



S3 Conference

Screening ❖ Safety ❖ Strategy

Hosted by DISA Global Solutions

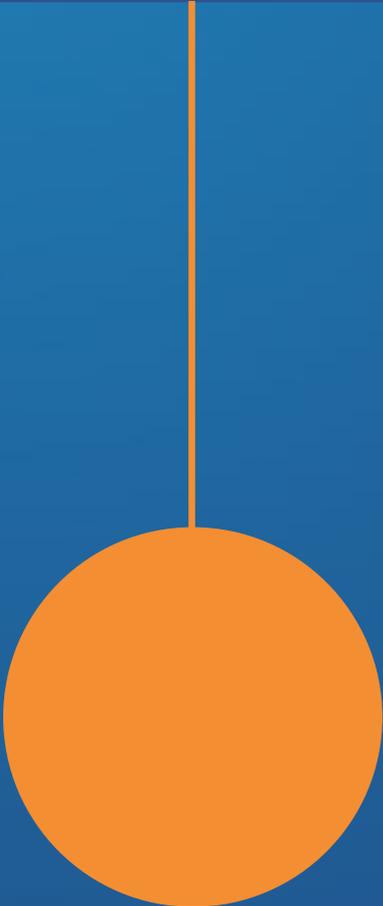
● **Trucking Regulatory Update** **Drug Testing, Driver Qualifications, and Mandates**

Brenna Lyles
Vice President, Safety Policy
American Trucking Associations



Up on deck:

- ❖ Ensuring a qualified driving workforce
- ❖ Drug & alcohol testing
- ❖ Other safety issues



Ensuring a Qualified Driving Workforce



PRESIDENT DONALD J. TRUMP

The WHITE HOUSE



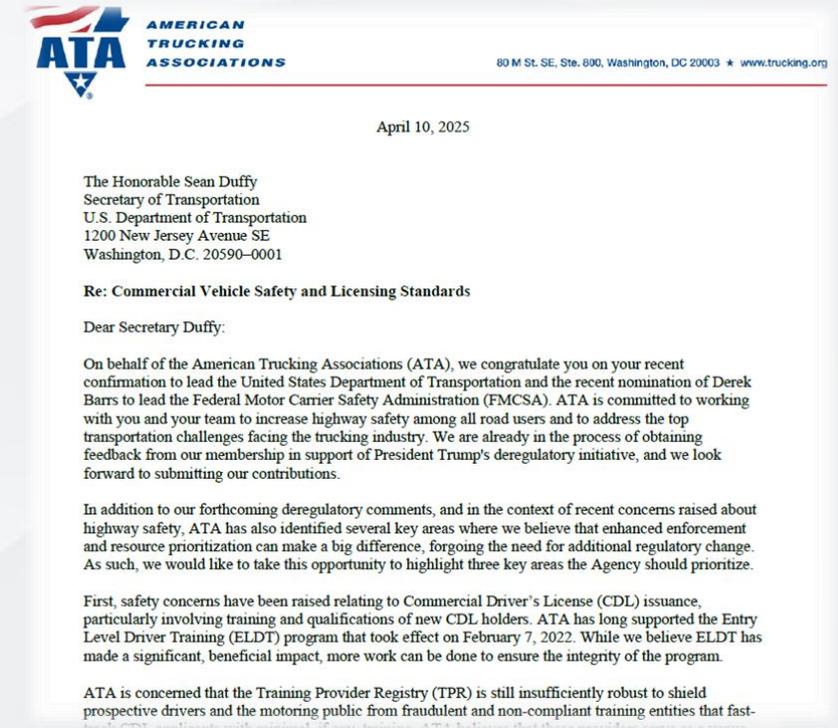
↳ PRESIDENTIAL ACTIONS

ENFORCING COMMONSENSE RULES OF THE ROAD FOR AMERICA'S TRUCK DRIVERS

Executive Orders | April 28, 2025



- ❖ ATA April 10th letter to DOT
 - Asked for clarification of the 2016 “Quade” Memo
 - Crack-down on ELDT, licensing practices, & Cabotage
- ❖ Follow-up ATA letter committing to assistance of EO.
- ❖ FMCSA issued updated guidance & assessment criteria.
- ❖ CVSA OOS Enforcement of ELP began June 25.



