



# US ANTI-DRUG AND ALCOHOL MISUSE PREVENTION PLAN

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# 1 Overview

## 1.1 Purpose

The purpose of this Anti-Drug and Alcohol Misuse Prevention Plan (hereinafter referred to as the “Plan”) is to support Gibson Energy LLC and all its affiliated and associated US entities (hereinafter referred to as the “Company”), 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 illegal drugs and alcohol (collectively, “Substance” or “Substances”) 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. The PHMSA is the agency within the DOT that regulates operators in the natural gas and hazardous liquid pipeline industry. PHMSA’s Drug and Alcohol Testing Regulation, 49 CFR Part 199, requires each operator to develop, maintain, and follow an Anti-Drug Plan and an Alcohol Misuse Prevention Plan. Historically, companies have produced these plans as two separate documents, but PHMSA’s Office of Pipeline Safety granted authorization for a combined plan. As such, this combined Anti-Drug and Alcohol Misuse Prevention Plan merges both PHMSA-required plans into a single document.

This Plan is in compliance with recognized industry standards and applicable US DOT regulations, 49 CFR Parts 40 and 199. The Plan will identify any Company-additional requirements or policies – those that go beyond the minimum requirements of DOT. Company-additional requirements or policies will be underscored. Therefore, consider anything that is not underscored a requirement of DOT or a process put in place by the Company to meet a DOT requirement.

To fulfill this commitment, this Plan 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.

The Company reserves the right to deviate from the policies herein, if necessary, only to the extent permitted by applicable laws.

At all times, the Company will comply with applicable law. To the extent there are conflicts between this Plan, or policy statements herein and applicable law, applicable law will control. Please note that the Company considers cannabis an illegal drug, consistent with federal law.

## 1.2 Scope

The provisions herein apply 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 Content

### 2.1 Company Policy Statement

The Company places a priority on minimizing health and safety risks associated with all business activities. The use of 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, the Company has a zero-tolerance drug abuse and alcohol misuse policy and strictly prohibits the use or possession of illegal controlled substances or alcoholic beverages while on Company property, or in any Company vehicle, or on Company time where any safety-sensitive work duties are performed.

### 2.2 Roles and Responsibilities

#### 2.2.1 Employee and Contractors

It is a requirement for all employees and contractors to:

- 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.
- Employees are prohibited from using alcohol within four hours prior to performing covered functions
- Remain Fit for Duty while on call in case they are called into work.
- Submit to drug and/or alcohol testing when required to do so under this Plan and when directed by the Supervisor/Manager/DER
- 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 4 hours prior to reporting for duty.

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. Employees will be expected to provide appropriate medical verification on restrictions in performance of duties directly to Human Resources for review and consideration.
- Non-Safety-Sensitive 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.
- Participate in any Post-Incident or Near Miss preliminary investigation in an honest and forthright manner.
- Comply with a supervisor's/manager's request for testing, pursuant to this Plan.

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- 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 before job performance is affected or any Plan or policy violation(s) occur.
- Intervene if they suspect that a co-worker or contractor may be under the influence of any Substance or 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.
- Complete all training as assigned.

### 2.2.2 Supervisors and Managers

Supervisors and Managers play a key role in ensuring compliance with this Plan/policy. In addition to the requirements of Section 2.2.1, it is also a requirement for all supervisors and managers to:

- 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, as confirmed by the Medical Review Officer (MRO), 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.
- Monitor and evaluate work performance with an objective of early identification and handling of performance issues, including those that may be related to the use of Substances.
- 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 Plan, including U.S. DOT regulations.
- 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 strictest of confidence to the extent possible in fulfillment of the objectives of this Plan as permitted by law.
- Ensure that investigation of work-related Incidents and Near Misses are carried out in accordance with Company requirements and U.S. DOT regulations.
- Ensure that DOT post-accident drug and alcohol testing is conducted in accordance with DOT procedures when there is a DOT qualifying accident/incident on the pipeline(s)(Refer to 2.8.3 Post accident/post incident testing)
- Complete Reasonable Suspicion Testing Signs and Symptoms training as required by U.S. DOT regulations.

### 2.2.3 Environment Health & Safety (EH&S)

- EH&S team ensures 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.

### 2.2.4 Operations Management System (OMS) Element Owner

- Is accountable to review and approve this Plan and policies herein.
- Provide a resource to fulfil the role of Designated Employer Representative (DER)
- Oversee regulatory compliance.



### 2.2.5 OMS Element Driver

- Develop and sustain this Plan and the policies herein by conducting periodic reviews and revisions as deemed appropriate or necessary, in collaboration with Human Resources (HR).
- Define and monitor training requirements for this plan and the policies herein.

### 2.2.6 Human Resources

Human Resources will:

- Assist the respective supervisor/manager, where appropriate, of work restrictions or limitations, work accommodations, leaves of absence, suspension, or termination considerations.
- Maintain education and training records.
- Undertake periodic reviews and revisions of this Plan in collaboration with the OMS Driver.
- Maintain a confidential file, separate from an employee’s personnel file, containing any employee health and medical information.
- Provide confidential service to all employees regarding Substance dependence and refer the individual to the Employee Assistance Program, a health professional, a government agency providing Substance dependence services, or to an addiction center, as appropriate, but will not provide any counseling services themselves.

