

# DRUG AND ALCOHOL POLICY – US

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# 1 OVERVIEW

## 1.1 PURPOSE

Gibson Energy LLC. (hereinafter referred to as the “**Company**”), places a priority on minimizing health and safety risks associated with all business activities. The use of Drugs and Alcohol (collectively, “**Substance**” or “**Substances**”) can have serious adverse effects on health, safety and job performance, which can negatively impact other employees, contractors, members of the public, Company property, and the environment. Therefore, appropriate measures are necessary to ensure safe and successful conduct of our Company Business.

The purpose of this policy is to support the Company’s commitment and responsibility to provide a safe and healthy workplace and to ensure its employees, owner-operators and contractors have a work environment free from the potential negative effects of Substance use. Additionally, the Company is required to conduct drug and alcohol testing of all employees and/or contractors who are subject to U.S. Department of Transportation (DOT) regulations, Title 49 Code of Federal Regulations (CFR) Part 40 Procedures for Transportation Workplace Drug and Alcohol Testing Programs, Part 199 Pipeline and Hazardous Materials Safety Administration (PHMSA) Drug and Alcohol.

To fulfill this commitment, this policy has been designed to emphasize the health and safety risks associated with performing work duties while under the influence of Substances and to promote the supportive programs available to employees related to the prevention and treatment of substance abuse and dependency.

At all times, the Company will observe privacy and fulfill human rights and other employment obligations to the extent possible in order to fulfill the objectives of this policy and to the extent permitted by law.

This Policy is in compliance with recognized industry standards and applicable US DOT regulations, 49 CFR Parts 40 and 199.

## 1.2 SCOPE

This policy applies to all Company employees and other individuals acting on behalf of the Company under contract for service or services with the Company on the Company’s worksites or while using Company property to further the work of the Company.

Employees and contractors who perform pipeline operations, maintenance, and emergency response functions are also subject to the requirements set forth in 49 CFR Parts 40 and 199.

# 2 ROLES AND RESPONSIBILITIES

## 2.1 EMPLOYEES AND CONTRACTOR OBLIGATIONS

It is a requirement for all employees and contractors to:

- (a) Report and remain Fit for Duty for scheduled work and be able to perform assigned duties safely and acceptably without any limitations due to the use or after-effects of any Substance.
- (b) Remain Fit for Duty while on call in case they are called into work.

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- (c) Refuse any request to work when off-duty if not Fit for Duty without fear of disciplinary action or reprisal. Pipeline safety-sensitive workers shall not consume any alcohol within 4 hours of reporting for duty.
- (d) Consult their personal Medical Practitioner or pharmacist respecting all Medication to determine if the use of such Medication will have any potential negative effect on their ability to be Fit for Duty or to perform their duties in a safe manner. Employees and contractors in a Safety Sensitive Position, including those who are subject to U.S. DOT drug and alcohol regulations, must report to their supervisor/manager any potential risk, limitation or restriction, for whatever reason, that may require modification of duties, removal from duties or temporary reassignment, and provide appropriate medical verification on restrictions in performance of duties. Non-DOT employees and contractors are only required to report Medication use to their supervisor/manager if they believe their ability to perform their job duties may be negatively affected by Medication use, but such reporting must occur immediately.
- (e) Participate in any Post-Incident or Near Miss preliminary investigation in an honest and forthright manner.
- (f) Comply with a supervisor's/manager's request for testing, pursuant to this policy.
- (g) Recognize that problems related to Substance use or dependency are not an excuse for poor or unsafe performance. Anyone who suspects they have a Substance dependency or emerging Substance dependency are encouraged to seek advice (see "Self-Disclosure" section, below) and to follow appropriate treatment promptly without fear of discipline before job performance is affected or any policy violation(s) occur.
- (h) Intervene if they suspect that a co-worker or contractor may be under the influence of any Substance and appear to be in a state whereby they cannot complete the tasks of their position in a safe manner. Intervention may include contacting their supervisor/manager, a Human Resources Business Partner or an EH&S Representative for confidential advice on the appropriate course of action.

### 2.2 SUPERVISORS AND MANAGERS

Supervisors and Managers play a key role in ensuring compliance with this policy. In addition to the requirements of Section 2.1, it is also a requirement for all supervisors and managers to:

- (a) Ensure that all Drug and Alcohol testing required by the Company and/or U.S. DOT regulations, has been arranged and completed and that a negative result has been received for any new employee or contractor in a Safety Sensitive Position before they commence employment or gain access to the site or work.
- (b) Monitor and evaluate work performance with an objective of early identification and handling of performance issues related to the use of Substances.
- (c) Notify any employee or contractor of the requirement to submit to a Drug and/or Alcohol test when required to do so under the applicable guidelines of this policy, including U.S. DOT regulations.
- (d) Confer with Human Resources and the Designated Employer Representative (DER) on Substance use issues, as appropriate, and ensure that all related issues are handled in the

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strictest of confidence to the extent possible in fulfillment of the objectives of this policy as permitted by law.

- (e) Ensure that investigation of work-related Incidents and Near Misses are carried out in accordance with Company requirements and US DOT regulations.
- (f) Ensure that DOT post-accident drug and alcohol testing is conducted in accordance with DOT Part 40 procedures when there is a DOT qualifying accident/incident on the pipeline(s)
- (g) Complete Reasonable Suspicion Testing Signs and Symptoms training as required by U.S. DOT regulations.

### 2.3 EH&S

EH&S is accountable for governance of this policy, plays an advisory role to support workplace investigations and will provide access to periodic training and information sessions as U.S. DOT regulations or workplace changes occur.

They also participate in periodic reviews and revisions, as deemed appropriate or necessary, of this policy in collaboration with Human Resources.

- Ensure that investigation of work-related accidents, Incidents and Near Misses are carried out in accordance with the Company and/or U.S. DOT regulations accident/Incident procedures and assist in expediting preliminary investigations.
- Participate in periodic reviews and revisions, as deemed appropriate or necessary, of this policy in collaboration with Human Resources.

