

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

**NEW FORMAT**

For future versions of this manual, changes to the regulations will show **highlights** for deletions and underline for additions.

**AMENDMENT TABLE OF SECTION REVISIONS FOR THIS VERSION OF PART 191**

<b>PART 191 AMENDMENT NUMBER</b>	<b>EFFECTIVE DATE OF AMENDMENT</b>	<b>PARAGRAPH IMPACT</b>	<b>IN REFERENCE TO:</b>
199-[24]*	04/28/08	199.119, .229	ADMINISTRATIVE PROCEDURES, UPDATES AND TECHNICAL AMENDMENTS

\*PHMSA quit numbering their new amendments. For the purposes of tracking, T&Q is maintaining a numbering system.

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

**Subpart A–General**

- Sec.  
199.1 Scope.  
199.2 Applicability.  
199.3 Definitions.  
199.5 DOT procedures.  
199.7 Anti-drug plan.  
199.9 Preemption of State and local laws.

- 199.223 Refusal to submit to a required alcohol test.  
199.225 Alcohol tests required.  
199.227 Retention of records.  
199.229 Reporting of alcohol testing results.  
199.231 Access to facilities and records.  
199.233 Removal from covered function.  
199.235 Required evaluation and testing.  
199.237 Other alcohol-related conduct.  
199.239 Operator obligation to promulgate a policy on the misuse of alcohol.  
199.241 Training for supervisors.  
199.243 Referral, evaluation, and treatment.  
199.245 Contractor employees.

**Subpart B–Drug Testing**

- 199.100 Purpose  
199.101 Anti-drug plan.  
199.103 Use of persons who fail or refuse a drug test.  
199.105 Drug tests required.  
199.107 Drug testing laboratory.  
199.109 Review of drug testing results.  
199.111 Retention of sample and retesting.  
199.113 Employee assistance program.  
199.115 Contractor employees.  
199.117 Recordkeeping.  
199.119 Reporting of anti-drug testing results.

**Appendix–Management Information  
Systems Data Collection Forms**

**Authority:** 49 U.S.C. 5103, 60102, 60104, 60108, 60117, and 60118; 49 CFR 1.53.

[Part 199 - Org., Nov. 21, 1988, as amended by Amdt. 199-9, 59 FR 7426, Feb. 15, 1994; Amdt. 199-13, 61 FR 18512, Apr. 26, 1996; Amdt. 199-16, 61 FR 65364, Dec. 12, 1996; Amdt. 199-19, 66 FR 47114, Sept. 11, 2001]

**Subpart B–Alcohol Misuse Prevention  
Program**

- 199.200 Purpose.  
199.201 [Removed and Reserved]  
199.202 Alcohol misuse plan.  
199.203 [Removed and Reserved]  
199.205 [Removed and Reserved]  
199.209 Other requirements imposed by operators.  
199.211 Requirement for notice.  
199.213 [Removed and Reserved]  
199.215 Alcohol concentration.  
199.217 On duty use.  
199.219 Pre-duty use.  
199.221 Use following an accident.

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

**Subpart A—General**

**§199.1 Scope.**

This part requires operators of pipeline facilities subject to part 192, 193, or 195 of this chapter to test covered employees for the presence of prohibited drugs and alcohol.

[Part 199 - Org., Nov. 21, 1988 as amended by Amdt. 199-1, 54 FR 14923, Apr. 13, 1989; Amdt. 199-3, 54 FR 53290, Dec. 27, 1989; Amdt. 199-5, 56 FR 18987, Apr. 24, 1991; Amdt. 199-7, 57 FR 31280, July 14, 1992; Amdt. 199-8, 58 FR 68260, Dec. 23, 1993; Amdt. 199-16, 62 FR 67293, Dec. 24, 1997; Amdt. 199-19, 66 FR 47114, Sept. 11, 2001]

**§199.2 Applicability.**

(a) This part applies to pipeline operators only with respect to employees located within the territory of the United States, including those employees located within the limits of the “Outer Continental Shelf” as that term is defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(b) This part does not apply to any person for whom compliance with this part would violate the domestic laws or policies of another country.

(c) This part does not apply to covered functions performed on—

(1) Master meter systems, as defined in §191.3 of this chapter; or

(2) Pipeline systems that transport only petroleum gas or petroleum gas/air mixtures.

[Amdt. 199-19, 66 FR 47114, Sept. 11, 2001]

**§199.3 Definitions.**

As used in this part—

***Accident*** means an incident reportable under Part 191 of this chapter involving gas pipeline facilities or LNG facilities, or an accident reportable under Part 195 of this chapter involving hazardous liquid pipeline facilities.

***Administrator*** means the Administrator, Pipeline Hazardous Materials Safety Administration or his or her delegate.

***Covered employee, employee, or individual to be tested*** means a person who performs a covered function, including persons employed by operators, contractors engaged by operators, and persons employed by such contractors.

***Covered function*** means an operations, maintenance, or emergency-response function regulated by part 192, 193, or 195 of this chapter that is performed on a pipeline or on an LNG facility.

***DOT Procedures*** means the Procedures for Transportation Workplace Drug and Alcohol Testing Programs published by the Office of the Secretary of Transportation in part 40 of this title.

***Fail a drug test*** means that the confirmation test result shows positive evidence of the presence under DOT Procedures of a prohibited drug in an employee's system.

***Operator*** means a person who owns or operates pipeline facilities subject to part 192, 193, or 195 of this chapter.

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

**Pass a drug test** means that initial testing or confirmation testing under DOT Procedures does not show evidence of the presence of a prohibited drug in a person's system.

**Performs a covered function** includes actually performing, ready to perform, or immediately available to perform a covered function.

**Positive rate** means the number of positive results for random drug tests conducted under this subpart plus the number of refusals of random, tests required by this subpart, divided by the total number of random drug tests conducted under this subpart plus the number of refusals of random test required by this subpart.

**Positive rate for random drug testing** means the number of verified positive results for random drug tests conducted under this part plus the number of refusals of random drug tests required by this part, divided by the total number of random drug tests results (*i.e.*, positives, negatives, and refusals) under this part.

**Prohibited drug** means any of the following substances specified in Schedule I or Schedule II of the Controlled Substances Act (21 U.S.C. 812): marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).

**Refuse to submit, refuse, or refuse to take** means behavior consistent with DOT Procedures concerning refusal to take a drug test or refusal to take an alcohol test.

**State agency** means an agency of any of the several states, the District of Columbia, or Puerto Rico that participates under the

pipeline safety laws (49 U.S.C. 60101 *et seq.*)

[Part 199 - Org., Nov. 21, 1988 as amended by Amdt 199-2, 54 FR 51850, Dec. 18, 1989; Amdt. 199-11, 59 FR 62227, Dec. 2, 1994; Amdt. 199-13, 61 FR 18512, Apr. 26, 1996; Amdt. 199-18, 63 FR 12998, Mar. 17, 1998; Amdt. 199-19, 66 FR 47114, Sept. 11, 2001; Amdt. 199-20, 68 FR 11748, Mar. 12, 2003; Amdt. 199-21, 68 FR 75455, Dec. 31, 2003; Amdt. 195-84, 70 FR 11135, Mar. 8, 2005]

**§199.5 DOT Procedures.**

The anti-drug and alcohol programs required by this part must be conducted according to the requirements of this part and DOT Procedures. Terms and concepts used in this part have the same meaning as in DOT Procedures. Violations of DOT Procedures with respect to anti-drug and alcohol programs required by this part are violations of this part.

[Part 199 - Org., Nov. 21, 1988 as amended by Amdt. 199-19, 66 FR 47114, Sept. 11, 2001]

**§199.7 Stand-down waivers.**

(a) Each operator who seeks a waiver under §40.21 of this title from the stand-down restriction must submit an application for waiver in duplicate to the Associate Administrator for Pipeline Safety, Pipeline Hazardous Materials Safety Administration, Department of Transportation, Washington, DC 20590.

(b) Each application must—

(1) Identify §40.21 of this title as the rule from which the waiver is sought;

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

(2) Explain why the waiver is requested and describe the employees to be covered by the waiver;

(3) Contain the information required by §40.21 of this title and any other information or arguments available to support the waiver requested; and

(4) Unless good cause is shown in the application, be submitted at least 60 days before the proposed effective date of the waiver.

(c) No public hearing or other proceeding is held directly on an application before its disposition under this section. If the Associate Administrator determines that the application contains adequate justification, he or she grants the waiver. If the Associate Administrator determines that the application does not justify granting the waiver, he or she denies the application. The Associate Administrator notifies each applicant of the decision to grant or deny an application.

[Amdt. 199-19, 66 FR 47114, Sept. 11, 2001 as amended by Amdt. 199-23, 70 FR 11135, Mar. 8, 2005]

**§199.9 Preemption of State and local laws.**

(a) Except as provided in paragraph (b) of this section, this part preempts any State or local law, rule, regulation, or order to the extent that:

(1) Compliance with both the State or local requirement and this part is not possible;

(2) Compliance with the State or local requirement is an obstacle to the accomplishment and execution of any requirement in this part; or

(3) The State or local requirement is a pipeline safety standard applicable to interstate pipeline facilities.

(b) This part shall not be construed to preempt provisions of State criminal law that impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees or employers or to the general public.

[Amdt. 199-9, 59 FR 7426, Feb. 15, 1994 as amended by Amdt. 199-19, 66 FR 47114, Sept. 11, 2001]

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

**Subpart B–Drug Testing**

**§199.100 Purpose.**

The purpose of this subpart is to establish programs designed to help prevent accidents and injuries resulting from the use of prohibited drugs by employees who perform covered functions for operators of certain pipeline facilities subject to part 192, 193, or 195 of this chapter.

[Amdt. 199-19, 66 FR 47114, Sept. 11, 2001]

**§199.101 Anti-drug plan.**

(a) Each operator shall maintain and follow a written anti-drug plan that conforms to the requirements of this part and the DOT Procedures. The plan must contain–

(1) Methods and procedures for compliance with all the requirements of this part, including the employee assistance program;

(2) The name and address of each laboratory that analyzes the specimens collected for drug testing; and

(3) The name and address of the operator's Medical Review Officer, and Substance Abuse Professional; and,

(4) Procedures for notifying employees of the coverage and provisions of the plan.

(b) The Administrator or the State Agency that has submitted a current certification under the pipeline safety laws (49 U.S.C. 60101 *et seq.*) with respect to the pipeline facility governed by an operator's plans and procedures may, after notice and opportunity for hearing as provided in 49 CFR 190.237 or the relevant State procedures, require the operator to amend its

plans and procedures as necessary to provide a reasonable level of safety.

[Part 199 - Org., Nov. 21, 1988 as amended by Amdt. 199-2, 54 FR 51850, Dec. 18, 1989; Amdt. 199-4, 56 FR 31091, July 9, 1991; Amdt. 199-6, 56 FR 41077, Aug. 19, 1991; Amdt. 199-13, 61 FR 18512, Apr. 26, 1996; Amdt. 199-18A, 63 FR 36862, July 8, 1998; Amdt. 199-19, 66 FR 47114, Sept. 11, 2001]

**§199.103 Use of persons who fail or refuse a drug test.**

(a) An operator may not knowingly use as an employee any person who–

(1) Fails a drug test required by this part and the medical review officer makes a determination under DOT Procedures; or

(2) Refuses to take a drug test required by this part.

