

From: Conti, Trisha <Trisha.Conti@vermont.gov>
Sent: Wednesday, May 1, 2019 10:02 AM
To: Martin LaLonde
Subject: Re: Oral Fluids testing questions

That is correct.

Trisha L. Conti, Ph.D.
Director
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From: Martin LaLonde <MLaLonde@leg.state.vt.us>
Sent: Wednesday, May 1, 2019 10:00 AM
To: Conti, Trisha
Subject: Re: Oral Fluids testing questions

So, there is no NHTSA verification of blood testing, right? And the same equipment would be used for the lab test of saliva and also would not have NHTSA verification, right.

Thanks,
Martin

From: Conti, Trisha <Trisha.Conti@vermont.gov>
Sent: Wednesday, May 1, 2019 9:53:53 AM
To: Martin LaLonde
Subject: Re: Oral Fluids testing questions

Rep. LaLonde,

The only relevant NHTSA conforming product list (CPL) for DUI testing that's currently in existence is for evidential breath alcohol. That list (link provided below) includes the instrument currently used in Vermont - the Intox DMT. The CPL also contains many of the devices used as PBTs in the US - although here in Vermont we don't use the PBT as the evidential test (even though NHTSA says we could). Historically it's been through the Rule making process when requirements are made to use devices that appear on the NHTSA CPL. And that has only been in relation to breath alcohol testing. From what I've heard, at some point NHTSA will produce a similar list for oral fluid testing devices but I can't say for certain whether that will be for screening (presumptive) or confirmatory (evidential) testing. Meaning, they may approve some oral fluid testing devices (what we now consider as "roadside" for evidentiary testing). I would be shocked if they issued any lists pertaining to the instruments used for confirmatory testing in laboratories (e.g. the instrumentation currently used for evidential blood analysis).

<https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/2017-23869.pdf>

Hopefully this makes sense, but let me know if there are any follow up questions.

Thanks,
Trisha

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From: Martin LaLonde <MLaLonde@leg.state.vt.us>
Sent: Wednesday, May 1, 2019 9:27 AM
To: Conti, Trisha
Subject: Re: Oral Fluids testing questions

Dr. Conti,

Is the blood test certified by NHTSA? Does the evidentiary saliva test require such certification?

Martin

From: Conti, Trisha <Trisha.Conti@vermont.gov>
Sent: Tuesday, April 30, 2019 2:20:22 PM
To: Martin LaLonde
Subject: Re: Oral Fluids testing questions

Rep LaLonde,

I haven't updated my list of states in a few years, but the last time I checked California, Colorado and Wisconsin were using oral fluids in DUI/D cases. Obviously that list has expanded because a quick internet search found the following:

<https://adfs.alabama.gov/services/tox/toxicology-oral-testing-program>

I'd need to some more time to get you a comprehensive list. But as I mentioned in testimony, the evidentiary oral fluid analysis would be nearly identical to what we currently do for blood. There are also a number of private labs testing for drugs using oral fluids because it's easier than blood to collect and provides a more accurate indication of recent use than urine analysis.

As for other studies, a number of pilot programs have been done to look at how well roadside oral fluid testing correlates with confirmatory testing (using blood and/or alcohol). I attached a presentation which highlights the findings from some of those.

Thanks,

Trisha

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From: Martin LaLonde <MLaLonde@leg.state.vt.us>
Sent: Tuesday, April 30, 2019 1:57 PM
To: Conti, Trisha
Subject: Re: Oral Fluids testing questions

Dr. Conti,

Are other states using evidentiary saliva tests (collecting saliva with swabs and then sending to a lab for analysis?) for drug DUIs? Any studies other than the one you cited regarding use of evidentiary saliva tests?

Thanks,
Martin

From: Conti, Trisha <Trisha.Conti@vermont.gov>
Sent: Monday, April 29, 2019 9:05:04 AM
To: Martin LaLonde
Cc: Maxine Grad; Nader Hashim
Subject: Re: Oral Fluids testing questions

Morning Rep. LaLonde,

The statistics I provided were based on the 2007 National Roadside Survey - there were 326 drivers that had oral fluid and blood samples collected in which both tested positive for at least one drug. By comparing the positive results, there was an overall agreement rate of 97.2% - meaning the oral fluid and blood samples were positive for overlapping drugs or drug classes. I'd be remiss if I didn't also mention that there were a number of samples in which one the oral fluid and blood results did not match (i.e. one positive while the other was negative). However, much of that is based on what I relayed in my testimony - the scope of drugs detected in blood were not the same as those detected in oral fluid.

As far as accuracy is concerned, the instrumentation/methods utilized for evidentiary testing are the same for both blood and oral fluid samples. In setting up those methods, labs such as ours, undergo rigorous validation processes to ensure the results are an accurate and reliable indication of what's in the sample. That goes for THC as well as other drugs that are included in the analysis.

It's difficult to provide a list of what can be tested for in saliva vs. blood because it all depends on what you're interested in (for us it would be commonly abused drugs that can impair). The list will vary from lab to lab. However, here is a sample of what could be included:

Benzodiazepines (ex. lorazepam, clonazepam, diazepam, etc.)
Cannabis (THC)
Cocaine
Fentanyl
Methamphetamine, amphetamine
Opiates (morphine, hydrocodone, etc.)
PCP
Tricyclic antidepressants
Zolpidem

The list for blood could be much longer because some drugs aren't detectable in saliva or persist longer in blood.

Hopefully this helps, but let me know if there are any additional questions.

Thanks,
Trisha

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From: Martin LaLonde <MLaLonde@leg.state.vt.us>
Sent: Sunday, April 28, 2019 4:02 PM
To: Conti, Trisha
Cc: Maxine Grad; Nader Hashim
Subject: Oral Fluids testing questions

Dr. Conti,

A couple follow up questions from last Thursday. You explained that the evidentiary saliva test correlated with the blood test using a figure of 97.1. Does that mean that the saliva test is 97.1% as accurate as the blood test? Also, is the saliva test as accurate in determining both presence and the amount of drugs, particularly THC? Finally, could you provide a list of the substances that a saliva test can detect and what the blood test can detect.

Thanks,
Martin