### 2.4 HUMAN RESOURCES

Human Resources will:

- (a) Assist the respective supervisor/manager, where appropriate, of work restrictions or limitations, leaves of absence, suspension or termination considerations.
- (b) Maintain education and training records.
- (c) Undertake periodic reviews and revisions of this policy in collaboration with EH&S.

### 2.5 DESIGNATED EMPLOYER REPRESENTATIVE (DER)

The DER will:

- (a) Act as a confidential resource within the Company in matters related to this policy.
- (b) Serve as the Designated Employer Representative (DER) for all PHMSA mandated drug and alcohol testing and communicate with the Medical Review Officer and Substance Abuse Professionals as required.
- (c) Provide confidential service to all employees regarding Substance dependence and refer the individual to the Employee and Family Assistance Program, a health professional, a

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government agency providing Substance dependence services, or to an addiction center, but will not provide any counseling services themselves.

- (d) Provide Substance Abuse Professional (SAP) contact information to any employee of contractor who has violated the U.S. DOT drug/alcohol regulations. There is no requirement for the Company to make a referral to the SAP, pay for treatment or rehabilitation, or pay any costs associated with the return to duty process.
- (e) Maintain confidential records of all test results, including refusals to test.
- (f) Maintain correspondence from the Medical Review Officer, Substance Abuse Professionals, employees, owner-operators, and contractors.
- (g) Where applicable, ensure any third-party administrator maintains confidential records in accordance with applicable legislation.
- (h) Provide periodic training and information sessions as legislative changes occur.

### 3 GUIDELINES

The Company recognizes that education on Substance use, Substance dependence and this policy is critical for achieving the objectives of this policy.

#### 3.1 TRAINING

- (a) **Employees and Contractor Training.** Employees and Contractors will receive awareness education (by way of information packages and/or presentations) in regards to the application of this policy including, but not limited to:
  - the risks of Substance use and the potential impact on safety in the workplace; consequences for policy violation;
  - available resources for employee assistance services;
  - explanation of the testing procedures;
  - and circumstances and situations when testing will occur.
- (b) The awareness education for employees, owner operators and contractors subject to U.S. DOT drug and alcohol regulations, shall include information on the prohibited drug and alcohol conduct, consequences for violations of 49 CFR Parts 40, 199, and the rights and responsibilities of DOT-regulated employees/contractors related to drug/alcohol use, misuse, and testing programs.
- (c) **Supervisor / Manager Training.** In addition to the above training, supervisors/managers will be given more specific training on how to recognize signs and symptoms of Substance use in the workplace and appropriate responses.
- (d) Managers and supervisors of pipeline operations, contractors and , maintenance and emergency response workers shall complete a 2 hours training course that includes the following:

- Criteria for U.S. DOT reasonable suspicion testing
- Procedures for documenting and conducting reasonable suspicion testing
- Signs and symptoms of controlled substance or alcohol use/misuse

### 3.2 POSSESSION

Possession, misuse of legitimate drugs or the use, possession, distribution, or sale of illicit or un-prescribed controlled drugs or contraband, including firearms, ammunition, explosives and weapons on Company or customer sites or in Company vehicles, is strictly prohibited and is grounds for immediate termination. on. This includes Cannabidiol (CBD) Oils with psychoactive properties.

### 3.3 DISCIPLINE

Policy violations under this section can result in:

- 1) for employees, discipline up to and including dismissal for just cause; or,
- 2) for contractors, suspension or termination of contract.

The following is prohibited drug and alcohol conduct for pipeline operations, maintenance and emergency response employees and contractors

- 1) report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater.
- 2) use alcohol while performing safety-sensitive functions.
- 3) perform safety-sensitive functions within four hours after using alcohol.
- 4) use of alcohol for eight hours following an accident/incident for which U.S. DOT post-accident testing is required, or until the post-accident alcohol test is conducted, whichever occurs first.
- 5) refusal to submit to a required alcohol or drug test, including adulterating, substituting or manipulating a specimen or non-cooperation with the testing procedures.
- 6) report for duty or remain on duty requiring the performance of safety sensitive functions having used any Schedule I drug or substance, including marijuana.
- 7) report for duty or remain on duty requiring the performance of safety-sensitive functions with a verified positive controlled substances (drug) test.

### 3.4 MEDICATION

No employee, owner-operator or contractor can report for duty or remain on duty requiring the performance of Safety Sensitive Duties, when the employee or contractor uses any Drugs, except Medication when such use is pursuant to the instructions of a licensed Medical Practitioner who has advised the employee contractor that the Medication will not adversely affect the employee's, owner-operators or contractor's ability to work safely at the job site.

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If a licensed Medical Practitioner advises that the Medication will likely affect the ability to work in a Safety Sensitive Position or perform Safety Sensitive Duties, the employee or contractor will immediately notify his/her immediate supervisor/manager. Employees and contractors may be reassigned or removed from duty while using, or still under the effects of, such Medication.

If an employee or contractor in a non-Safety Sensitive Position suspects that Medication use is causing the employee or contractor to be not Fit for Duty, then he/she must report to his/her supervisor/manager immediately and accept any reasonable direction, including reassignment or removal from duty while using, or still under the effects of, such Medication.

No employee or contractor will intentionally misuse Medication in such a manner as to render themselves not Fit for Duty. No employee or contractor is allowed to provide anyone with Drugs, including Medication, for any purpose, including but not limited to a coworker's possession or use, except where reasonably required in cases of medical emergency or first aid.

### 3.5 ALCOHOL USE

The Company prohibits anyone, including its employees and contractors, from being present at Company Premises or customer sites, or engaging in any Company Business, with a Blood Alcohol Concentration of .04 or higher. Employees, and contractors are also prohibited from being unfit for duty due to Alcohol use of any quantity, whether on-duty or off duty.

The Company prohibits its employees and contractors in Safety Sensitive Positions from being present at Company Premises or customer sites, or engaging in any Company Business, with a Blood Alcohol Concentration of .02 or higher.

