

July 31, 2018

The Honorable Paul Ryan
United State House of Representatives
Washington, D.C. 20515

Dear Speaker Ryan:

After decades of steady decline, highway deaths have increased sharply over the last few years (NHTSA, FARS, 2017). Deeply concerning is the increased prevalence of drugs among drivers documented in the National Roadside Survey and among fatally injured drivers. These facts demand greater action to reduce drug-impaired driving.

Earlier this month, the House Subcommittee on Digital Commerce and Consumer Protection held a [hearing](#) to examine this serious public safety problem. Expert witnesses highlighted the barriers to addressing the growing problem of drug-impaired driving including, but not limited to, the following:

- Researchers have not been able to conclusively associate the level or quantity of many commonly-used drugs in the body with a person's level of impairment to determine a scientifically-valid illegal per se limit (analogous to the .08 BAC level for alcohol).
- Specialized law enforcement drug recognition training, augmented by developing roadside oral fluid testing, are crucial front-line tools needed to enable police to more effectively identify drug-impaired drivers.
- The need for better data and thorough testing to accurately quantify the scope of the problem, including but not limited to, the need for another NHTSA National Roadside Survey to determine prevalence of drugged driving;
- More training for law enforcement personnel, prosecutors and toxicology labs;
- More research to accurately assess crash risk for drivers under the influence of drugs; and
- Greater public education and enforcement efforts.

The Congressional hearing starkly contrasted with the National Cannabis Industry Association (NCIA) report delivered to every Member of Congress in May, *"State Cannabis Laws: A Progress Report. Successes, Challenges and the Need for Congressional Action."* The NCIA report contained one page regarding highway safety. It misreported data and perpetuated the incorrect and dangerous belief that marijuana consumption and driving does not result in driver impairment. However, many [studies](#) have documented that marijuana affects psychomotor skills and cognitive functions critical to safe driving. Law enforcement has also encountered many drivers dangerously impaired by cannabis, which is the most common illegal drug category reported by drug recognition experts nationally in 2016 and in years prior ([GHSA, 2017](#))

Another misrepresentation is found in the NCIA citation from Andrew Sewell's 2009 paper, ["The Effect of Cannabis Compared with Alcohol on Driving"](#) which stated "...cannabis users tend to compensate effectively for their deficits by driving more carefully." The NCIA did not include the author's next sentence, "Unexpected events are still difficult to handle under the influence of marijuana, however,

and the combination of low-dose alcohol and low-dose cannabis causes much more impairment than either drug used alone.”

Research published in 2018 by the Journal of The American Medical Association refutes the notion of driver compensation. In “[Driving Under the Influence of Cannabis: An Increasing Public Health Concern](#)” (Ramaekers, JG, JAMA, March 26, 2018) the author wrote, “Regular cannabis users often admit to driving under the influence of cannabis and wrongfully believe that cannabis does not affect their driving performance or that they can compensate for cannabis-associated impairment.”

We are traffic safety leaders concerned about driver impairment by alcohol and/or drugs. We are not alone. The National Highway Transportation Safety Administration (NHTSA) has issued a call to action on drug-impaired driving and declared it a top priority. Members of Congress are also clearly concerned as evidenced by this month’s Congressional hearing and by FY 2019 appropriations funding and committee report language that directs:

- **Senate Transportation HUD Appropriations Committee Report Language** - Encourages NHTSA to expand law enforcement training, particularly in States that have adopted recreational or medicinal marijuana laws.
- **House Transportation HUD Appropriations Committee Report Language** - Directs NHTSA to report to the Appropriations Committees on plans to complete a comprehensive assessment of the gaps that exist in what is known about drug-impaired driving, including NHTSA’s efforts to engage key stakeholders, how it will increase law enforcement training and drug detection among drivers.
- **Senate Commerce, Science and Justice Appropriations Committee Report Language** – Directs NIH to update research in coordination with NHTSA, NIDA, CDC, ONDCP, and the National Institute of Standards and Technology to identify and/or develop drug detection technology.
- **Senate Labor HHS Education Appropriations Committee Report Language** – Directs NIH to research marijuana impacts at various levels on the human body and the effect on cognitive abilities required to operate motor vehicles.

We agree with NCIA on one point highlighted on page 30 of its Report to Congress – policies should be adopted to prevent impaired driving and these policies should be based on science. We are working with NHTSA to support science-based programs and policies to combat drug-impaired driving.

We applaud Congress for its leadership and urge continued action to prevent crashes, deaths and injuries. The percentage of drugged drivers is rapidly increasing, and data is needed to accurately quantify the problem, including the need for NHTSA’s National Roadside Survey to provide updated information on the prevalence of drugged driving. Meanwhile, alcohol-impaired drivers are still involved in 28% of total traffic fatalities. When drugs and alcohol are consumed simultaneously, driver risk increases significantly. The truly alarming fact is fatal crash data shows that many impaired drivers have more than one substance in their body ([Washington Traffic Safety Commission](#), 2018). Our nation is behind the curve on this complex issue.

Respectfully,

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