



**U.S. Department of  
Transportation**

# News:

Office of the Assistant Secretary for Public Affairs  
Washington, D.C. 20590

**For Immediate Release  
DECEMBER 12, 1996**

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## **DRUG CZAR AND DOT SECRETARY ISSUE GUIDANCE THAT MARIJUANA SMOKING PROHIBITED IN SAFETY-SENSITIVE JOBS DESPITE CALIFORNIA PROPOSITION 215 AND ARIZONA PROPOSITION 200.**

### **Statement of General Barry R. McCaffrey, Director, Office of National Drug Control Policy and Secretary of Transportation Federico Peña**

National Drug Control Policy Director General Barry R. McCaffrey and Transportation Secretary Federico Peña today issued a strong national warning from the Clinton Administration that the Federal transportation drug testing laws will continue to be fully enforced without effect from the recent passage of California Proposition 215 and Arizona Proposition 200.

According to the formal national advisory, safety-sensitive transportation workers who test positive under the Federally-required drug testing program may not under any circumstance use the new laws as a legitimate medical explanation for the presence of prohibited drugs.

"The law is clear," said General McCaffrey and Secretary Peña, "if you are a safety-sensitive transportation worker and you're caught using drugs, these propositions don't mean a thing. You're out of that job."

In the world of transportation, safety is the highest priority. The welfare and confidence of the American public using our airplanes, railroads, and highways depend on transportation workers' unwavering commitment to safety. The use of marijuana and other illicit drugs is incompatible with transportation safety. Since 1988, the Department of Transportation (DOT) has required drug testing of employees in transportation industries to deter drug use. This is similar to the drug testing program the armed forces has used for more than a decade and to the Federal employees drug testing program mandated since 1986.

Under Department of Transportation drug and alcohol testing program rules, if you are a truck driver, airline pilot, railroad engineer, or other safety-sensitive transportation employee, and you test positive for drugs, you will not continue your function. If the laboratory finds drugs in your system, you have the opportunity to discuss the test with a doctor, called a medical review officer (MRO). If the MRO finds that there is a legitimate medical explanation for the presence of the drug, the MRO declares the test to be negative. The use, however, of marijuana under California Proposition 215 or of any Schedule I drug under Arizona Proposition 200 is not a legitimate medical explanation. As a matter of fact and a matter of Federal law, marijuana and other drugs listed on Schedule I of the Controlled Substances Act do not have a legitimate medical use in the

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United States. Thus, if you test positive for marijuana, and tell the MRO that a doctor recommended or prescribed the use of marijuana for you, the MRO will verify the test positive. You will have to stop performing your safety-sensitive transportation function.

Today, the Clinton Administration is issuing new guidance to MRO's re-emphasizing this fact. The policy announced today affects:

- 8 million workers in Federally-regulated transportation industries, for example:
  - 6.6 million holders of commercial drivers' licenses
  - 340,000 aviation personnel including flight crews, attendants, and instructors; air traffic controllers; aircraft dispatchers; maintenance, screening, and ground security coordinator personnel
  - 200,000 mass transit employees including vehicle operators, controllers, mechanics, and armed security personnel
  - 80,000 railroad employees including Hours of Service Act employees; engine, train, and signal services, dispatchers, and operators
  - 120,000 pipeline workers including operations, maintenance, and emergency response personnel
  - 120,000 crewmembers operating commercial vessels

We encourage private employers and any others doing non-Federal drug testing to follow our lead.

The Office of National Drug Control Policy and the Department of Transportation, as well as other Federal, state, and local agencies responsible for health, safety, youth education and law enforcement strongly oppose the California and Arizona drug legalization measures. These measures contradict Federal law. They violate the medical-scientific process by which our nation evaluates and approves safe and effective medicines for use in the United States. They send the wrong message to our children. They undermine the concerted efforts of parents, educators, businesses, elected leaders, community groups and countless others to achieve a healthy, drug-free society.

Absent clear Federal action, these two Propositions will impair the safe performance of transportation and other safety-sensitive functions. We are taking such action today.

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## STATEMENT BY TRANSPORTATION SECRETARY FEDERICO PEÑA

DECEMBER 12, 1996

Thank you General McCaffrey. Today, we are emphasizing and reaffirming that the laws of the federal transportation drug program will continue to be fully enforced without any effect whatsoever from the passage of California Proposition 215 and Arizona Proposition 200.

This very clear warning means that any safety-sensitive transportation worker -- such as a pilot, railroad engineer or bus driver -- who tests positive under our program may not use Proposition 215 or Proposition 200 as an excuse or defense.

If you are entrusted with the safety of the traveling public and you test positive, these propositions don't mean a thing. You will be removed.

Let me explain a few details about the federal testing program and why this message is so important. Since 1988, the Department of Transportation has mandated drug testing for employees in the transportation industries. Our aim is twofold: deter drug use and ensure the highest possible levels of safety in our national transportation system for the millions of Americans who use it every day.