The prohibitions related to use or possession of Alcoholic beverages may be specifically waived in advance by the Senior Executive at its sole discretion, for example for Company approved functions or approved business activities. However, the waiver does not relieve employees or contractors of their obligation to be Fit for Duty and able to perform their assigned duties in a safe, lawful and efficient manner. Employees and contractors will not show signs of intoxication and will at all times preserve the Company's reputation.

### 3.6 COLLECTION OF SPECIMENS

A designated Drug testing company will collect and process urine specimens for Drug testing as required. All testing must meet the requirements and standards of U.S. DOT regulation 49 CFR Part 40.

All urine specimens will be collected by specimen collectors who have been specifically trained and authorized to collect specimens for U.S. DOT Drug Testing, in accordance with CFR Part 40, Subpart D. Immediate supervisors will not act as collectors unless they are trained and certified and no other collector is available. The collector will be trained and knowledgeable of the 'DOT Urine Specimen Collection Procedure Guidelines'.

All urine specimens will be collected using the U.S. DOT specified procedures. For U.S. DOT drug tests, the collector will use the Federal Custody and Control Form (CCF) to document the collection and establish chain of custody for the handling and control of the urine specimen. Both the collector and the individual being tested will sign the CCF. For drug tests conducted under the Company's authority and policy, the collector shall use a non-federal forensic custody and control form. U.S. DOT and Company authority testing shall be separate in all respects, including the collection and documentation processes.

The U.S. DOT collection procedures include specimen validity checks (e.g. temperature, odor and color or the specimen), labeling and sealing of the urine specimen in the donor's presence, provisions for evaluating an individual who is unable to produce an adequate specimen, and split specimen collections.

### 3.7 COLLECTION SITES

A collection site will have all necessary personnel, materials, equipment, facilities and supervision required to collect, provide temporary storage, and shipping materials to a certified laboratory. The collection site may consist of a room with a single toilet, or a room with multiple stalls that provide privacy. The site may have a source of water for washing external to the collection facility, or moist towelettes may be provided for handwashing.

All sources of external water will be secured. Toilet water will be secured or dyed blue. No soaps, disinfectants, or cleaning agents that could be used as a possible adulterant will be removed. The site will have no undetected access points. Remove all areas and items that could be used for concealment (trash receptacles, etc.) The collection area will be checked after each collection. The collections site will be limited access during collections. Only one employee will be allowed in the collection site at a time. The collector will maintain contact at all time with the specimen once it is provided to the collector by the specimen donor. No other individual will be allowed to handle the specimen or the Federal CCF other than the employee and the collector until the specimen is sealed. The Federal CCF may not be used for non-DOT collections.

### 3.8 LABORATORY ANALYSIS AND REPORTING OF DRUG TEST RESULTS

All urine specimens will be transported by express carrier or courier to a SAMHSA accredited/certified drug testing laboratory for analysis. Testing at the laboratory will be in accordance with procedures outlined in 49 CFR Part 40. Specimens will be tested for the analytes listed on the U.S. DOT drug testing panel, using SAMHSA specified cut-off values for determining negative and positive test results. In addition to testing for drug analytes, the laboratory will conduct specimen validity tests on each specimen to determine its validity and to identify specimen adulteration or substitution. Each specimen will undergo an initial or screening analysis and if drug or drug metabolites are present at or above the screening cut-off level, a second independent analysis of an aliquot of the specimen will undergo confirmation testing using mass spectrometry technology. If the mass spectrometry analysis detects drug or drug metabolite at or above the confirmation cut-off value, the specimen is reported as positive. If there are no drug or drug metabolites detected at or above the screening cut-off value or at or above the confirmation cut-offs, as applicable, the specimen result is reported as negative. Specimens that fail the specimen validity criteria are reported as invalid, adulterated or substituted, depending on the criteria met. All specimen analysis is conducted using forensic chain of custody procedures for handling and documenting the specimens at the laboratory.

Specimens reported positive, adulterated or substituted are retained in frozen controlled storage at the laboratory for at least one year. The split urine specimen (Bottle B) is also retained at the laboratory for at least one year and is available to be shipped to a second SAMHSA certified laboratory for re-confirmation testing at the request of the specimen donor. The request for split specimen re-confirmation testing must be made by the specimen donor to the Medical Review Officer (MRO) within 3 business days of the MRO's report of a verified positive, adulterated or substituted specimen.

### 3.9 MEDICAL REVIEW OFFICER (MRO) REVIEW, INTERPRETATION AND REPORTING OF DRUG TEST RESULTS

The laboratory reports test results to the Company's MRO. For positive, adulterated and substituted test results, the MRO shall contact the applicant/employee, owner operator or contractor via telephone to confidentially discuss the laboratory result. The individual may offer documentation to the MRO of a legitimate medical explanation for the laboratory's findings. If the MRO determines that the legitimate use of prescribed medications or other medical or physiological explanations are an acceptable explanation for the reported result the MRO will report the result as Negative or Cancelled (in the case of adulterated or substituted specimens). If there is no acceptable medical explanation for the drug test results reported by the laboratory, the MRO will report the test as positive for drugs, or as a refusal to test—adulterated or substituted.

The MRO will also review laboratory results reported as invalid. If there is no reasonable medical or physiological explanation for the specimen's invalidity, the MRO will require another urine drug test and may require direct observation collection procedures. Invalid results are always cancelled and thus cannot be used for pre-employment, return to duty or follow-up testing requirements.

### 3.10 ALCOHOL TESTING

All alcohol testing will use a saliva and/or breath specimen. Alcohol testing procedures are in accordance with 49 CFR Part 40, Subparts K, L, M and N. For U.S. DOT-mandated alcohol testing, the U.S. DOT Alcohol Testing Form (ATF) is used to document the testing and the alcohol test result. A non-DOT alcohol testing form is used for tests conducted under the Company's authority and policy.

Persons conducting the alcohol testing must meet the Screening Test Technician (STT) and/or Breath Alcohol Technician (BAT) qualification standards specified in Part 40, Subpart J.

