

Mergenthaler
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EXHIBIT 2
DATE 1-28-05
HB 393

To: *Chair and Committee Members*

Comments submitted by: *Lance Zanto, Vice President, Mergenthaler Transfer & Storage*

Date: *January 26, 2005*

Subject: *HB 393 – Mandatory Drug Reporting*

The transportation industry has shouldered many changes in the last two years. These changes, directed by the Federal Government, have been established with the intent of improving safety. Homeland security, hazardous materials and new driver requirements continue to be pressing issues all at a time when customer demand continues to grow.

Some industry experts state that the climate in the trucking industry is ripe for the perfect storm. Huge demand, all time high's in fuel prices, increased regulatory requirements and a shrinking pool of quality drivers in the industry.

What does this mean to the companies? We need to be ever vigilant to driver screening. Although we conduct motor vehicle background, criminal background, prior employer background and pre-employment drug and alcohol screening, the drug and alcohol screening process is still not infallible.

There are no records kept on drivers who apply for employment with an employer but fail the pre-employment drug screen. Subsequent employers, looking to hire this person, currently have no way of knowing about pre-employment positives. Because this person was not hired, there are no records kept of that positive result. In this case, drivers can clean their system, apply with another employer, pass the pre-employment screen and be hired. This industry must have a process that requires reporting of all positive test results whether they be from random, reasonable suspicion, post accident, refusal to submit to a drug test or pre-employment tests.

Consider this, truck drivers, school bus drivers, airline pilots and railroad engineers are all drug tested. Any one of these operators can refuse a drug screen or flunk a pre-employment test, not report their prior employer or not report a prior pre-employment positive to subsequent employers and these employers will have no way of knowing about the refusal or positive test.

Please help us keep transportation safe by addressing this issue through passing HB 393.