

June 29, 2026

The Honorable Todd Blanche
Acting Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue N.W.
Washington, D.C. 20530

The Honorable Terrance Cole
Administrator
U.S. Drug Enforcement Administration
700 Army Navy Drive
Arlington, Virginia, 22202

The Honorable Robert F. Kennedy, Jr.
Secretary of Health and Human Services
U.S. Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

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

Dear Acting Attorney General Blanche, Administrator Cole, Secretary Kennedy, and Secretary Duffy:

On behalf of the undersigned organizations, we write to express serious safety concerns regarding the DEA's proposed action to transfer all marijuana products from Schedule I to Schedule III under the Controlled Substances Act. Unless the necessary steps are taken to preserve employers' ability to test safety-sensitive transportation workers for marijuana, this change could have significant consequences for the safety of the traveling public and the entire transportation sector. While we understand the urgency to finalize this rulemaking under President Trump's Executive Order on Increasing Medical Marijuana and Cannabidiol Research, we urge your agencies to work together as the forthcoming administrative hearing and rulemaking proceeds to ensure that adverse effects on the Department of Transportation's (DOT) drug testing program – one yielding proven safety benefits – are fully considered and addressed.

Our organizations represent a wide range of industries: trucking, aviation, rail, intermodal, hazardous materials, pipeline, and other critical highway safety stakeholders. While we recognize that the rescheduling is being expedited through statutory rulemaking, we are deeply concerned that the current process has not adequately accounted for the impact on transportation safety or the agencies charged with protecting the traveling public. These concerns were reflected in joint comments filed by many members of this coalition in response to the Drug Enforcement Administration's 2024 proposal.¹

The DOT's drug and alcohol testing program – which accounted for more than 7 million tests last year, of which 55,587 yielded positive results for Delta-9 THC across all modes of transportation² – depends on Department of Health and Human Services (HHS) Mandatory Guidelines for Federal Workplace Drug Testing Programs and HHS-certified laboratories. Although DOT has expressed its intent to continue testing for marijuana, a commitment we deeply appreciate, it is unclear whether DOT will retain the ability to rely on HHS procedures and certifications following the rescheduling. Without that alignment, DOT may maintain the authority to test but lack the scientific and procedural infrastructure to do so.

Practically, this would mean truck and bus drivers, pilots, flight attendants, air traffic controllers, air mechanics, rail operating personnel, dispatchers and signal personnel, transit operators, and pipeline workers could continue performing safety-critical, high-risk duties without any reliable

¹ <https://www.regulations.gov/comment/DEA-2024-0059-40635>.

² U.S. DOT Office of Drug and Alcohol Policy and Compliance. Note, Delta-9 THC positives reflect pre-MRO involvement and a small percent of positives may have been downgraded due to a valid prescription for Marinol or Epidiolex.

means of confirming they are not actively using marijuana. Furthermore, because no validated test exists to measure real-time marijuana impairment, transportation safety relies heavily on controlled-substance testing to identify recent use and prevent potentially impaired individuals from performing safety-sensitive duties. Rescheduling could create legal or regulatory gaps that weaken the existing drug testing framework upon which regulated employers rely. Absent clear guidance, these employers will face immediate compliance uncertainty, with direct repercussions for public safety. This concern is shared by the National Transportation Safety Board, which has warned that any final rule must not compromise marijuana testing for safety-sensitive transportation employees.³

Data underscores the risk. Marijuana remains one of the most frequently detected drugs in transportation testing programs. Routinely, marijuana ($\Delta 9$ -THC) accounts for approximately 60% of all positive drug tests in the Federal Motor Carrier Safety Administration’s Drug and Alcohol Clearinghouse.⁴ DOT’s 2024 testing data reflects that more than 2,000 Federal Aviation Administration (FAA)-mandated drug tests indicated a “Positive for Marijuana,”⁵ prompting immediate action to maintain aviation safety. Research has also linked recreational marijuana legalization and decriminalization to increases in injury and fatal crash rates. Regardless of the broader policy goals of rescheduling, the federal government should not proceed without a clear plan to preserve transportation drug-testing programs and mitigate the risks of increased and unchecked impairment on our roadway, railroads, public transit systems, pipelines, airspace, and maritime corridors. Accordingly, we urge your agencies to:

- Safeguard marijuana testing for all safety-sensitive transportation workers over the long term;
- Affirm the authority of DOT-regulated employers to conduct such testing;
- Ensure HHS laboratory certification and testing guidelines remain available and aligned with DOT’s safety mission; and
- Establish a coordinated federal strategy to address the transportation-safety implications of rescheduling.

The traveling public and the workers who keep our transportation system functioning safely deserve a process that ensures these safeguards remain firmly in place before any final action is taken.

Sincerely,

Advocates for Highway & Auto Safety	Citizens for Reliable and Safe Highways	Intermodal Association of North America
Airlines for America	Commercial Vehicle Safety Alliance	National Industrial Transportation League
Alliance for Chemical Distribution	Gases and Welding Distributors Association	National Private Truck Council
American Pyrotechnics Association	Institute for Safer Trucking	National Tank Truck Carriers
American Short Line and Regional Railroad Association	Institute of Makers of Explosives	Parents Against Tired Truckers
American Trucking Associations		Truck Safety Coalition
Association of American Railroads		Truckload Carriers Association

³ <https://www.nts.gov/news/press-releases/Pages/NR20240723.aspx> <https://www.nts.gov/news/Documents/DEA-Schedules-of-Controlled-Substances-Rescheduling-of-Marijuana.pdf>

⁴ https://clearinghouse.fmcsa.dot.gov/content/resources/Clearinghouse_MonthlyReport_December2025.pdf

⁵ See DOT, 2024 MIS Data, available at <https://www.transportation.gov/odapc/2024-MIS-DATA>.