

February 15, 1990

Mr. Daniel J. Gallagher  
Business Manager  
Local Union 2154  
International Brotherhood of  
Electrical Workers  
4947 Lake Shore Road  
Hamburg, New York 14075

Dear Mr. Gallagher:

This is in further response to your letter of January 16, 1990, in which you ask what would be the "just way" to implement random drug testing under DOT rules for the 1,138 union members employed by National Fuel Gas Distribution and National Fuel Gas Supply of the New York State Division.

I understand that Cesar De Leon of this office already has faxed you a brochure which explains the random selection procedure DOT follows in drug testing its own safety- or security-sensitive employees. As stated in that brochure, DOT's procedure is designed to make sure that each employee subject to drug testing has a statistically equal chance of being selected. This way the selection procedure is not biased and instills a sense of fairness. Similarly, under DOT rules each pipeline operator's random selection procedure must be designed to identify employees for drug testing on a statistically equal basis.

The rules allow each operator to devise a random selection procedure that meets its needs. So different procedures may be appropriate for use by National Fuel Gas Distribution and assure you, however, that our enforcement personnel and those of the New York Public Service Commission will examine each operator's selection procedure for signs of bias, and order corrective changes where necessary.

I trust this alleviates your concerns because we need the support and cooperation of your members as we begin this major effort toward eliminating illegal drug use in this country.

Sincerely,

George W. Tenley, Jr.  
Director  
Office of Pipeline Safety