

DEFINITIONS

- Definitions from Parts 40, 191, 195, and 199 have been combined in alphabetical order and are provided in a single listing. For purposes of the Plan, the following definitions apply
- **Accident:** An incident reportable under Part 191 involving gas pipeline facilities or liquid natural gas (LNG) facilities, or an accident reportable under Part 195 involving hazardous liquid pipeline facilities.
- A) Part 191.3: An accident on a gas pipeline or LNG facility is defined as an "incident," as follows:
 - (1) An event that involves a release of gas from a pipeline, or of liquefied natural gas, liquefied petroleum gas, refrigerant gas, or gas from an LNG facility, and that results in one or more of the following consequences:
 - (a) A death or personal injury necessitating inpatient hospitalization
 - (b) Estimated property damage of \$50,000 or more (\$5,000 or more for intrastate operators/contractors in Oklahoma and New Mexico), including loss to the operator and others, or both, but excluding cost of gas lost
 - (2) An event that results in an emergency shutdown of a LNG facility. Activation of an emergency shutdown system for reasons other than an actual emergency does not constitute an incident.
 - (3) An event that is significant, in the judgment of the operator, even though it did not meet the criteria of paragraphs (1) or (2).
- B) An accident report is required for each failure in a pipeline system in which there is a release of the hazardous liquid or carbon dioxide transported, resulting in any of the following:
 - (1) Explosion or fire not intentionally set by the operator.
 - (2) Release of 5 gallons (19 liters) or more of hazardous liquid or carbon dioxide, except that no report is required for a release of less than 5 barrels (0.8 cubic meters) resulting from a pipeline maintenance activity if this release is:
 - (a) Not otherwise reportable under this section
 - (b) Not one described in §195.52(a) (4)
 - (c) Confined to Company property or pipeline right-of-way
 - (d) Cleaned up promptly
 - (3) Death of any person
 - (4) Personal injury necessitating hospitalization
 - (5) Estimated property damage, including cost of clean-up and recovery, value of lost product, and damage to the property of the operator or others, or both, exceeding \$50,000

Administrator: The Administrator of the Pipeline and Hazardous Materials Safety Administration (PHMSA) or any person assigned the authority by the Secretary of Transportation in the matter concerned.

Adulterated specimen: A specimen that shows evidence of being altered, with either a substance that is not a normal part of the type of specimen, or showing an abnormal concentration of an endogenous substance.

Affiliate: Persons are affiliates of one another if, directly or indirectly, one controls, or has the power to control the other or a third party controls or has the power to control both. Indicators of control include, but are not limited to: interlocking management or ownership; shared interest among family members; shared facilities or equipment; or common use of employees. Following the issuance of a Public Interest Exclusion (PIE), an organization having the same or similar management, ownership, or principal employees as the service agent for whom the public interest exclusion is in effect is regarded as an affiliate. This definition is used in connection with the public interest exclusion procedures of Part 40, Subpart R.

Air blank: In evidential breath testing devices (EBTs) using gas chromatography technology, a reading of the device's internal standard. In all other EBTs, a reading of ambient air containing no alcohol.

Alcohol: The intoxicating agent in beverage alcohol, ethyl alcohol, or other low-molecular-weight alcohols, including methyl or isopropyl alcohol.

Alcohol concentration: The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by a breath test under this part.

Alcohol confirmation test: A subsequent test using an EBT, following a screening test with a result of 0.02 or greater, that provides quantitative data about the alcohol concentration.

Alcohol Screening Device (ASD): A breath or saliva device, other than an EBT, that is approved by the National Highway Traffic Safety Administration (NHTSA) and placed on a conforming products list (CPL) for such devices.

Alcohol screening test: An analytic procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.

Alcohol use: The drinking or swallowing of any beverage, liquid mixture, or preparation (including any medication), containing alcohol.

Aliquot: A fractional part of a specimen used for testing. It is taken as a sample representing the whole specimen.

Blind sample or blind performance test specimen: A specimen submitted to a laboratory for quality-control testing purposes, with a fictitious identifier, so that the laboratory cannot distinguish it from an employee specimen.

Breath Alcohol Technician (BAT): A person who instructs and assists employees in the alcohol testing process and operates an evidential breath testing device.

Cancelled test: A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which Part 40 otherwise requires to be canceled. A canceled test is neither a positive nor a negative test.

Chain-of-custody [or Custody and Control Form (CCF)]: The procedure used to document the handling of a urine specimen from the time the employee gives the specimen to the collector until the time the specimen is destroyed. This procedure uses the Federal Drug Testing Custody and Control Form (CCF).

Collection Container: A container into which the employee urinates to provide the specimen for a drug test.

Collection Site: A place selected by the employer where employees present themselves for the purpose of providing breath, saliva, or urine for a drug or alcohol test.

Collector: A person who instructs and assists employees at a collection site, who receives and makes an initial inspection of the specimen provided by those employees, and who initiates and completes the custody-and-control form (CCF).