(b) Paragraph (a)(1) of this section does not apply to a person who has–

(1) Passed a drug test under DOT Procedures;

(2) Been considered by the medical review officer in accordance with DOT Procedures and been determined by a substance abuse professional to have successfully completed required education or treatment; and

(3) Not failed a drug test required by this part after returning to duty.

[Part 199 - Org., Nov. 21, 1988 as amended by Amdt. 199-2, 54 FR 51850, Dec. 18, 1989; Amdt. 199-19, 66 FR 47114, Sept. 11, 2001]

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

**§199.105 Drug tests required.**

Each operator shall conduct the following drug tests for the presence of a prohibited drug:

(a) *PRE-EMPLOYMENT TESTING.* No operator may hire or contract for the use of any person as an employee unless that person passes a drug test or is covered by an anti-drug program that conforms to the requirements of this part.

(b) *Post-accident testing.* As soon as possible but no later than 32 hours after an accident, an operator shall drug test each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident. An operator may decide not to test under this paragraph but such a decision must be based on the best information available immediately after the accident that the employee's performance could not have contributed to the accident or that, because of the time between that performance and the accident, it is not likely that a drug test would reveal whether the performance was affected by drug use.

(c) *RANDOM TESTING.*

(1) Except as provided in paragraphs (c)(2) through (4) of this section, the minimum annual percentage rate for random drug testing shall be 50 percent of covered employees.

(2) The Administrator's decision to increase or decrease the minimum annual percentage rate for random drug testing is based on the reported positive rate for the entire industry. All information used for this determination is drawn from the drug MIS reports required by this subpart. In order to ensure reliability of the data, the Administrator considers the quality and completeness of the reported data, may obtain additional information or reports from operators, and may make appropriate

modifications in calculating the industry positive rate. Each year, the Administrator will publish in the Federal Register the minimum annual percentage rate for random drug testing of covered employees. The new minimum annual percentage rate for random drug testing will be applicable starting January 1 of the calendar year following publication.

(3) When the minimum annual percentage rate for random drug testing is 50 percent, the Administrator may lower this rate to 25 percent of all covered employees if the Administrator determines that the data received under the reporting requirements of §199.119 for two consecutive calendar years indicate that the reported positive rate is less than 1.0 percent.

(4) When the minimum annual percentage rate for random drug testing is 25 percent, and the data received under the reporting requirements of §199.119 for any calendar year indicate that the reported positive rate is equal to or greater than 1.0 percent, the Administrator will increase the minimum annual percentage rate for random drug testing to 50 percent of all covered employees.

(5) The selection of employees for random drug testing shall be made by a scientifically valid method, such as a random number table or a computer-based random number generator that is matched with employees' Social Security numbers, payroll identification numbers, or other comparable identifying numbers. Under the selection process used, each covered employee shall have an equal chance of being tested each time selections are made.

(6) The operator shall randomly select a sufficient number of covered employees for testing during each calendar year to equal an annual rate not less than the minimum annual percentage rate for random drug testing determined by the Administrator. If the

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

operator conducts random drug testing through a consortium, the number of employees to be tested may be calculated for each individual operator or may be based on the total number of covered employees covered by the consortium who are subject to random drug testing at the same minimum annual percentage rate under this subpart or any DOT drug testing rule.

(7) Each operator shall ensure that random drug tests conducted under this subpart are unannounced and that the dates for administering random tests are spread reasonably throughout the calendar year.

(8) If a given covered employee is subject to random drug testing under the drug testing rules of more than one DOT agency for the same operator, the employee shall be subject to random drug testing at the percentage rate established for the calendar year by the DOT agency regulating more than 50 percent of the employee's function.

(9) If an operator is required to conduct random drug testing under the drug testing rules of more than one DOT agency, the operator may—

(i) Establish separate pools for random selection, with each pool containing the covered employees who are subject to testing at the same requires rate; or

(ii) Randomly select such employees for testing at the highest percentage rate established for the calendar year by any DOT agency to which the operator is subject.

(d) **TESTING BASED ON REASONABLE CAUSE.** Each operator shall drug test each employee when there is reasonable cause to believe the employee is using a prohibited drug. The decision to test must be based on a reasonable and articulable belief that the employee is using a prohibited drug on the basis of specific, contemporaneous physical, behavioral, or performance indicators of probable drug

use. At least two of the employee's supervisors, one of whom is trained in detection of the possible symptoms of drug use, shall substantiate and concur in the decision to test an employee. The concurrence between the two supervisors may be by telephone. However, in the case of operators with 50 or fewer employees subject to testing under this part, only one supervisor of the employee trained in detecting possible drug use symptoms shall substantiate the decision to test.

(e) *Return-to-duty testing.* A covered employee who refuses to take or has a positive drug test may not return to duty in the covered function until the covered employee has complied with applicable provisions of DOT Procedures concerning substance abuse professionals and the return-to-duty process.

(f) *FOLLOW-UP TESTING.* A covered employee who refuses to take or has a positive drug test shall be subject to unannounced follow-up drug tests administered by the operator following the covered employee's return to duty. The number and frequency of such follow-up testing shall be determined by a substance abuse professional, but shall consist of at least six tests in the first 12 months following the covered employee's return to duty. In addition, follow-up testing may include testing for alcohol as directed by the substance abuse professional, to be performed in accordance with 49 CFR part 40. Follow-up testing shall not exceed 60 months from the date of the covered employee's return to duty. The substance abuse professional may terminate the requirement for follow-up testing at any time after the first six tests have been administered, if the substance abuse professional determines that such testing is no longer necessary.

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

[Part 199 - Org., Nov. 21, 1988 as amended by Amdt. 199-2, 54 FR 51850, Dec. 18, 1989; Amdt. 199-11, 59 FR 62227, Dec. 2, 1994; Amdt. 199-18, 63 FR 12998, Mar. 17, 1998; Amdt. 199-18A, 63 FR 36862, July 8, 1998; Amdt. 199-19, 66 FR 47114, Sept. 11, 2001]

**§199.107 Drug testing laboratory.**

(a) Each operator shall use for the drug testing required by this part only drug testing laboratories certified by the Department of Health and Human Services under the DOT Procedures.

(b) The drug testing laboratory must permit—

(1) Inspections by the operator before the laboratory is awarded a testing contract; and

(2) Unannounced inspections, including examination of records, at any time, by the operator, the Administrator, and if the operator is subject to state agency jurisdiction, a representative of that state agency.

[Part 199 - Org., Nov. 21, 1988 as amended by Amdt. 199-19, 66 FR 47114, Sept. 11, 2001]

**§199.109 Review of drug testing results.**

(a) *MRO APPOINTMENT.* Each operator shall designate or appoint a medical review officer (MRO). If an operator does not have a qualified individual on staff to serve as MRO, the operator may contract for the provision of MRO services as part of its anti-drug program.

(b) *MRO qualifications.* Each MRO must be a licensed physician who has the qualifications required by DOT Procedures.

(c) *MRO duties.* The MRO must perform functions for the operator as required by DOT Procedures.

(d) *MRO reports.* The MRO must report all drug test results to the operator in accordance with DOT Procedures.

(e) Evaluation and rehabilitation may be provided by the operator, by a substance abuse professional under contract with the operator, or by a substance abuse professional not affiliated with the operator. The choice of substance abuse professional and assignment of costs shall be made in accordance with the operator/employee agreements and operator/employee policies.

(f) The operator shall ensure that a substance abuse professional, who determines that a covered employee requires assistance in resolving problems with drug abuse, does not refer the covered employee to the substance abuse professional's private practice or to a person or organization from which the substance abuse professional receives remuneration or in which the substance abuse professional has a financial interest. This paragraph does not prohibit a substance abuse professional from referring a covered employee for assistance provided through:

(1) A public agency, such as a State, county, or municipality;

(2) The operator or a person under contract to provide treatment for drug problems on behalf of the operator;

(3) The sole source of therapeutically appropriate treatment under the employee's health insurance program; or

(4) The sole source of therapeutically appropriate treatment reasonably accessible to the employee.

[Part 199 - Org., Nov. 21, 1988 as amended by Amdt. 199-2, 54 FR 51850, Dec. 18, 1989; Amdt. 199-18, 63 FR 12998, Mar. 17, 1998; Amdt. 199-18A, 63 FR 36862, July 8,

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

1998; Amdt. 199-19, 66 FR 47114, Sept. 11, 2001]

**§199.111 Retention of sample and retesting.**

(a) Samples that yield positive results on confirmation must be retained by the laboratory in properly secured, long-term, frozen storage for at least 365 days as required by the DOT Procedures. Within this 365-day period, the employee or the employee's representative, the operator, the Administrator, or, if the operator is subject to the jurisdiction of a state agency, the state agency may request that the laboratory retain the sample for an additional period. If, within the 365-day period, the laboratory has not received a proper written request to retain the sample for a further reasonable period specified in the request, the sample may be discarded following the end of the specimen must be tested.

(c) If the employee specifies testing by a second laboratory, the original laboratory must follow approved chain-of-custody procedures in transferring a portion of the sample.

(d) Since some analyses may deteriorate during storage, detected levels of the drug below the detection limits established in the DOT Procedures, but equal to or greater than the established sensitivity of the assay, must, as technically appropriate, be reported and considered corroborative of the original positive results.

[53 FR 47084, Nov. 21, 1988, as amended by Amdt. 199-17, 63 FR 7721, Feb. 17, 1998; Amdt. 199-19, 66 FR 47114, Sept. 11, 2001]

**§199.113 Employee assistance program.**

(a) Each operator shall provide an employee assistance program (EAP) for its employees and supervisory personnel who will determine whether an employee must be drug tested based on reasonable cause. The operator may establish the EAP as a part of its internal personnel services or the operator may contract with an entity that provides EAP services. Each EAP must include education and training on drug use. At the discretion of the operator, the EAP may include an opportunity for employee rehabilitation.

(b) Education under each EAP must include at least the following elements: display and distribution of informational material; display and distribution of a community service hot-line telephone number for employee assistance; and display and distribution of the employer's policy regarding the use of pre-employment testing.

(b) If the regarding the use of pre-employment testing (MRO) determines there is no legitimate

(c) Training under each EAP for supervisory personnel who will determine whether an employee must be drug tested based on reasonable cause must include one 60-minute period of training on the specific, contemporaneous physical, behavioral, and performance indicators of probable drug use.

[Part 199 - Org., Nov. 21, 1988, as amended by Amdt. 199-19, 66 FR 47114, Sept. 11, 2001]

**§199.115 Contractor employees.**

With respect to those employees who are contractors or employed by a contractor, an operator may provide by contract that the drug testing, education, and training required by this part be carried out by the contractor provided:

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

(a) The operator remains responsible for ensuring that the requirements of this part are complied with; and

(b) The contractor allows access to property and records by the operator, the Administrator, and if the operator is subject to the jurisdiction of a state agency, a representative of the state agency for the purpose of monitoring the operator's compliance with the requirements of this part.