Alcohol testing is conducted with a NHTSA -approved alcohol screening device (breath or saliva). All alcohol screening test results of 0.02 alcohol concentration or higher will be confirmed with a NHTSA approved Evidential Breath Testing (EBT) Device. The BAT will report all alcohol test results of 0.020 or greater to the Company DER immediately upon completion of the confirmation testing. Individuals whose alcohol test result is 0.020 or greater will not be permitted to return to work and will be offered transportation home. Under no circumstances will an employee, owner operator, or contractor be permitted to operate a vehicle (personal or commercial) to drive home after an alcohol test result of 0.020 or greater.

## 4 TYPES OF TESTING

### 4.1 PRE-EMPLOYMENT AND PRE-QUALIFICATION TESTING

As a condition of employment, all successful candidates for Non-DOT Safety Sensitive Positions will be subject to pre-employment/pre-qualification Drug and Alcohol testing. Current employees transferring to a Safety Sensitive Position will also be subject to Drug and Alcohol testing as a condition for such transfer. Only upon receipt of a negative test result will the successful candidate or transferring employee be eligible to start his/her job duties.

For U.S. DOT-mandated pre-employment testing, only a drug test is required. A candidate for a U.S. DOT-regulated position cannot be hired and begin work until a negative result has been reported on a U.S. DOT drug test.

### 4.2 PRE-ACCESS

As a condition of performing services under contract, all contractors and third-party contractors will be subject to pre-access Drug and Alcohol testing. Only upon receipt of a negative test result will the successful contractor be eligible to start performing services.

The Company reserves the right to subject employees and contractors and third party contractors in Safety Sensitive Positions to Drug and Alcohol testing, and to produce a negative test result, to gain access, or regain access to Company or customer sites, as may be required, to meet Company objectives or contractual obligations, in the event of an incident or other circumstance which constitute reasonable grounds to believe that the employee poses a risk to workplace health or safety due to substance use.

Pre-access testing is conducted under the Company's independent authority and in accordance with the requirements of this policy.

### 4.3 COMPANY AUTHORITY: POST-INCIDENT/POST-ACCIDENT

**Non-DOT:** Drug and Alcohol testing of an employee or contractor in a Safety Sensitive Position may be required after an accident, Incident or Near Miss as part of the investigation. Testing will not interfere with or delay necessary medical attention for injured parties.

- Employees and contractors and third-party contractors are prohibited from using any recreational Substances for 32 (in the case of Drugs) or 8 (in the case of Alcohol) hours after an accident, Incident or Near Miss.
- Testing is required when there are Reasonable Grounds to believe Substances were involved in the accident, Incident or Near Miss or when there is no credible explanation for the accident, Incident or Near Miss and the use of substances cannot be ruled out as a contributing factor;
- A credible explanation is clear evidence that the accident, Incident or Near Miss was caused by something other than act(s) or omission(s) of employees or contractors (e.g. obvious structural or mechanical failure that was not detectable or preventable with normal maintenance and inspection procedures);
- A credible explanation does not include carelessness, negligence or falling asleep;
- A supervisor/manager is required to conduct an immediate preliminary investigation;
- Drug testing should occur within 2 hours of accident with attempts to test for up to 32 hours;
- Alcohol testing should occur within 2 hours of accident with attempts to test for up to 8 hours;
- Reasons are documented, including if testing is not required or cannot be conducted;
- It is the supervisor's/manager's responsibility to ensure safe transportation to the hospital/clinic (if appropriate), Collection Site and to the individual's place of residence;

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- In situations where testing is done externally (e.g., at a hospital), the employee or contractor agrees to disclose the test result(s) and any related, reasonably requested, details to the Designated Employer Representative of the Company as part of its investigation.

**DOT-mandated:** DOT post-accident drug and alcohol testing is required in the following circumstances:

- **PHMSA:** Following a pipeline incident as defined in §195.50, An accident report is required for each failure in a pipeline system subject to this part 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 the 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; and
    - (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.
- The Company must drug test each surviving PHMSA covered employee whose performance of a covered function either contributed to the accident or cannot be completely discounted as a contributing factor to the accident.

DOT post-accident testing (PHMSA) must be conducted as soon as practical after a qualifying accident/incident. Drug testing must be conducted within 32 hours of the accident/incident. Alcohol testing must be conducted within 8 hours of the accident/incident.

### 4.4 REASONABLE SUSPICION

Any employee or contractor of the Company is subject to Drug and Alcohol testing where Reasonable Grounds exist to suspect that use of Substances has made, or may make, the employee or contractor unable to work safely or where there are Reasonable Grounds to suspect that there has been a violation of this policy. The observations and reasons giving rise to the above suspicions will be documented in a clearly stated and objective format.

- The employee or contractor will be informed of the reasons for the test and will have an opportunity to confirm Substance use prior to taking the test. However, the supervisor/manager may still order the test;

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- It is the supervisor's/manager's responsibility to ensure safe transportation to the Collection Site and to the individual's place of residence;
- Under no circumstances should an employee or contractor who has been directed to take a reasonable suspicion Drug and/or Alcohol test be permitted to drive a vehicle. In the event that the individual in question does operate a vehicle, it is incumbent upon the supervisor/manager, or any other designate of the Company, to contact the local authorities.

For DOT pipeline personnel, the following is required for DOT reasonable suspicion drug and/or alcohol testing:

- the employer has reasonable suspicion to believe that the DOT pipeline worker has violated the prohibitions of 49 CFR Part 199 concerning controlled substances or alcohol use. The employer's determination that reasonable suspicion exists to require the DOT pipeline worker to undergo an alcohol and/or drug test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech or body odors of the individual. The observations for a reasonable suspicion drug test may include indications of the chronic and withdrawal effects of controlled substances.
- The required observations for alcohol and/or controlled substances reasonable suspicion testing shall be made by a supervisor or company official who is trained in accordance with Part 199. The person who makes the determination that reasonable suspicion exists to conduct an alcohol test shall not conduct the alcohol test of the individual.
- Reasonable suspicion alcohol testing is authorized by this section only if the observations are made during, just preceding, or just after the period of the work day that the driver or pipeline worker is performing safety-sensitive functions, just before performing safety-sensitive functions, or just after performing such functions.
- Reasonable suspicion test must be performed as soon as practical after the observations and decision to test are made. Reasonable suspicion testing must be completed within 8 hours of the documented incident.

