

# United States Senate

WASHINGTON, DC 20510

November 15, 2022

Ann Carlson  
Acting Administrator  
National Highway Traffic Safety Administration  
Department of Transportation  
1200 New Jersey Avenue SE  
Washington D.C. 20590

Dear Acting Administrator Carlson:

I write to you regarding the Biden Administration's ongoing efforts to implement the *Infrastructure Investment and Jobs Act's (IIJA)* provisions to improve roadway safety for all Americans. The anniversary of this historic law represents an opportunity to celebrate the results IIJA is delivering to the American people to increase critical infrastructure resiliency against climate change, improve mobility, and enhance safety for motorists and pedestrians. As implementation of IIJA continues, I would like to understand the progress made to date to produce the report on marijuana research required by the statute.<sup>1</sup>

Preventing distracted or impaired driving is a key step towards the goal of reducing traffic fatalities and improving roadway safety. In 2021, nearly 43,000 fatalities occurred from motor vehicle crashes, which is among the highest annual totals in decades.<sup>2</sup> While the IIJA includes many laudable provisions to establish performance standards for crash avoidance technologies, evaluate monitoring systems to reduce distracted driving, and issue rules to detect a driver's impaired status, many ambiguities around defining marijuana-impaired driving underscore the importance of clarifying this policy uncertainty.

Recent federal studies by the National Highway Traffic Safety Administration (NHTSA), National Academies of Sciences (NAS), and the National Institute of Health (NIH) reviewed the impact of marijuana-impaired driving within the limits of current federal law.<sup>3</sup> These studies, however, were limited to surveys of existing academic literature and therefore only produced findings that are unable to be independently verified scientifically by the agency. Due to the statutory classification of marijuana as a controlled substance, federal researchers face barriers not only to evaluating marijuana's effects on a driver's performance, but also in developing tests to accurately detect the amount of THC in a driver's body or determine a THC impairment level.

The report required by Section 25026 of the IIJA is a critical first step to identify the barriers that prevent the development of an impairment standard for driving after consuming marijuana. Once these barriers are identified, informed by interagency consensus, Congress would have a

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<sup>1</sup> *Infrastructure Investment and Jobs Act*, Section 25026—Report on Marijuana Research, P.L. 117-58, November 15, 2021

<sup>2</sup> National Highway Traffic Safety Administration, *Early Estimates of Motor Vehicle Traffic Fatalities and Fatality Rate by Sub-Categories in 2021*

<sup>3</sup> See National Academies of Sciences, Engineering, and Medicine, *The Health Effects of Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research* (2017)

See National Highway Traffic Safety Administration, *Marijuana-Impaired Driving: A Report to Congress* (2017)

suite of policy recommendations to consider and implement that further advance our shared goal to prevent impaired driving and reduce roadway fatalities.

I look forward to learning about NHTSA's progress to develop the interagency report on barriers to researching marijuana-impaired driving. Please do not hesitate to contact my office if we can offer any support toward completing this report. Thank you for your attention to this important manner.

Sincerely,

A handwritten signature in blue ink that reads "John Hickenlooper". The signature is written in a cursive style with a large initial "J".

John Hickenlooper  
United States Senator