



WMSC AUDIT OF WMATA'S FITNESS FOR DUTY AND OCCUPATIONAL HEALTH PROGRAMS

ISSUED DECEMBER 15, 2025

Background

On February 9, 2024, the WMSC submitted its initial document request to initiate the WMSC's audit of WMATA's Fitness for Duty and Occupational Health Programs in accordance with the WMSC audit schedule provided to WMATA in November 2023. However, WMATA refused to provide responsive documents to most of the document requests required for the WMSC to prepare for or initiate the assessment of those programs as required by the WMSC Compact (section 30(e)) and federal regulation (49 CFR section 674.31). As background, this was to be the WMSC's twenty-second triennial safety audit and the second audit in the area of fitness for duty.¹ WMATA complied with the requirements of all twenty-one audits that occurred up to this point, going back to the WMSC's origin in 2019. As of December 11, 2025, WMATA continues to refuse to respond to this initial document request despite the WMSC issuing a subpoena and filing a petition for subpoena enforcement in federal district court.

Authority

The WMSC Compact provides the WMSC with clear authority to conduct safety audits over a three-year period to oversee WMATA's compliance with its Public Agency Safety Plan (PTASP). These audits are also required by Federal Transit Administration, regulation 49 CFR section 674.31.

WMATA's PTASP, Version 4.0, which was effective on December 31, 2023, and at the time of the document request and the subpoena, includes the Department of Safety and Readiness. The functions of Metrorail's Department of Safety and Readiness include occupational health and wellness, and within that subgroup, are programs aligned with Occupational Health, Employee Health and Wellness, and Health Quality and Compliance. Specific to drug and alcohol testing, the Office of Occupational Health and Wellness administer the Substance Abuse Testing Program. Safety investigations, for example, also must be conducted in compliance with Metrorail's Drug and Alcohol Policy and Testing Program, and drug and alcohol compliance programs are sources of data that Metrorail departments must monitor to reduce safety risks.

¹ The WMSC's first triennial safety audit on Fitness for Duty may be found [here](https://www.wmsc.gov/oversight/audits/) (wmsc.gov > oversight > audits.)

Timeline

WMATA's responses to the audit's initial document requests were due to the WMSC by March 11, 2024. On March 8, 2024, WMATA acknowledged receipt of those initial requests but, in an email to the WMSC, refused to comply with the requests. The WMSC responded on March 15 and on March 18, WMATA restated its position of non-compliance from its March 8 email.

As a result, on April 8, 2024, the WMSC issued a subpoena to WMATA in an attempt to resolve the matter, requiring the production of all documents initially requested as part of the ordinary audit process. Through negotiations between counsel, the WMSC received some of the requested documents, but not all—including incomplete production related to Fitness for Duty and none related to Occupational Health or worker safety.

Because of WMATA's continued non-compliance with the WMSC's subpoena, on October 31, 2024, the WMSC filed a petition for subpoena enforcement in the United States District Court for the District of Columbia. Subsequently, WMATA continues to refuse to provide the WMSC documents requested for audit work in other subject areas covered under its PTASP and has ceased communication with the WMSC regarding work on corrective action plan development and implementation in areas WMATA deems related to occupational health, worker safety, and the ongoing petition for subpoena enforcement.

Path to Resolution

The WMSC is responsible for ensuring Metrorail complies with its safety commitments and requirements including all safety elements in WMATA's Public Transportation Agency Safety Plan. WMATA has the power to immediately resolve this matter, as it has since March 8, 2024 when WMATA first refused to respond to the WMSC's audit authority.

Given no choice based on WMATA's decision to not comply with its audit obligations, the WMSC brought the matter to federal district court for resolution. However, the WMSC remains open and willing to resolve this matter with WMATA without the assistance of the court as long as WMATA recognizes the scope of the WMSC's audit authority.