### 4.5 RANDOM TESTING

The Company reserves the right to conduct random Drug and Alcohol testing on employees and contractors in a Safety Sensitive Position to meet the needs of its business and those of its external customers. The Company will only implement a random testing program where it is deemed to be reasonably necessary for deterrence and in accordance with law and U.S. DOT Regulations.

Pipeline operations, maintenance and emergency response personnel are required to submit to random controlled substances testing. Random alcohol testing is not required under the PHMSA regulations. Randomly selected DOT pipeline workers must proceed immediately to the designated location for testing upon notification. The percentage of pipeline workers selected for random drug testing each quarter is based on the annual percentage required under Part 199.

### 4.6 RETURN TO DUTY TEST

Prior to any employee in a Safety Sensitive Position returning to regular duties following a positive Drug or Alcohol test, he/she will be required to take a return to duty test that must yield a negative result, and participate in the follow-up testing program, discussed below. The determination of the date to take the return to duty test will be made by the Company after consultation with the

Substance Abuse Professional (SAP) who has completed the individual's return to duty assessment/evaluation in accordance with 49 CFR Part 40.

All return to duty drug and or alcohol testing for DOT pipeline workers will meet the requirements of 49 CFR Part 40, Subpart O. Return to duty drug tests will be directly observed urine specimen collections.

### 4.7 FOLLOW-UP TESTING PROGRAM

Any employee in a Safety Sensitive Position returning to regular duties following a positive Drug or Alcohol test will be subject to at least 6 random, unannounced, Drug and Alcohol tests in a 12-month period, unless the Substance Abuse Professional or other treating Medical Practitioner recommends a greater number or duration. All follow-up drug and/or or alcohol testing for DOT pipeline workers will meet the requirements of 49 CFR Part 40, Subpart O. Follow-up drug tests will be directly observed urine specimen collections. A DOT pipeline worker must have a negative follow-up test result on each test conducted in order to continue performing safety-sensitive duties.

## 5 POSITIVE TEST PROCEDURES

Employees with positive test results are subject to the "Employee Assistance" section and one or more of the following 4 consequences:

- 1) mandatory leave of absence;
- 2) immediate removal from the site;
- 3) suspension without pay;
- 4) other potential discipline up to and including dismissal for just cause.

DOT Pipeline workers with positive test results are subject to the following actions:

- 1) immediate removal from duty;
- 2) a substance abuse professional for evaluation/assessment prior to performing DOT-covered work for any employer;
- 3) satisfactory completion of the return to duty requirements of 49 CFR Part 40, Subpart O, prior to performing DOT-covered work for any employer;
- 4) disciplinary actions including termination of contract.

### 5.1 POSITIVE PRE-EMPLOYMENT, PRE-QUALIFICATION OR PRE-ACCESS TEST

Potential employees or contractors who test positive on pre-employment, pre-qualification or pre-access Drug and/or Alcohol tests will not be eligible for employment or to provide services and their offer of employment or contract will be withdrawn.

Current employees or contractors seeking to transfer into a Safety Sensitive Position who test positive will not be eligible for the transfer and may also be found to be in violation of this policy.

### 5.2 POSITIVE ALCOHOL TEST PROCEDURES

Employees in a Safety Sensitive Position with a Confirmed Breath Alcohol Concentration (BrAC) of .02 or higher will be removed from duty immediately and will not be allowed to return to work until they are Fit for Duty. However, the Company reserves the right to impose disciplinary action instead, up to and including dismissal for just cause.

Pipeline workers with a confirmed breath alcohol concentration of 0.020-0.039 will be removed from duty for at least 24 hours. However, the Company reserves the right to suspend or terminate the contract of services for any confirmed alcohol test result  $\geq 0.020$  BrAC.

DOT Pipeline workers having a confirmed Breath Alcohol Concentration of 0.040 or higher will be removed from duty and deemed to have a positive alcohol test in violation of Part 382 or Part 199. They will be provided information for contacting a Substance Abuse Professional (SAP) for assessment and evaluation. They will not be permitted to resume their pipeline duties until completing the return to duty process specified in 49 CFR Part 40. The Company reserves the right to suspend or terminate the DOT pipeline worker for a positive alcohol test.

Non-Safety Sensitive Employees with a confirmed Blood Alcohol Concentration of 0.04 or higher will be removed from duty pending a full investigation. The Company reserves the right to impose disciplinary action, up to and including dismissal for just cause.

### 5.3 POSITIVE DRUG TEST PROCEDURES

Employees who test positive on Drug tests, as verified by the Medical Review Officer, will be removed from duty and suspended pending a full investigation. The Company reserves the right to impose discipline, up to and including dismissal for just cause.

DOT Pipeline workers who test positive on Drug tests, as verified by the Medical Review Officer, will be immediately removed from service. They will be provided information for contacting a Substance Abuse Professional (SAP) for assessment and evaluation. They will not be permitted to resume driving or pipeline duties until completing the return to duty process specified in 49 CFR Part 40. The Company reserves the right to suspend or terminate the driver or pipeline worker.

### 5.4 REFUSAL TO TEST, TAMPERING AND OBSTRUCTION

Any employee or contractor who refuses to submit to an Alcohol and/or Drug test, without reasonable explanation, will be in violation of this policy and subject to discipline up to and including dismissal for just cause or termination of contract, respectively.

Tampering attempts to tamper or aiding someone else in tampering or attempting to tamper with a test sample or obstructing the testing process will be considered a severe violation of this policy warranting dismissal for just cause or termination of contract.