### 2.2.7 Designated Employer Representative (DER)

The DER will:

- Act as a confidential resource within the Company in matters related to this Plan, including, but not limited to, receiving and/or reviewing employee laboratory results.
- Serve as the DER for all PHMSA mandated drug and alcohol testing and communicate with the MRO and Substance Abuse Professionals as required.
- Provide confidential service to all employees regarding Substance dependence and refer the individual to the Employee Assistance Program, a health professional, a government agency providing Substance dependence services, or to an addiction center, as appropriate, but will not provide any counseling services themselves.
- Provide Substance Abuse Professional (SAP) contact information to any employee of contractor who has violated any terms and conditions or requirements of this Plan, including but not limited to any of 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.
- Maintain confidential records of all test results, including refusals to test.
- Maintain correspondence from the Medical Review Officer, Substance Abuse Professionals, employees, owner-operators, and contractors.
- Where applicable, ensure any third-party administrator (TPA) maintains confidential records in accordance with applicable legislation.
- Provide periodic training and information sessions as legislative changes occur.
- Answer all questions about DOT-testing and non-DOT testing plans and procedures.



### 2.2.8 Service Agents

Service Agents include, but are not limited to, collectors, Breath Alcohol Technicians (BATs), Screening Test Technicians (STTs), laboratories, MROs, Substance Abuse Professionals (SAPs), and Consortium/ Third-Party Administrators (C/TPAs). Service Agents may not:

- Require Company employees to sign a consent, release, waiver of liability, or indemnification agreement regarding any part of the drug or alcohol testing pursuant to this Plan. Nor may any Service Agent request any individual or entity do so on their behalf.
- Act as an intermediary in the transmission of any drug test results directed from the laboratory to the MRO, to the Company, or to another Service Agent, or in the transmission of alcohol test results of 0.02 or higher direct from the STT or BAT to the DER.
- Make a decision to test an employee based on reasonable suspicion, post-accident, return-to-duty, and/ or follow-up determination criteria. While a service agent may provide advice and information, these are duties the operator cannot delegate to a C/TPA.
- Make a finding that an employee refused a drug or alcohol test, unless the employee scheduled a required test for an owner-operator or self-employed individual and they fail to appear for the test without a legitimate reason, or if you are an MRO, you determine an individual refused to test because of adulteration or substitution.
- Impose on the Company any conditions or requirements the DOT regulations do not authorize.
- Intentionally delay transmitting drug or alcohol testing-related documents a Service Agent performed, due to payment dispute or other various reasons.

Service Agents are required to have a copy of their most recent qualifications on file. Any updated qualification, requalification, or recertification must be submitted to the DER within 5 business days of any change in status.

### 2.2.9 The Company

The Company is aware it is ultimately responsible for meeting the requirements in parts 40 and 199. The Company understands that under the regulations, it is responsible for all of the actions of its employees including officials, representatives, and authorized service agents in carrying out this Plan. The Company will ensure that all covered employees are aware of the provisions and coverage of the Plan. Employees, including officials, representatives, and authorized service agents understand and agree that he/she may be subject to discipline up to and including termination for any violation under this Plan and/ or other DOT drug and alcohol regulatory requirement.

### 2.3 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 DOT drug and alcohol tests will be conducted and completed before non-DOT drug and alcohol tests.



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 collection site will be limited access during collections and only employees, collectors, other collection site workers, DERs, employee and employer representatives authorized by the Company, and DOT agency representatives are authorized personnel. Authorized personnel will be under supervision of a collector at all times when allowed on-site. Any individual who disrupts or obstructs the collection process may be removed. Only one employee will be allowed in the collection site at a time. The collector will always maintain contact with the specimen once it is provided to the collector by the specimen donor. Prior to receiving the specimen from the employee, the collector will remain within the collection site. No other individual will be allowed to handle the specimen or the Federal Chain of Custody Form (FCCF) other than the employee and the collector until the specimen is sealed. The FCCF may not be used for non-DOT collections. To prevent distraction, collectors are only permitted to collect for one employee at a time.

Collectors are required to receive qualification training on:

- How to conduct the steps necessary to complete a collection correctly and the proper completion and transmission of the FCCF;
- How to address “problem collections” and/ or any attempts to tamper with a specimen;
- How to remedy problems in collections, and how to address detrimental flaws and flaws that can be corrected;
- How to ensure the privacy and security of the employees undergoing testing;
- How to avoid conduct or statements that could be perceived as offensive or inappropriate.

Following qualification training, collectors must demonstrate their proficiency in collecting specimens by completing five consecutive error-free mock collections. At least every five (5) years from the date of completing qualification and proficiency training, collectors must complete refresher training. If a collector’s conduct causes any errors in the collection process leading to a cancelled test, the collector must undergo error correction training within thirty (30) days from the date they are notified of the error. Collectors are required to have a copy of their most recent qualifications on file. Any updated qualification, requalification, or recertification must be submitted to the DER within 5 business days.

Collection sites that are used for any other purpose are securely restricted against access to collection materials and to employee participants’ privacy. To aid in securing privacy, limited-access signs are posted around applicable collection sites.

## 2.4 Training

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



### 2.4.1 Employee Training

Employees will receive awareness education (by way of information packages and/or presentations) regarding the application of this Plan including, but not limited to:

- the risks of Substance use and the potential impact on safety in the workplace; consequences for Plan or policy violation;
- available resources for employee assistance services;
- explanation of the testing procedures;
- and circumstances and situations when testing will occur.

The awareness education for employees 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 related to drug/alcohol use, misuse, and testing programs.

### 2.4.2 Supervisors and Managers

In addition to the above training, Supervisors and Managers of pipeline operations, contractors, maintenance, and emergency response workers will be given more specific training on how to recognize signs and symptoms of Substance use in the workplace and appropriate responses.