- ❖ 2-Part Roadside ELP Assessment
 - Verbal interview in English only, testing driver's ability to respond to official inquiries
 - Highway traffic sign recognition
- ❖ Applies to CDL and non-CDL commercial drivers, excluding U.S. territories.
- ❖ In US-Mexico border commercial zones, citations may be issued but drivers won't be placed OOS.
- ❖ FMCSA published suggested ELP assessment criteria for hiring and pre-employment.



English Language Proficiency Violations To-Date



- ❖ ATA's April letter called for audits of state driver's licensing agency issuance practices, driver vetting, and verification.
- ❖ In June 2025, Secretary Duffy announced a nationwide audit of states issuing non-domiciled CDLs, a directive of the trucking EO.

Non-Domicile CDL Emergency Rule



- ❖ September 2025: FMCSA's IFR made immediate, sweeping changes to the non-domiciled CDL program.
- ❖ Key requirements: In-person presentation of valid Form I-94/94A (H-2A, H-2B, or E-2 classification only).
- ❖ Explicit exclusion of asylees, refugees, asylum seekers, and DACA recipients.
- ❖ States asked to pause issuance and initiate voluntary audits of issuance practices.
- ❖ Existing non-domiciled CDLs may be revoked at any time by SDLAs/Federal notice.
- ❖ IFR currently stayed under court order.



- ❖ Since September, DOT has sent notices of non-compliance to 18 states & threatened highway dollars from multiple states including CA, NC, MN, NY, & CO unless issues corrected.
- ❖ Main issues:
 - Expiration date inconsistencies
 - Non-domicile CDLs issued to Mexican nationals
 - Failure to verify work authorization documents



**MAKING AMERICAN
ROADS SAFE AGAIN**

DELIVERED BY PRESIDENT TRUMP AND SECRETARY DUFFY

Trump's Transportation Secretary Sean P. Duffy Blasts Colorado for Slow Walking Purge of Illegally Issued Truck Licenses, Threatens \$24M in Funding

Trump's Transportation Secretary Sean P. Duffy to Gavin Newsom on Illegal Trucking Licenses: Time's Up

Wednesday, January 7, 2026

USDOT is withholding \$160 million from California for not revoking illegally issued licenses & failing to prioritize the safety of Americans on our roads

WASHINGTON, D.C. – U.S. Transportation Secretary Sean P. Duffy today announced that the Federal Motor Carrier Safety Administration (FMCSA) is withholding approximately \$160 million from the State of California for failing to cancel over 17,000 illegally issued Commercial Driver's Licenses (CDLs) by the agreed-upon deadline of January 5, 2026.

Trump's Transportation Secretary Sean P. Duffy Exposes Over 50% of North Carolina Trucking Licensees for Foreigners Were Issued Illegally

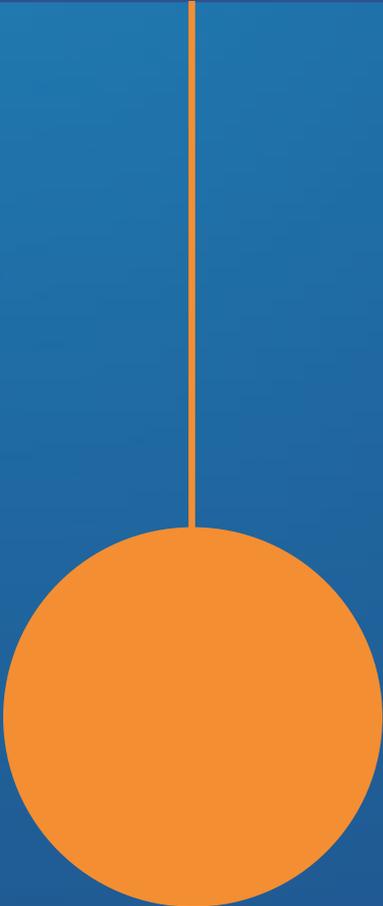
Thursday, January 8, 2026



- ❖ October 31st – Secretary Duffy announced new efforts to crack down on noncompliant and fraudulent CDL training programs nationwide.
- ❖ Announcement follows repeated calls from ATA and CVTA to address CDL mills and noncompliant ELDT providers listed in FMCSA’s Training Provider Registry (TPR).
- ❖ December 1st – FMCSA announced removal of 3,000 training providers and 4,500 pending removals from the TPR.
- ❖ ATA continues to advocate for more stringent vetting and verification processes to weed out bad actors.



