

August 27, 1990

Mr. T. F. Koller
The Peoples Has Light and Coke Company
122 South Michigan Avenue
Chicago, IL 60603

Dear Mr. Koller:

Thank you for your letter of July 25, 1990, commenting on the burden that random testing under the pipeline drug testing regulations in 49 CFR Part 199 imposes on small contractors working at your facilities. You suggested that we amend the regulations to allow small contractors to meet the goal of a drug free work place without a full blown random testing program.

First, let me clear up a possible misunderstanding of how Part 199 applies. The responsibility under Part 199 to conduct random drug tests on contractor personnel rests on pipeline operators, not their contractors. If a contractor has its own drug testing program, an operator who engages the contractor may satisfy this responsibility by making sure that the contractor's program meets Part 199 requirements. If a contractor does not have a program, the contractor's personnel may be included in an operator's program, or an operator and one or more contractors may jointly establish a program. Has People Gas tried either of these approaches to alleviate the burden on its small contractors?

During the rulemaking proceeding we conducted to establish Part 199, we received many comments in opposition to random testing. From all the evidence available to us, however,, we concluded that random testing is an essential component of any program designed to assure a drug free work place. In the absence of any compelling information to the contrary, at this time we do not contemplate making any substantive changes to the random testing requirements.

Please let me know if we can be of any further assistance to you in carrying out an anti-drug program under Part 199.

Sincerely,

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