Training will consist of a minimum 60-minute 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

## 2.5 Possession

The use, possession, distribution, or sale of illicit or un-prescribed controlled drugs or contraband is strictly prohibited and may be grounds for immediate termination. This includes, without limitation, Cannabidiol (CBD) Oils with psychoactive properties.

## 2.6 Medication

No employee 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 or contractor that the Medication will not adversely affect the employee's, or contractor's ability to work safely at the job site.

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, they must report to their 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.

## 2.7 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 on call or on Company Premises.

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 at 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 must act professionally and respectfully to preserve the Company’s reputation.

### 2.7.1 Alcohol Social Exceptions

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

Alcohol is not allowed under any circumstances at any location where Safety Sensitive Duties are being performed.

For any locations where non-Safety-Sensitive duties are being performed, outside of Company approved functions, the Company will allow 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. Employees are encouraged to inform their supervisor/manager that they have Alcohol at work under this exception to help avoid potential confusion.

Employees in non-Safety Sensitive Positions are allowed to consume small amounts of Alcohol during working hours, not on Company property, when reasonable for business purposes (e.g., one beer at a

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meeting with a client or customer over lunch), provided such consumption does not affect the employee’s job performance or otherwise violate Company policy. 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.

The following rules apply regarding consumption of Alcohol at Company approved functions and for business purposes:

- 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.
- Alcohol cannot be given 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.

If employees are no longer Fit for Duty, they must inform their supervisor/manager or Human Resources immediately. 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, or if employees otherwise violate this Plan or policy statements herein. Employees may also be referred to the Employee Assistance Program for assessment for abusing this privilege.

## 2.8 Types of Testing

### 2.8.1 Pre-employment and Pre-qualification

All successful candidates will receive a copy of this Anti-Drug and Alcohol Misuse Prevention Plan for review. After reviewing, the candidate must sign to show they acknowledge that they have received, read, and understood the Company’s Plan document. Pre-employment testing will commence only after making a contingent offer of employment or transfer.

#### 2.8.1.1 Non-DOT Safety-Sensitive Positions

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 Non-DOT Safety Sensitive Position will also be subject to Drug and Alcohol testing as a condition for transfer. Only upon receipt of a negative test result, as confirmed by the MRO, will the successful candidate or transferring employee be eligible to start his/her job duties.

#### 2.8.1.2 DOT Covered Positions

For U.S. DOT pre-employment testing, only a drug test is required. A candidate for a U.S. DOT covered position cannot be hired and begin work until a negative result, as confirmed by the MRO, has been reported on a U.S. DOT drug test. This requirement also applies to any current employees who are transferring from a non-DOT to a DOT covered position.

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### 2.8.1.3 DOT History Check Requirements

Prior to the first time that the Company uses an employee to perform safety-sensitive duties (i.e., a new hire or an employee transferring into a DOT safety-sensitive position) the Company will require a “DOT history check” of the employee. The history check will review the employee’s past two years of DOT employment to ensure there are no violations of DOT agency drug and alcohol testing regulations. History checks are conducted only after obtaining the employee’s written authorization to do so. The Company will not allow the covered employee to perform their functions after 30 days from the date on which the employee first performed safety-sensitive functions, unless the Company has obtained or made and documented a good faith effort to obtain alcohol and drug testing information from previous DOT-regulated employers. Any employee refusing to provide written consent will not be permitted to perform safety-sensitive functions.

**Information request.** The Company will request the following information about the employee:

- Alcohol tests with a result of 0.04 or higher alcohol concentration;
- Verified positive drug tests;
- Refusals to be tested (including verified adulterated or substituted drug test results);
- Other violations of DOT agency drug and alcohol testing regulations; and
- With respect to any employee who violated a DOT drug and alcohol regulation, documentation of the employee's successful completion of DOT return-to-duty and follow-up testing requirements.

### 2.8.2 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.

Prior to testing, all contractors and third-party contractors will receive a copy of this Anti-Drug and Alcohol Misuse Prevention Plan for review. After reviewing, the contractor and/ or third parties must sign to show they acknowledge that they have received, read, and understood the Company’s drug and alcohol Plan document.

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 in accordance with the requirements of this Plan and applicable law.

### 2.8.3 Post-accident/Post incident testing

#### 2.8.3.1 Non-DOT Positions

Drug and Alcohol testing of an employee or contractor may be required after an accident, Incident or Near Miss. Testing will not interfere with or delay necessary medical attention for injured parties.

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- 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 must be 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;
- In situations where testing is done externally (e.g., at a hospital), the employee or contractor is required to and 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.

### 2.8.3.2 DOT Covered Positions

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

- PHMSA: Following a pipeline incident as defined in Part 195—Transportation Of Hazardous Liquids By Pipeline §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.
- Covered employees are prohibited from using or consuming alcohol for eight (8) hours following the accident.



**Drug Testing** - must be conducted as soon as practical after a qualifying accident/incident. Drug testing must be conducted within 32 hours of the accident/incident. If a drug test is not administered within the 32 hours following an accident, the Supervisor or Manager is required to cease attempts to administer a drug test and is required to document the reasons for not promptly administering the test using the Company post-accident investigation aid document.

**Alcohol Testing** - Alcohol testing should be conducted within 2 hours of the accident and must be completed by no later 8 hours of the accident. If the alcohol test is not conducted within 2-8 hours, the Supervisor or Manager will document the reasons for not promptly administering the test using the Company post-accident investigation aid document.