Any refusal to test, including a verified adulterated or substituted urine drug test is a violation of U.S. DOT regulations. In addition, the following are considered a refusal to test under U.S. DOT regulations:

- 1) Failure to appear for any test within a reasonable time, as determined by the employer, consistent with applicable U.S. DOT agency regulations, after being directed to do so by

## DRUG & ALCOHOL POLICY – US

the employer. (Gibson requirements are that testing occurs within 2 hours of when the individual is notified that they are required to attend a test)

- 2) Failure to remain at the testing site until the testing process is complete;
- 3) Failure to provide a urine specimen for any drug test required by this part or U.S. DOT agency regulations;
- 4) In the case of a directly observed or monitored collection in a drug test, failure to permit the observation or monitoring of the specimen collection;
- 5) Failure to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- 6) Failure to take an additional drug test the employer or collector has directed;
- 7) Failure to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER.
- 8) Failure to cooperate with any part of the testing process (e.g., refuse to empty pockets when directed by the collector, behave in a confrontational way that disrupts the collection process, fail to wash hands after being directed to do so by the collector).
- 9) For an observed collection, failure to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
- 10) Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
- 11) Admit to the collector or MRO that you adulterated or substituted the specimen.

### 5.5 CONSENT

Employees contractors accept the terms of this policy as part of their continued employment or engagement with the Company and authorize any certified service provider that tests for Drugs and Alcohol on behalf of the Company to release the test results to the Company and, in the case of employees, to any licensed treating physician of the employee or Substance Abuse Professional, under the provisions of this policy, or as required or permitted by law.

The Company will ensure that test results are only disclosed to those with a need to know in order to discharge an obligation under this policy or the law and are otherwise kept confidential.

For DOT pipeline workers, the consent to DOT-mandated testing is signed by the individual on the federal custody and control form (CCF) or the DOT alcohol test form (ATF). Drug test results are reported by the laboratory to the Company's Medical Review Officer (MRO) who then reports the results to the Company DER. DOT alcohol test results are reported by the alcohol test technician to the Company DER.

The Company reserves the right to conduct reasonable suspicion or post-incident testing of all employees but will typically only exercise this right where the employee is in a Safety Sensitive

Position, where dangerous work is being performed, or where there is a safety risk. Employees, owner-operators and contractors accept that Drug and Alcohol Searches may result from, lead to, or be a component of testing.

### 5.6 REASONABLE SEARCHES

All employees and contractors will be subject to reasonable searches as a condition of employment or continued contract work where the Company has Reasonable Grounds to suspect that Substances or Drug Paraphernalia are present on Company Premises or Company Business or as a reasonable measure to deter Substance use or possession of Substances or Drug Paraphernalia on Company Premises or Company Business.

Employees and contractors who refuse to participate in or otherwise obstruct reasonable searches will be subject to disciplinary action up to and including dismissal for just cause, or termination of their contract of services. These searches may be unannounced.

Employees and contractors are required to fully cooperate when Drug and Alcohol Searches are conducted. These searches may include searches of personal property such as vehicles, bags, backpacks, cupboards, lockers, drawers and other containers. The Company will respect privacy to the extent that it does not fetter the Company's discretion and ability to conduct Drug and Alcohol Searches and any related workplace investigations. Where appropriate, the Company will provide notice or invite employees, owner-operators and contractors to be present during searches.

The Company may report any findings from searches to the local police authorities.

### 5.7 CONFIDENTIALITY & RECORD KEEPING

All Drug test results are confidential and are released by the Medical Review Officer to the Designated Employer Representative or alternate. Alcohol test results are confidential and released by the testing company to the Designated Employer Representative or alternate. The Designated Employer Representative or alternate may release relevant information to Company decision makers as required. Confidential information from a Substance Abuse Professional will be handled in a similar manner.

All records will be retained in a locked and secure manner. Other than material related to violations of this policy, records will be kept separate from individual employee, owner-operator and contractor personnel files.

Confidentiality of personal information collected, used, disclosed or stored in relation to the application of this policy will be maintained except where disclosure is necessary for related health and safety concerns (e.g., there is deemed to be a potential for risk to employees, owner-operators, contractors, the public, the Company's property or surrounding property, the workplace or the environment), or where disclosure is required or permitted by applicable privacy legislation or other applicable law.

### 5.8 SELF-DISCLOSURE

The Company recognizes that there is a distinction between recreational use of Substances versus dependency. Employees who know or suspect they have a Substance dependency are encouraged to seek assistance before job performance is affected and prior to violating this policy. Employees can contact the Employee and Family Assistance Program or Human Resources or an acceptable health professional of their choice. Employees will not face discipline for voluntarily

coming forward prior to a violation of this policy. Employees will be reassigned or placed on a leave of absence until such time as they are deemed Fit for Duty and fit to return to their normal duties or any Safety Sensitive Position.

Employees may be referred to the Employee and Family Assistance Program through the monitored referral process, or to an alternate Substance assistance program, as a condition of continued employment. The Company will be informed of the appointments scheduled, confirmation of attendance at appointments, cancellation of any appointments, notification of any referrals to outside treatment centers and confirmation of completion of treatment. All records developed as a result of this condition of employment will be handled on a confidential basis and will not be included in the employee's regular personnel file.

Contractors are encouraged to voluntarily come forward about their suspected Substance dependency. The Company will do its utmost to make work arrangements so that the contractor can be removed from services in order to obtain appropriate assistance. The contractor who comes forward before performance is affected and prior to violating this policy will be removed from his/her services until such time as they are deemed fit to return to the Safety Sensitive Position and subject to the Company's business requirements.

### 5.9 SOCIAL EXCEPTIONS

The following rules apply regarding consumption of Alcohol at Company approved functions:

- Consumption must be moderate and in keeping with the integrity, security and safety of others, the public, property and the environment.
- Consumption must be limited so that anyone required to work the next day is not affected by aftereffects.
- Attendees will not drive while impaired or above the legal limit.
- No one can give Alcohol to anyone who is impaired or under the legal drinking age.
- At all times, attendees must conduct themselves responsibly, in accordance with the Company's values and as set out in the Company's Code of Conduct.

