

April 15, 1992

Ms. Ira Jane Hurst
Ira Jane Hurst & Associates
P.O. Box 3162
Lafayette, LA 70502

Dear Ms. Hurst:

This is in response to your letter of February 6, 1992, to Mr. Lamar Allen, Department of Transportation, requesting guidance concerning the anti-drug plan requirements for pipeline operators subject to Research and Special Programs Administration (RSPA) Part 199.

Your correspondence indicated that your firm had noted some discrepancy among several states with regard to their interpretation and enforcement of the Part 199 drug testing regulations. This discrepancy was also noted among inspectors within a particular state. You indicated that your firm had developed an anti-drug plan format which was used for a client who has more than one company located in different regions. Both companies had the same identical plan and in one case an inspector found the plan sufficient and in the other region it was found to be inadequate and did not meet the RSPA requirements.

You requested this office review your anti-drug plan with regard to comments noted on a pipeline operator's plan and comments from a state inspector. This office does not review nor do we approve anti-drug plans for pipeline operators or consortiums. Each state that has adopted Part 199 has established inspection criteria and enforcement policy with regard to drug testing and plans. Because the inspection criteria and inspection policy may vary somewhat from state to state, some states may perform more rigorous inspections. We provide latitude for states to develop their own inspection program and therefore, there may be some variations between states in the stringency of enforcement.

A cursory review of the anti-drug plan you submitted for the particular pipeline operator in question appears to have some deficiencies that are not consistent with the requirements of Part 199. If the anti-drug plan was formulated using the Federal Aviation Administration (FAA) criteria as indicated in your correspondence, this may account for some of the deficiencies as their drug criteria is somewhat different from RSPA's requirements.

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