In all cases, the Company will conduct an investigation to determine whether the employee’s performance contributed to the accident. The Supervisor or Manager will document their findings of the investigation, which will include documentation of whether the employee’s conduct played a role in the accident and whether the decision was made not to test.

**2.8.4 Reasonable Suspicion/ Cause Testing**

The Company reserves the right to conduct reasonable suspicion or post-incident testing of all employees. Employees, and contractors accept that Drug and Alcohol Searches may result from, lead to, or be a component of testing.

**2.8.4.1 Non-DOT Positions**

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 Plan and/or policy statements herein.

**2.8.4.2 DOT Covered Positions**

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

- The operator has reasonable cause to believe that the DOT covered worker has violated the prohibitions of 49 CFR Part 199 concerning controlled substances or alcohol use. The operator’s determination that reasonable suspicion exists to require the DOT covered 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. Service agents and/ or C/TPA do not have authority to order drug tests based upon reasonable suspicion.
- The required observations for alcohol and/or controlled substances reasonable suspicion testing shall be clearly documented and made by at least two Company Supervisors who are 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 observations are made during, just preceding, or just after the period of the workday that the driver or pipeline worker is performing safety-sensitive functions, just before performing safety-sensitive functions, or just after performing such functions.
- All observations will be independently documented by each Company Supervisor.
- A 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.
- If the employee’s alcohol test results are greater than 0.02, the covered employee is not authorized to perform or to continue to perform a covered function.
- If a DOT alcohol test is not administered within two (2) hours following the determination of reasonable suspicion, the supervisor/manager will prepare and file a written statement stating why the test was not administered.
- If a DOT alcohol test is not administered within eight (8) hours following the determination of reasonable suspicion, the Company will stop attempting to administer an alcohol test and supervisor/manager will prepare and file a written statement stating why the test was not administered.

### 2.8.5 Random Testing

The Company reserves the right to conduct random Drug and Alcohol testing on non-DOT-covered employees and contractors in Safety Sensitive Positions 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. The Company will not conduct DOT tests on any non-DOT-covered employee.

For DOT-covered employees, the minimum annual random DOT drug testing rate shall be at least 25 percent annually.

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-covered employees must proceed immediately to the designated location for testing upon notification. The percentage of DOT-covered employees selected for random drug testing each quarter is based on the annual percentage required under Part 199. All covered employees will be immediately placed in the random pool after obtaining a negative result on their pre-employment test.

Random testing is performed quarterly, and the Company will use a Consortium/Third-Party Administrator (C/TPA) to manage all aspects of the Company’s random testing program. Random testing selections shall be made using the C/TPA’s independent computer program that corresponds with an employee’s payroll identification number. This selection ensures all employees in the random pool have an equal chance of being selected for testing each time a selection is made.



Employees will remain in the random selection pool at all times, regardless of whether or not they have been previously selected for testing. The DER will assure the pools contain identification numbers that are current, complete, and correct. Prior to each random selection, the DER shall ensure that the random testing pool has been updated to include all eligible employees in the Company. Random testing is unannounced, with selected employees being notified that they have been selected and are being directed to immediately report for testing at the designated facility.

Any employee who has been removed from the random pool for any length of time will be required to pass a pre-employment DOT drug testing before being placed back into the random drug test pool.

### 2.8.6 Return to Duty Testing

Prior to any employee (DOT and Non-DOT) in a Safety Sensitive Position returning to regular duties following a positive Drug or Alcohol test as confirmed by the MRO, or if a covered employee violates any DOT agency drug and alcohol regulation, they 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.

The SAP will conduct a comprehensive assessment and clinical evaluation to determine what assistance the employee needs to resolve the problems associated with their alcohol and/ or drug use. This assessment will be performed face-to-face, or remotely. The SAP will recommend a course of education or treatment that the employee is obligated to successfully comply with prior to returning to DOT safety-sensitive duty. The SAP will provide a written report that will be sent to the DER, detailing specific recommendations.

Prior to any return to duty, all employees (DOT and Non-DOT) will be required to provide proof of successful completion of any return to duty requirements recommended by the SAP.

All return to duty drug and/or alcohol testing for DOT pipeline workers will meet the requirements of 49 CFR Part 40, Subpart O. The return to duty alcohol test must be less than 0.02 in order to count and allow the employee to return to work. Return to duty drug tests will be directly observed urine specimen collections. In order to return to duty and resume a covered function, the test results must be confirmed negative by the MRO. All return to duty testing is performed under direct observation.

If a Non-DOT or DOT covered employee refuses to take a drug test or has a positive drug test, they are not cleared to return to duty in any covered function until they have successfully completed the return to duty process, including evaluation by a qualified SAP, satisfactory completion of recommended rehabilitation or treatment, testing negative on a return to duty test, and participating in a follow-up testing program for at least twelve (12) months.



### 2.8.7 Follow-up Testing

The Company will conduct follow-up testing as a series of tests that occur after an employee returns to safety-sensitive work following a negative result, as confirmed by the MRO, on the Return-to-Duty drug and/or alcohol tests as outlined in 2.8.6, and/ or following a covered employee who has refused to take a drug test, before allowing that employee to return to duty. The follow-up testing plan will be provided directly to the DER.

Testing will be unannounced. The number and frequency of the follow-up tests will be determined by the SAP and the follow-up plan will give both the number of tests and their frequency for a period of not more than 60 months with at least six (6) tests conducted within the first twelve (12) months following the covered employee’s return to duty. All testing dates will be independently selected by the C/TPA and the DER will be responsible for scheduling the test immediately upon notification of the requirement to attend the follow-up test.

