

ATA Regulatory and Advocacy Update

November 5, 2025

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Chief Operating Officer

American Trucking Associations



NOTHING WITHOUT **TRUCKING**



AN IMAGE CAMPAIGN TO FLANK ADVOCACY

Nothing Without Trucking aims to shape narratives and public perception around the trucking industry, enhancing its image and elevating its importance in the eyes of key stakeholders, including:

- Consumers • Motorists
- Lawmakers • Media

Leveraging the stories of ATA member companies and other industry partners and supporters, this campaign aims to grow appreciation and support for the trucking industry nationwide.



The Brave New World

Welcome to the Brave New World....





January 20th



PRESIDENTIAL ACTIONS

REGULATORY FREEZE PENDING REVIEW

January 20, 2025

January 31st



FACT SHEETS

FACT SHEET: PRESIDENT DONALD J. TRUMP LAUNCHES MASSIVE 10- TO-1 DEREGULATION INITIATIVE

January 31, 2025



Government

Business

Technology

Equipment

Safety

Eric Miller

February 13, 2025 2:11 PM, EST

Executive Order Aimed at Reducing Federal Regulations

But Action Could Block Truck Safety Initiatives



The White House and Eisenhower Executive Office Building, which houses OMB. (Kiyoshi Tanno/Getty Images)

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President Donald Trump has issued an executive order requiring that for every new rule, regulation or piece of guidance a government agency creates, it must in turn eliminate 10 of its existing regulations.

De-Regulatory Initiates at DOT/FMCSA

- **June 2025:** DOT published 19 proposed rulemakings to reduce compliance burdens on fleets without affecting safety:
 - Driver Vehicle Inspection Reports
 - Definition of “Medical Treatment”
 - ELD Operators Manual
 - Rear Impact Guard Labeling
 - License Plate Lamps on Tractors with Trailers
 - CDL Violation Self-Reporting
 - Rail-Grade Crossing Requirements for Bus and Hazmat
- ATA comments submitted in support in addition to prior comments recommending deregulatory priorities.

Administrator Barrs Confirmed

- **October 6th, 2025:** The Senate confirmed Mr. Derek Barrs as FMCSA Administrator.
- **October 17th, 2025:** Mr. Derek Barrs sworn in as FMCSA Administrator.



What to Expect (or not expect) on the Rulemaking Front

Drug and Alcohol Testing

Marijuana Reclassification & DOT Drug Testing

- **August 2025:** President Trump announces Administration is exploring marijuana rescheduling.
- ATA directed letter to Secretary Duffy urging DOT to clarify if/how it will maintain the authority and ability to test commercial drivers for marijuana if the drug is federally rescheduled, warning that losing this testing capacity would undermine highway safety and trucking industry integrity.



Drug & Alcohol Clearinghouse

Drug Violations (as of 9/1/25)

Actual knowledge of a drug violation	5,034
Drug test refusal	51,384
Positive drug test	285,986
TOTAL	342,517

Alcohol Violations (as of 7/1/25)

Actual knowledge of an alcohol violation	1,339
Alcohol test refusal	1,753
Concentration of 0.04 or greater	5,263
TOTAL	8,355

Positive drug tests account for 81% of the total violations reported. The chart below represents the breakdown of results reported to the Clearinghouse, by year, since January 6, 2020, of the number of times a driver tested positive for each substance.

Number of Positive Tests with Substances Identified							
Substance	2020	2021	2022	2023	2024	2025	Total
Marijuana Metabolite (Δ^9 -THCA)	29,197	32,269	39,390	37,800	34,936	22,324	195,916
Cocaine Metabolite (BZE)	7,923	9,106	10,545	10,388	10,078	6,116	54,156
Methamphetamine (MET/MAMP)	5,199	5,213	5,381	4,522	4,588	2,799	27,702
Amphetamine (AMP)	4,906	4,951	5,165	4,251	3,875	2,401	25,549
Oxymorphone (OXYM)	1,333	1,292	1,359	1,097	973	678	6,732
Oxycodone (OXYC)	1,067	1,068	1,093	924	801	561	5,514
Hydrocodone (HYC)	957	931	909	807	715	499	4,818
Hydromorphone (HYM)	1,030	1,041	994	829	701	451	5,046
Morphine (MOP)	429	376	415	369	388	276	2,253
Codeine (COD)	371	348	411	356	318	226	2,030
6-Acetylmorphine (6-AM)	300	192	176	117	100	59	944
Phencyclidine (PCP)	62	63	65	77	85	58	410
Ecstasy (MDMA)	135	122	132	92	77	43	601
Methylenedioxymphetamine (MDA)	28	35	43	50	54	30	240
All substances	52,937	57,007	66,078	61,679	57,689	36,521	331,911



Source: <https://clearinghouse.fmcsa.dot.gov>

DAC Return to Duty

- A driver is considered “not-prohibited” once they have a negative RTD test.
- Driver violation records will remain in the Clearinghouse for 5 years from the date of the violation determination, or until the violation is resolved through the completion of the RTD and follow-up testing, whichever is later.

