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1.0   General

The Pipeline and Hazardous Materials Safety Administration (PHMSA) requires primary pipeline operators and contractors to submit an annual Management Information System (MIS) report of their DOT drug and alcohol (D&A) testing data. PHMSA requires these D&A MIS reports (i.e. DAMIS reports) to be submitted online at http://damis.dot.gov using the same format as the DOT Form F 1385. The reports are due not later than March 15 each calendar year for the DOT D&A testing completed in the previous calendar year.

The DOT provides instructions on how to complete Form F 1385. The instructions pertain to all employers who perform D&A testing in accordance with the various DOT agency regulations. The DOT Form F 1385 and instructions for completing the form can be obtained online at http://www.dot.gov/odapc/MISreporting.

This document supplements the DOT Form F 1385 instructions by providing additional instructions on how to complete and submit a DAMIS report for operators (and contractors) of PHMSA regulated pipeline facilities, liquefied natural gas (LNG) facilities, and underground natural gas storage facilities.

For questions about MIS submittal, contact: PHMSAPipelineDAMIS@dot.gov

For questions about PHMSA regulations, contact: InformationResourcesManager@dot.gov 202-366-8075

2.0   Multi-factor Authentication (MFA)

In calendar year 2024, the DOT and its related agencies (PHMSA, FMCSA, FAA, FRA, and FTA) will begin using Multi-factor Authentication (MFA) to limit and control access to the DOT's DAMIS database. MFA is not unique to the DOT or to DAMIS. It is a federal government initiative being implemented to protect the integrity and security of federal government databases from cybersecurity attacks and other risks. The use of MFA is explained in detail in Section 5.

3.0   Primary Pipeline Operators

To collect more accurate pipeline industry DOT D&A test data and to avoid duplicate reporting of D&A test data, PHMSA is limiting the DAMIS reporting to primary pipeline operators (and contractors) only. The term "primary operator" is not used in the D&A testing regulations in Part 199; however, the term "primary operator" as used herein has the same meaning as the term "primary entity" as used in §191.22 and §195.64. Moreover, a primary operator can be a large or small operator as explained in Section 3.2.

3.1   *Single Operator D&A Program versus Shared D&A Program*
Pipeline operators have either a
- D&A Program that includes only one pipeline operator (i.e. one OPID). For DAMIS reporting purposes that individual operator is the primary operator; or,
- Shared D&A Program that includes multiple pipeline operators (i.e. multiple OPIDs) in one "umbrella" type D&A Program. The primary operator of the shared D&A Program must be identified to PHMSA through a required notification before submitting a DAMIS report. This notification establishes a PHMSA Safety Program Relationship (SPR) as explained in Section 3.3.

3.2   *Large Operator vs Small Operator*
The PHMSA regulations governing DAMIS reporting (§199.119 & §199.229) are based on whether the primary operator is a large operator or a small operator.
- Large operator – a primary operator with more than 50 covered employees. A DAMIS report is required each calendar year.

- Small operator – a primary operator with 50 or fewer covered employees. A DAMIS report is only required if the operator receives a "written notice" from PHMSA requesting a report. PHMSA transmits written notices as messages in the PHMSA Portal in late December each calendar year https://portal.phmsa.dot.gov/pipeline. If the PHMSA Portal message includes an online reporting Login.gov PIN, PHMSA has requested a DAMIS report from the small operator.

To calculate the number of D&A covered employees to determine whether you are a large or small primary operator
- Include all covered employees of the primary operator plus all covered employees of any and all business units included in the DAMIS report under the D&A Program. See Sections 3.3 and 3.4.

- If your covered employees are in a random drug testing pool managed by a consortium, count only your own covered employees.

- If you have any covered employees subject to D&A testing under more than one DOT agency, count only those employees who were D&A tested under PHMSA. That is, the agency selected on the Federal Drug Testing Custody and Control Form (CCF) or on the Alcohol Testing Form.

Important: While contractor employees are covered employees requiring D&A testing, contractor employees are not used to calculate whether a primary operator is a large or small operator. Therefore, do not include contractor employees in the above calculations.

