

July 1, 1993

This is in response to your correspondence of March 25, 1993, requesting an opinion to determine whether the environmental services that your company provides to pipeline operators would subject your employees to the drug testing requirements under 49 CFR Parts 199 and 40.

You indicated that your company provides services to pipeline operators and oil industry clients. These services consist of soil gas, soil, and water sample collection and analysis in support of environmental investigations. A report is prepared for the client that includes an interpretation of your findings with tables and maps indicating the concentration and the extent of volatile organic compounds found in the subsurface. You have indicated that at no time do you take samples from the pipelines.

Based on the information provided, it would appear that your employees do not perform covered function (operation, maintenance, or emergency-response) on a pipeline or LNG facility that would be subject to regulations contained in 49 CFR Parts 192, 193, or 195. Therefore, your employees would not be subject to the drug testing regulations under 49 CFR Parts 199 and 40.

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

Sincerely,

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