CDL/CLP Holders in the Return-to-Duty (RTD) Process
as of Sep 2, 2025

RTD STATUS	# DRIVERS
All Drivers (with at least 1 violation)	312,641
CDL/CLP holders in Prohibited Status	194,276
RTD Process Not Started	152,014
Substance Abuse Professional (SAP) Request Sent	2,030
SAP Designation Confirmed	5,793
SAP Request Declined	1,230
Initial SAP Assessment Complete	9,692
Determined Eligible for RTD Testing	23,517
CDL/CLP Holders in Not-Prohibited Status*	118,365
RTD Test with Negative Results	82,341
Follow-Up Testing Plan Complete	36,024

*A driver is no longer prohibited from performing safety-sensitive functions once they have a negative RTD test result



The Latest Drug and Alcohol Testing Updates...

- **DOT Panel Changes** – Last year, HHS added fentanyl to the federal testing panel.
 - **October 17th**: ATA commented in support of DOT adding fentanyl to drug testing panels, noting added cost and recommendation to review ongoing need to test for fentanyl given low positivity rates in workplace settings.
- **Oral Fluids Testing** – **The latest**: Awaiting laboratory certification!
 - Final Rule Published May 2023 and effective June 2023.
 - ATA exploring opportunities to ease regulatory hurdles for labs to certify at FDA.
 - **October 1st**: DOT published revised rule on oral fluids testing procedures to align with EO on gender issues.
- **Hair Testing** – With new Administration, ATA will continue to advocate for this essential issue. Indication that HHS is actively working on rule.
 - ATA advocacy with FDA would help speed hair testing implementation barriers.

Safety & Security



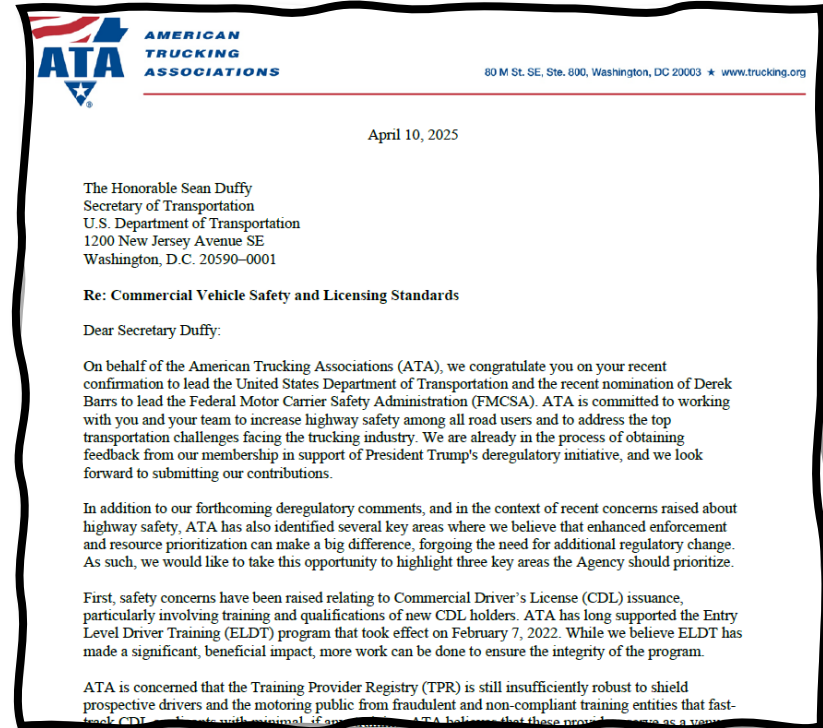
↩ PRESIDENTIAL ACTIONS

ENFORCING COMMONSENSE RULES OF THE ROAD FOR AMERICA'S TRUCK DRIVERS

Executive Orders | April 28, 2025

English Language Proficiency

- ATA April 10th letter to DOT
 - Asking for clarification of the 2016 “Quade” Memo
 - Crack-down on ELDT
 - Crack-down on Cabotage
- Follow-up ATA letter committing to assistance of EO.
- CVSA OOS Enforcement of ELP began June 25.
- 5,175 ELP OOS violations so far in 2025.
 - Additional 13,500+ non-OOS ELP violations in commercial border zones.