Employees in non-Safety Sensitive Positions are allowed to consume small amounts of Alcohol during working hours, when reasonable for business purposes (e.g., one beer at a meeting with a client or customer over lunch). Employees are expected to treat this permission as an exception to the general rule of not drinking Alcohol during working hours or on Company Business and behave responsibly.

Employees must ensure that they remain Fit for Duty after having consumed the permitted amount of Alcohol, and do not otherwise violate this policy or break the law. If employees are no longer Fit for Duty they must inform their supervisor/manager. Also, if a supervisor/manager determines an employee is no longer Fit for Duty, the employee must follow the supervisor's/manager's direction, which could include being sent home for the remainder of the day. This privilege may be suspended or lost if it is abused, including if employees end up breaching this or other policies, are tardy, absent, make mistakes at work or engage in other misconduct. Employees may also be referred to the Employee and Family Assistance Program for assessment for abusing this privilege.

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Outside of Company approved functions, the Company only allows Alcohol on Company

Premises for one workday, if it stays sealed, unopened and out of view. This exception allows employees to store it temporarily, transport it to or from the office or a function outside of work or if it was received or will be given as a gift. The Company may take away this privilege if it is abused. Alcohol is not allowed under any circumstances at any location where Safety Sensitive Duties are being performed. Employees are encouraged to inform their supervisor/manager that they have Alcohol at work under this exception to help avoid potential confusion.

DOT pipeline workers cannot consume alcohol while on duty. Possession of alcohol in a commercial motor vehicle (CMV) is prohibited at all times.

### 5.10 MAINTAINING A VALID OPERATOR'S LICENSE

All employees or contractors that operate a vehicle on behalf of the Company are required to maintain a valid operator's license. Any loss of driving privileges (license) must be reported to their supervisor/manager and the individual will no longer be allowed to drive on behalf of the Company until such driving privileges are reinstated.

If the primary duty of the employee or contractor involves the operation of a vehicle for which they require a valid operator's license, the Company reserves the right to immediately dismiss with just cause any such employee, or terminate the services of any such contractor, convicted of impaired driving, even if the conviction arises out of conduct occasioned during that individual's personal time, or for any loss of an operator's license for driving infractions related to Substance use.

### 5.11 EXCEPTIONS

Owner operators are not eligible for Employee Assistance or any other disability or human rights obligations. DOT-covered contractors be provided Substance Abuse Professional contact information following any violation of 49 CFR Parts 40, 199. Nothing in this policy is meant to construe Gibson Energy as the employer for contractors.

Any terms and conditions of employment negotiated in a collective agreement will supersede the terms outlined in this policy, except in the case of DOT-mandated controlled substance and alcohol requirements and testing.

## 6 COMPLIANCE

### 6.1 POLICY VIOLATION(S)

Subject to the assistance provisions of this policy, employees and contractors who violate this policy or fail to cooperate in the administration or enforcement of this policy, will be subject to immediate unpaid suspension pending investigation and the possibility of subsequent disciplinary action being taken, up to and including dismissal for just cause, or in the case of contractors, termination of the contract for services.

Should the searches or tests referred to within this policy demonstrate violation of this policy, the employee or contractor will be subject to disciplinary action up to and including dismissal for just cause, or in the case of an owner-operator or contractor termination of the contract for services. The Company may refer employees and contractors to law enforcement agencies when applicable.

**For additional information, please contact the EHS Specialist – Occupational Health ([EHSOCHealth@gibsonenergy.com](mailto:EHSOCHealth@gibsonenergy.com)) or your leader.** *The Company maintains the exclusive right to amend, adjust or terminate this policy at any time. Revisions or additions to the information contained in this policy document will be made as required.*

## 7 ADDITIONAL INFORMATION

### 7.1 DEFINITIONS

The following table contains additional definitions:

PHRASE/WORD	DEFINITION
Accredited Laboratory	Meets guidelines and standards of the Substance Abuse and Mental Health Services Administration (SAMSHA). Urine Collection and testing processes follow the U.S. Department of Health and Human Services guidelines.
Alcohol	The intoxicating agent in beverage Alcohol, ethyl Alcohol or other low molecular weight Alcohols including methyl or isopropyl Alcohol.
Breathe Alcohol Concentration	The Alcohol in a volume of breath expressed in terms of grams of Alcohol per 210 liters of breath.
Chain of Custody	The process of documenting the handling of a specimen from the time a donor gives the specimen to the Collector, during the testing at the laboratory, and until the results are reported by the laboratory.
Collector	Non-medical and medical personnel contracted by an agency who have received training in collecting samples in accordance with guidelines that would be acceptable to the regulatory agencies.
Collection Site	The site or location at which Drug and Alcohol Testing occurs.
Company Business	All business activities undertaken by employees, owner-operators and contractors in the course of the Company's operations and includes attending trips sponsored by or on behalf of the Company.
Company Premises	Includes all land, property, worksites, structures, installations, camp dwellings, vehicles and equipment owned, leased, operated or otherwise directly controlled by the Company, or under the Company's operating authority, which an employee accesses or operates, and for the purposes of vehicles and equipment includes operating vehicles or equipment while on call or for personal use.
Designated Employer Representative (DER)	Individual(s) designated by the Company as the sole representative for all Substance related issues.
DOT	Department of Transportation

