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June 6, 2005

U.S. Department of Transportation  
Dockets Facility, Plaza 401  
400 7<sup>th</sup> Street, SW  
Washington, District of Columbia 20590  
Re: Docket RSPA-04-19856

To Whom it May Concern:

Following are the comments of the Drug & Alcohol Testing Industry Association (DATIA) on the Pipeline and Hazardous Materials Safety Administration's notice of intent to issue an Advisory Bulletin on the reporting of contractor drug and alcohol testing data.

DATIA is a 1,300-member national trade association representing the full spectrum of drug and alcohol testing service agents including laboratories, collection sites, C/TPAs, BATs, MROs, SAPs, employers, and testing device manufacturers. DATIA's mission includes working closely with key policy makers in federal agencies and in congress to ensure that the interests of the industry are heard and taken into account when changes in drug and alcohol testing rules are proposed. We appreciate the opportunity to comment on this matter.

DATIA supports the administration's plan to begin requiring the reporting of pipeline contractor drug and alcohol testing data, and understands the need to avoid duplication.

DATIA also supports the proposal that contractors—rather than the companies that contract with them—will be responsible for ensuring that their drug and alcohol testing data is reported each year, whether done individually or through a consortium or third-party administrator. We also support the creation of unique identifiers as a tool to facilitate submission of the data and to avoid duplication and enhance the quality of the information obtained.

Because many contractors are self-employed or employed at small companies, we suggest that the Advisory Bulletin contain specific language regarding the ability of consortia or third-party administrators to submit the data directly to OPS on a contractor's behalf. The contractor would provide the unique identifier to the third-party administrator for use on the Management Information System (MIS) form.

Since OPS does not directly regulate contractors, but rather places the responsibility on operators to ensure that all covered employees are tested, we further recommend that the Advisory Bulletin remind operators of this responsibility and require operators to add language to their contractual agreements regarding submission of drug and alcohol testing data by contractors.

The contract would require the contractor to:

1. Obtain a unique identifier from OPS, and
2. Either provide their MIS report directly to OPS, or

3. Authorize their consortium or third party administrator to provide the MIS report directly to OPS on behalf of the contractor.

Contractors should also be obligated to provide their identifier to each operator for whom they work, and proof that the annual submission of data has been made to OPS.

Thank you for the opportunity to comment on the upcoming Advisory Bulletin. DATIA looks forward to sharing the bulletin with our members when it is announced. Should you have questions about this matter, please feel free to contact me at (703) 548-0901 or [mmoskal@wpa.org](mailto:mmoskal@wpa.org).

Sincerely,

A handwritten signature in black ink, appearing to read "mmoskal". The signature is fluid and cursive, with the first letter being a large, stylized 'm'.

Melissa Moskal  
Executive Director