Bruce Westerman, R-Ark., who said a port strike would be "devastating for Arkansas businesses" that rely on terminals along the East and Gulf coasts for imports and exports, told Buttigieg that up to the Biden administration to bring the parties back to the table to avert a supply chain disruption.

"This is something we're monitoring closely, and our message to the parties is, that it is vital that they come together and arrive at a deal that does right by port workers and allows port operations to flow," Buttigieg responded.

"We had a similar level of intense negotiations at the West Coast ports that came to a successful conclusion. Our hope is that the same will take place with ILA [International Longshoremen's Association, which represents East and Gulf Coast dock workers], and I am in frequent discussion with the acting Secretary of Labor and other administration members on what we can do to urge the parties to get a deal."