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.

### 2.9 Drug Testing

If a candidate or employee who has been scheduled does not appear at the collection site on time, or is delayed, the collector must notify the DER that they have not reported for testing. The DER or Consortium/Third-Party Administrator (C/TPA) will then determine whether the individual refused to test.

Upon arrival, the candidate or employee must provide positive identification, after confirming, testing will begin. If positive identification cannot be provided, the DER may be contacted for verification. If the employee is scheduled for both a drug and alcohol test, the alcohol test will be completed prior to beginning the drug test. After the basic collection procedure is explained, the employee must complete the Federal Custody and Control Form (CCF). After which, both the collector and employee being tested will sign the CCF.

A designated Drug testing company will collect and process **urine specimens** for Drug testing as required. Collection kits will contain a single-use containers that have graduated volume markings, a temperature strip, and will be individually wrapped. Employee must provide a specimen of at least 45 mL. The collector will pour the sample into two separate bottles, Bottle A as the primary specimen and Bottle B as split specimen. The bottle will have a screw-on or snap-on cap to prevent seepage. The kit will contain a lea-resistant plastic bag and enough absorbent material to cover the entire contents of the specimen bottles. After collection, if applicable, the specimens will be shipped in a proper container designed to protect from shipment damages.



The DER will regularly verify with the TPA that proper collection procedures and kits are utilized to collect specimens.

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. 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 Control Form (FCCF) to document the collection and establish chain of custody for the handling and control of the urine specimen. For non-DOT drug tests, the Company 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. The Company does not conduct DOT tests for presence of prohibited drugs and/ or alcohol on any individual who is not a covered employee.

**2.10 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 J "Alcohol Testing Personnel"; K "Testing Sites, Forms, Equipment and Supplies Used in Alcohol Testing", L "Alcohol Screening Tests", M "Alcohol Confirmation Tests"; and N "Problems in Alcohol Testing".

The Company will only use qualified Screening Test Technicians (STT) or Breach Alcohol Technicians (BAT) for DOT alcohol tests. The Company will keep copies of the Quality Assurance Plans for the ASD and EBT devices utilized at its testing facilities. Inspection, maintenance, make and model, and calibration records of the EBTs and ASDs utilized at the collection facilities will be kept on file with the Company.

The Company will provide the employee with the specific location where the test will take place. Tests will be conducted in an area to prevent unauthorized people from hearing or seeing the employee's test result.

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 non-DOT alcohol tests. U.S. DOT and Company authority alcohol testing shall be separate in all respects, including the collection and documentation processes. The ATF will be completed and the employee will be asked to sign the ATF. Failure to sign is a refusal to test.



Alcohol testing is conducted with an Office of Drug and Alcohol Policy Compliance (ODAPC) -approved Alcohol Screening Device (ASD) (breath or saliva). All alcohol screening test results of 0.02 alcohol concentration or higher will be confirmed with a ODAPC approved Evidential Breath Testing (EBT) Device. All alcohol confirmation tests will be conducted by BATs using EBTs. The BAT will ensure that the time since the screening test has been at least 15 minutes, and the employee has been advised not to eat, drink, smoke, belch, put anything in his/ her mouth, or leave the testing area. Leaving the testing area without authorization may be considered a refusal to test. The BAT will conduct an air blank on the BET in the presence of the employee. The reading must be 0.00 to proceed. If the reading is greater than 0.00, another air blank must be conducted. The EBT must not be used if the second reading is greater than 0.00. A new sealed mouthpiece will be opened, in view of the employee, and used for the test. If the alcohol confirmation test is lower than 0.02, nothing further is required of the employee.

The BAT will report all alcohol test results of 0.02 or greater to the Company DER immediately upon completion of the confirmation testing. Individuals whose alcohol test result is 0.02 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 0.02 or greater. If the test results show an alcohol concentration of less than 0.02, the BAT or STT must sign and date Step 3 of the ATF and send the results to the DER via a secure electronic portal.

The Plan addresses situations in which an employee is deemed to have refused to test, see Section 2.14.

The Company does not conduct DOT tests for presence of prohibited drugs and/ or alcohol on any individual who is not a covered employee.

### 2.11 Laboratory Analysis and Reporting of Drug Test Results

All urine specimens will be transported by express carrier or courier to a U.S. Department of Health and Human Services (HHS) accredited/certified drug testing laboratory for analysis. The laboratory will ensure that, on each DOT test, each specimen is tested for marijuana, cocaine, amphetamines, opiates, and phencyclidine (PCP). 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 HHS 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 a fraction 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 drop 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.

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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 HHS 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.

Laboratories will send an aggregate statistical summary of the data listed in Appendix F of 49 CFR Part 40 to the Company for each specimen type that is tested on a semi-annual basis. Records of these statistical summaries will be produced during audits, when required.

The Company will request lab certifications.

## 2.12 Medical Review Officer (MRO) review, interpretation and reporting of drug test results

The laboratory will send all drug test results to the Company's MRO at their place of business. No lab tests results will be reported from the laboratory to or through the DER or through any service agents. The MRO is responsible for the review of both negative and non-negative test results, review of the CCFs associated with each test, and to conduct quality assurance reviews of the testing process and quality control reviews of the MRO staff. This involves reviewing medical explanations for test results, including medical records by the tested employee.