[Part 199 - Org., Nov. 21, 1988, as amended by Amdt. 199-19, 66 FR 47114, Sept. 11, 2001]

**§199.117 Recordkeeping.**

(a) Each operator shall keep the following records for the periods specified and permit access to the records as provided by paragraph (b) of this section:

(1) Records that demonstrate the collection process conforms to this part must be kept for at least 3 years.

(2) Records of employee drug test that indicate a verified positive result, records that demonstrate compliance with the recommendations of a substance abuse professional, and MIS annual report data shall be maintained for a minimum of five years.

(3) Records of employee drug test results that show employees passed a drug test must be kept for at least 1 year.

(4) Records confirming that supervisors and employees have been trained as required by this part must be kept for at least 3 years.

(b) Information regarding an individual's drug testing results or rehabilitation must be released upon the written consent of the individual and as provided by DOT Procedures. Statistical data related to drug testing and rehabilitation that is not name-

specific and training records must be made available to the Administrator or the representative of a state agency upon request.

[Part 199 - Org., Nov. 21, 1988, as amended by Amdt. 199-8, 58 FR 68260, Dec. 23, 1993; Amdt. 199-19, 66 FR 47114, Sept. 11, 2001; Amdt. 199-21, 68 FR 75455, Dec. 31, 2003]

**§199.119 Reporting of anti-drug testing results.**

(a) Each large operator (having more than 50 covered employees) shall submit an annual MIS report to PHMSA of its anti-drug testing using the Management Information System (MIS) form and instructions as required by 49 CFR Part 40 (at § 40.25 and appendix H to Part 40), not later than March 15 of each year for the prior calendar year (January 1 through December 31). The Administrator shall require by written notice that small operators (50 or fewer covered employees) not otherwise required to submit annual MIS reports to prepare and submit such reports to PHMSA.

(b) Each report required under this section shall be submitted to the Office of Pipeline Safety, Pipeline Hazardous Materials Safety Administration, U.S. Department of Transportation, **Room 7128, 400 Seventh Street, SW**PHP-60, 1200 New Jersey Avenue, SE, Washington, DC 20590.

(c) To calculate the total number of covered employees eligible for random testing throughout the year, as an operator, you must add the total number of covered employees eligible for testing during each random testing period for the year and divide that total by the number of random testing periods. Covered employees, and only covered employees, are to be in an

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

employer's random testing pool, and all covered employees must be in the random pool. If you are an employer conducting random testing more often than once per month (*e.g.*, you select daily, weekly, bi-weekly), you do not need to compute this total number of covered employees rate more than on a once per month basis.

32886, June 14, 2004; Amdt. 199-23, 70 FR 11135, Mar. 8, 2005; Amdt. 199-[24], 73 FR 16562, Mar. 28, 2008]

(d) As an employer, you may use a service agent (*e.g.*, C/TPA) to perform random selections for you; and your covered employees may be part of a larger random testing pool of covered employees. However, you must ensure that the service agent you use is testing at the appropriate percentage established for your industry and that only covered employees are in the random testing pool.

(e) Each operator that has a covered employee who performs multi-DOT agency functions (*e.g.*, an employee performs pipeline maintenance duties and drives a commercial motor vehicle), count the employee only on the MIS report for the DOT agency under which he or she is randomly tested. Normally, this will be the DOT agency under which the employee performs more than 50% of his or her duties. Operators may have to explain the testing data for these employees in the event of a DOT agency inspection or audit.

(f) A service agent (*e.g.*, Consortia/Third Party Administrator as defined in 49 CFR Part 40) may prepare the MIS report on behalf of an operator. However, each report shall be certified by the operator's anti-drug manager or designated representative for accuracy and completeness.

[Amdt. 199-8, 58 FR 68261, Dec. 23, 1993 as amended by Amdt 199-9, 59 FR 7430, Feb. 15, 1994; Amdt. 199-15, 61 FR 65364, Dec. 12, 1996; Amdt. 199-19, 66 FR 47114, Sept. 11, 2001; Amdt. 199-21, 68 FR 75455, Dec. 31, 2003; Amdt. 199-20 (22), 69 FR

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

**Subpart C—Alcohol Misuse Prevention Program**

**§199.200 Purpose.**

The purpose of this subpart is to establish programs designed to help prevent accidents and injuries resulting from the misuse of alcohol by employees who perform covered functions for operators of certain pipeline facilities subject to part 192, 193, or 195 of this chapter.

[Amdt. 199-9, 59 FR 7426, Feb. 15, 1994]

**§199.201 [Removed and Reserved]**

[Amdt. 199-9, 59 FR 7426, Feb. 15, 1994] as amended by Amdt. 199-19, 66 FR 47114, Sept. 11, 2001]

**§199.202 Alcohol misuse plan.**

Each operator must maintain and follow a written alcohol misuse plan that conforms to the requirements of this part and DOT Procedures concerning alcohol testing programs. The plan shall contain methods and procedures for compliance with all the requirements of this subpart, including required testing, recordkeeping, reporting, education and training elements.

[Amdt. 199-9, 59 FR 7426, Feb. 15, 1994] as amended by Amdt. 199-19, 66 FR 47114, Sept. 11, 2001]

**§199.203 [Removed and Reserved]**

[Amdt. 199-9, 59 FR 7426, Feb. 15, 1994] as amended by Amdt. 199-19, 66 FR 47114, Sept. 11, 2001]

**§199.205 [Removed and Reserved]**

[Amdt. 199-9, 59 FR 7426, Feb. 15, 1994 as amended by Amdt. 199-13, 61 FR 18512, Apr. 26, 1996; Amdt. 199-14, 61 FR 37222, July 17, 1996; Amdt. 199-19, 66 FR 47114, Sept. 11, 2001]

**§199.209 Other requirements imposed by operators.**

(a) Except as expressly provided in this subpart, nothing in this subpart shall be construed to affect the authority of operators, or the rights of employees, with respect to the use or possession of alcohol, including authority and rights with respect to alcohol testing and rehabilitation.

(b) Operators may, but are not required to, conduct pre-employment alcohol testing under this subpart. Each operator that conducts pre-employment alcohol testing must—

(1) Conduct a pre-employment alcohol test before the first performance of covered functions by every covered employee (whether a new employee or someone who has transferred to a position involving the performance of covered functions);

(2) Treat all covered employees the same for the purpose of pre-employment alcohol testing (i.e., you must not test some covered employees and not others);

(3) Conduct the pre-employment tests after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test;

(4) Conduct all pre-employment alcohol tests using the alcohol testing procedures in DOT Procedures; and

(5) Not allow any covered employee to begin performing covered functions unless

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

the result of the employee's test indicates an alcohol concentration of less than 0.04.

[Amdt. 199-9, 59 FR 7426, Feb. 15, 1994 as amended by Amdt. 199-19, 66 FR 47114, Sept. 11, 2001]

**§199.211 Requirement for notice.**

Before performing an alcohol test under this subpart, each operator shall notify a covered employee that the alcohol test is required by this subpart. No operator shall falsely represent that a test is administered under this subpart.

**§199.213 [Removed and Reserved]**

[Amdt. 199-9, 59 FR 7426, Feb. 15, 1994 as amended by Amdt. 199-19, 66 FR 47114, Sept. 11, 2001]

**§199.215 Alcohol concentration.**

Each operator shall prohibit a covered employee from reporting for duty or remaining on duty requiring the performance of covered functions while having an alcohol concentration of 0.04 or greater. No operator having actual knowledge that a covered employee has an alcohol concentration of 0.04 or greater shall permit the employee to perform or continue to perform covered functions.

**§199.217 On-duty use.**

Each operator shall prohibit a covered employee from using alcohol while performing covered functions. No operator having actual knowledge that a covered employee is using alcohol while performing

covered functions shall permit the employee to perform or continue to perform covered functions.

**§199.219 Pre-duty use.**

Each operator shall prohibit a covered employee from using alcohol within 4 hours prior to performing covered functions, or, if an employee is called to duty to respond to an emergency, within the time period after the employee has been notified to report for duty. No operator having actual knowledge that a covered employee has used alcohol within 4 hours prior to performing covered functions or within the time period after the employee has been notified to report for duty shall permit that covered employee to perform or continue to perform covered functions.

**§199.221 Use following an accident.**

Each operator shall prohibit a covered employee who has actual knowledge of an accident in which his or her performance of covered functions has not been discounted by the operator as a contributing factor to the accident from using alcohol for 8 hours following the accident, unless he or she has been given a post-accident test under §199.225(a), or the operator has determined that the employee's performance could not have contributed to the accident.

**§199.223 Refusal to submit to a required alcohol test.**

Each operator shall require a covered employee to submit to a post-accident alcohol test required under §199.225(a), a reasonable suspicion alcohol test required under §199.225(b), or a follow-up alcohol test

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

required under §199.225(d). No operator shall permit an employee who refuses to submit to such a test to perform or continue to perform covered functions.

**§199.225 Alcohol tests required.**

Each operator shall conduct the following types of alcohol tests for the presence of alcohol:

(a) *Post-accident.*

(1) As soon as practicable following an accident, each operator shall test each surviving covered employee for alcohol if that employee's performance of a covered function either contributed to the accident or cannot be completely discounted as a contributing factor to the accident. The decision not to administer a test under this section shall be based on the operator's determination, using the best available information at the time of the determination, that the covered employee's performance could not have contributed to the accident.

(2)(i) If a test required by this section is not administered within two hours following the accident, the operator shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test required by paragraph (a) is not administered within eight hours following the accident, the operator shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test.

(ii) [Removed and Reserved]

(3) A covered employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying the operator or operator representative of his/her location if he/she leaves the scene of the accident prior to submission to such test, may be deemed by the operator to have refused to submit to

testing. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care.

(b) *Reasonable suspicion testing.*

(1) Each operator shall require a covered employee to submit to an alcohol test when the operator has reasonable suspicion to believe that the employee has violated the prohibitions in this subpart.

(2) The operator's determination that reasonable suspicion exists to require the covered employee to undergo an alcohol test shall be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. The required observations shall be made by a supervisor who is trained in detecting the symptoms of alcohol misuse. The supervisor who makes the determination that reasonable suspicion exists shall not conduct the breath alcohol test on that employee.

(3) Alcohol testing is authorized by this section only if the observations required by paragraph (b)(2) of this section are made during, just preceding, or just after the period of the work day that the employee is required to be in compliance with this subpart. A covered employee may be directed by the operator to undergo reasonable suspicion testing for alcohol only while the employee is performing covered functions; just before the employee is to perform covered functions; or just after the employee has ceased performing covered functions.

(4)(i) If a test required by this section is not administered within 2 hours following the determination under paragraph (b)(2) of this section, the operator shall prepare and maintain on file a record stating the reasons

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

the test was not promptly administered. If a test required by this section is not administered within 8 hours following the determination under paragraph (b)(2) of this section, the operator shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test. Records shall be submitted to PHMSA upon request of the Administrator.

(ii) [Removed and Reserved]

(iii) Notwithstanding the absence of a reasonable suspicion alcohol test under this section, an operator shall not permit a covered employee to report for duty or remain on duty requiring the performance of covered functions while the employee is under the influence of or impaired by alcohol, as shown by the behavioral, speech, or performance indicators of alcohol misuse, nor shall an operator permit the covered employee to perform or continue to perform covered functions, until:

(A) An alcohol test is administered and the employee's alcohol concentration measures less than 0.02; or

(B) The start of the employee's next regularly scheduled duty period, but not less than 8 hours following the determination under paragraph (b)(2) of this section that there is reasonable suspicion to believe that the employee has violated the prohibitions in this subpart.

