

December 30, 1991

Ms. Kathryn M. Ringblom  
Legal Assistant  
Peoples Natural Gas  
1815 Capitol Avenue  
Omaha, NE 68102

Dear Ms. Ringblom:

This is in response to your letter of September 17, 1991, regarding your anti-drug plan which was forwarded to me for review and comments.

On June 20, 1991, I responded to correspondence from you which asked the following question:

Question 1. Must references to alcohol abuse and alcohol testing be separated into another policy and plan if it is clear that it is not required by the Department of transportation and if employees are informed in writing prior to testing that a test for alcohol is not under the authority of the DOT?

Answer 1. It is allowable for a company to have one overall drug testing plan which includes testing in addition to, but separate from, the requirements of Parts 199 and 40. Parts 199 and 40 do not specify the format for operators' drug plans, however, operators, when combining other drug testing and alcohol testing into their plan required by 199.7, must clearly identify those matters relating to Parts 199 and 40 by keeping these requirements in separate sections, set apart in bold face types, underlined, or other equivalent means. Additionally, 199.7 requires an operator to provide procedures for notifying employees of the coverage and provisions of their anti-drug plan. It must be stressed that where a test (including the drugs tested for) varies from the requirements of Parts 199 and 40, violation of the DOT drug rules cannot be used as a basis for any action regarding the employee tested. During recent conversations regarding a copy of correspondence which you provided to the Kansas Corporation Commission, I expressed some concerns that you did not clearly understand that an anti-drug plan cannot mix DOT and non-DOT requirements in the same documentation. There has to be a clear and distinct break so that an employee clearly understands what is mandated by pipeline regulations and what procedures are mandated by your company policy. Your company's policy does not separate the DOT and Non-DOT issues using either bold face print or underline. Indexing is not an equivalent means of separating, even in one manual, as it could be misleading to the employees.

You provided me with a copy of your plan entitled "Peoples Natural Gas Company's Alcohol and Drug Abuse Policy and Drug-Free Awareness Plan." You indicated that the section entitled "Peoples Natural

Gas Company's Alcohol and Drug Abuse Policy" is provided to each of your covered employees.

It is my understanding that your anti-drug plan reviewed by the Kansas Corporation Commission (KCC) earlier this year. You are advised that the plan was inadequate concerning the intermixing of pipeline drug testing requirements with procedures which are mandated by your company policy and agreed that they must be separated. In conversations with Glenn Smith and Lester Wurm of the KCC they advised me that your office was provided with guidance materials to assist you in revising your anti-drug plan. In general, I concur with their comments.

Sincerely,

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