3.3 *PHMSA Safety Program Relationship (SPR)*

In 2012, PHMSA required pipeline operators to submit initial Safety Program Relationship (SPR) data to PHMSA. Since then, new operators must submit SPR data to PHMSA when requesting an OPID and existing operators must update the SPR not later than 60 days after they have *"A change in the primary entity responsible (i.e.,* with *an assigned OPID) for managing or administering a safety program required by this part covering pipeline facilities operated under multiple OPIDs."* [see §191.22(c)(2)(i) and §195.64(c)(2)(i)]

A shared PHMSA D&A Program is a safety program that falls under this requirement. Therefore, pipeline operators must periodically review their D&A SPR data and submit notifications to PHMSA's *National Registry of Operators* in accordance with the procedures set forth in §191.22 and/or §195.64, when required, to ensure their SPR data is kept current.

The SPR data in the PHMSA database specifies the primary operator that oversees the shared D&A Program and the submitting operators included within that D&A program. The SPR allows PHMSA to identify the primary operator responsible for the shared D&A Program and responsible for submitting DAMIS reports.

3.4 *PHMSA SPR and DAMIS Business Units*

Once an operator has established and verified a current SPR in the PHMSA database, it must manage its PHMSA D&A Program according to that relationship. Thus, it reports its D&A test data in the DOT DAMIS database under that same primary operator as listed in its SPR data. However, because the DAMIS database collects D&A test data across the various DOT modes, not just PHMSA, a "submitting operator" in the PHMSA SPR database is listed as a "business unit" in the DOT DAMIS database. So a primary operator of a shared D&A program must include each SPR submitting operator as a business unit in its DAMIS report so that the DAMIS database and the PHMSA SPR database match.

If a change occurs in a shared D&A Program, such as adding another submitting operator to the primary operator's SPR, the operator must first notify the PHMSA *National Registry of Operators* of the changes to modify the existing SPR. Then the operator aligns its PHMSA D&A Program and its next annual DAMIS report to match the new PHMSA SPR so that both databases match.

Important: While the SPR primary operator and submitting operators are first established in the PHMSA database and then the D&A test data of these operators is reported in the DOT's DAMIS database, these two separate and distinct databases are not linked in any way. Therefore, changing the PHMSA SPR will not change a primary operator and business unit relationship in the DAMIS database. Conversely, changing a primary operator and business unit relationship in the DAMIS database will not change the PHMSA SPR.

4.0 Contractors

Pipeline operators often use contractors to perform D&A covered functions on their regulated pipelines and, in most cases, these contractors manage their own PHMSA D&A programs internally or with the help of a consortium or third-party administrator (C/TPA). Because contractors do not have OPIDs, the DOT uses a Business Tax Identification Number (BTIN) to track contractors in the DAMIS database.

A contractor may perform D&A covered functions for one pipeline operator or multiple operators. Moreover, a contractor may be local, regional, or nationwide and/or may operate from a single location or from multiple locations. Regardless, the clear intent is for PHMSA and the DOT to gather contractor D&A test data that is complete, accurate, and nonrepetitive. Accordingly, each contractor must prepare a single, complete, and accurate DAMIS report that includes all its D&A covered employees and all their DOT D&A test data. A contractor does not prepare or submit a separate and distinct DAMIS report for each pipeline operator.

Moreover, a contractor must <u>not</u> report the same covered employees and the same D&A tests in more than one BTIN. If an operator has more than one BTIN, the contractor must allocate individual employees and their D&A tests results among the BTINs for which they actually worked or report all the contractor's employees and test results under one BTIN.

PHMSA does not need or want a DAMIS report from each BTIN. What PHMSA needs and wants is a valid set of contractor D&A test data that reflects the complete and accurate picture of who the contractor tested and the results of those tests. We do not want any covered employees or D&A tests to be reported more than once. If that can be reported under one BTIN, that is acceptable.

PHMSA also recognizes that some pipeline operators perform covered functions for other PHMSA regulated pipeline operators. While this may take place under contract, pipeline operators with an OPID must never be listed as a contractor by any other pipeline operator in a DAMIS report.

5.0   <u>MFA DAMIS Login</u>

MFA will be implemented for DAMIS by using *Login.gov*; a secure sign-in service used by the public to sign into participating government agency website applications. Accordingly, the previous process whereby an operator obtained a username and password from the PHMSA Portal has been replaced by MFA.