### Non-negative results

When the MRO receives a confirmed positive, adulterated, substituted, or invalid test result from the laboratory, the candidate or employee will be contacted directly on a confidential basis to determine whether they are willing to discuss the result. If the candidate or employee decides not to discuss the result, the MRO will verify the test as positive or as a refusal to test because of adulteration or substitution. If there is confirmed positive result and a legitimate medical explanation is established, the MRO will report the result as negative. If not, the MRO will report the result to the as positive. The MRO will report the results in a confidential manner to the Company designated C/TPA who will then notify the DER directly.

The MRO will take reasonable efforts to reach the candidate or employee at the phone numbers listed on the CCF. Three attempts, reasonably spaced over a 24-hour period, will be made to reach the candidate or employee. If these efforts are unsuccessful, the MRO will document the efforts made to contact the individual and will instruct the DER to inform the candidate or employee to contact the MRO.

The MRO may verify a test result as positive without contacting the candidate or employee under certain circumstances. These include if:

- (i) the candidate or employee expressly declines the opportunity to discuss the test with the MRO;
- (ii) more than 72 hours have passed since the DER successfully made and documented contact with the candidate or employee and instructed them to contact the MRO;



- (iii) neither the MRO nor the DER, after making and documenting all reasonable efforts, has been able to contact the candidate or employee within 10 days from which the MRO received the confirmed test result from the laboratory.

**Negative results**

After receiving a negative drug test result, the MRO will review Copy 2 of the CCF to determine whether the MRO needs to initiate corrective action or cancel the test and review the negative laboratory test result to ensure it is consistent with the information on the CCF. After confirming this information and ensuring there is proper documentation, the MRO will report the results in a confidential manner to the Company designated C/TPA who will then notify the DER directly.

The candidate or employee may be contacted by the MRO to offer documentation 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. Once the MRO verifies a drug test as positive, the MRO will notify the candidate or employee of his or her right to have the split specimen tested within 72 hours of notification. The MRO will provide a telephone number and any other information necessary to make this request. Employees are not required to pay for the test before the test is administered; however, the Company is entitled to seek reimbursement for the cost of the test.

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.

The MRO or C/TPA must report the drug tests results in a confidential manner such that there is limited access to the transmission, storage, and retrieval of the testing information. The MRO or C/TPA must submit the results to the DER on the same day the MRO verifies the result, or the next business day all verified positive test results are made. The MRO or C/TPA must send the reports of verified tests such that the DER receives it within two days of verification.

MROs and C/TPAs are required to have a copy of their most recent qualifications on file. Any updated qualification, requalification, or recertification must be submitted to the DER within 5 business days.

**2.13 Positive Test Result Actions**

Non-DOT Employees with positive test results, as confirmed by the MRO will be required to attend an assessment with a Substance Abuse Professional and may be subject to one or more of the following 4 consequences, although the Company reserves the right to impose whatever actions and/or potential discipline it believes necessary.

1. mandatory leave of absence;
2. immediate removal from the site;



- 3. suspension without pay;
- 4. other potential discipline up to and including termination.

DOT covered employees with positive test results are subject to the following actions:

- 1. immediate removal of covered employees from covered functions to non-safety sensitive work duties;
- 2. attendance with a substance abuse professional for evaluation/assessment prior to performing DOT-covered work
- 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.

### 2.13.1 Positive Alcohol Tests

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 termination.

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 0.040 or higher will be removed from duty pending an investigation. The Company reserves the right to impose disciplinary action, up to and including termination.

### 2.13.2 Positive Drug Tests

Non-DOT employees who test positive on Drug tests, as verified by the Medical Review Officer, will be removed from duty and suspended pending an investigation. The Company reserves the right to impose other discipline, up to and including termination.

DOT covered 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.



SAPs are required to have a copy of their most recent qualifications on file. Any updated qualification, requalification, or recertification must be submitted to the DER within 5 business days.

### 2.14 Refusal to Test, Tampering or Obstruction

Any employee or contractor who refuses to submit to an Alcohol and/or Drug test will be in violation of this Plan and subject to discipline up to and including termination of employment or contract, respectively.

Tampering attempts or aiding someone else in tampering or attempting to tamper with a test sample or obstructing the testing process will be considered a violation of this Plan warranting termination of employment or 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 the employer. (Company 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.

### 2.15 Substance Abuse Professional (SAP)

Any employee who is found to be in violation of this Plan will be required to attend an SAP evaluation for assessment. The Company will refer employees only to SAP's who have the credentials, basic knowledge, and qualification training, including fulfilling obligations for continuing education courses,

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for DOT violations. The SAP will not be an advocate for the Company or the employee. The SAP’s function is to protect the public interest in safety by professionally evaluating the employee and recommending appropriate education/treatment, follow-up tests, and aftercare.

As part of the evaluation process, the SAP will provide a written report directly to the DER which will include the following:

- A comprehensive assessment and clinical evaluation meeting the requirements of 40.291 (a) (1)
- Recommend a course of education and/or treatment with which the employee must demonstrate successful compliance prior to returning to a DOT or Non-DOT position. This recommendation for education and/or treatment will, to the greatest extent possible, protect public safety in the event that the employee returns to the performance of safety-sensitive functions.
- Written requirements for any follow-up drug and/or alcohol testing requirements, including frequency and length of time.

No employee shall be allowed to return to duty in any covered function until they have successfully completed the return to duty process, including evaluation by a qualified SAP, satisfactory written confirmation of completion of recommended rehabilitation or treatment by the SAP, testing negative on a return to duty test, and participating in a follow-up testing program.