(iv) Except as provided in paragraph (b)(4)(ii), no operator shall take any action under this subpart against a covered employee based solely on the employee's behavior and appearance in the absence of an alcohol test. This does not prohibit an operator with the authority independent of this subpart from taking any action otherwise consistent with law.

(c) *Return-to-duty testing.* Each operator shall ensure that before a covered employee returns to duty requiring the performance of a covered function after engaging in conduct

prohibited by §§199.215 through 199.223, the employee shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02.

(d) *Follow-up testing.*

(1) Following a determination under §199.243(b) that a covered employee is in need of assistance in resolving problems associated with alcohol misuse, each operator shall ensure that the employee is subject to unannounced follow-up alcohol testing as directed by a substance abuse professional in accordance with the provisions of §199.243(c)(2)(ii).

(2) Follow-up testing shall be conducted when the covered employee is performing covered functions; just before the employee is to perform covered functions; or just after the employee has ceased performing such functions.

(e) *Retesting of covered employees with an alcohol concentration of 0.02 or greater but less than 0.04.* Each operator shall retest a covered employee to ensure compliance with the provisions of §199.237, if an operator chooses to permit the employee to perform a covered function within 8 hours following the administration of an alcohol test indicating an alcohol concentration of 0.02 or greater but less than 0.04.

[Amdt. 199-9, 59 FR 7426, Feb. 15, 1994 as amended by Amdt. 199-10, 59 FR 62246, Dec. 2, 1994; Amdt. 199-12, 59 FR 62239, Dec. 2, 1994; Amdt. 199-19, 66 FR 47114, Sept. 11, 2001; Amdt. 199-23, 70 FR 11135, Mar. 8, 2005]

**§199.227 Retention of records.**

(a) *General requirement.* Each operator shall maintain records of its alcohol misuse prevention program as provided in this

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

section. The records shall be maintained in a secure location with controlled access.

(b) *Period of retention.* Each operator shall maintain the records in accordance with the following schedule:

(1) *Five years.* Records of employee alcohol test results with results indicating an alcohol concentration of 0.02 or greater, documentation of refusals to take required alcohol tests, calibration documentation, employee evaluation and referrals, and MIS annual report data shall be maintained for a minimum of 5 years.

(2) *Two years.* Records related to the collection process (except calibration of evidential breath testing devices), and training shall be maintained for a minimum of 2 years.

(3) *One year.* Records of all test results below 0.02 (as defined in 49 CFR Part 40) shall be maintained for a minimum of 1 year.

(c) *Types of records.* The following specific records shall be maintained:

(1) Records related to the collection process:

(i) Collection, if used.

(ii) Calibration documentation for evidential breath testing devices.

(iii) Documentation of breath alcohol technician training.

(iv) Documents generated in connection with decisions to administer reasonable suspicion alcohol tests.

(v) Documents generated in connection with decisions on post- accident tests.

(vi) Documents verifying existence of a medical explanation of the inability of a covered employee to provide adequate breath for testing.

(2) Records related to test results:

(i) The operator's copy of the alcohol test form, including the results of the test.

(ii) Documents related to the refusal of any covered employee to submit to an alcohol test required by this subpart.

(iii) Documents presented by a covered employee to dispute the result of an alcohol test administered under this subpart.

(3) Records related to other violations of this subpart.

(4) Records related to evaluations:

(i) Records pertaining to a determination by a substance abuse professional concerning a covered employee's need for assistance.

(ii) Records concerning a covered employee's compliance with the recommendations of the substance abuse professional.

(5) Record(s) related to the operator's MIS annual testing data.

(6) Records related to education and training:

(i) Materials on alcohol misuse awareness, including a copy of the operator's policy on alcohol misuse.

(ii) Documentation of compliance with the requirements of §199.231.

(iii) Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for alcohol testing based on reasonable suspicion.

(iv) Certification that any training conducted under this subpart complies with the requirements for such training.

**§199.229 Reporting of alcohol testing results.**

(a) Each large operator (having more than 50 covered employees) shall submit an annual MIS report to PHMSA of its alcohol testing results using the Management Information System (MIS) form and instructions as required by 49 CFR Part 40 (at § 40.25 and appendix H to Part 40), not later than March 15 of each year for the previous calendar year (January 1 through December 31). The Administrator may

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

require by written notice that small operators (50 or fewer covered employees) not otherwise required to submit annual MIS reports to prepare and submit such reports to PHMSA.

(b) Each operator that has a covered employee who performs multi-DOT agency functions (*e.g.*, an employee performs pipeline maintenance duties and drives a commercial motor vehicle), count the employee only on the MIS report for the DOT agency under which he or she is tested. Normally, this will be the DOT agency under which the employee performs more than 50% of his or her duties. Operators may have to explain the testing data for these employees in the event of a DOT agency inspection or audit.

(c) Each report required under this section shall be submitted to the Office of Pipeline Safety, Pipeline Hazardous Materials Safety Administration, U.S. Department of Transportation, **Room 7128, 400 Seventh Street, SW** PHP-60, 1200 New Jersey Avenue, SE, Washington, DC 20590.

(d) A service agent (*e.g.*, Consortia/Third Party Administrator as defined in Part 40) may prepare the MIS report on behalf of an operator. However, each report shall be certified by the operator's anti-drug manager or designated representative for accuracy and completeness.

[Amdt. 199-15, 61 FR 65364, Dec. 12, 1996; Amdt. 199-21, 68 FR 75455, Dec. 31, 2003; Amdt. 199-20 (22), 69 FR 32886, June 14, 2004; Amdt. 199-23, 70 FR 11135, Mar. 8, 2005; Amdt. 199-[24], 73 FR 16562, Mar. 28, 2008]

**§199.231 Access to facilities and records.**

(a) Except as required by law or expressly authorized or required in this subpart, no employer shall release covered employee information that is contained in records required to be maintained in §199.227.

(b) A covered employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol, including any records pertaining to his or her alcohol tests. The operator shall promptly provide the records requested by the employee. Access to a employee's records shall not be contingent upon payment for records other than those specifically requested.

(c) Each operator shall permit access to all facilities utilized in complying with the requirements of this subpart to the Secretary of Transportation, any DOT agency, or a representative of a state agency with regulatory authority over the operator.

(d) Each operator shall make available copies of all results for employer alcohol testing conducted under this subpart and any other information pertaining to the operator's alcohol misuse prevention program, when requested by the Secretary of Transportation, any DOT agency with regulatory authority over the operator, or a representative of a state agency with regulatory authority over the operator. The information shall include name-specific alcohol test results, records, and reports.

(e) When requested by the National Transportation Safety Board as part of an accident investigation, an operator shall disclose information related to the operator's administration of any post-accident alcohol tests administered following the accident under investigation.

(f) An operator shall make records available to a subsequent employer upon receipt of the written request from the covered

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

employee. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the employee's written request.

(g) An operator may disclose information required to be maintained under this subpart pertaining to a covered employee to the employee or the decision-maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the individual, and arising from the results of an alcohol test administered under this subpart, or from the operator's determination that the covered employee engaged in conduct prohibited by §§199.215 through 199.223 (including, but not limited to, a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the employee).

(h) An operator shall release information regarding a covered employee's records as directed by the specific, written consent of the employee authorizing release of the information to an identified person. Release of such information by the person receiving the information is permitted only in accordance with the terms of the employee's consent.

(g) An operator may disclose information without employee consent as provided by DOT Procedures concerning certain legal proceedings.

[Amdt. 199-9, 59 FR 7426, Feb. 15, 1994 as amended by Amdt. 199-19, 66 FR 47114, Sept. 11, 2001]

**§199.233 Removal from covered function.**

Except as provided in §§199.239 through 199.243, no operator shall permit any covered employee to perform covered functions if the employee has engaged in conduct prohibited by §§199.215 through 199.223 or an alcohol misuse rule of another DOT agency.

**§199.235 Required evaluation and testing.**

No operator shall permit a covered employee who has engaged in conduct prohibited by §§199.215 through 199.223 to perform covered functions unless the employee has met the requirements of §199.243.

**§199.237 Other alcohol-related conduct.**

(a) No operator shall permit a covered employee tested under the provisions of §199.225, who is found to have an alcohol concentration of 0.02 or greater but less than 0.04, to perform or continue to perform covered functions, until:

(1) The employee's alcohol concentration measures less than 0.02 in accordance with a test administered under §199.225(e); or

(2) The start of the employee's next regularly scheduled duty period, but not less than 8 hours following administration of the test.

(b) Except as provided in paragraph (a) of this section, no operator shall take any action under this subpart against an employee based solely on test results showing an alcohol concentration less than 0.04. This does not prohibit an operator with authority independent of this subpart from taking any action otherwise consistent with law.

**§199.239 Operator obligation to promulgate a policy on the misuse of alcohol.**

(a) *General requirements.* Each operator shall provide educational materials that explain these alcohol misuse requirements and the operator's policies and procedures with respect to meeting those requirements.

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

(1) The operator shall ensure that a copy of these materials is distributed to each covered employee prior to start of alcohol testing under this subpart, and to each person subsequently hired for or transferred to a covered position.

(2) Each operator shall provide written notice to representatives of employee organizations of the availability of this information.

(b) *Required content.* The materials to be made available to covered employees shall include detailed discussion of at least the following:

(1) The identity of the person designated by the operator to answer covered employee questions about the materials.

(2) The categories of employees who are subject to the provisions of this subpart.

(3) Sufficient information about the covered functions performed by those employees to make clear what period of the work day the covered employee is required to be in compliance with this subpart.

(4) Specific information concerning covered employee conduct that is prohibited by this subpart.

(5) The circumstances under which a covered employee will be tested for alcohol under this subpart.

(6) The procedures that will be used to test for the presence of alcohol, protect the covered employee and the integrity of the breath testing process, safeguard the validity of the test results, and ensure that those results are attributed to the correct employee.

(7) The requirement that a covered employee submit to alcohol tests administered in accordance with this subpart.

(8) An explanation of what constitutes a refusal to submit to an alcohol test and the attendant consequences.

(9) The consequences for covered employees found to have violated the prohibitions under this subpart, including the

requirement that the employee be removed immediately from covered functions, and the procedures under §199.243.

(10) The consequences for covered employees found to have an alcohol concentration of 0.02 or greater but less than 0.04.

(11) Information concerning the effects of alcohol misuse on an individual's health, work, and personal life; signs and symptoms of an alcohol problem (the employee's or a coworker's); and including intervening evaluating and resolving problems associated with the misuse of alcohol including intervening when an alcohol problem is suspected, confrontation, referral to any available EAP, and/or referral to management.

(c) *Optional provisions.* The materials supplied to covered employees may also include information on additional operator policies with respect to the use or possession of alcohol, including any consequences for an employee found to have a specified alcohol level, that are based on the operator's authority independent of this subpart. Any such additional policies or consequences shall be clearly described as being based on independent authority.

