

January 10, 1992

This is in response to your letter of December 6, 1991 requesting guidance concerning the services your firm provides in the field of fire protection (i.e. service and installation of portable fire extinguishers and sprinkler systems) and whether these are a covered function under 49 CFR Part 199.

A person (including a contractor) is subject to drug testing under Part 199 when that person performs on a pipeline or an LNG facility an operation, maintenance, or emergency-response function that is regulated by 49 CFR 192, 193, or 195. Thus, unless the function being performed on a pipeline or LNG facility is done to implement a regulated safety standard, the person who performs the function is not subject to drug testing under Part 199.

Part 192 applicable to gas pipelines does not contain standards for the maintenance of fire equipment. Therefore, performance of this function on gas pipelines would not subject a person to drug testing under Part 199. However, under Part 193.2817 applicable to LNG facilities and Part 195.430 applicable to hazardous liquid pipelines, contain certain requirements for fire control equipment, and employees performing such functions will be subject to the requirements of drug testing under Part 199. A copy of the Pipeline Safety Regulations is enclosed for your review.

*Note: This has not cleared counsel yet. 1/10/92*

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