Revised English Language Proficiency Policy



- 2-Part Roadside Assessment
 - Verbal interview in English only, testing driver's ability to respond to official inquiries
 - Highway traffic sign recognition
- Applies to CDL and non-CDL commercial drivers excluding U.S. territories.
- In U.S.-Mexico border commercial zones, citations may be issued but drivers won't be placed OOS.
- FMCSA published suggested ELP assessment criteria for hiring and pre-employment.

DOT Trucking Policy Package

- **June 27, 2025:** DOT & FMCSA announced package of initiatives, pilot programs, and regulatory actions aimed at addressing issues facing the trucking industry in response to the President's April EO.
- Highlights:
 - **Truck Parking Investment** of more than \$275 million + additional discretionary grant funding.
 - **Modernized Systems and Tools** including the DataQ system and National Consumer Complaint Database (NCCDB).
 - **Focus on Unlawful Brokering**
 - **Hours of Service Pilot Programs**
 - Split Duty Period Pilot Program: allow a temporarily pause their 14-hour on-duty "driving window" for 30 minutes to 3 hours
 - Flexible Sleeper Berth Pilot Program: test alternative configurations for the 10-hour off-duty period, such as 6/4 and 5/5 splits, instead of the current 8/2 or 7/3 options.
 - **Regulatory Relief for Trucking Industry**

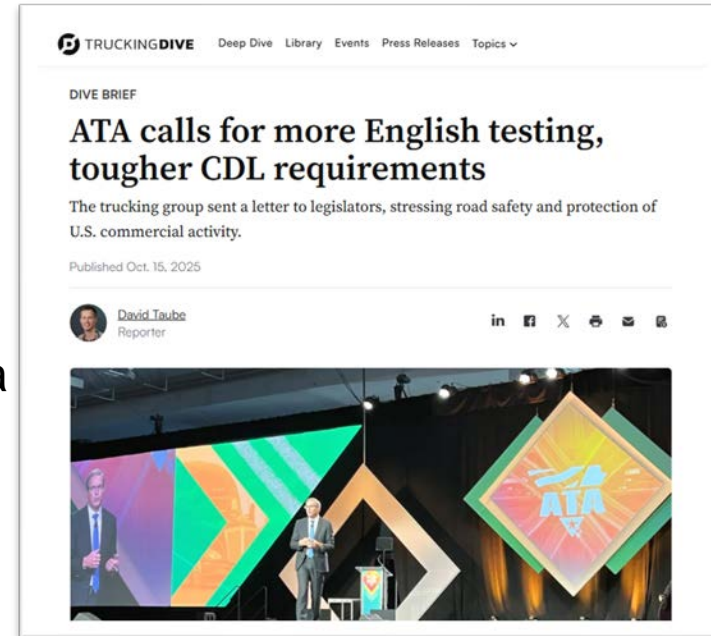
Non-Domicile CDL Interim Final Rule

- **September 26th** – USDOT IFR made immediate, sweeping changes to the non-domiciled CDL program, supported by ATA.
- Triggered by recent fatal crashes and compliance failures by SDLAs.
- Key requirements: In-person presentation of valid Form I-94/94A (H-2A, H-2B, or E-2 classification only).
- Explicit exclusion of asylees, refugees, asylum seekers, and DACA recipients.
- States must pause issuance until aligned with new requirements; asked to initiate voluntary audits; noncompliant CDLs may be invalidated.
- Existing non-domiciled CDLs may be revoked at any time by SDLAs/Federal notice.
- FMCSA FAQ forthcoming.
- **Comments due to FMCSA by Nov. 28.**
 - **ATA Supportive!**



ATA Focus on Ensuring a Qualified, Safe Driving Workforce

- In light of recent DOT action and high-profile crashes, ATA has focused advocacy efforts on...
 - Codifying and integrating ELP into the CDL issuance process
 - Strengthening oversight of state CDL issuance
 - Bolstering requirements for individuals to obtain a CDL including requiring at least one year with a standard DL
 - Strengthening oversight and removal procedures for non-compliant ELDT training providers
 - Strengthening enforcement against illegal cabotage





What about...?