**§199.241 Training for supervisors.**

Each operator shall ensure that persons designated to determine whether reasonable suspicion exists to require a covered employee to undergo alcohol testing under §199.225(b) receive at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse.

**§199.243 Referral, evaluation, and treatment.**

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

(a) Each covered employee who has engaged in conduct prohibited by §§199.215 through 199.223 of this subpart shall be advised of the resources available to the covered employee in evaluating and resolving problems associated with the misuse of alcohol. This includes the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs.

(b) Each covered employee who engages in conduct prohibited under §§199.215 through 199.223 shall be evaluated by a substance abuse professional who shall determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse.

(c)(1) Before a covered employee returns to duty requiring the performance of a covered function after engaging in conduct prohibited by §§199.215 through 199.223 of this subpart, the employee shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02.

(2) In addition, each covered employee identified as needing assistance in resolving problems associated with alcohol misuse—

(i) Shall be evaluated by a substance abuse professional to determine that the employee has properly followed any rehabilitation program prescribed under paragraph (b) of this section, and

(ii) Shall be subject to unannounced follow-up alcohol tests administered by the operator following the employee's return to duty. The number and frequency of such follow-up testing shall be determined by a substance abuse professional, but shall consist of at least six tests in the first 12 months following the employee's return to duty. In addition, follow-up testing may include testing for drugs, as directed by the substance abuse professional, to be performed in

accordance with 49 CFR part 40. Follow-up testing shall not exceed 60 months from the date of the employee's return to duty. The substance abuse professional may terminate the requirement for follow-up testing at any time after the first six tests have been administered, if the substance abuse professional determines that such testing is no longer necessary.

(d) Evaluation and rehabilitation may be provided by the operator, by a substance abuse professional under contract with the operator, or by a substance abuse professional not affiliated with the operator. The choice of substance abuse professional and assignment of costs shall be made in accordance with the operator/employee agreements and operator/employee policies.

(e) The operator shall ensure that a substance abuse professional who determines that a covered employee requires assistance in resolving problems with alcohol misuse does not refer the employee to the substance abuse professional's private practice or to a person or organization from which the substance abuse professional receives remuneration or in which the substance abuse professional has a financial interest. This paragraph does not prohibit a substance abuse professional from referring an employee for assistance provided through—

(1) A public agency, such as a State, county, or municipality;

(2) The operator or a person under contract to provide treatment for alcohol problems on behalf of the operator;

(3) The sole source of therapeutically appropriate treatment under the employee's health insurance program; or

(4) The sole source of therapeutically appropriate treatment reasonably accessible to the employee.

**§199.245 Contractor employees.**

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

(a) With respect to those covered employees who are contractors or employed by a contractor, an operator may provide by contract that the alcohol testing, training and education required by this subpart be carried out by the contractor provided:

(b) The operator remains responsible for ensuring that the requirements of this subpart and part 40 of this title are complied with; and

(c) The contractor allows access to property and records by the operator, the Administrator, any DOT agency with regulatory authority over the operator or covered employee, and, if the operator is subject to the jurisdiction of a state agency, a representative of the state agency for the purposes of monitoring the operator's compliance with the requirements of this subpart and part 40 of this title.

[Amdt. 199-9, 59 FR 7430, Feb. 15, 1994]

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

**DRUG TESTING MANAGEMENT INFORMATION SYSTEM (MIS) DATA  
COLLECTION FORM**

**INSTRUCTIONS**

The following instructions are to be used as a guide for completing the drug testing information in the Research and Special Programs Administration (RSPA) and the U.S. Department of Transportation (DOT) **Drug Testing MIS Data Collection Form**. These instructions outline and explain the information requested and indicate the probable sources for this information. A sample testing results table with a narrative explanation is provided on pages iv – vi as an example to facilitate the process of completing the form correctly.

This reporting form includes three sections. Collectively, these sections address the data elements required in the RSPA and the DOT drug testing regulations. The three sections, the page number for the instructions, and the page location on the reporting form are:

Section	Instructions Page(s)	Reporting Form Page
A. PIPELINE EMPLOYER INFORMATION	i	1
B. COVERED EMPLOYEES	i	2
C. DRUG TESTING INFORMATION	ii – vi	3

**Page 1**      **PIPELINE EMPLOYER INFORMATION** (Section A) requires the company name for which the report is done, a current address, and the name of the person responsible for completing the form. Be sure to check which one of the five categories (gas gathering; gas transmission; gas distribution; transportation of hazardous liquids; and transportation of carbon dioxide) characterizes the **primary** nature of your operation. Finally, a signature, date, and current telephone number (including the area code) are required certifying the correctness and completeness of the form.

**Page 2**      **COVERED EMPLOYEES** (Section B) requires a count for each employee category that must be tested under RSPA regulations. Covered functions for RSPA are: Operation, Maintenance, and Emergency Response. The most likely source for this information is the employer's personnel department. This count should be based on the company records for the reported year.

Additional information must be completed if your company employs personnel who perform duties covered by the drug rules of more than one DOT operating administration. **NUMBER OF EMPLOYEES COVERED BY MORE THAN ONE DOT OPERATING ADMINISTRATION**, requires that you identify the

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

number of employees in each employee category under the appropriate additional operating administration(s).

**Page 3**

**DRUG TESTING INFORMATION** (Section C) requires information for drug testing by category of testing. These categories include: (1) pre-employment, (2) random, (3) post-accident, (4) reasonable suspicion/cause, (5) return-to-duty, and (6) follow-up testing. All numbers entered into this table should be for applicants or company employees in a covered position only. Each part of this table must be completed for each category of testing. These numbers **do not** include refusals for testing. A sample section of the table with example numbers is presented on page v.

Section C is used to summarize the drug testing results for applicants and covered employees. There are six categories of testing to be completed. The first part of the table is where you enter the data on pre-employment testing. The following five parts are for entering drug testing data on random, post-accident, reasonable suspicion/cause, return to duty, and follow-up testing, respectively. Items necessary to complete these tables include:

- 1) the number of specimens collected in each testing category;
- 2) the number of specimens tested which were verified negative and verified positive for any drug(s); and
- 3) individual counts of those specimens which were verified positive for each of the five drugs.

Do not include results of quality control (QC) samples submitted to the testing laboratory in any of the tables.

A sample table with detailed instructions is provided for the first part, **PRE-EMPLOYMENT TESTING INFORMATION**. The format and explanations used for the sample table apply to all six parts of the table in Section C.

Information on actions taken with those person testing positive is required at the end of Section C. Specific instructions for providing this latter information are given after the instructions for completing the table in Section C.

Three types of information are necessary to complete the left side of this table. The first blank column with the heading "**NUMBER OF SPECIMENS COLLECTED,**" requires a count for all collected specimens. It should not include refusals to test.

The second blank column with the heading "**NUMBER OF SPECIMENS VERIFIED NEGATIVE,**" requires a count for all completed tests that were verified negative by your Medical Review Officer (MRO).

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

The third blank column with the heading "**NUMBER OF SPECIMENS VERIFIED POSITIVE FOR ONE OR MORE OF THE FIVE DRUGS,**" refers to the number of specimens provided by job applicants or employees that were verified positive. "Verified positive" means the results were verified by your MRO.

The right hand portion of this table, with the heading "**NUMBER OF SPECIMENS VERIFIED POSITIVE FOR EACH TYPE OF DRUG,**" requires counts of positive tests for each of the five drugs for which tests were done, i.e., marijuana (THC), cocaine, phencyclidine (PCP), opiates, and amphetamines. The number of specimens positive for each drug should be entered in the appropriate column for that drug type. Again, "verified positive" refers to test results verified by your MRO.

If an applicant or employee tested positive for more than one drug; for example, both marijuana and cocaine, that person's positive results would be included once in each of the appropriate columns (marijuana and cocaine).

A sample table is provided on page v with example numbers.

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

**SAMPLE APPLICANT TEST RESULTS TABLE**

---

The following example is for Section C, **DRUG TESTING INFORMATION**, which summarizes pre-employment testing results. The procedures detailed here also apply to the other categories of testing in Section C which require you to summarize testing results for employees. This example will use "Pre-Employment" testing to illustrate the procedures for completing the form.

**A** Urine specimens were collected for 157 job applicants for covered positions during the reporting year. This information is entered in the first blank column of the table in the row marked "**PRE-EMPLOYMENT**".

**B** The Medical Review Officer (MRO) for your company reported that 153 of those 157 specimens from applicants for covered positions were negative (i.e., no drugs were detected). Enter this information in the second blank column of the table in the row marked "**PRE-EMPLOYMENT**".

**C** The MRO for your company reported that 4 of those 157 specimens from applicants for covered positions were positive (i.e., a drug or drugs were detected). Enter this information in the third blank column of the table in the row marked "**PRE-EMPLOYMENT**".

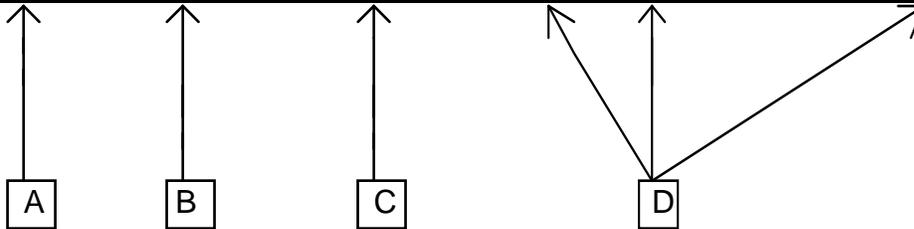
**D** With the 4 specimens that tested positive, the following drugs were detected:

Specimen	Drugs
#1	Marijuana
#2	Amphetamines
#3	Marijuana and Cocaine (Multi-drug specimen)
#4	Marijuana

Marijuana was detected in three (3) specimens, cocaine in one (1), and amphetamines in one (1). This information is entered in the columns on the right hand side of the table under each of these drugs. Since two different drugs were detected in specimen #3 (multi-drug), entries are made in both the marijuana and the cocaine columns for this specimen. Information on multi-drug specimens must also be entered in the table, **SPECIMENS VERIFIED POSITIVE FOR MORE THAN ONE DRUG**.

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

TYPE OF TEST	NUMBER OF SPECIMENS COLLECTED	NUMBER OF SPECIMENS VERIFIED NEGATIVE	NUMBER OF SPECIMENS VERIFIED POSITIVE FOR ONE OR MORE OF THE 5 DRUGS	NUMBER OF SPECIMENS VERIFIED POSITIVE FOR EACH TYPE OF DRUG				
				Marijuana (THC)	Cocaine	Phencyclidine (PCP)	Opiates	Amphetamines
Pre-Employment	157	153	4	3	1	0	0	1



Note that adding up the numbers for each type of drug in a row ("NUMBER OF SPECIMENS VERIFIED POSITIVE FOR EACH TYPE OF DRUG") will not always match the number entered in the third column, "NUMBER OF SPECIMENS VERIFIED POSITIVE FOR ONE OR MORE OF THE FIVE DRUGS". The total for the numbers on the right hand side of the table may differ from the number of specimens testing positive since some specimens may contain more than one drug.

