



October 17, 2025

The Honorable Sean P. Duffy
Secretary
U.S. Department of Transportation
1200 New Jersey Ave. SE
Washington, D.C. 20590

Dear Secretary Duffy:

The American Public Transportation Association (APTA) represents a \$93 billion industry that directly employs more than 430,000 people and supports millions of private-sector jobs. APTA supports the U.S. Department of Transportation's (DOT) efforts to streamline regulations and appreciates the opportunity to respond to its "Procedures for Transportation Workplace Drug and Alcohol Testing Programs: Addition of Fentanyl to the Department of Transportation's Drug-Testing Panel" Notice of Proposed Rulemaking (NPRM) published in the *Federal Register* at 90 FR 42363 on September 2, 2025.

Safety is the number one core value of the public transportation industry, including bus, rail, and ferry operators. The employees responsible for managing and operating public transportation systems are fully committed to the safety of their systems, passengers, and the public. We greatly appreciate the open dialogue on safety, and successful collaboration and engagement between DOT and APTA.

APTA applauds and strongly supports DOT adding fentanyl and norfentanyl to drug testing panels. Further, APTA would like to see the option of oral fluid (saliva) as well as urine tests for drug testing safety-sensitive transportation industry employees. In May 2023, DOT added oral fluid drug testing to the testing protocols, which reduces tampering risks, is less invasive, and is a better measure of impairment. However, oral fluid testing cannot be implemented until the U.S. Department of Health and Human Services (HHS) certifies two laboratories to conduct the drug testing. To date, no laboratories have been certified by HHS. APTA strongly encourages DOT to work with HHS and the drug testing industry to certify these laboratories as quickly as possible to authorize public transit agencies and passenger railroads to utilize oral fluid drug testing in their protocols.

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APTA appreciates the opportunity to comment on this important matter. If you have any questions, please contact Brian Alberts, APTA's Senior Director for Safety & Advisory Services, at BAberts@apta.com or 202.496.4885, or contact Taria Barron, General Counsel, at (202) 496-4808, or tbarron@apta.com. Thank you for your consideration and we look forward to continuing to work with DOT to improve transportation safety.

Sincerely,



Paul P. Skoutelas
President and CEO

cc: Mr. Bohdan Baczara, Deputy Director, Office of Drug and Alcohol Policy and Compliance, U.S. Department of Transportation