If the employee demonstrates they’ve complied with the recommendations, the SAP will provide a written report to the DER, detailing that the employee successfully complied with their initial evaluation recommendations.

If the SAP determines the employee has not successfully complied with their recommendations, the SAP will provide written notice to the DER indicating as such and may proceed to conduct additional follow-up evaluations. Employees who have not successfully complied are not eligible to return to performing safety-sensitive duties.

### 2.16 Self-Disclosure

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 Plan or policy statements herein or any other Company policy. Employees can contact the Employee Assistance Program or an acceptable health professional of their choice for assistance.

Self-disclosures should be made directly and in confidence to the Human Resources Business Partner. Employees will not face discipline for voluntarily coming forward prior to any performance issues or a violation of this policy or other Company policy.

### 2.17 Employee Assistance Program (EAP)

The Company, in partnership with Magellan Healthcare, is proud to offer our Employee Assistance Program (EAP). This is a company paid benefit offered at no cost to employees or their family members and offers a variety of services, some of which include short-term counselling, life coaching, health



management, substance abuse assistance counseling and resources to assist you in achieving greater personal and workplace wellbeing.

Magellan Healthcare ensures all services are confidential and are available 24 hours, 7 days per week.

Magellan Healthcare Contact Information

### 2.18 Consent

Employees and contractors accept the terms of this Plan and policy statements herein as part of their continued employment or engagement with the Company and authorize any certified service provider that tests for Drugs and/or 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 Plan, or as required or permitted by law. Contractors also consent to the release of property and records to PHSMA, and/ or representative of a state agency to ensure the Company is in compliance with the regulations.

To assure the contractor is in full compliance, the contractor will allow access to property and records by the operator, the operator designee (TPA), the Administrator, any DOT agency with regulatory authority over the operator or covered employed, and, if the operator is subject to the jurisdiction of a state agency, a representative of the state agency for the purposes of monitoring the operator’s compliance. The operator will ensure that all contractors are qualified prior to commencing work that is considered a covered function for the operator.

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 Plan 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 (FCCF) 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.

### 2.19 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 or as the Company may otherwise deem necessary.

Employees and contractors who refuse to participate in or otherwise obstruct reasonable searches will be subject to disciplinary action up to and including termination of employment or their contract of services. These searches may be unannounced and conducted with or without notice.

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Employees and contractors are required to fully cooperate when Drug and Alcohol Searches are conducted. These searches may include searches of company property and personal property such as vehicles, purses, bags, backpacks, cupboards, lockers, drawers and other containers. Where appropriate, the Company may, but is not required to, 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.

## 2.20 Confidentiality and 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. The Company will produce these records at its [principal place of business] if requested by PHMSA or by a representative of a state agency.

All drug testing records, electronic or paper, will be retained in a confidential and a secure manner. Other than material related to violations of this Plan and/or policy statements herein, records will be kept separate from individual employee, owner-operator and contractor personnel files. Test results on file include those conducted two years before the date of a DOT-covered employee’s application or transfer. Test results will be maintained in secure, confidential files, and will not be part of the employee’s medical or personnel record.

Confidentiality of personal information collected, used, disclosed or stored in relation to the application of this Plan 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.

If an employee wishes to make a signed written request, the Company will provide all records of that employee’s drug and alcohol use, testing results, and rehabilitation records.

All training and qualification requirements will be kept on file with the Company. Any updates or requalification documentation must be submitted to the DER within 5 business days.

The following records and retention requirements the Company follows are outlined below:

Records kept for at least five (5) years:

1. Records of alcohol test results indicating an alcohol concentration of 0.02 or greater;
2. Records of verified positive drug test results;
3. Documentation of refusals to take required alcohol and/ or drug tests;
4. MIS annual report data, even if an annual MIS report was not submitted;
5. SAP reports and records that demonstrate compliance with SAP recommendations;
6. All follow-up tests and schedules for follow-up tests;

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- 7. Calibration documentation;
- 8. SAP reports, employee evaluations, and referrals.

Records kept for at least three (3) years:

- 1. Information obtained from previous employers under 49 CFR 40 Subpart B regarding drug and alcohol test results of employees;
- 2. Records that demonstrate the collection process conforms to Part 199;
- 3. Records confirming that supervisors and employees have been trained as required by Part 199;
- 4. Records of decisions not to administer post-accident employee drug and alcohol tests.

Records kept for at least two (2) years:

- 1. Inspection, maintenance and calibration records of EBTs;
- 2. Records related to the collection process, except calibration of EBT devices;
- 3. Training records.

Records kept for at least one (1) year:

- 1. All test results, including negative and cancelled drug and alcohol test results with a concentration of less than 0.02.
- 2. Records of an employee’s drug test showing the employee passed a drug test.

**2.21 Plan and/or Policy Violations**

Subject to the assistance provisions of this Plan, employees and contractors who violate this Plan and/or policy statements herein or fail to cooperate in the administration or enforcement of this Plan and/or policy statements herein, will be subject to discipline, up to and including termination of employment or, in the case of contractors, termination of the contract for services.

Should the searches or tests referred to within this Plan demonstrate violation of this Plan and/or policy statements herein, the employee or contractor will be subject to disciplinary action up to and including termination, 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.

The Company is prohibited from standing employees down on the basis of laboratory results before the MRO completes the drug test verification process, unless the DOT grants a waiver.

