

**Office of Drug Enforcement and Program Compliance**  
**49 CFR Part 40 Interpretation**

**Question:** May a laboratory continue to submit monthly summary reports to the employer/consortia or is the laboratory limited to quarterly reports only?

**Response:** Section 40.29(g)(6) states: *"The laboratory shall provide the employer an aggregate quarterly statistical summary of urinalysis testing of the employer's employees. Laboratories may provide the report to a consortium provided that the laboratory provides employer-specific data and the consortium forwards the employer-specific data to the respective employer within 14 days of receipt of the laboratory report."*

The Department changed the requirement for a monthly statistical report to a quarterly report to provide cost savings to the industry without substantially decreasing the effectiveness of the report (59 FR 43001). Although the original regulatory language appears to require reporting only on a quarterly basis, the intent of this change was to require, as a minimum, a quarterly report, but not to limit those employers or laboratories who desired monthly reports. Monthly reports can be generated provided the reports do not contain personal identifying information or other data from which it is reasonably likely that information about individuals' tests can be readily inferred. If a laboratory provides monthly reports, there is no requirement to additionally provide a quarterly aggregate report. Likewise, the regulatory requirement to prevent individual identifying information remains for both monthly and quarterly reports. If a report is withheld for this reason, the laboratory will notify the employer.