We require testing in several situations. Let me give you some examples. First, we require pre-employment testing. That means that anyone who wants to be a truck driver, for example, must pass a drug test to get a commercial drivers license. Second, we require random testing of



25% to 50% of all employees such as airline pilots, mass transit vehicle operators and ship captains. And finally, we require testing of employees in these industries any time they are involved in a serious accident. So that means when there's a train derailment, the engineer must be tested; and when there's a serious truck accident on the highway, the driver must be tested. In all, over eight million workers in the airline, rail, trucking and other industries are subject to this drug-testing program. We believe it is the largest such program and a model for the world.

Today, the Department of Transportation is issuing a national advisory to our industries making our position clear. These propositions don't change a thing for transportation workers covered under our federal laws.

As the President has said time and again, the people of this country want drug abuse stopped, and it must be stopped. We are sending a clear message today to the nation and more than eight million safety-sensitive transportation workers. These propositions will have no effect on our anti-drug, pro-safety testing program. If you're using drugs, you're endangering the public, yourself, and your employment.

General McCaffrey and I would be glad to take your questions.





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**FOR IMMEDIATE RELEASE**  
Wednesday, December 18, 1996

Contact: Lorie Dankers or Wendy Burt  
202-366-5565

**PRESIDENT CLINTON'S CABINET MEMBERS JOIN FORCES  
TO PREVENT DRUNK DRIVING, DRUG USE**

Secretary of Transportation Federico Peña will lead a satellite program on Thursday, December 19, linking communities throughout the country to hear a message about the dangers of drinking and driving during the holiday season. As part of the annual National Drunk and Drugged Driving (3D) Prevention Month, Secretary Peña will be joined by law enforcement officials, Mothers Against Drunk Driving (MADD), and an NBC-TV actor from Recording Artists, Actors and Athletes Against Drunk Driving (RADD).

Prior to the program, Secretary Peña will be joined by Health and Human Services Secretary Donna Shalala, Education Secretary Richard Riley, and White House Drug Policy Director General Barry McCaffrey for the release of the annual "Monitoring the Future" survey of drug, alcohol and tobacco use by junior high and high school students.

Immediately following the event, the Washington Regional Alcohol Program will announce its prevention program for the Washington, D.C., area. It includes "SoberRide," a free taxi service.

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**12 p.m. Release of annual "Monitoring the Future" teenager drug use survey**

- Secretaries Shalala, Riley, Peña and Drug Policy Director McCaffrey

**1 p.m. National Drunk and Drugged Driving (3D) Prevention Month town meeting**

- Secretaries Peña and Shalala and Drug Policy Director McCaffrey
- Katherine Prescott, MADD
- John O'Hurley, stage and TV actor, "Seinfeld," RADD
- Terrance W. Gainer, International Chiefs of Police
- Terrance D. Schiavone, National Drunk and Drugged Driving Prevention Month Coalition

**1:30 p.m. Washington Regional Alcohol Program holiday season actions**

- Timothy Kime, Executive Director, Washington Regional Alcohol Program

**WHEN: Thursday, December 19, 1996**

**WHERE: U.S. Department of Transportation**

Marx Media Center, Room 2201  
400- 7th Street, SW  
Washington, D.C.

*This event is open to credentialed media only. Please use the department's Southwest entrance.*





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REMARKS PREPARED FOR DELIVERY  
SECRETARY OF TRANSPORTATION FEDERICO PEÑA  
NATIONAL DRUNK AND DRUGGED DRIVING PREVENTION MONTH  
DECEMBER 19, 1996  
WASHINGTON, D.C.

Thank you, Secretary Shalala, Secretary Riley, and General McCaffrey for coming. Today, Secretary Shalala is issuing her Department's annual survey of the use of marijuana, tobacco, and alcohol by teenagers.

The reason all of us are joining her is that the President asked us to work together, as a team, to combat teenage substance abuse.

I believe it's particularly appropriate that Secretary Shalala is at the Transportation Department, releasing the study, because the greatest tragedies that occur from taking drugs and alcohol, occur when teenagers then get in a car, drive drunk, and crash.

The message every American teenager must understand is that abusing alcohol and drugs is not only bad for you, but if you then go drive, you risk your death and the death of your friends or family members with you. Transportation crashes are the leading cause of death among young Americans ages 15-20 -- and more than a third of the crashes are alcohol related. More teenagers die from car crashes than die from diseases, or homicides, or suicides.

The President has made a national commitment to prevent teenagers impaired by drugs or alcohol from driving.

He asked states to enact zero tolerance laws for teenagers, and today, 37 states plus the District of Columbia have passed such laws. This year, the President signed a law requiring all states to pass zero tolerance laws by October 1998, or lose a portion of their federal highway funds. It's common sense -- if you can't buy alcohol if you're under 21, why should you be allowed to drink and drive?