And More!!

ATA continued advocacy efforts through legislative and regulatory efforts to address...

- **Cargo Theft**
- **FMCSA Registration System Enhancement**
- **Crack down on CDL Mills/Entry Level Driver Training**
- **ELD Fraud**
 - **ATA Updated Policy supporting ELD Third Party Certification**
- **Distracted Driving**
 - **ATA Updated Policy related to Distracted Driving**

Energy and Environment

EPA Continues Reforms...

- **March 12, 2025:** EPA announced termination of “EV Mandate”, including actions to reconsider/reevaluate rulemaking related to:
 - **Greenhouse Gas Phase 3 (GHG3)**
 - **Heavy-duty NOx standards**
- Formal rulemaking process regarding GHG3/endangerment finding was then initiated from EPA.
- Complimentary to Legislative efforts as well.



EPA Announces Action to Implement POTUS's Termination of Biden-Harris Electric Vehicle Mandate

WASHINGTON – U.S. Environmental Protection Agency (EPA) Administrator Lee Zeldin announced the agency will reconsider the Model Year 2027 and Later Light-Duty and Medium-Duty Vehicles regulation and Greenhouse Gas Emissions Standards for Heavy-Duty Vehicles. In addition to imposing over \$700 billion in regulatory and compliance costs, these rules provided the foundation for the Biden-Harris electric vehicle mandate that takes away Americans' ability to choose a safe and affordable car for their family and increases the cost of living on all products that trucks deliver.

"The American auto industry has been hamstrung by the crushing regulatory regime of the last administration. As we reconsider nearly one trillion dollars of regulatory costs, we will abide by the rule of law to protect consumer choice and the environment," said EPA Administrator Zeldin.

EPA Continues Reforms...

June 12, 2025: President Trump signed two congressional resolutions revoking EPA waivers for:

- **Advanced Clean Trucks (zero emission vehicle sales requirement)**
- **Omnibus NOx Emissions Reduction Waiver**
- **Advanced Clean Cars II**





Electrifying Trucking: \$1 Trillion Needed for Infrastructure

Clean Freight Coalition Commissioned Study to Assess What a Switch Would Cost



Roland Berger's electrification report showed that a \$620 Billion investment would be needed for charging infrastructure. (Clean Energy Fuels Corp.)

TTNews.com

Workforce

Department of Labor...

- **May 1, 2025:** DOL announced they are no longer enforcing the Biden/Su IC rule
 - Biden/Su 2024 Independent Contractor Rule currently under review by USDOL
 - DOL's "Spring" Regulatory Agenda indicated the department intends to rescind the 2024 IC rule (*expected soon*)



Government

Business

Eric Miller | Senior Reporter

May 6, 2025 4:46 PM, EDT

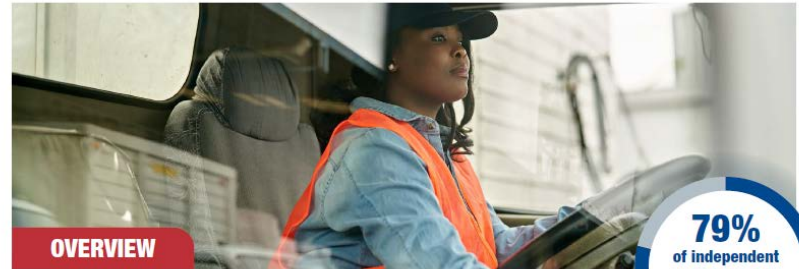
Labor Department Reviewing Independent Contractor Rule

Agency Won't Enforce 2024 Regulation While Assessing Contractor Status



Preserve Vital Pathways to Entrepreneurship

Protect Independent Contractors' Freedom to Choose



OVERVIEW

Surveys from the Bureau of Labor Statistics consistently reveal that independent contractors overwhelmingly prefer their work arrangement (79%), with fewer than 10% interested in traditional employee status. This is because the

79%
of independent
contractors
prefer their work
arrangement



We need your voice!

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- ATA is the voice of the industry
America depends on most to move our nation's freight.
- ATA leverages the strength and size of our membership to develop, advocate, and advance innovative research-based policies that promote highway safety, security, environmental sustainability and profitability.



Thank you...

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