

May 24, 1990

Mr. Kurt E. Krueger, CIH
Director, Health and Safety
International Technology Corporation
23456 Hawthorne Boulevard
Torrance, CA 90505

Dear Mr. Krueger:

This responds to your letter of May 7, 1990, asking if the drug testing regulations in 49 CFR Part 199 apply to International Technology Corporation (IT).

Only the operators of pipelines or liquefied natural gas facilities covered by the safety standards in 49 CFR Part 192, 193, or 195 are responsible for compliance with the Part 199 regulations. However, if any of IT's employees acting under a contract with such an operator perform on a pipeline or LNG facility an operation, maintenance, or emergency-response function that is regulated under 49 CFR Part 192, 193, or 195, those employees would be subject to drug testing under the operator's Part 199 anti-drug program. (See the Part 199 definition of "employee.")

Your letter states that IT is an environmental contractor, and typically provides pipeline operators contamination assessment and remediation services. However, without more detailed information about the nature and extent of these services, we are unable to determine whether they involve pipeline operation, maintenance or emergency-response functions that are regulated by Part 192, 193 or 195. I have enclosed a copy of the safety standards in Parts 192, 193 or 195 to assist you in making this determination.

Please let me know if I can be of any further assistance to IT in understanding the Department's pipeline safety regulations.

Sincerely,

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