

April 9, 1992

This is in response to your letter of December 15, 1991, to Mr. Lamar Allen, U.S. Department of Transportation, requesting guidance concerning the random selection of "sites" rather than from one common random pool.

You indicated that your company provides drug testing services to various pipeline operators and one of your clients has raised the question about conducting random testing of "sites" in lieu of a random selection process that would select from all the covered employees. One question that comes to my mind in considering a response is whether your client assigns different employees to each work site on a daily basis or do they consist of the same employees on a regular basis.

We have indicated in past agency training sessions/seminars conducted by the Office of Pipeline Safety and by members of the Transportation Safety Institute that a random selection pool may be comprised of all employees, subject to Part 199, with random selection being conducted on the entire pool. We have also indicated that "geographical selection" by various work sites would be acceptable under our regulations. We have cautioned many operators that the employee size and location of different sites may present a problem when trying to satisfy the 50 percent random test requirements. If several sites with a limited number of personnel are selected each time it may require the operator to conduct more random selection testing during the year in order to meet the 50 percent test ratio. If sites with a large number of personnel are selected and everyone is tested, then the operator may reach and exceed the 50 percent test ratio before all random testing cycles for the year are completed. For example, an operator elects to conduct random testing cycles every other month during the year (6 testing cycles). After completing two testing cycles the operator reaches or exceeds the 50 percent testing ratio because the large sites are being selected and the operator tests all the employees at each site. The operator would still have a requirement to regulations that random testing cycles to comply with the regulations that random testing selection be spread throughout the 12-month period even though the 50 percent ratio had been met after completing two testing cycles. A process of first randomly selecting the "sites" and then randomly selecting a percentage of employees at the site and testing them may help to eliminate a potential problem.

You should also be aware that when random test selection is conducted, each and every employee subject to the regulations should have an equal chance of being selected. The procedure you have outlined may not represent an equal chance of being selected each time the random draw is conducted if the selection is based on

selecting pipeline sites, especially if the work force changes daily, as opposed to selecting from the entire random pool.

Thank you for your inquiry. Please let me know if you need any more information about our drug testing requirements.

Sincerely,

Richard L. Rippert
Drug Compliance Coordinator
Office of Pipeline Safety
Enforcement