

October 16, 2025

Docket Operations
U.S. Department of Transportation
1200 New Jersey Avenue SE
West Building, Ground Floor
Washington, DC 20590-0001

RE: [Docket No. DOT-OST-2025-0049] RIN 2105-AF26
Comments on “Procedures for Transportation Workplace Drug and Alcohol Testing Programs: Addition of Fentanyl to the Department of Transportation’s Drug-Testing Panel.”

Dear Sir or Madam:

The National School Transportation Association (NSTA) is pleased to offer comments to the Department of Transportation (DOT) Procedures for Transportation Workplace Drug and Alcohol Testing Programs: Addition of Fentanyl to the Department of Transportation’s Drug-Testing Panel; Harmonization With Certain Items in the HHS Mandatory Guidelines for Urine and Oral Fluid; and Technical Amendments, as published in Volume 90 Number 167, of the Federal Register on September 2, 2025.

About The National School Transportation Association

NSTA is the leading resource for school bus transportation solutions and the voice for private contractors for over 60 years. We are a membership organization for school bus contract operators engaged primarily in transporting students to and from school and school-related activities. Members range from small family businesses Private school bus contractors account for 38 percent of the nation’s pupil transportation services and employ more than 250,000 individuals as bus drivers, mechanics, maintenance workers, dispatch, and office workers. School transportation represents the largest form of mass transportation in the United States. Daily, almost 26 million K-12 students are transported by an estimated 480,000 yellow school buses.

NSTA Supports the Addition of Fentanyl and Norfentanyl to DOT Drug Testing Panels

NSTA supports the inclusion of fentanyl and norfentanyl to the Department of Transportation (DOT) drug testing panel. According to the National Forensic Laboratory Information System (NFLIS) 2022 Annual Report, fentanyl was the third most identified substance accounted for of 13.81% of all drugs reported by forensic laboratories.¹

This addition represents an important step in protecting those who rely on student transportation services and the communities they serve. Aligning the U.S. DOT drug testing panel with that of the Department of Health and Human Services (HHS) mandatory guidelines will ensure consistency, while enhancing the overall credibility of the testing program.

As you know, oral fluid and urine are the only specimen types currently authorized for collection by the Mandatory Guidelines for Federal Workplace Drug Testing Programs. NSTA maintains that operators should continue to have flexibility by utilizing either urinalysis or oral fluid (not both) as testing options for drivers. Flexibility in testing methodologies is important for school transportation providers, and

their drivers to ensure operational efficiency, cost-effectiveness, and adaptability to specific workforce circumstances and mandating one format over another is not desired.

Biomarker Testing

Beyond the addition of fentanyl, NSTA seeks clarification from the Department regarding the use of biomarker testing in the drug testing program. We believe the use of biomarker testing may require additional research, validation, and implementation guidance, since it represents a new method in the drug testing platform. We would just note, as published in the Federal Register, 42 CFR Chapter 1, HHS has not, at this point, authorized biomarker testing as approved in the federal workplace drug testing program.ⁱⁱ NSTA would like to request additional information regarding the use of biomarker testing in the drug program, especially if it becomes authorized and approved by HHS. These steps are crucial to ensure biomarker testing consistency and reliability across all drug testing program guidelines.

Summary and Conclusion

In conclusion, NSTA agrees with DOT's effort to modernize and strengthen the drug and alcohol testing program through the addition of fentanyl and norfentanyl to the drug testing panel, and we encourage the DOT to maintain flexibility in providing multiple drug testing options for school bus operators. NSTA also seeks clarification on the usage of biomarker testing by the Department as further scientific validation and regulatory guidance becomes available.

NSTA appreciates the opportunity to offer comments on Docket No. DOT-OST-2025-0049 and looks forward to continued engagement with DOT on this important matter. If you have any questions, or further clarification is required, please do not hesitate to contact me at 703-684-3200 ext. 700, or via email at cmacysyn@yellowbuses.org.

Yours truly,



Curt Macysyn
Executive Director
National School Transportation Association

ⁱ U.S. Department of Justice, Drug Enforcement Administration, Diversion Control Division. (n.d.). NFLIS-DRUG. Retrieved October 2, 2025, from <https://www.nflis.dea/diversion.usdoj.gov/drug.xhtml>

ⁱⁱ Federal Register. (2025, January 16). Mandatory guidelines for Federal workplace drug testing programs; authorized testing panels. 42 C.F.R. Chapter 1. Federal Register, 90(10), 2698-2701. <https://www.federalregister.gov/d/2025-00425>