

August 9, 1993

Mr. Jeff Martin
Legal Department
The Williams Companies, Inc.
Suite 3600
One Williams Center
Tulsa, OK 74172

Dear Mr. Martin:

This is in response to your correspondence of June 29, 1993, to the Transportation Safety Institute, Pipeline Safety Division, requesting an opinion to determine whether the procedures your company has in place for monitoring contractors' compliance with applicable DOT drug testing regulations are adequate.

Your correspondence indicates that your company presently requires contractors to comply with the drug testing regulations in the following manner:

- Require contractors to agree by contract that they will comply with the regulations; and
- Require contractors to have an anti-drug plan that complies with the regulations.

Based on the information provided, it would appear that you are not adequately monitoring your contractors to ensure that they are in compliance with the drug testing regulations as set forth in 49 CFR Section 199.21.

The Office of Pipeline Safety has issued a compilation of opinion letters which are contained in a publication entitled "Pipeline Safety Regulations, Part 199 and Part 40" (redbook). The publication's availability was published in the Federal Register on July 24, 1990, (55 FR 30003). An agency position on operators monitoring of contractors was published on November 14, 1991, and provided guidance in this area of the regulations and listed several options that an operator might consider implementing to satisfy the requirements of Section 199.21. A copy of the "redbook" is herewith enclosed for your review.

Thank you for your inquiry. Please let me know if you need additional information about our drug testing requirements.

Sincerely,

Richard L. Rippert
Drug Compliance Coordinator
Office of Pipeline Safety
Compliance

Enclosure

THE WILLIAMS COMPANY, INC.

Legal Department

One Williams Center

Suite 3600

Tulsa, Oklahoma 74172

June 29, 1993

RSPA
Pipeline Safety Division
P.O. Box 25082
Oklahoma City, Oklahoma 73125-5050

RE: Operator Responsibilities for Contractor Employees
49 CFR §199.21

Dear Sirs:

It is my understanding that §199.21 requires operators to ensure that its contractors comply with applicable DOT drug testing regulations. Would you please suggest what operators may and/or should do to comply with its responsibilities under §199.21?

Presently, my company does the following to ensure contractor compliance:

1. Requires contractors to agree by contract that they will comply with the regulations; and
2. Requires contractors to have an anti-drug plan policy that complies with the regulations.

Is this enough? In other words, if the DOT found out that one of our contractors was not complying with the regulations, even though they agreed to and have a policy that complies, would DOT consider my company's actions sufficient to preclude it from being cited or penalized for contractor non-compliance? Is there anything else you would suggest that we do to protect ourselves? Is there any one thing or group of things we can do to guarantee that we won't be cited for contractor non-compliance? If so, what? My telephone number is (918) 588-3097.

Thank you very much.

Very truly yours,

Jeff Martin
Attorney