- more -



That's why the Transportation Department launched the Safe Communities program, now in 166 communities. We assist people at the local level to work together to solve their transportation problems, and to teach young Americans responsible behavior.

And the President asked General McCaffrey and me to recommend measures to reduce the incidence of drug use by teens and we are evaluating laws which would deny teenagers a driver's license if they fail a drug test. With the help of Secretary Riley, Secretary Shalala, and Attorney General Reno we will make recommendations in a report to the President by January 17th.

Fortunately, our efforts are starting to work. The number of impaired-driving fatalities among 15-20 year olds decreased by almost 6 percent last year. And we hope that the trend will continue. We believe the reason for the decline is zero tolerance laws. Several studies, including one in Maryland, have shown conclusively that zero tolerance laws save lives.

But we all have much more work ahead of us, as you will hear, when Secretary Shalala provides her report. So, let me turn this over to Secretary Shalala.

#### 1 p.m. TELECAST

Thank you, Terry, and happy holidays, from Washington.

In 1995, as Terry mentioned, alcohol-related fatalities for all ages increased. They went up 4 percent, and that is very disturbing.

President Clinton has asked us to redouble our efforts to educate Americans about the terrible risks involved here. And he's asked that we enact new legislation and strengthen our law enforcement efforts to make clear that this behavior will not be tolerated.

So, I've invited Secretary Shalala and General McCaffrey, to join me, and they'll address these concerns in a few minutes.

Contrasting the negative news, there is a positive trend developing. That is: the number of impaired driving-related fatalities among 15-20 year olds dropped by almost 6 percent in 1995. That suggests that the President's efforts, and your efforts to push states to enact zero tolerance legislation for youth has had an effect. So, thank you.



I know that the federal government has a role, but as a former Mayor, I also very much appreciate the role played at the community level. There is nothing more powerful than bringing local law enforcement; health, medical, and civic groups; and educators -- all together to make our communities safer.

We now have 166 communities in our Safe Communities Program, and we're continuing to work on Partners in Progress, to meet our ambitious goal of reducing the number of alcohol-related fatalities to 11,000 by 2005.

But, in the end, this national challenge comes to personal responsibility. So, I ask that as we kick off the holiday season, we remind ourselves and our friends and neighbors -- be a good host, designate drivers, take the keys, call a cab, put pressure on your peers.

Do, whatever it takes -- but don't drink and drive. Buckle up. And put the kids in the back seat.

And if I can conclude on a personal note. I've worked with many of you in the last four years. I will be leaving the Cabinet next month, but I want to take this final opportunity to thank you for all your help. And I know when the next Secretary assumes office, you will be as supportive of him as you have been to me.

#### 1:30 pm LOCAL PRESS CONFERENCE

We would now like to outline what we're doing in the Greater Washington area during the holidays to prevent drunk driving.

With me, today, are Tim Kime, Executive Director of WRAP, Captain Adrian Barnes, of the Metropolitan Police Department, Johnny Furr, of Anheuser-Busch, and Kim Talbot, of Columbia, Maryland.

We are very lucky that in the early '80s, with some NHTSA funding, the Washington Regional Alcohol Program began. Today, WRAP is a national model for raising public awareness.

Their efforts have paid off. Last year, nationwide, about 41 percent of all traffic crashes involved alcohol. But in the Greater Washington area it was lower -- 32 percent.

Last year, there were no alcohol related deaths during the holidays in Maryland and Virginia, but 15 in the District. We want to do better this year.



So, I am asking everyone in the Washington, D.C., metropolitan area to be a good host, designate drivers, take the keys, call for a sober ride, do whatever it takes: but don't drink and drive. Buckle up. And put the kids in the back seat. The best holiday gift we can give is a safe and sober road.

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*An electronic version of this document can be obtained via the World Wide Web at:  
<http://www.dot.gov/affairs/index.htm>*





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FOR IMMEDIATE RELEASE  
Thursday, December 19, 1996

Contact: John Swank (MARAD)  
Tel.: (202) 418-8124

## MEDIA ADVISORY

Secretary of Transportation Federico Peña will announce selections for the new Maritime Security Fleet on Friday, December 20, at 1:00 p.m.

President Clinton signed Public Law 104-239, the Maritime Security Act, on October 8, 1996. It's implementation is the culmination of a long, bipartisan effort to ensure that American ships with American civilian crews will continue to operate under the United States flag.

**WHAT:** Maritime Security Program vessel selection and news conference.

**WHO:** Secretary of Transportation Federico Peña, Maritime Administrator Albert J. Herberger, shipping company executives, union representatives, government officials and Congressional representatives.

**WHERE:** Marx Media Center, Room 2201  
U.S. Department of Transportation  
7th and E Streets, SW  
Washington, D.C. 20590

**WHEN:** 1:00 p.m.  
Friday, December 20, 1996

*This event is open to credentialed media only. Please use the Department's Southwest entrance.*

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