**Remember that the same procedures indicated above are to be used for completing all categories of testing in the table in Section C.**

**Page 3** Below the table for **DRUG TESTING INFORMATION** is a box with the heading "Number of persons denied a position as a covered employee following a verified positive drug test". This is simply a count of those persons who were not placed in a covered position because they tested positive for one or more drugs.

**Page 3** Also following the table that summarizes **DRUG TESTING INFORMATION**, you must provide a count of the number of employees returned to duty during this reporting period after having failed or refused a drug test required under the RSPA rule. This information should be available from the personnel office and/or drug program manager.

**Page 3** Next, you must provide information on **ACTIONS TAKEN ON VERIFIED POSITIVE TEST RESULTS**. Indicate the number of employees subjected to the following actions:

- **No longer employed with company** – include covered employees who resigned or were terminated as the result of a positive drug test.

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

- **Reassigned to non-covered functions** – include covered employees who were reassigned within the company to a non-covered position as the result of a positive drug test.
- **Entered rehabilitation, if applicable, and/or returned to covered functions** – include covered employees who are undergoing or have completed a rehabilitation program and/or covered employees who have returned to a covered function.
- **Other** – include covered employees who did not fall under one of the previous options and specify the action taken.

Enter the sum of the number of actions taken on the line marked **TOTAL**

**Page 3**

**SPECIMENS VERIFIED POSITIVE FOR MORE THAN ONE DRUG** requires information on specimens that contained more than one drug. First, indicate the **NUMBER OF VERIFIED POSITIVES**. Then specify the combination of drugs reported as positive by placing the number in the appropriate columns. For example, if marijuana and cocaine were detected in 3 specimens, then you would write "3" as the number of verified positives and "3" in the columns for "Marijuana" and "Cocaine". If marijuana and opiates were detected in 2 specimens, then you would write "2" as the number of verified positives and "2" in the columns for "Marijuana" and "Opiates".

**Page 4**

**EMPLOYEES WHO REFUSED TO SUBMIT TO A DRUG TEST** requires information on the **NUMBER OF COVERED EMPLOYEES** who refused to submit to a **random or other** (pre-employment, post-accident, reasonable suspicion/cause, return-to-duty, or follow-up) drug test required under the RSPA regulation and the **ACTIONS TAKEN** following the refusal. Indicate the number of actions taken on the appropriate line.

**Page 4**

**DRUG TRAINING/EDUCATION** requires information on the number of supervisory personnel who have received the required drug training during the current reporting period.

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

OMB NO. 2137-0579

**RSPA Drug Testing MIS Data Collection Form**

**A. PIPELINE EMPLOYER INFORMATION**

Company \_\_\_\_\_ Year Covered by This Report \_\_\_\_\_  
Address \_\_\_\_\_ Person responsible for completing the form: \_\_\_\_\_

Check the one box that indicates the primary nature of your operation.

- |   |  |
|---|--|
| <input type="checkbox"/> Gas gathering    | <input type="checkbox"/> Transportation of hazardous liquids |
| <input type="checkbox"/> Gas transmission | <input type="checkbox"/> Transportation of carbon dioxide    |
| <input type="checkbox"/> Gas distribution |  |

I, the undersigned certify that the information provided on this Research and Special Programs Administration Drug Testing Management Information System Data Collection Form is, to the best of my knowledge and belief, true, correct, and complete for the period stated.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Phone Number

Title 18, U.S.C. Section 1001, makes it a criminal offense subject to a maximum fine of \$10,000, or imprisonment for not more than 5 years, or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within the jurisdiction of any agency of the United States.

The Research and Special Programs Administration estimate that the average burden for this report form is 3.1 hours. You may submit any comments concerning the accuracy of this burden estimate or any suggestions for reducing the burden to: Office of Pipeline Safety, RSPA, DOT ; 400 7th St., S.W.; Washington, DC 20590; OR Office of Management and Budget, Paperwork Reduction Project (2137-0579); Washington, DC 20503.

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

**B. COVERED EMPLOYEES**

<b>COVERED EMPLOYEES</b>						
		Number of Employees Covered By More Than One DOT Operating Administration				
<b>Employee Category</b>	<b>Number of RSPA Covered Employees</b>	<b>FAA</b>	<b>FHWA</b>	<b>FRA</b>	<b>FTA</b>	<b>USCG</b>
Operation/Maintenance/ Emergency Response						

**READ BEFORE COMPLETING THE REMAINDER OF THIS FORM**

1. All items refer to the *current* reporting period *only* (e.g., January 1, 1995 – December 31, 1995).
2. This report is only for testing **REQUIRED BY THE RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION (RSPA) AND THE U.S. DEPARTMENT OF TRANSPORTATION (DOT)**:
  - Results should be reported only for employees in **COVERED POSITIONS** as defined by the RSPA/DOT drug testing regulations.
  - The information requested should only include testing for marijuana (THC), cocaine, phencyclidine (PCP), opiates, and amphetamines using the standard procedures required by DOT regulation 49 CFR Part 40.
3. Information on refusals for testing should only be reported in the table: **COVERED EMPLOYEES WHO REFUSED TO SUBMIT TO A DRUG TEST**. Do not include refusals for testing in other sections of this report
4. Do not include the results of any quality control (QC) samples submitted to the testing laboratory in any of the tables.
5. Complete all items; **DO NOT LEAVE ANY ITEM BLANK**. If the value for an item is zero (0), place a zero (0) on the form.

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

**C. DRUG TESTING INFORMATION**

TYPE OF TEST	NUMBER OF SPECIMENS COLLECTED	NUMBER OF SPECIMENS VERIFIED NEGATIVE	NUMBER OF SPECIMENS VERIFIED POSITIVE FOR ONE OR MORE OF THE 5 DRUGS	NUMBER OF SPECIMENS VERIFIED POSITIVE FOR EACH TYPE OF DRUG				
				Marijuana (THC)	Cocaine	Phencyclidine (PCP)	Opiates	Amphetamines
Pre-Employment								
Random								
Post-Accident								
Reasonable Suspicion/ Cause								
Return-To-Duty								
Follow-Up								
Number of persons denied a position as a covered employee following a verified positive drug test:								
Number of employees returned to duty during this reporting period after having failed or refused a drug test required under the RSPA rule:								
<b>ACTION TAKEN ON VERIFIED POSITIVE TEST RESULTS</b>								
								<b>NUMBER</b>
No longer employed with company:								
Reassigned to non-covered functions:								
Entered rehabilitation, if applicable, and/or returned to covered functions:								
Other (specify):								
<b>TOTAL:</b>								
<b>SPECIMENS VERIFIED POSITIVE FOR MORE THAN ONE DRUG</b>								
NUMBER OF VERIFIED POSITIVES	MARIJUANA (THC)	COCAINE	PHENCYCLIDINE (PCP)	OPIATES	AMPHETAMINES			

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

<b>COVERED EMPLOYEES WHO REFUSED TO SUBMIT TO A DRUG TEST</b>		
	<b>NUMBER OF REFUSALS</b>	
	<b>RANDOM TESTS</b>	<b>OTHER TESTS</b>
Number of employees who refused to submit to a drug test required under the RSPA rule.		
<b>ACTION TAKEN</b>		<b>NUMBER</b>
No longer employed with company:		
Reassigned to non-covered functions:		
Entered rehabilitation, if applicable, and/or returned to covered functions:		
Other (specify):		
<b>DRUG TRAINING/EDUCATION</b>		<b>NUMBER</b>
Supervisors who have received initial training on the specific contemporaneous physical, behavioral, and performance indicators of probable drug use as required by RSPA drug testing regulations:		

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

**DRUG TESTING MANAGEMENT INFORMATION SYSTEM (MIS)  
"EZ" DATA COLLECTION FORM**

**INSTRUCTIONS**

The following instructions are to be used as a guide for completing the Research and Special Programs Administration (RSPA) and the U.S. Department of Transportation (DOT) **Drug Testing MIS "EZ" Data Collection Form**. This form should only be used if there are **no positive tests** to be reported by your company. These instructions outline and explain the information requested and indicate the probable sources for this information. This reporting form includes three sections. These sections address the data elements required in the RSPA and DOT drug testing regulations.

**SECTION A – PIPELINE EMPLOYER INFORMATION** requires the company name for which the report is done, a current address, and the name of the person responsible for completing the form. Be sure to check which one of the five categories (gas gathering; gas transmission; gas distribution; transportation of hazardous liquids; and transportation of carbon dioxide) characterizes the **primary** nature of your operation. Finally, a signature, date, and current telephone number (including the area code) are required certifying the correctness and completeness of the form.

**SECTION B – COVERED EMPLOYEES** requires a count for each employee category that must be tested under the RSPA regulation. There is only one category of covered employees for RSPA – Operation/Maintenance/Emergency Response. The most likely source for this information is the employer's personnel department. These counts should be based on the company records for the reported year.

Additional information must be completed if your company employs personnel who perform duties covered by the drug rules of more than one DOT operating administration. **NUMBER OF EMPLOYEES COVERED BY MORE THAN ONE DOT OPERATING ADMINISTRATION**, requires that you identify the number of employees in each employee category under the appropriate additional operating administration(s).

**SECTION C – DRUG TESTING INFORMATION** requires information for drug testing and training. The first table requests information on the **NUMBER OF SPECIMENS COLLECTED AND VERIFIED NEGATIVE** in each category for testing. All numbers entered into this table should be for applicants or company employees in **covered positions** only. Each part of this table must be completed for each category of testing including: (1) pre-employment, (2) random, (3) post-accident, (4) reasonable suspicion/cause, (5) return-to-duty, and (6) follow-up testing. These numbers **do not** include refusals for testing. **"COLL"** requires the number of specimens collected in each employee category for each category of testing. **"NEG"** requires a count for all completed tests by employee category that were verified negative by your Medical Review Officer (MRO). Do not include results of quality control (QC) samples submitted to the testing laboratory in any of the categories.

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

Following the table that summarizes **DRUG TESTING INFORMATION**, you must provide a count of the number of employees returned to duty during this reporting period after having failed or refused a drug test required under the RSPA rule. This information should be available from the personnel office and/or drug program manager.

**EMPLOYEES WHO REFUSED TO SUBMIT TO A DRUG TEST** requires information on the **NUMBER OF COVERED EMPLOYEES** who refused to submit to a random or other (pre-employment, post-accident, reasonable suspicion/cause, return to duty, or follow-up) drug test required under the RSPA regulation and the **ACTION TAKEN** following the refusal.

Indicate the number of employees subjected to the following actions:

- **No longer employed with company** – include covered employees who resigned or were terminated as the result of a refusal to submit to a drug test.
- **Reassigned to non-covered functions** – include covered employees who were reassigned within the company to a non-covered position as the result of a refusal to submit to a drug test.
- **Entered rehabilitation, if applicable, and/or returned to covered functions** – include covered employees who are undergoing or have completed a rehabilitation program and/or covered employees who have returned to a covered function.
- **Other** – include covered employees who did not fall under one of the previous options and specify the action taken.

**DRUG TRAINING/EDUCATION** requires information on the number of supervisory personnel who have received the required training during the current reporting period.

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

OMB NO. 2137-0579

**RSPA Drug Testing MIS "EZ" Data Collection Form**

**A. PIPELINE EMPLOYER INFORMATION**

Company Year Covered by This Report

Address Person responsible for completing the form:

Check the one box that indicates the primary nature of your operation.

