

**Substance Abuse and Mental Health Services Administration
Center for Substance Abuse Prevention
Division of Workplace Programs**

Preventing Employees from Cheating on a Urine Drug Test

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Background

Laboratories certified under the HHS National Laboratory Certification Program have reported a significant number of urine specimens that have been either adulterated or substituted. The additional testing required to forensically identify and document that a specimen is substituted or adulterated can be difficult and time consuming. Needless to say, this issue has an impact on the ability of the Federal agencies to maintain workplace drug testing programs that deter individuals from using illicit drugs and detect individuals that are using illicit drugs if they are able to elude detection.

In the revision of the Mandatory Guidelines for Federal Workplace Drug Testing Programs published in the **Federal Register** on April 13, 2004 (65 FR 19644), the notice described the marketing of numerous adulterants on the Internet and in various magazines. These adulterants are advertised to prevent laboratories from detecting drugs or drug metabolites in urine specimens that are collected as part of a drug testing program. These products may be toxic or corrosive and are sold for the sole reason to be added to a specimen to mask the presence of any drugs or drug metabolites. Examples of adulterants include various nitrites (Klear, Whizzies), pyridinium chlorochromate (Urine Luck, LL481, Sweet Pee's Spoiler), surfactant (Mary Jane SuperClean 13), and acid (Amber-13, THC-Free). Approximately 400 different products, although many contain the same adulterant, are available for adulterating urine specimens.

With regard to substitution, there have been increases in openly marketed promises to conceal current illicit drug use by substituting a "clean" urine specimen for the drug user's "dirty" one. Some products actually advertise a prosthetic device in a range of skin tones complete with waistband, fluid reservoir, thermocouple heating device, and externally formulated and color-dyed solution marketed as synthetic urine. These devices and systems are targeted for use by individuals who want to conceal their illicit drug use by using such a system to suborn a drug test.

In revising the Mandatory Guidelines, the Department has established requirements for specimen validity testing to be conducted on every Federal agency urine specimen. This specimen validity testing policy ensures that laboratories make every effort to properly test and report specimens that may be substituted or adulterated. However, laboratory testing, by itself, cannot be totally effective without support from the Federal agencies.

For a Federal agency to have a workplace drug testing program that is effective in identifying drug users, it must be aware of the ways that an individual may attempt to defeat the drug test and it must establish agency policies to prevent, or at least minimize, the opportunity an individual would have to tamper with his or her specimen.

It is important to know that a drug user, who is part of a workplace drug testing program, will most likely try to defeat the drug test if given the opportunity. As stated above, this may include trying to replace his or her urine with a “clean” urine specimen (substitution), adding a foreign substance to the urine specimen (adulteration), or drinking large amounts of fluid before the test in an attempt to dilute (dilution) any drug or drug metabolite present in his or her urine.

The effectiveness of these different attempts to subvert a drug test may depend on the policies established by each Federal agency.

Collectors/Collection Sites

Collectors are a very important part of a drug testing program. Besides the basic requirements described in the Mandatory Guidelines for Federal Workplace Drug Testing Programs, the Division of Workplace Programs has published a Urine Specimen Collection Handbook that provides additional guidance to supplement the requirements in the Mandatory Guidelines. The Urine Specimen Collection Handbook is available on this website. Each Federal agency should ensure that its collectors follow the guidance in the handbook and the requirements in the Mandatory Guidelines. A collector that is trained and knows what to look for regarding the possible techniques used by donors to defeat a drug test should minimize the number of specimens that are adulterated or substituted.

The most important precautions a collector can take to minimize the opportunity an employee would have to adulterate or substitute a urine specimen are:

(1) Ensure that the employee does not have access to anything at the collection site that could be used to adulterate or substitute a urine specimen; and

(2) Request the employee to remove and display any items he or she may have concealed in pockets, coats, hat, etc.