Confirmatory drug test: A second analytical procedure performed on a different aliquot of the original specimen to identify and quantify the presence of a specific drug or drug metabolite.

Confirmation (or confirmatory) validity test: A second test performed on a different aliquot of the original specimen to further support the validity of a prior test result.

Confirmed drug test: A confirmation test result received by an MRO from a laboratory.

Consortium/Third-Party Administrator (C/TPA): A service agent that provides or coordinates the provision of a variety of drug and alcohol testing services to employers. C/TPAs typically perform administrative tasks concerning the operation of the employers' drug and alcohol testing programs. This term includes, but is not limited to, groups of employers who join together to administer, as a single entity, the DOT drug and alcohol testing programs of its members. C/TPAs are not "employers" for purposes of Part 40.

Continuing education: Training for medical review officers (MROs) and substance abuse professionals (SAPs) who have completed qualification training and are performing MRO or SAP functions; it is designed to keep MROs and SAPs current on changes and developments in the DOT drug and alcohol testing program.

Covered function (or safety-sensitive function): An operations, maintenance, or emergency response function, regulated by 49 CFR Part 192, 193, or 195, which is performed on a pipeline or on an LNG facility.

DOT Procedures (or Part 40): The Procedures for the Transportation Workplace Drug and Alcohol Testing Program published by the Office of the Secretary of Transportation in 49 CFR Part 40.

Designated Employer Representative (DER): David Abegglen, or an employee authorized by the employer, to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER also receives test results and other communications for the employer, consistent with the requirements of Part 40. Service agents cannot act as DERs.

Dilute specimen: A urine specimen with creatinine and specific gravity values that are lower than expected for human urine.

DOT, The Department, DOT agency: These terms encompass all DOT agencies, including, but not limited to, the Federal Aviation Administration (FAA), the Federal Railroad Administration (FRA), the Federal Motor Carrier Safety Administration (FMCSA), the Federal Transit Administration (FTA), the National Highway Traffic Safety Administration (NHTSA), the Pipeline and Hazardous Materials Safety Administration (PHMSA), and the Office of the Secretary (OST). These terms include any designee of a DOT agency.

Drugs: The drugs for which tests are required under Part 40; those included under DOT agency regulations are marijuana, cocaine, amphetamines, phencyclidine (PCP), and opiates.

Employee (covered employee): Any person who is designated in a DOT agency regulation as subject to drug testing and/or alcohol testing. The term includes individuals currently performing safety-sensitive functions designated in DOT agency regulations, and applicants for employment subject to pre-employment testing. For purposes of drug testing under Part 40, the term employee has the same meaning as the term "donor" as found on CCF and related guidance materials produced by the Department of Health and Human Services. For the purposes of regulation under Part 199, the term employee means a person who performs a covered function, including persons employed by operators, contractors engaged by operators, and persons employed by such contractors. This includes full-time, part-time, and temporary employees. It also includes any applicant for a covered function.

Employer: A person or entity employing one or more employees (including an individual who is self-employed) subject to DOT agency regulations requiring compliance with Part 40. The term includes an employer's officers, representatives, and management personnel. Service agents are not employers for the purposes of Part 40.

Error Correction Training: Training provided to BATs, collectors, and screening test technicians (STTs) following an error that resulted in the cancellation of a drug or alcohol test. Error correction training must be provided in person or by a means that provides real-time observation and interaction between the instructor and trainee.

Evidential Breath Testing Device (EBT): A device approved by NHTSA for the evidential testing of breath at the .02 and .04 alcohol concentrations, placed on NHTSA's Conforming Products List (CPL) for "Evidential Breath Measurement Devices" and identified on the CPL as conforming to the model specifications available from NHTSA's Traffic Safety Program.

HHS, Department of Health and Human Services: The Department of Health and Human Services or any designee of the Secretary, Department of Health and Human Services.

Initial drug test (also known as a "screening drug test"): The test used to differentiate a negative specimen from one that requires further testing for drugs or drug metabolites.

Initial specimen validity test: The first test used to determine if a urine specimen is adulterated, diluted, substituted, or invalid.

Invalid drug test: The result reported by an HHS-certified laboratory in accordance with the criteria established by HHS Mandatory Guidelines when a positive, negative, adulterated, or substituted result cannot be established for a specific drug or specimen validity test.

Laboratory: Any U.S. laboratory certified by HHS under the National Laboratory Certification Program as meeting the minimum standards of Subpart C of the HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs; or, in the case of foreign laboratories, a laboratory approved for participation by DOT under this part.

Limit of Detection (LOD): The lowest concentration at which a measurand can be identified, but (for quantitative assays) the concentration cannot be accurately calculated.

Limit of Quantitation: For quantitative assays, the lowest concentration at which the identity and concentration of the measurand can be accurately established.

Medical Review Officer (MRO): A person who is a licensed physician, and who is responsible for receiving and reviewing laboratory results generated by an employer's drug testing program, and who evaluates medical explanations for certain drug test results.

Negative result: The result reported by an HHS-certified laboratory to an MRO when a specimen contains no drug, or the concentration of the drug is less than the cutoff concentration for the drug or drug class, and the specimen is a valid specimen.

