

July 30, 1992

This is in response to correspondence dated May 20, 1992, requesting guidance concerning the services your company provides to various pipeline operators and whether the drug testing requirements may be started and stopped when performing covered functions for an operator which would subject your employees to the drug testing requirements of 49 CFR Part 199.

In previous telephone conversations, you have indicated that your company bids on projects for various pipeline operators which would make some of your employees subject to the drug testing requirements under Part 199 when they perform covered functions for the operator. You stated that some of these projects may vary in length from a few weeks to several months. You asked if it were permissible to start and stop your drug testing program each time you were awarded a contract to perform covered functions for an operator which would require your employees to be subject to the drug testing provisions of Part 199.

A contractor must start a Part 199 drug testing program for each job it does for an operator which involves performing covered function subject to testing under Part 199. The contractor would stop the drug testing program after completion of the covered functions. A contractor must ensure that each time they are awarded a contract to perform covered functions for an operator that they are in full compliance with the requirements of Part 199 and Part 40 prior to performing those covered functions.

This would include pre-employment testing of those employees who would perform covered functions for the operator. They would also be subject to the other provisions of the drug testing regulations, including random testing during the length of the contract period with the operator.

Random testing could be conducted in the following manner to ensure compliance with the regulations. A contractor with 100 employees subject to random testing would have to conduct 50 random tests for only a 12-month period. If the contractor was subject to Part 199 testing for only a 3-month period during that year, the contractor could conduct random testing during the contract period. During that 3-month period, the contractor would have to conduct 13 random tests in order to satisfy the random rate requirement. If the contract period were 6 months, then 25 random tests would have to be conducted. The 50 percent per year random testing requirement should be prorated for contracts of less than one year.

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