A person's email address is the "key field" for their Login.gov account and an email address will have DAMIS access for only one operator or only one contractor. This will significantly alter the previous DAMIS reporting practice where a single entity, such as a service agent, submitted DAMIS reports for multiple operators and/or contractors.

5.1   *Primary Operator MFA Login*

With the implementation of MFA, DAMIS will now only allow access for <u>primary operators</u> and not for <u>submitting operators/business units</u>. DAMIS will generate a one-time/one-use *Login.gov* PIN for each <u>primary operator</u>. The *Login.gov* PIN will be emailed by DAMIS and PHMSA will provide the *Login.gov* PIN to the <u>primary operator</u> in the PHMSA Portal. https://portal.phmsa.dot.gov/pipeline.

  − For single operator D&A programs (i.e. one OPID), that operator is the <u>primary operator</u>.

  − For shared D&A programs that include multiple operators (i.e. two or more OPIDs), PHMSA will use the primary operator of the D&A program shown in its SPR database. Accordingly, if not previously accomplished, the primary operator of a shared D&A program must be reported, or updated, to the PHMSA *Registry* as required by §191.22(c)(2)(i) or §195.64(c)(2)(i).

In late 2023, PHMSA communicated via email with <u>primary operators</u> to confirm the email address of the person who will submit the <u>primary operator's</u> DAMIS report. These confirmed email addresses will be loaded into DAMIS by the end of calendar year 2023. In early January 2024, DAMIS will generate a one-time/one-use *Login.gov* PIN for the confirmed email address. As explained above, because an email address has access to DAMIS for only one operator or only one contractor, the person who gained access to DAMIS via their email address can only enter data for that one primary operator. If the primary operator chooses to generate a *Login.gov* PIN for a "service agent" employee, that employee cannot use that same email address to report for any other operator or contractor.

Primary operators who need to generate a new *Login.gov* PIN for a new email address, should send a request to PHMSAPipelineDAMIS@dot.gov.

Pipeline operators are no longer required to "accept" contractor reports. Instead, an operator will simply list the contractor and the contractor's DAMIS report automatically becomes part of the operator's report once the contractor's report has been submitted to DAMIS. Moreover, operators

will not be able to view contractor data reports through DAMIS but can get the report directly from the contractor, if they so desire.

5.2 *Contractor MFA Login*

MFA will allow access for contractors to enter their D&A testing data directly into DAMIS. In late 2023, PHMSA communicated via email with contractors to confirm the email address of the person who will submit the contractor's DAMIS report. These confirmed email addresses will be loaded into DAMIS by the end of calendar year 2023. In early January 2024, DAMIS will generate a one-time/one-use *Login.gov* PIN for the confirmed email address. As explained above, because an email address has access to DAMIS for only one operator or only one contractor, the person who gained access to DAMIS via their email address can only enter data for that one contractor. If the contractor chooses to generate a *Login.gov* PIN for a "service agent" employee, that employee cannot use that same email address to report for any other operator or contractor.

Any primary operator can generate a new *Login.gov* PIN for a contractor by entering an email address that is not already established with *Login.gov* access to DAMIS. Contractors can also request a new *Login.gov* PIN for a new email address by sending a request to PHMSAPipelineDAMIS@dot.gov.

MFA will allow access for contractors to enter their D&A testing data into the DAMIS database – once and only once regardless of how many pipeline operators they worked for.

6.0 Registered PHMSA Portal Users

An operator typically includes compliance officers/staff or consultants with responsibility for submitting annual and incident/accident reports on PHMSA F 7000 and 7100-series forms as registered PHMSA Portal users. For operators without any staff registered in the PHMSA Portal, the operator employee who will be responsible for submitting DAMIS reports can register in the Portal at https://portal.phmsa.dot.gov/phmsapub/faces/EnrollmentV2.jspx.

by following the instructions at

https://portal.phmsa.dot.gov/PHMSAPortal2/staticContentRedesign/howto/PortalAccountCreation.pdf

7.0 Supplemental Instructions

As explained in **Section 1.0** above, refer to the instructions for the DOT's *MIS Data Collection Form 1385* to complete the annual DAMIS reporting online: https://www.transportation.gov/odapc/MISreporting. The following Supplemental Instructions are PHMSA specific.

