

U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

September 16, 1992

This is in response to your correspondence of July 23, 1992, requesting an opinion concerning the applicability of the DOT drug testing regulations to telephone answering services. Your correspondence indicates that your office represents the Texas Association of Telephone Answering Services, Inc. (TATAS).

A person is subject to the drug testing regulations under 49 CFR Parts 199 and 40 when that person performs an operation, maintenance, or emergency-response function on a pipeline or LNG facility which is regulated by Part 192, 193, or 195. The primary regulation in Part 192 that concerns an operator's response to a pipeline emergency is § 192.615, "Emergency plans." Under § 192.615(a), an operator must have procedures for receiving notices of events that require immediate response by the operator. Among such events is the smell of gas by a customer. Any employee who is responsible for answering the telephone or monitoring radio alarms, and then taking notices from customers as a consequence of performing those activities, is performing a function involved in an operator's response to a pipeline emergency and is subject to drug testing. "Taking notices" is defined as writing down the information on a permanent record or form.

To be subject to drug testing, it is not necessary that the employee taking such notices also dispatch personnel. Dispatching personnel and taking notices are independent functions for which procedures are required by § 192.615(a).

An employee who merely answers the phone and refers calls to another employee would not subject the first employee to drug testing, but would subject the latter employee taking notice of the event.

Pipeline operators determine which categories of employees (including contractor employees) are subject to the drug testing regulations. In this case, each operator must decide if an answering service is performing a covered function as described by the guidance in the paragraph above.

The definition of "employee," as contained in § 199.3 includes that "The person may be employed by the operator, be a contractor engaged by the operator, or be employed by such a contractor." Therefore, pipeline operators who contract with answering services to provide the services described in § 192.615(a) would subject the answering service employees to the drug testing requirements contained in Parts 199 and 40.

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