Recommendations

The most important actions a Federal agency can take to prevent an employee/job applicant from attempting to defeat a drug test are as follows:

(1) If possible, the agency representative who notifies the employee/job applicant that he or she must submit to a drug test accompanies the employee/job applicant to the collection site. Maintaining direct personal contact with the employee/job applicant from the time of notification until arriving at the collection site can prevent the employee/job applicant from drinking excessive amounts of fluids prior to providing a urine specimen or obtaining anything that could be used to adulterate or substitute the specimen they provide.

(2) If direct personal contact with an employee/job applicant cannot be maintained, give the employee/job applicant less than 2 hours time to report to a collection site from the time the employee/job applicant is notified that a drug test is required. Using a 2 hour reporting time minimizes the opportunities an employee/job applicant has to use one or more of the above techniques to defeat the drug test. Additionally, the Federal agency should notify the collector that an employee/job applicant is expected to arrive at the collection site before a specified time.

Depending on the reason for the drug test, other actions a Federal agency may take to prevent employees from attempting to defeat a drug test are as follows:

- **For Random Drug Tests**

(1) Vary the number of times each month that random specimens may be collected (that is, employees should not be able to predict when the Federal agency schedules its collections).

(2) Vary the day of the week that random specimens may be collected (i.e., specimens should not always be collected on a Monday).

(3) Use a random selection process that does not preclude selecting and testing the same employee more than once during a specific period of time (i.e., an employee selected for a random test remains in the total population subject to testing each time the Federal agency collects random specimens).

(4) After a Federal agency establishes the total number of specimens to be collected each year, the Federal agency should distribute the number of random specimens to be

collected over the entire year (if an employee knows that only a certain number of specimens are tested each year and that the agency collects all of them on the same day - an employee will know he or she is free and clear for the remainder of the year).

- **For Pre-Employment (Applicant) Drug Tests**

Note: When conducting applicant testing, Federal agencies must inform an individual who is applying for a job that the application process includes a drug test. Generally, individuals applying for a Federal position submit a completed application and other required information. The completed applications are used by the Federal agency to determine which applicants satisfy the requirements for the position. The applications from the qualified applicants go through a review process that, in conjunction with the interview process, eventually leads to offering a position to one of the applicants. If the Federal agency requires that the job offer is subject to the applicant passing a drug test, the tentative selectee is directed to go to a collection site to provide a urine specimen. The notification for the drug test may occur the day the tentative selectee is offered the position or he or she may be directed to go to a collection site by a certain day. In either case, the applicant knows that a drug test is required before the job offer is made final. Knowing this process usually allows the applicant to predict when he or she will be asked to provide a urine specimen. Thus, an applicant can avoid being positive by simply refraining from using any illicit drug for several days prior to the test, unless the applicant is, in fact, dependent on a drug in which case he or she will not be able to stop using an illicit drug.

Request the tentative selectee to come to the agency's employment office before telling the tentative selectee that he or she is being offered the position and that a drug test is required.

- **For Reasonable Suspicion/Cause Drug Tests**

Collect the urine specimen as soon as possible after the decision has been made that there is a reasonable suspicion/cause to conduct a drug test on an employee.

- **For Post-Accident Drug Tests**

Collect a urine specimen as soon as possible after the accident from the employee who apparently caused the accident and possibly from other employees involved in the accident.

- **For Return to Duty Drug Tests**

(1) Authorizing the use of a direct observed collection procedure to collect the urine specimen from the employee (The Mandatory Guidelines permit a Federal agency to

use a direct observed collection procedure when an employee's previous drug test was drug positive, adulterated, or substituted).

(2) Schedule the return to duty drug test to occur before the employee is reinstated.

(3) Randomly select the day that the employee will be directed to provide a urine specimen.

o **For Follow-up Drug Tests**

(1) Authorizes using a direct observed collection procedure to collect a urine specimen from the employee (The Mandatory Guidelines permit a Federal agency to use a direct observed collection procedure when an employee's previous drug test was drug positive, adulterated, or substituted).

(2) Schedule the follow-up drug tests to occur on a random basis.

(3) Do not tell the employee how often he or she will be directed to provide a urine specimen.

(4) Do not tell the employee when the requirement for follow-up testing will end.

Prepared by: Division of Workplace Programs