



Changes to SWGTOX Document 005
following Public Comment
Published October 9, 2014

Following the public comment of *Scientific Working Group for Forensic Toxicology (SWGTOX) Standard for Breath Alcohol Personnel*, the following changes were made to the document:

- **Section 1: Introduction** Minor modification for clarity
- **Section 2: Definitions** Minor modification for clarity
- **Section 3: Educational Qualifications** Minor modifications for clarity
 - Section 3.3.-3.6. Removed the following sentence “Courses in quantitative or instrumental analysis are strongly recommended” to reflect that this is a standard document not a guidelines document
 - Section 3.5. Modified required coursework for Toxicologist (Alcohol) from 2 courses from column B, to one course from column B
- **Section 4: Training** Minor modifications for clarity
- **Section 5: Competency** Minor modification for clarity
 - Section 5.2.3.6 Added “Written and/or oral examination” as possible means of competency evaluation
- **Section 6: Experience** Minor modification for clarity
 - Section 6.2. Added experience criteria for Operator
- **Section 7: Continuing Education and Professional Development**
 - Section 7.3.5 Added “Continuing education and professional development can be delivered in-person or online.”
 - Section 7.4. Modified external source requirement from 50% to 25% of overall continuing education and/or professional development. Modified Analyst, Toxicologist, and Technical Director required hours of continuing education/professional development
 - Sections 7.4.2-7.4.5 Changed relevancy from breath alcohol to

forensic toxicology to harmonize with
Laboratory Personnel document

- **Section 8: Certification**

- Section 8.2.1

Removed Technician (Breath Alcohol) from
list of positions requiring certification

- **Section 9: References**

Section added

- **Appendix A:** Summary of Minimum Standards for Breath Alcohol Personnel
Minor modification for clarity and brevity
Added Independent Certification row
- **Appendix B:** College-Level Course Overview
Minor modification for clarity

ADDITIONAL COMMITTEE COMMENTS:

ACCREDITATION

Several public comments indicated that personnel standards were unnecessary if a laboratory was accredited. Laboratory accreditation is part of a quality assurance program, and typically addresses overall areas such as the management system, records, and validation and may not be forensic toxicology specific. While the laboratory accreditation process may include basic requirements for laboratory personnel, accredited laboratories are not required to have certified personnel at this time. Specifically, accreditation of forensic toxicology laboratories is addressed in a separate SWGTOX document.¹

ADDITIONAL CLARIFICATION OF PROGRAM PERSONNEL

The delineation of program personnel (e.g., Technician, Toxicologist) was designed to define different levels of function and responsibility in a program and not to dictate specific positions or titles that all programs must adopt. SWGTOX recognizes that every program does not need every position defined, and many will have different titles for their positions reflective of their agency's organization and human resource mandates. Programs using this standard should evaluate their personnel based upon the highest level of duties that they perform. For example, if your program has a position titled Technician which provides interpretive testimony for alcohol, the qualifications for the Technician position in your program should meet the requirements defined for a Toxicologist (Alcohol) in the SWGTOX standard.

CONSIDERATION OF CONSULTANTS

The issue of consultants (e.g., those who conduct work and/or provide testimony outside of a traditional breath alcohol program setting) was raised during the public comment period. Consultants will be addressed in a future revision or separate document.

COST/BURDEN

¹[Scientific Working Group for Forensic Toxicology \(SWGTOX\) Standard on the Accreditation of Forensic Toxicology Laboratories](#)

Public comments were made indicating a prohibitive cost and/or burden to implementation of this standard. SWGTOX recognizes, and the National Academy of Sciences (NAS) report states, that “the vast majority of criminal law enforcement is handled by state and local jurisdictions [and] these entities often are sorely lacking in the resources (money, staff, training, and equipment) necessary to promote and maintain strong forensic science laboratory systems... [and] As a result, the depth, reliability, and overall quality of substantive information arising from the forensic examination of evidence available to the legal system vary substantially across the country.”² Proposed federal legislation specifies funding in the form of grants and technical assistance “to ensure that forensic science laboratories and covered entities are able to effectively fulfill the responsibilities... during the process of (1) seeking accreditation [and] (2) obtaining certifications for relevant personnel.”³

EDUCATION VS EXPERIENCE

Many public comments were received in the area of education versus experience. SWGTOX concurs with the findings published by the (NAS report) “Forensic examiners must understand the principles, practices, and contexts of science, including the scientific method. Training should move away from reliance on the apprentice-like transmittal of practices to education at the college level and beyond that is based on scientifically valid principles.”⁴ As such, examiners/practitioners/scientists will be empowered to think critically about the scientific foundation of forensic toxicology and contribute to the strength of a program and the discipline at large. Additionally, a relevant scientific educational foundation promulgates scientifically rigorous research which leads to peer-reviewed publications, as is put forth as a significant need in the NAS report and is recognized by proposed legislation and SWGTOX.⁵

GRANDFATHERING/TRANSITION PERIOD

Numerous public requests for a “grandfathering” option and questions of transition periods were received. It is recognized that not all existing programs will meet the standard as published. It is outside the scope of SWGTOX to determine implementation plans, timelines, or the ability to grandfather programs and/or individuals. Those decisions are more appropriately left to the individual program, accrediting bodies and certifying bodies. The following statement appears on the cover page of each SWGTOX standard: Laboratories choosing to meet this practice must decide on an implementation plan that is conducive to the operation, resources and means of the laboratory.

GUIDELINE VS STANDARD

Many public comments did not contain specific feedback, but indicated a general concern with the document being a standard; and therefore having language such as “shall”, “must”, and “will”. There were public comments to make this document a guideline; however, the mission of SWGTOX is to develop and disseminate consensus standards for the practice of forensic toxicology.⁶

² National Research Council. *Strengthening Forensic Science in the United States: A Path Forward*. Washington, DC: The National Academies Press, 2009.

³ Leahy & Cornyn Bill: Criminal Justice and Forensic Science Reform Act. (S. 2177)

⁴ National Research Council. *Strengthening Forensic Science in the United States: A Path Forward*. Washington, DC: The National Academies Press, 2009.

⁵ [Scientific Working Group for Forensic Toxicology \(SWGTOX\) Recommendations of the Research, Development, Testing, and Evaluation \(RDTE\) Committee](#)

⁶ [SWGTOX Program Document](#)