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PHRASE/WORD	DEFINITION
DOT Recordable Accident	Any incident resulting in a fatality, or when the accident results in bodily injury requiring medical treatment away from the scene of the accident and/or property damage requiring any vehicle to be towed away from the scene and the driver receives a citation as a result of the accident.
Drug	Includes any controlled substance, prescription drugs, over-the-counter drugs, and solvents and other substances that can be ingested, inhaled, or otherwise consumed that are mind or mood altering. For further clarity, this definition includes marijuana.
Drug and Alcohol Searches	Searches for Drugs and/or Alcohol, and/or Drug Paraphernalia.
Drug Paraphernalia	Any personal property or object that is associated with the use of any Drug.
Employee and Family Assistance Program	An assistance program available to employees provided by the Company's service provider providing assistance for, among other things, Substance dependencies.
Evidential Breath Alcohol Testing Device	A device capable of measuring the Alcohol content of deep lung breath samples with sufficient accuracy for evidential purposes. The device must be on the conforming products list as per the U.S. National Highway Traffic Safety Administration.
Fit for Duty	Free of effects or after-effects of Substances which have the potential to interfere with the performance of one's job. Under no circumstances is an individual who exceeds an applicable threshold of a Drug or Alcohol test Fit for Duty.
EHS	Environment, Health and Safety.
Incident	Includes an unplanned or unwanted event that has, or could have, resulted in damage or injury, including one or more of the following: a) a fatality, serious injury or injury to person; b) an environmental spill with serious or significant implications; c) loss or damage to property, equipment, vehicles or the environment; d) serious or significant loss of Company, customer or other contractor revenues; e) an occupational injury or illness; f) damage to physical assets (e.g., equipment, pipeline, etc.), the environment, process or product; g) damage to reputation; h) disruption to a community; i) exposure to legal liability; or j) a security threat
Medical Practitioner	A person who is registered and entitled under the laws of a province to practice in that province the profession of medicine.

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PHRASE/WORD	DEFINITION
Medical Review Officer	The Medical Review Officer is a licensed physician (Medical Doctor or Doctor of Osteopathy) responsible for receiving laboratory results generated by an employer's Drug testing program who has knowledge of Substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant bio medical information.
Medications	A type of Drug used for medical treatment and includes prescription and over-the-counter Drugs.
Near Miss	An event that occurred that did not result in an injury or loss but where there was potential for it to do so.
Reasonable Grounds	Includes: a) odour of Alcohol, such as the smell of Alcohol on an employee's breath at work; b) odour of marijuana; c) glassy eyes, flushed face, slurred speech, fatigue, unsteadiness (such as in standing or walking); d) acting in a suspicious or unusual manner or unable to correct a chronic performance or behaviour problem; e) excessive sick leave or suspicious patterns of sick leaves; or f) possession or presence of Substances that can be reasonably connected to the employee (such as full or empty Alcohol bottles and Drug Paraphernalia).
Safety Sensitive Position/Duties (Company)	A position or duties designated as safety-sensitive by the Company or third parties when performing services on third parties' sites or under contracts with third parties. It also includes a position occupied by or duties performed by an employee, owner-operator or contractor whose impaired performance may result in risk to co-workers or the community, the environment, or property damage, and, without limiting the generality of the foregoing, includes anyone who operates a motor vehicle requiring a Class 1 or Class 3 operator's license; transports dangerous goods; transports tanks or trailers; works with or controls hazardous or combustible products or substances; and/or anyone who works in mechanical or electrical repairs for the Company.
Safety Sensitive Position/Duties (PHMSA)	includes all operations, maintenance (preventative and/or repair), and emergency response functions performed on an active oil or gas pipeline.
SAMHSA	Substance Abuse and Mental Health Services Administration - An agency within the U.S. Department of Health and Human Services.
Substance Abuse Professional	A Medical Practitioner, or a licensed or certified psychologist, social worker, employee assistance professional or an addictions counselor. All must have knowledge of and clinical experience in the diagnosis and treatment of Substances and related disorders.

## APPENDIX A – DRUG AND ALCOHOL TESTING

TYPE OF DRUG Initial Test	INITIAL TEST Cutoff Concentration	CONFIRMATORY TEST	CONFIRMATORY TEST Cutoff
<b>Marijuana Metabolites</b>	50 ng/mL	THCA1	15 ng/mL
<b>Cocaine Metabolites</b>	150 ng/mL	Benzoyllecgonine	100 ng/mL
<b>Opiate Metabolites:</b> Codeine Morphine Hydromorphone Hydrocodone Oxycodone Oxymorphone 6-Acetylmorphine (6-AM) Heroin	2000 ng/mL 2000 ng/mL 300 ng/mL 300 ng/mL 100 ng/mL 100 ng/mL 100 ng/mL 10 ng/mL	Codeine Morphine Hydromorphone Hydrocodone Oxycodone Oxymorphone 6-Acetylmorphine (6-AM) Heroin	2000 ng/mL 2000 ng/mL 100 ng/mL 100 ng/mL 100 ng/mL 100 ng/mL 100 ng/mL 10 ng/mL
<b>Phencyclidine (PCP)</b>	25 ng/mL	Phencyclidine	25 ng/mL
<b>Amphetamines:</b> AMP/MAMP MDMA	500 ng/mL 500 ng/mL	Amphetamine/Methamphetamine MDMA2 MDA3	250 NG/ML 250 NG/ML5 250 NG/ML
<b>ALCOHOL TESTING METHODS*</b>	Saliva or breath 0.020 alcohol concentration	Evidential Breath Test	.040 Breath alcohol concentration

*\*NOTE: The company will use the above drug and alcohol testing panel and cut-off values for all testing (Company authority and DOT (PHMSA))*

## APPENDIX B – POSITIONS SUBJECT TO DRUG AND ALCOHOL TESTING

CATEGORY	PRE-EMPLOYMENT	PRE-ACCESS	POST-ACCIDENT/ REASONABLE SUSPICION	RANDOM DRUG/ RANDOM ALCOHOL
1. Non-DOT Drivers*	Yes	Yes	Yes	Yes
2. All Other Safety-Sensitive Positions	Yes	Yes	Yes	No
3. Non-Safety Sensitive Supervisors/Managers	No	No	Yes	No
4. Administrative & Other Staff	No	No	Yes	No
5. Safety-Sensitive Contractors All Positions	Yes	Yes	Yes	No
6. Pipeline workers (PHMSA) operations, maintenance & emergency response	Yes – Drug No – Alcohol	Yes	Yes	Yes – Drug No – Alcohol