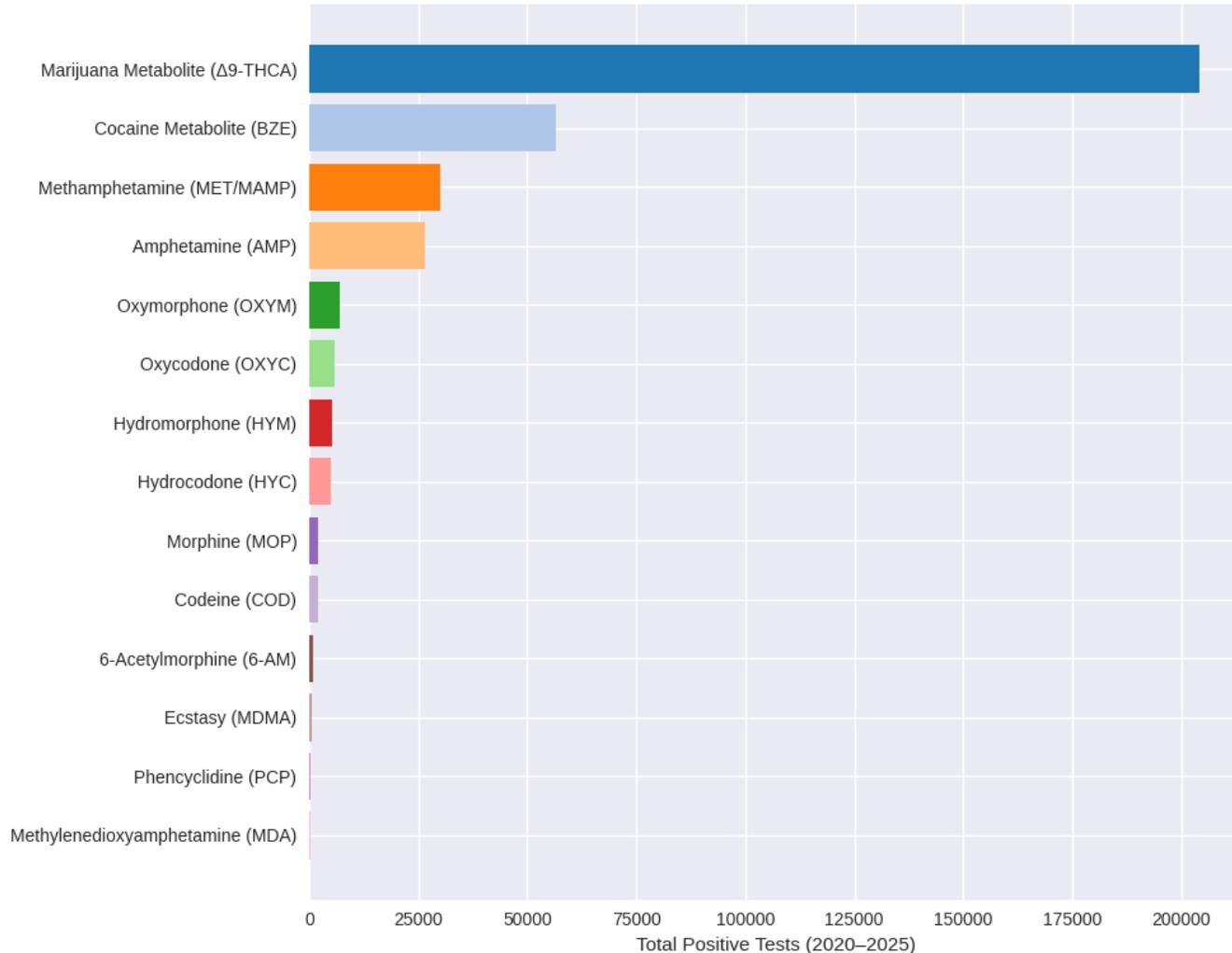
- ❖ Recent ATA advocacy efforts focused on...
 - Codifying and integrating ELP into the CDL issuance process
 - Strengthening oversight of state CDL issuance
 - Bolstering requirements for individuals to obtain a CDL, including requiring at least one year with a standard DL
 - Strengthening oversight and removal procedures for non-compliant ELDT training providers
 - Strengthening enforcement against illegal cabotage
- ❖ April letter to DOT, October letter to Congressional leadership, calls from ATA & CVTA on ELDT training provider crackdown
- ❖ CEO Chris Spear testified before House Judiciary Committee 1/21.



