

August 14, 1992

Ms. Debbie Redell
Assistant Manager
Compensation & Employment
Citizens Utilities Company
P.O. Box 433
Harvey, LA 70059

Dear Ms. Redell:

This is in response to your correspondence of July 13, 1992, requesting guidance on whether it is necessary for your company to conduct actual on-site inspections of your contractor each year to insure their compliance.

The "contractor employee" provision of 49 CFR Section 199.21, stipulates that an operator remains responsible for ensuring that the requirements of Part 199 and Part 40 are complied with and that the contractor allows access to property and records by the operator for the purpose of monitoring the operator's compliance with the drug testing regulations.

On November 14, 1991, an opinion letter issued by this office outlined several options that an operator might implement to satisfy the "monitoring" requirement for operator's to ensure contractors comply with the drug testing regulations. Your practice of record audits is listed among the options. A copy of that opinion letter is enclosed for your review. Also, I have enclosed a recent copy of our Pipeline Safety Regulations "Redbook" which contains numerous opinion letters, copies of the regulations with amendments, implementation guidelines, and copies of the inspection forms utilized by our inspectors.

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