- |   |  |
|---|--|
| <input type="checkbox"/> Gas gathering    | <input type="checkbox"/> Transportation of hazardous liquids |
| <input type="checkbox"/> Gas transmission | <input type="checkbox"/> Transportation of carbon dioxide    |
| <input type="checkbox"/> Gas distribution |  |

I, the undersigned certify that the information provided on this Research and Special Programs Administration Drug Testing Management Information System Data Collection Form is, to the best of my knowledge and belief, true, correct, and complete for the period stated.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Phone Number

Title 18, U.S.C. Section 1001, makes it a criminal offense subject to a maximum fine of \$10,000, or imprisonment for not more than 5 years, or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within the jurisdiction of any agency of the United States.

The Research and Special Programs Administration estimate that the average burden for this report form is 3.1 hours. You may submit any comments concerning the accuracy of this burden estimate or any suggestions for reducing the burden to: Office of Pipeline Safety, RSPA, DOT ; 400 7th St., S.W.; Washington, DC 20590; OR Office of Management and Budget, Paperwork Reduction Project (2137-0579); Washington, DC 20503.

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

**B. COVERED EMPLOYEES**

<b>COVERED EMPLOYEES</b>						
		Number of Employees Covered By More Than One DOT Operating Administration				
<b>Employee Category</b>	<b>Number of RSPA Covered Employees</b>	<b>FAA</b>	<b>FHWA</b>	<b>FRA</b>	<b>FTA</b>	<b>USCG</b>
Operation/Maintenance/ Emergency Response						

**C. DRUG TESTING INFORMATION**

<b>NUMBER OF SPECIMENS COLLECTED AND VERIFIED NEGATIVE</b>												
<b>Employee Category</b>	Pre-Employment		Random		Post-Accident		Reasonable Suspicion/ Cause		Return-To-Duty		Follow-Up	
	COLL	NEG	COLL	NEG	COLL	NEG	COLL	NEG	COLL	NEG	COLL	NEG
Operation/ Maintenance/ Emergency Response												

Number of employees returned to duty during this reporting period after having failed or refused a drug test required under the RSPA rule:	
--	--

<b>EMPLOYEES WHO REFUSED TO SUBMIT TO A DRUG TEST</b>		
	<b>NUMBER OF REFUSALS</b>	
	<b>RANDOM TESTS</b>	<b>OTHER TESTS</b>
Number of employees who refused to submit to a drug test required under the RSPA rule:		
<b>ACTION TAKEN</b>		<b>NUMBER</b>
No longer employed with company:		
Reassigned to non-covered functions:		
Entered rehabilitation, if applicable, and/or returned to covered functions:		
Other (specify):		
<b>DRUG TRAINING/EDUCATION</b>		<b>NUMBER</b>
Supervisory personnel who have received initial training on the specific contemporaneous physical, behavioral, and performance indicators of probable drug use as required by RSPA drug testing regulations:		

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

**ALCOHOL TESTING MANAGEMENT INFORMATION SYSTEM (MIS)  
DATA COLLECTION FORM**

**INSTRUCTIONS**

The following instructions are to be used as a guide for completing the alcohol testing information in the Research and Special Programs Administration (RSPA) and the U.S. Department of Transportation (DOT) **Alcohol Testing MIS Data Collection Form**. These instructions outline and explain the information requested and indicate the probable sources for this information. A sample testing results table with a narrative explanation is provided on pages iii – v as an example to facilitate the process of completing the form correctly.

This reporting form includes three sections. Collectively, these sections address the data elements required in the RSPA and the DOT alcohol testing regulations. The three sections, the page number for the instructions, and the page location on the reporting form are:

Section	Instructions Page(s)	Reporting Form Page
A. PIPELINE EMPLOYER INFORMATION	i	1
B. COVERED EMPLOYEES	i	2
C. ALCOHOL TESTING INFORMATION	ii – v	3

**Page 1**      **EMPLOYER INFORMATION** (Section A) requires the company name for which the report is done, a current address, and the name of the person responsible for completing the form. Be sure to check which one of the five categories (gas gathering; gas transmission; gas distribution; transportation of hazardous liquids; and transportation of carbon dioxide) characterizes the **primary** nature of your operation. Finally, a signature, date, and current telephone number (including the area code) are required to certifying the correctness and completeness of the form.

**Page 2**      **COVERED EMPLOYEES** (Section B) requires a count for each employee category that must be tested under DOT regulations. There is only one category of covered employees for RSPA - Operation/Maintenance/Emergency Response. The most likely source for this information is the employer's personnel department. These counts should be based on the company records for the reported year.

Additional information must be completed if your company employs personnel who perform duties covered by the alcohol rules of more than one DOT operating

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

administration. **NUMBER OF EMPLOYEES COVERED BY MORE THAN ONE DOT OPERATING ADMINISTRATION**, requires that you identify the number of employees in each employee category under the appropriate additional operating administration(s).

**Page 3**

**ALCOHOL TESTING INFORMATION** (Section C) requires information for alcohol testing by category of testing. These categories include: (1) post-accident, (2) reasonable suspicion, (3) return-to-duty, and (4) follow-up testing. All numbers entered into this table should be for company employees in a **covered position** only. Each part of this table must be completed for each category of testing.

These numbers **do not** include refusals for testing. A sample section of the table with example numbers is presented on page iii.

Four types of information are necessary to complete this table. The first blank column with the heading "**NUMBER OF SCREENING TESTS**" requires a count of all screening alcohol tests performed. It should not include refusals to test.

The second blank column with the heading "**NUMBER OF CONFIRMATION TESTS**" requires a count of all confirmation alcohol tests performed.

The third blank column with the heading "**NUMBER OF CONFIRMATION TEST RESULTS EQUAL TO OR GREATER THAN 0.02, BUT LESS THAN 0.04**" refers to the number of test results equal to or greater than 0.02, but less than 0.04.

The fourth blank column with the heading "**NUMBER OF CONFIRMATION TEST RESULTS EQUAL TO OR GREATER THAN 0.04**" refers to the number of specimens with a result equal to or greater than 0.04. **Note: For return-to-duty testing, a confirmation test result equal to or greater than 0.02 is a violation of the alcohol rule. Therefore, if the number of results equal to or greater than 0.04 is unknown, you may report all results in the third column of the table.**

A sample table is provided on page iii with example numbers.

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

**SAMPLE TEST RESULTS TABLE**

The following example is for Section C, **ALCOHOL TESTING INFORMATION**, which summarizes post-accident testing results. The procedures detailed here also apply to the other categories for testing in Section C which require you to summarize testing results for covered employees. This example will use "Post-Accident" testing to illustrate the procedures for completing the form.

**A** Screening tests were performed on 47 covered employees during the reporting year. This information is entered in the first blank column of the table in the row marked "**POST-ACCIDENT**".

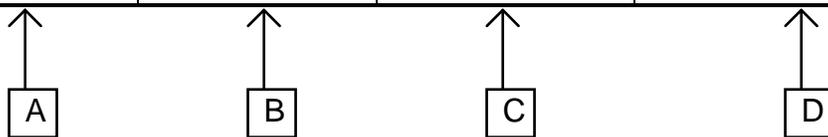
**B** Confirmation tests were necessary for 6 of the 47 covered employees. Enter this information in the second blank column of the table in the row marked "**POST-ACCIDENT**". The confirmation test results for these 6 employees were the following

Employee	Confirmation Result
#1	0.06
#2	0.01
#3	0.11
#4	0.04
#5	0.03
#6	0.02

**C** The confirmation test results for 2 of the covered employees were equal to or greater than 0.02, but less than 0.04. Enter this information in the third blank column of the table in the row marked "**POST-ACCIDENT**".

**D** The confirmation test results for 3 of the covered employees were equal to or greater than 0.04. Enter this information in the fourth blank column of the table in the row marked "**POST-ACCIDENT**".

TYPE OF TEST	NUMBER OF SCREENING TESTS	NUMBER OF CONFIRMATION TESTS	NUMBER OF CONFIRMATION TEST RESULTS EQUAL TO OR GREATER THAN 0.02, BUT LESS THAN 0.04	NUMBER OF CONFIRMATION TEST RESULTS EQUAL TO OR GREATER THAN 0.04
Post-Accident	47	6	2	3



**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

Note that adding up the numbers for confirmation results in columns three and four will not always match the number entered in the second column, "NUMBER OF CONFIRMATION TESTS". These numbers may differ since some confirmation test results may be less than 0.02.

**Remember that the same procedures indicated above are to be used for completing all of the categories for testing in Section C.**

**Page 3** Following the table that summarizes **ALCOHOL TESTING INFORMATION**, you must provide a count of the "**Number of employees who engaged in alcohol misuse who were returned to duty in a covered position (having complied with the recommendations of a substance abuse professional as described in RSPA regulations)**". This information should be available from the personnel office and/or the drug and alcohol program manager.

**Page 3** Next you must provide information on **ACTIONS TAKEN ON ALCOHOL TEST RESULTS EQUAL TO OR GREATER THAN 0.04**. Indicate the number of employees subjected to the following actions:

- **No longer employed with company** – include covered employees who resigned or were terminated as the result of a confirmation test result equal to or greater than 0.04.
- **Reassigned to non-covered functions** – include covered employees who were reassigned within the company to a non-covered position as the result of a confirmation test result equal to or greater than 0.04.
- **Entered rehabilitation, if applicable, and/or returned to covered functions** – include covered employees who are undergoing or have completed a rehabilitation program and/or covered employees who have returned to a covered function.
- **Other** – include covered employees who did not fall under one of the previous options and specify the action taken.

Enter the sum of the number of actions taken on the line marked **TOTAL**.

**Page 3** **Number of employees administered drug and alcohol tests at the same time resulting in a verified positive drug test and an alcohol test indicating an alcohol concentration of 0.04 or greater**, requires that a count of all such employees be entered in the indicated box.

**Page 3** **VIOLATIONS OF OTHER ALCOHOL PROVISIONS/PROHIBITIONS OF THIS REGULATION**, requires supplying the number of covered employees who used alcohol prior to performing a safety-sensitive function, while performing a safety-sensitive function, and before taking a required post-accident alcohol test. The action taken with covered employees who violate any of these

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

RSPA alcohol regulation provisions is also to be supplied. Other violations not delineated in this table may also be provided.

**Page 4**      **EMPLOYEES WHO REFUSED TO SUBMIT TO AN ALCOHOL TEST** requires information on the **NUMBER OF COVERED EMPLOYEES** who refused to submit to an alcohol test required under the RSPA regulation and the **ACTION TAKEN** following the refusal.

**Page 4**      **ALCOHOL TRAINING/EDUCATION** requires information on the number of supervisory personnel who have received the required alcohol training during the current reporting period.

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

OMB NO. 2137-0579

**RSPA Alcohol Testing MIS Data Collection Form**

**A. PIPELINE EMPLOYER INFORMATION**

Company

Year Covered by This Report

Address

Person responsible for completing the form:

Check the one box that indicates the primary nature of your operation.