7.1 *Section I. Employer*

- If a primary or contractor operator submitted a DAMIS report in a previous calendar year, some of the contact information may be pre-populated. Enter and/or correct the information about the primary operator or contractor submitting the report.

- Each DAMIS report must be certified by the operator's or contractor's anti-drug manager or designated representative for accuracy and completeness and cannot be certified by a service agent.

- DOT Agency - select PHMSA (X) and select (X) all the pipeline systems operated by the primary operator and the business units, if any.

IMPORTANT: List the primary operator's OPID and all business unit OPIDs covered by the report on the Doing Business As (DBA) line. PHMSA recognizes these are not DBAs, but it helps us to cross-check the SPR and DAMIS databases.

7.2   *Section II. Covered Employees*

− PHMSA has only one Employee Category: "*Operation/Maintenance/Emergency Response.*"

− Thus, the *Total Number of Safety-Sensitive Employees in All Employee Categories* [Item (A)] is the same as the *Total Number of Employees in this Category* [Item (C)].

− To calculate the *Total Number of Safety-Sensitive Employees* (i.e. covered employees) add all
   − Employees subject to PHMSA D&A tests only plus
   − Employees subject to PHMSA and another DOT agency's D&A tests.
   − Do <u>not</u> include employees only subject D&A tests under another agency even if these employees are considered covered employees by the operator or contractor.

<u>IMPORTANT: If your covered employees are in a random drug testing pool managed by a consortium, count only your own covered employees.</u>

7.3   *Section III. Drug Testing Data*

The table in this section requires drug test data by test type and by result. The categories of test types are: Pre-Employment; Random; Post-Accident; Reasonable Susp./Cause; Return-to-Duty, and Follow-Up. The categories of results are: Total Number of Test Results; Verified Negative; Verified Positive; Positive for Marijuana; Positive for Cocaine; Positive for PCP; Positive for Opiates; Positive for Amphetamines; Refusals due to Adulterated, Substituted, "Shy Bladder", and Other Refusals to Submit to Testing; and Cancelled Results.

For operators or contractors whose employees perform covered functions under multiple DOT modes, only report data for tests where PHMSA was selected on the CCF. For example, if an employee with a commercial driver license was post-accident tested after a traffic accident, FMCSA would be selected in Step 1D of the CCF. This test would not be reported to PHMSA.

The online reporting system will calculate the Total Number of Test Results column and the TOTAL row. Enter all the non-zero data, then click the "set remaining blanks to zero" button to complete this section.

7.4   *Section IV. Alcohol Testing Data*

The table in this section requires alcohol test data by test type and by result. The categories of test types are: Post-Accident, Reasonable Susp./Cause, Return-to-Duty, and Follow-Up. The categories of results are: Total Number of Screening Test Results; Screening Tests with Results Below 0.02; Screening Tests with Results 0.02 Or Greater; Number of Confirmation Test Results; Confirmation Tests with Results 0.02 through 0.039; Confirmation Tests with Results 0.04 Or Greater; Refusals due to "Shy Lung" and Other Refusals to Submit to Testing; and Cancelled Results.

For operators or contractors whose employees perform covered functions under multiple DOT modes, only report data for tests where PHMSA regulations led to the test. For example, if an employee with a commercial driver license is post-accident tested after a traffic accident, this test would not be reported to PHMSA.

The online reporting system will calculate the Total Number of Screening Test Results column and the TOTAL row. Enter all the non-zero data, then click the "set remaining blanks to zero" button to complete this section.

7.5   *Online Wrap Up*

Several validation checks will be run when you enter this online section. Warning messages will guide you to sections of the report that are incomplete. As mentioned earlier, all contractor reports associated with the operator report must be accepted or rejected before the operator's report can be submitted. The wrap up section also provides options to save a .pdf file of the report and send an email confirming submittal.

You must click on "Electronically Sign" to submit the report. If you subsequently discover errors in the report and make changes, you must click on "Electronically Sign" after making the changes to submit the revised report.