



THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

JAN - 6 2009

The Honorable Joe Barton
Ranking Member, Committee on Energy and Commerce
House of Representatives
Washington, DC 20515

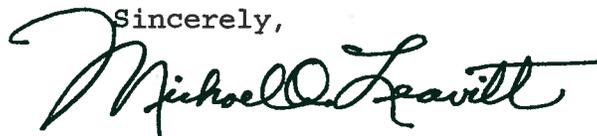
Dear Mr. Barton:

Thank you for your letter to the President requesting an Executive Order for the implementation of a pilot program that would incorporate the use of alternative testing technologies into the Federal Workplace Drug Testing Program (FWDTP).

As you are aware, the Department of Health and Human Services (HHS) has Mandatory Guidelines for the FWDTP that establish the scientific and technical guidance for Federal agencies to follow in conducting workplace drug testing programs, and standards for certification of laboratories engaged in drug testing for Federal agencies. A pilot project to be carried out within the FWDTP would have to follow scientific and procedural standards established in the Guidelines for the use of alternative specimens. These standards have not yet been established. As directed by the President and Congress, those standards would have to reflect the best available science for ensuring the accuracy and reliability of drug tests, while also protecting the rights of individuals who would be subject to drug testing.

On November 25, 2008, HHS published a Final Notice of Revisions to the Mandatory Guidelines for FWDTPs in the Federal Register. This Final Notice promotes and establishes standards that use the best available technology for ensuring the full reliability and accuracy of urine drug tests. Since the scientific, legal, and public policy information for drug testing oral fluid, hair, and sweat patch specimens, and using point of collection testing (POCT) devices is not as complete as it is for the laboratory-based urine drug testing program, HHS will continue to pursue testing using alternative specimens. We anticipate issuing further revisions to the Mandatory Guidelines addressing the use of oral fluid, sweat patch, and hair, and the use of POCT devices for urine and oral fluid. These revisions will be published in the Federal Register, with opportunity for public comment.

Thank you for your letter and your interest in maintaining a drug free Federal workplace. I will also provide this response to Congressman Shimkus who co-signed your letter.

Sincerely,

Michael O. Leavitt