- |   |  |
|---|--|
| <input type="checkbox"/> Gas gathering    | <input type="checkbox"/> Transportation of hazardous liquids |
| <input type="checkbox"/> Gas transmission | <input type="checkbox"/> Transportation of carbon dioxide    |
| <input type="checkbox"/> Gas distribution |  |

I, the undersigned certify that the information provided on this Research and Special Programs Administration Alcohol Testing Management Information System Data Collection Form is, to the best of my knowledge and belief, true, correct, and complete for the period stated.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Phone Number

Title 18, U.S.C. Section 1001, makes it a criminal offense subject to a maximum fine of \$10,000, or imprisonment for not more than 5 years, or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within the jurisdiction of any agency of the United States.

The Research and Special Programs Administration estimate that the average burden for this report form is 3.1 hours. You may submit any comments concerning the accuracy of this burden estimate or any suggestions for reducing the burden to: Office of Pipeline Safety, RSPA, DOT; 400 7th St., S.W.; Washington, DC 20590; OR Office of Management and Budget, Paperwork Reduction Project (2137-0579); Washington, DC 20503.

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

**B. COVERED EMPLOYEES**

<b>COVERED EMPLOYEES</b>						
		Number of Employees Covered By More Than One DOT Operating Administration				
<b>Employee Category</b>	Number of RSPA Covered Employees	FAA	FHWA	FRA	FTA	USCG
Operation/Maintenance/ Emergency Response						

**READ BEFORE COMPLETING THE REMAINDER OF THIS FORM**

1. All items refer to the *current* reporting period *only* (e.g., January 1, 1995 – December 31, 1995).
2. This report is only for testing **REQUIRED BY THE RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION (RSPA) AND THE U.S. DEPARTMENT OF TRANSPORTATION (DOT)**:
  - Results should be reported only for employees in **COVERED POSITIONS** as defined by the RSPA/DOT alcohol testing regulations.
  - The information requested should only include testing for alcohol using the standard procedures required by DOT regulation 49 CFR Part 40.
3. Information on refusals for testing should only be reported in the Table: **EMPLOYEES WHO REFUSED TO SUBMIT TO AN ALCOHOL TEST**. Do not include refusals for testing in other sections of this report.
4. Complete all items; **DO NOT LEAVE ANY ITEM BLANK**. If the value for an item is zero (0), place a zero (0) on the form.

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

**C. ALCOHOL TESTING INFORMATION**

<b>TYPE OF TEST</b>	<b>NUMBER OF SCREENING TESTS</b>	<b>NUMBER OF CONFIRMATION TESTS</b>	<b>NUMBER OF CONFIRMATION TEST RESULTS EQUAL TO OR GREATER THAN 0.02, BUT LESS THAN 0.04</b>	<b>NUMBER OF CONFIRMATION TEST RESULTS EQUAL TO OR GREATER THAN 0.04</b>
Post-Accident				
Reasonable Suspicion				
Return-To-Duty				
Follow-Up				
<b>Number of employees who engaged in alcohol misuse who were returned to duty in a covered position (having complied with the recommendations of a substance abuse professional as described in RSPA regulations).</b>				
<b>ACTIONS TAKEN ON ALCOHOL TEST RESULTS EQUAL TO OR GREATER THAN 0.04</b>				<b>NUMBER</b>
No longer employed with company:				
Reassigned to non-covered functions:				
Entered rehabilitation, if applicable, and/or returned to covered functions:				
Other (specify):				
<b>TOTAL:</b>				
<b>Number of employees administered drug <i>and</i> alcohol tests at the same time resulting in a verified positive drug test <i>and</i> an alcohol test indicating an alcohol concentration of 0.04 or greater:</b>				
<b>VIOLATIONS OF OTHER ALCOHOL PROVISIONS/PROHIBITIONS OF THIS REGULATION</b>				
<b>Number of Covered Employees</b>	<b>Violation</b>	<b>Action Taken</b>		
	Covered employee used alcohol while performing safety-sensitive function.			
	Covered employee used alcohol within 4 hours of performing safety-sensitive function.			
	Covered employee used alcohol before taking a required post-accident alcohol test.			

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

<b>EMPLOYEES WHO REFUSED TO SUBMIT TO AN ALCOHOL TEST</b>	<b>NUMBER OF REFUSALS</b>
Number of employees who refused to submit to an alcohol test required under the RSPA rule.	
<b>ACTION TAKEN</b>	<b>NUMBER</b>
No longer employed with company:	
Reassigned to non-covered functions:	
Entered rehabilitation, if applicable, and/or returned to covered functions:	
Other (specify):	
<b>ALCOHOL TRAINING/EDUCATION</b>	<b>NUMBER</b>
<b>Supervisors who have received initial training on the specific contemporaneous physical, behavioral, and performance indicators of probable alcohol use as required by RSPA alcohol testing regulations:</b>	

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

**ALCOHOL TESTING MANAGEMENT INFORMATION SYSTEM (MIS)  
"EZ" DATA COLLECTION FORM**

**INSTRUCTIONS**

The following instructions are to be used as a guide for completing the Research and Special Programs Administration (RSPA) and the U.S. Department of Transportation (DOT) **Alcohol Testing MIS "EZ" Data Collection Form**. This form should only be used if there is **no alcohol misuse** to be reported by your company. These instructions outline and explain the information requested and indicate the probable sources for this information. This reporting form includes three sections. These sections address the data elements required in the RSPA and DOT alcohol testing regulations.

**SECTION A – PIPELINE EMPLOYER INFORMATION** requires the company name for which the report is done, a current address, and the name of the person responsible for completing the form. Be sure to check which one of the five categories (gas gathering; gas transmission; gas distribution; transportation of hazardous liquids; and transportation of carbon dioxide) characterizes the **primary** nature of your operation. Finally, a signature, date, and current telephone number (including the area code) are required certifying the correctness and completeness of the form.

**SECTION B – COVERED EMPLOYEES** requires a count for each employee category that must be tested under the RSPA regulation. There is only one category of covered employees for RSPA - Operation/Maintenance/Emergency Response. The most likely source for this information is the employer's personnel department. These counts should be based on the company records for the reported year.

Additional information must be completed if your company employs personnel who perform duties covered by the alcohol rules of more than one DOT operating administration. **NUMBER OF EMPLOYEES COVERED BY MORE THAN ONE DOT OPERATING ADMINISTRATION**, requires that you identify the number of employees in each employee category under the appropriate additional operating administration(s).

**SECTION C – ALCOHOL TESTING INFORMATION** requires information for alcohol testing, refusals for testing, and education/training. The first table requests information on the **NUMBER OF SCREENING TESTS CONDUCTED** in each category for testing. All numbers entered into this table should be for applicants or company employees in **covered positions** only. Each part of this table must be completed for each category of testing including: (1) post-accident, (2) reasonable suspicion, (3) return-to-duty, and (4) follow-up testing. These numbers **do not** include refusals for testing. Simply enter the number of alcohol screening tests conducted for each category testing.

Following the table that summarizes **ALCOHOL TESTING INFORMATION**, you must provide the **number of employees who engaged in alcohol misuse who were returned to duty in a covered position (having complied with the recommendations of a substance abuse**

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

**professional as described in the RSPA regulations).** This information should be available from the personnel office and/or alcohol program manager.

**EMPLOYEES WHO REFUSED TO SUBMIT TO AN ALCOHOL TEST** requires information on the **NUMBER OF COVERED EMPLOYEES** who refused to submit to an alcohol test required under the RSPA regulation and the **ACTION TAKEN** following the refusal. Indicate the number of employees subjected to the following actions

- **No longer employed with company** – include covered employees who resigned or were terminated as the result of a refusal to submit to an alcohol test.
- **Reassigned to non-covered functions** – include covered employees who were reassigned within the company to a non-covered position as the result of a refusal to submit to an alcohol test.
- **Entered rehabilitation, if applicable, and/or returned to covered functions** – include covered employees who are undergoing or have completed a rehabilitation program and/or covered employees who have returned to a covered function.
- **Other** – include covered employees who did not fall under one of the previous options and specify the action taken.

**ALCOHOL TRAINING/EDUCATION** requires information on the number of supervisory personnel who have received the required alcohol training during the current reporting period.

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

OMB NO. 2137-0579

**RSPA Alcohol Testing MIS “EZ” Data Collection Form  
(No Alcohol Misuse)**

**A. PIPELINE EMPLOYER INFORMATION**

Company

Year Covered by This Report

Address

Person responsible for completing the form:

Check the one box that indicates the primary nature of your operation.

- |   |  |
|---|--|
| <input type="checkbox"/> Gas gathering    | <input type="checkbox"/> Transportation of hazardous liquids |
| <input type="checkbox"/> Gas transmission | <input type="checkbox"/> Transportation of carbon dioxide    |
| <input type="checkbox"/> Gas distribution |  |

I, the undersigned certify that the information provided on this Research and Special Programs Administration Alcohol Testing Management Information System Data Collection Form is, to the best of my knowledge and belief, true, correct, and complete for the period stated.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Phone Number

Title 18, U.S.C. Section 1001, makes it a criminal offense subject to a maximum fine of \$10,000, or imprisonment for not more than 5 years, or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within the jurisdiction of any agency of the United States.

The Research and Special Programs Administration estimate that the average burden for this report form is 3.0 hours. You may submit any comments concerning the accuracy of this burden estimate or any suggestions for reducing the burden to: Office of Pipeline Safety, RSPA, DOT; 400 7th St., S.W.; Washington, DC 20590; OR Office of Management and Budget, Paperwork Reduction Project (2137-0579); Washington, DC 20503.

**PART 199 – PIPELINE SAFETY REGULATIONS  
DRUG AND ALCOHOL TESTING**

**B. COVERED EMPLOYEES**

<b>COVERED EMPLOYEES</b>						
		Number of Employees Covered By More Than One DOT Operating Administration				
<b>Employee Category</b>	<b>Number of RSPA Covered Employees</b>	<b>FAA</b>	<b>FHWA</b>	<b>FRA</b>	<b>FTA</b>	<b>USCG</b>
Operation/Maintenance/ Emergency Response						

**C. ALCOHOL TESTING INFORMATION**

<b>NUMBER OF SCREENING TESTS CONDUCTED</b>				
<b>Employee Category</b>	<b>Post-Accident</b>	<b>Reasonable Suspicion</b>	<b>Return-to-Duty</b>	<b>Follow-Up</b>
Operation/Maintenance/ Emergency Response				

<b>Number of employees who engaged in alcohol misuse who were returned to duty in a covered position (having complied with the recommendations of a substance abuse professional as described in RSPA regulations):</b>	
---	--

<b>EMPLOYEES WHO REFUSED TO SUBMIT TO AN ALCOHOL TEST</b>	<b>NUMBER OF REFUSALS</b>
Number of employees who refused to submit to an alcohol test required under the RSPA rule.	
<b>ACTION TAKEN</b>	<b>NUMBER</b>
No longer employed with company:	
Reassigned to non-covered functions:	
Entered rehabilitation, if applicable, and/or returned to covered functions:	
Other (specify):	
<b>ALCOHOL TRAINING/EDUCATION</b>	<b>NUMBER</b>
<b>Supervisory personnel who have received initial training on the specific contemporaneous physical, behavioral, and performance indicators of probable alcohol use as required by RSPA alcohol testing regulations:</b>	