

Committee on Energy and Commerce

Opening Statement

of

Subcommittee on Digital Commerce and Consumer Protection Ranking Member Jan Schakowsky

Examining Drug-Impaired Driving

July 11, 2018

Thank you, Chairman Latta, for holding today's hearing on drugged driving. Today's hearing really comes down to one question: What is NHTSA doing to combat all impaired driving?

Impaired driving is a term used to describe driving while affected by alcohol or legal and illegal drugs. Impaired driving risks the lives of not only the impaired drivers, but everyone else on the road, and has no place in our society. It's illegal in every state.

The Foundation for Advancing Alcohol Responsibility funded a report in 2015 that found that drugs were found in the systems of 43 percent of fatally -injured drivers with a known result. While this statistic raises concern, I have questions and concerns about the methodology and accuracy of this statistic, and share many safety advocates' concern that this could divert needed attention and resources away from efforts to curb drunk driving.

Alcohol continues to cause more deaths than drugs. In 2016, according to a report from January of this year issued by the National Academies, more than ten thousand people were killed in crashes involving a drunk driver.

This issue is a complicated one, because there are hundreds of drugs, whether they be prescription, over-the-counter, or illegal, that can and do impair drivers. Complicating matters further, drugs of all kinds affect individuals differently, and data on drug presence, like that put forth by the Foundation for Advancing Alcohol Responsibility, is often misleading. Further complicating matters, there is no nationally accepting method for testing the drug-impairment of a driver. Positive drug tests do not yield accurate results, as trace amounts of many drugs can linger in a person's system for weeks, meaning that a driver may not necessarily be impaired even when testing positive for some drugs.

The National Highway Transportation Safety Administration (NHTSA) conducted a study in 2016 that found "alcohol was the largest contributor to crash risk," and that "there was no indication that any drug significantly contributed to crash risk." And yet, in 2018, NHTSA launched a National Drug-Impaired Driving Initiative, and in March NHTSA held a Drug-Impaired Driving Summit to engage on the issue.

In Carol Stream, Illinois, local law enforcement is experimenting with a new swab test in order to test for a number of drugs, including marijuana, cocaine, amphetamines, methamphetamines, and opioids like heroin. The potential for such a test is undoubtedly promising, but I would urge caution as such a test is unlikely to be admissible in court for some time. And again this may take precious resources away from preventing drunk driving.

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On the federal level, I hope that NHTSA is working with state and local law enforcement and transportation agencies to ensure that they are wisely deploying resources to protect public safety. If NHTSA is going to prioritize drugged driving enforcement and prevention, and turn its attention away from other risk areas, it's critical to ensure we have accurate data to suggest that shifting their focus away is justified, and, importantly, must ensure they have accurate testing to ensure enforcement actions are effective.

I also hope that as NHTSA continues to fulfill its mission of reducing deaths, injuries, and economic losses from motor vehicle crashes, it works with other agencies to ensure that substance abuse treatment is available for those who suffer from addiction. We as a society, and as Federal Representatives, must take a wholistic approach to curbing drunk and drugged driving, and that must include treating the underlying causes.

I welcome our witnesses and look forward to hearing your perspectives on this industry.