Driver Wellness & Substance Testing



Total Positive Drug Tests by Substance Reported to the Clearinghouse (2020–2025)



Drug Violations (as of 1/06/26)

Actual knowledge of a drug violation	5,337
Drug test refusal	53,120
Positive drug test	297,695
TOTAL	356,152

Alcohol Violations (as of 1/06/26)

Actual knowledge of an alcohol violation	1,402
Alcohol test refusal	1,830
Concentration of 0.04 or greater	5,514
TOTAL	8,746



◀ PRESIDENTIAL ACTIONS

INCREASING MEDICAL MARIJUANA AND CANNABIDIOL RESEARCH

Executive Orders

December 18, 2025

Sec. 2. Rescheduling Medical Marijuana and Improving Access to Cannabidiol Products. (a) The Attorney General shall take all necessary steps to complete the rulemaking process related to rescheduling marijuana to Schedule III of the CSA in the most expeditious manner in accordance with Federal law, including 21 U.S.C. 811.

- ❖ In response to initial rescheduling attempts in 2024, ATA led advocacy to preserve DOT testing despite potential rescheduling.
- ❖ August 2025 - ATA directed letter to Secretary Duffy urging DOT to clarify if/how it will maintain marijuana testing for marijuana if the drug is federally rescheduled.





- ❖ DOT Panel Changes – In 2024, HHS added fentanyl to the federal testing panel.
 - September 2025: DOT published NPRM adding fentanyl to drug testing panels, authorizing biomarker testing, and making various clarifications and technical amendments.
 - ATA supportive – with allowance for ongoing reviews of positive rates.
- ❖ Oral Fluids Testing – The latest: Awaiting laboratory certification!
 - Final Rule Published May 2023 and effective June 2023.
 - ATA exploring opportunities to ease regulatory hurdles for labs to certify at FDA.
 - October 1st: DOT published revised rule on oral fluids testing procedures to align with EO on gender issues.
- ❖ Hair Testing – With new Administration, ATA will continue to advocate for this essential issue. Indication that HHS is actively working on rule.
 - ATA advocacy with FDA would help speed hair testing implementation barriers.



- ❖ NRII (Medical Examiner's Certification Integration) compliance deadline was June 23, 2025.
- ❖ To date, 8 states are still not in full compliance & significant issues have been experienced across the country.

States that have not implemented NRII

- Alaska
- California
- Kentucky
- Louisiana
- New Hampshire
- New Jersey
- New York
- Oklahoma

- ❖ FMCSA issued a waiver & extensions allowing temporary continued use of paper MECs by drivers and carriers for up to 60 days after issuance, to accommodate delays/difficulties in state adoption. Waiver extended to 4/10/26 – likely the final extension.
- ❖ Medical examiners encouraged to continue issuing paper med cards & drivers/carriers should keep these on file.



Other Regulatory & Safety Issues

- ❖ October 2025 – ATA Safety Policy Committee and Board of Directors approved change to policy on ELDs, adding language supporting third-party certification.
 - Recent evidence of ELD fraud and tampering from CVSA and law enforcement.
 - FMCSA actively working to remove noncompliant entities from ELD registry.
- ❖ December 1st – FMCSA announced new vetting process for new ELD registration:
 - Initial review
 - Fraud detection
 - Application categorization (i.e., approved, information requested, further review, denied)
- ❖ ATA assembled working group on ELD third-party certification and will continue advocating for additional steps to vet ELD providers/devices.



- ❖ Distracted Driving Working Group created in 2024 to tackle ongoing issues with driver distraction – among passenger car and CMV drivers.
- ❖ Areas of focus:
 - Outreach and education
 - State and federal handheld device bans and enhancement of penalties
 - Model handheld device policies for carriers
- ❖ ATA Safety Policy Committee voted on and approved updated distracted driving policy at MCE.





Questions?

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