Non-negative specimen: A urine specimen that is reported as adulterated, substituted, positive (for drug(s) or drug metabolite(s)), and/or invalid.

Office of Drug and Alcohol Policy and Compliance (ODAPC): The office in the Office of the Secretary, DOT, that is responsible for coordinating drug and alcohol testing program matters within the Department and providing information concerning the implementation of Part 40.

Operator: A person who owns or operates pipeline facilities subject to 49 CFR Part 192, 193, or 195.

Oxidizing adulterant: A substance that acts alone or in combination with other substances to oxidize drugs or drug metabolites to prevent the detection of the drug or drug metabolites, or affects the reagents in either the initial or confirmatory drug test.

Performs a covered function: Actually performing, ready to perform, or immediately available to perform a covered function.

Pipeline: All parts of those physical facilities through which gas, hazardous liquids, or carbon dioxide move in transportation, including, but not limited to, pipe, valves, and other appurtenance attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, pumping units, breakout tanks, and fabricated assemblies.

Pipeline facility: New and existing pipelines, rights-of-way, and any equipment, facility, or building used in the transportation of gas or in the treatment of gas, or transportation of hazardous liquids or carbon dioxide, during the course of transportation.

Positive rate for random drug testing: The percentage of covered employees required to be randomly tested. This number is determined annually by the DOT based on the results of industry wide data of positive and refused tests out of the number of random tests conducted.

If industry data shows a positive test rate of less than 1% the test rate will be 25%, if it 1% or greater the random test percentage will be 50.

Positive result: The result reported by an HHS-certified laboratory when a specimen contains a drug or drug metabolite equal to or greater than the cutoff concentrations.

Primary specimen: In drug testing, the urine specimen bottle that is opened and tested by a first laboratory to determine whether the employee has a drug or drug metabolite in his or her system, and for the purpose of validity testing. The primary specimen is distinguished from the split specimen, defined in this section.

Prohibited drug: Any of the following substances specified in Schedule I or Schedule II of the Controlled Substances Act (21 U.S.C. 812): marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).

Qualification Training: The training required in order for a collector, BAT, MRO, SAP, or STT to be qualified to perform their functions in the DOT drug and alcohol testing program. Qualification training may be provided by any appropriate means.

Reconfirmed: The result reported for a split specimen when the second laboratory is able to corroborate the original result reported for the primary specimen.

Rejected for testing: The result reported by an HHS-certified laboratory when no tests are performed for a specimen because of a fatal flaw or a correctable flaw that is not corrected.

Refresher Training: The training required periodically for qualified collectors, BATs, and STTs to review basic requirements and provide instruction concerning changes in technology (e.g., new testing methods that may be authorized) amendments, interpretations, guidance, and issues concerning Part 40 and DOT agency drug and alcohol testing regulations (e.g., Part 199). Refresher training can be provided by any appropriate means.

Refusal to submit, refuse, or refuse to take: Behavior consistent with Part 40 concerning refusal to take a drug test or refusal to take an alcohol test.

Screening Test Technician (STT): A person who instructs and assists employees in the alcohol testing process and operates an ASD.

Secretary: The Secretary of Transportation or the Secretary's designee.

Service agent: Any person or entity, other than an employee of the employer, who provides services specified under Part 40 to employers and/or employees in connection with DOT drug and alcohol testing requirements. This includes, but is not limited to, collectors, BATs and STTs, laboratories, MROs, substance-abuse professionals, and C/TPAs. To act as service agents, persons and organizations must meet the qualifications set forth in applicable sections of Part 40. Service agents are not employers for purposes of Parts 199 and 40.

Shipping container: A container used for transporting and protecting urine specimen bottles and associated documents while they are in transit from the collection site to the laboratory.

Specimen bottle: The bottle that, after being sealed and labeled according to the procedures in Part 40, is used to hold the urine specimen during transportation to the laboratory.

Split specimen: In drug testing, a part of the original urine specimen that is sent to a first laboratory and retained unopened, and which is then transported to a second laboratory in the event that the employee requests that it be tested following either a verified positive test of the primary specimen or a verified adulterated or substituted test result.

Split specimen collection: A collection in which the urine collected is divided into two separate specimen bottles, the primary specimen (Bottle A) and the split specimen (Bottle B).

State agency: An agency of any of several states, the District of Columbia, or the Commonwealth of Puerto Rico, that participates under the pipeline safety laws (49 U.S.C. 60101 et. seq.).

Stand-down: The practice of temporarily removing an employee from the performance of safety-sensitive functions based only on a report from a laboratory to the MRO of a confirmed positive test for a drug or drug metabolite, an adulterated test, or a substituted test, before the MRO has completed verification of the test result.

Substance Abuse Professional (SAP): A person who evaluates employees who have violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.

Substituted specimen: A specimen with creatinine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.

Verified test: A drug test result or validity testing result from an HHS-certified laboratory that has undergone review and final determination by the MRO.

