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23 February 2000

Docket Clerk
Attn: Docket No. OST-99-6578 ← 27
Department of Transportation
400 Seventh Street, SW, Room PL401
Washington, DC 20590

Re: Procedures for Transportation Workplace Drug and Alcohol Testing Programs

To Whom It May Concern:

The International Association of Drilling Contractors is a trade association representing the companies that drill oil, gas and geothermal wells worldwide. Our interest in the proposed revision to the workplace drug and alcohol testing regulations is primarily from the perspective of the owners and operators of vessels subject to the drug and alcohol testing regulations of the U.S. Coast Guard.

We offer the following comments for your consideration:

1. The provisions of both the proposed 49 CFR 40.3 1 and 49 CFR 40.211 prohibit supervisors from collecting specimens or acting as SST/BAT for DOT-required tests unless they are specifically permitted to do so under DOT agency regulations. If these provisions are to be adopted, sufficient time must be allowed for the Coast Guard to revise its regulations to permit specimen collection, screening or testing by direct supervisors. When a ship is at sea or in a foreign port at the time an incident occurs that triggers a requirement for testing, personnel other than direct supervisors may not be available to conduct the tests or collect the required specimens. (E.g., the ship's Master collecting the specimens from an officer of the watch after a collision.)

2. Can subordinates collect specimens or act as SST/BAT? While the proposed rules do not prohibit subordinates from collecting the specimens or acting as SST/BAT, the prohibition with respect to supervisors infers that they too would be prohibited from acting in this capacity. This should be clarified in the final rule. For a ship at sea, if the ship's Master were on the bridge at the time of an incident triggering a testing requirement, it may be necessary to have an uninvolved subordinate (e.g., the Chief Engineer) collect the required specimens or administer the required tests.

3. The Coast Guard's regulations (46 CFR 4.06-30) impose a requirement to collect specimens from the bodies of persons who have died. It appears that the proposed regulations would apply to the collection of such specimens, yet effectively prohibit their use since it would be impossible to collect the specimens in the manner prescribed by the regulations. In particular, we note the provisions of the proposed Subpart J would seem to prohibit an agency's use of blood samples for determining the blood alcohol content of a person who has died in a accident that requires post-accident testing. We recommend consideration be given to developing a separate subpart describing the procedures to be used for collection and testing of specimens from cadavers.

4. We would also add that we believe it will be difficult to assure that there are sufficient personnel with the requisite training on board ship to conduct post-accident testing in conformance with the proposed rules and the Coast Guard's requirements.

If you have any questions regarding these comments, please feel free to contact the undersigned at our Houston office.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Spackman", with a stylized, cursive script.

Alan Spackman
Director, Offshore Technical
and Regulatory Affairs

copy to:

Commandant (G-MOA) U.S. Coast Guard