

September 22, 1992

This is in response to your letter of September 1, 1992, requesting written guidance concerning an operator/contractor who has not operated a random testing pool nor has conducted the required tests in accordance with the provisions of 49 CFR ?199.11(c). The operator/contractor has indicated to you that they have been testing all new hires according to the DOT regulations pursuant to 49 CFR?199.11(a).

Your question is whether the employees must take another preemployment test since the random test elements of their program have not been conducted in accordance with our regulations?

It would appear that the operator/contractor in question was not in compliance with the random testing provisions, and will not be able to satisfy the random testing rates for previous years. However, they must comply with the current testing rates to ensure compliance by the end of the yearly test cycle (April-April or August depending on their date of compliance with the regulations). However, the operator/contractor does not have to perform pre-employment tests of their employees prior to placing their names into a reestablished consortium random testing pool. Employees already pre-employment tested as you described would be conforming to the requirements of 49 CFR?195.11(a).

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