

DEPARTMENT OF TRANSPORTATION
INFORMATION COLLECTION

SUPPORTING STATEMENT

“Post-Accident Drug Testing for Pipeline Operators”
OMB Control No. 2137-XXXX (PHMSA is requesting a new OMB Control No.)
Docket No. PHMSA-2013-0163

INTRODUCTION

The Pipeline and Hazardous Materials Safety Administration (PHMSA) requests approval from the Office of Management and Budget (OMB) of a new information collection entitled, “Post-Accident Drug and Alcohol Testing for Pipeline Operators.” The development of this information collection is necessary due to the following PHMSA action that will trigger components of the Paperwork Reduction Act:

- **Docket No. PHMSA-2013-0163 - Pipeline Safety: Operator Qualification, Cost Recovery, Accident and Incident Notification, and Other Pipeline Safety Proposed Changes**
 - Adds 609 responses and 609 annual burden hours for recordkeeping.

Part A. Justification

1. Circumstances that make the collection of information necessary.

The NPRM “Pipeline Safety: Operator Qualification, Cost Recovery, Accident and Incident Notification, and Other Pipeline Safety Proposed Changes” would amend 49 CFR199.227 to require operators to retain records for three years if they decide not to administer post-accident/incident drug testing on affected employees. This information collection request pertains only to the recordkeeping component of this requirement.

Drug and alcohol abuse is a major societal problem. It is reasonable to assume the problem could exist in the pipeline and liquefied natural gas facility industries absent a vigorous monitoring and abatement program. The potentially harmful effect of drug and alcohol abuse on safe pipeline operations warrants comprehensive testing regulations for the pipeline industry. The drug and alcohol tests are an integral component for keeping national pipeline operations safe.

This information collection promotes the US DOT’s Safety Strategic Goals. Employees who are subject to testing are less likely to choose to be under the influence of drugs and alcohol while they work. PHMSA can identify drug and alcohol trends among pipeline and LNG facility employees with the tests. In addition, PHMSA can take additional actions if tests reveal an

increase in drug or alcohol usage. Decreased drug and alcohol use will improve human and environmental resources protection and increase pipeline safety.

2. How, by whom, and for what purpose is the information to be used.

The requirements for Drug and alcohol testing are in 49 CFR 199. The NTSB issued the following safety recommendation to PHMSA (September 26, 2011, NTSB Recommendation P-11-12):

Amend §§ 199.105 and 199.225 to eliminate operator discretion with regard to testing of covered employees. The revised language should require drug and alcohol testing of each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident.

PHMSA proposes to modify §§ 199.105 and 199.225 by requiring drug testing of employees after an accident and allowing exemption from drug testing only when there is sufficient information that establishes the employee(s) had no role in the accident.

PHMSA's regulations require the documentation of decisions not to administer a post-accident alcohol test but the requirement to document decisions not to administer a post-accident drug test is only implied in the regulation. PHMSA proposes to add a section to the post-accident drug testing regulation to require documentation of the decision and to keep the documentation for at least three years.

3. Extent of automated information collection

Operators are permitted to keep records in any retrievable form. They may use the latest information technology to reduce any additional burden.

4. Describe efforts to identify duplication

PHMSA is the only federal agency that requires the retention of records related to pipeline and LNG facility operator employee drug and alcohol usage. No similar information on is requested by the government or industry.

5. Efforts to minimize the burden on small businesses.

PHMSA affected operators to be both large and small businesses. However, this information is necessary for safety and tracking purposes regardless of business size. There are currently no exceptions for small businesses.

6. Impact of less frequent collection of information.

This information collection is event driven and therefore cannot be conducted less frequently. Without this timely collection, PHMSA would be unable to appropriately and properly assess the practices of its regulated community. Less frequent information collection could compromise the safety and economic viability of the U.S. pipeline system.

7. Special Circumstances.

The information collection contains no special circumstances.

8. Compliance with 5 CFR 1320.8(d).

PHMSA issued a Notice of Proposed Rulemaking (NPRM) on July 10, 2015 (80 FR 39916). The comment period ends on September 8, 2015. Comments were received on other aspects of the proposed rule but there were no comments pertaining to the tenets of this information collection.

9. Payment or gifts to respondents.

There is no payment or gift provided to respondents associated with this collection of information.

10. Assurance of confidentiality.

PHMSA does not have the authority to guarantee confidentiality.

11. Justification for collection of sensitive information.

The reporting and recordkeeping requirements of this information collection do not involve questions of a sensitive nature.

12. Estimate of burden hours for information requested.

609 Annual Responses and 609 Annual Burden Hours

Over the past 5 years, there has been an average of 609 reported pipeline incidents per year. Although many firms may already document their decisions, we assume conservatively that each incident would require some new documentation since it is not yet mandatory for them to keep post-accident drug testing records. PHMSA estimates that it will take 1 hours to compile and retain the requested records. Therefore PHMSA estimates a total annual burden of 609 responses and 609 burden hours(609 incidents * 1 hours).

13. Estimate of the total annual costs burden.

According to the Bureau of Labor Statistics, the average wage rate of a Human Resources Specialist (Occupation Code 13-1071) in the Oil and Gas Extraction industry (NAICS 211100) is \$37.12. PHMSA has used this baseline in order to estimate the costs to operators to comply with this recordkeeping requirement. As a result, PHMSA estimates an overall cost of \$22,606 (609 incidents * 1 hours at \$37.12/hour). There are no additional cost to respondents associated with this requirement.

14. Estimates of costs to the Federal Government

There is no additional cost to the Federal Government associated with this information collection.

15. Explanation of the program change or adjustments.

This information collection request comes as a result of the following program change. The Pipeline Safety: Operator Qualification, Cost Recovery, Accident and Incident Notification, and Other Pipeline Safety Proposed Changes NPRM proposes to amend 49 CFR 199.227 to require operators to retain records for three years if they decide not to administer post-accident/incident drug testing on affected employees). As a result, operators who choose not to perform post-accident drug and alcohol tests on affected employees are required to keep records explaining their decision not to do so. PHMSA estimates this recordkeeping requirement will result in 609 responses and 609 burden hours for recordkeeping.

16. Publication of results of data collection.

This information will not be published for statistical purposes.

17. Approval for not displaying the expiration date of OMB approval.

PHMSA is not seeking such approval.

18. Exceptions to the certification statement.

There is no exception.