**2.21.1 Discipline**

Plan and/or 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 (4) hours after using alcohol.
- (4) use of alcohol for eight (8) 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.

## 2.22 Plan Assurance

The effectiveness, success, sustainment, and continuous improvement of this Plan is measured through the assurance activities outlined in the Operations Assurance program. The EH&S team, DER, the OMS Driver and identified subject matter experts support all business areas to ensure understanding of the Plan requirements.

## 2.23 Exceptions

DOT-covered contractors are not eligible for the Employee Assistance Program or any other disability or human rights obligations. DOT-covered contractors can be provided Substance Abuse Professional contact information following any violation of the Plan and/or Policy statements herein. The Company is not responsible for any costs associated with a DOT-covered contractor seeking assistance. Nothing in this Plan is meant to construe the Company as the employer for contractors.

## 3 Definitions

Term	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.
Adulterated specimen	A specimen that has been altered, as evidenced by test results showing either a substance that is not a normal constituent for that type of specimen or showing an abnormal concentration of an endogenous substance.
Alcohol	The intoxicating agent in beverage Alcohol, ethyl Alcohol or other low molecular weight Alcohols including methyl or isopropyl Alcohol.
Alcohol Testing Form (ATF)	Testing forum used for DOT alcohol testing programs. Non-DOT alcohol testing programs may not use the ATF.
Breath Alcohol Concentration (BrAC)	The Alcohol in a volume of breath expressed in terms of grams of Alcohol per 210 liters of breath.



Term	Definition
Breath Alcohol Technician (BAT)	Individual who instructs and assists employees in the alcohol testing process and operates an evidential breath testing device.
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.
Covered Employee	An employee who performs a covered function, including employees that are employed by operators, contractors engaged by operators, and employees employed by those contractors.
Covered Function	Any operation, maintenance, or emergency-response function regulated by part 192 193, or 195 of 49 CFR 199 that is performed on a pipeline or on a liquefied natural gas facility.
Consortium/ Third-Party Administrator (C/TPA)	C/TPAs manage all, or part, of an employer's DOT drug and alcohol testing program.
Federal Custody Control Form (CCF)	Form used for federal drug testing to document the handling of specimens from the time the employee gives the specimen to the collector until the specimen is destroyed.
Designated Employer Representative (DER)	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 this part. Service agents cannot act as DERs.
DOT	Department of Transportation
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.



Term	Definition
Drug	Includes any controlled substance, prescription drugs used without a prescription or not as directed or that otherwise cause impairment, over-the-counter drugs used not as directed or that otherwise cause impairment, 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 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 (EBT)	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.
EH&S	Environment, Health and Safety.
HHS	U.S. Department of Health and Human Services.
Incident	An event that has caused the release of hazardous energy resulting in injury to a person or damage to/ loss of; equipment, material, quality, product, process, the environment, business leading to financial harm or harm to reputation.
Medical Practitioner	A person who is registered and entitled under the laws of a province to practice in that province the profession of medicine.
Medical Review Officer (MRO)	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 has caused the release of hazardous energy but did not result in injury to a person or damage to/ loss of; equipment, material, quality, product, process, the environment, business leading to financial harm or harm to reputation, but where there was potential for it to do so.
Operator	Operator means a person who owns or operates pipeline facilities.



Term	Definition
Reasonable Grounds	Includes, but is not limited to: a) odor of Alcohol, such as the smell of Alcohol on an employee’s breath at work; b) odor 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 behavior 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.
Screening Test Technician (STT)	Individual who instructs and assists employees in the alcohol testing process and operates an alcohol screening test device.
Substance(s)	Alcohol and Illegal drugs collectively.
Substance Abuse Professional (SAP)	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 Cutoff Levels

<b>Cutoff Concentrations for Urine Drug Tests</b>			
<b>Initial test analyte</b>	<b>Initial test cutoff<sup>1</sup></b>	<b>Confirmatory test analyte</b>	<b>Confirmatory test cutoff concentration</b>
Marijuana metabolites (THCA) <sup>2</sup>	50 ng/mL <sup>3</sup>	THCA	15 ng/mL.
Cocaine metabolite (Benzoylecgonine)	150 ng/mL <sup>3</sup>	Benzoylecgonine	100 ng/mL.
Codeine/ Morphine	2000 ng/mL	Codeine/ Morphine	2000 ng/mL. 2000 ng/mL.
Hydrocodone/ Hydromorphone	300 ng/mL	Hydrocodone Hydromorphone	100 ng/mL. 100 ng/mL.
Oxycodone/ Oxymorphone	100 ng/mL	Oxycodone Oxymorphone	100 ng/mL. 100 ng/mL.
6-Acetylmorphine	10 ng/mL	6-Acetylmorphine	10 ng/mL.
Phencyclidine	25 ng/mL	Phencyclidine	25 ng/mL.
Amphetamine/ Methamphetamine	500 ng/mL	Amphetamine Methamphetamine	250 ng/mL. 250 ng/mL.
MDMA <sup>4</sup> /MDA <sup>5</sup>	500 ng/mL	MDMA MDA	250 ng/mL. 250 ng/mL.
ALCOHOL TESTING METHODS	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**  
Designated Personnel and Service Agents

**CONSORTIUM/THIRD PARTY ADMINISTRATOR (C/TPA)**

Name: SureHire Occupational Health Testing  
Address: 3241 Franklin Avenue, Suite D, Midland, TX 79701  
Phone: (866) 944-4473

**DESIGNATED EMPLOYER REPRESENTATIVE (DER)/ALCOHOL & DRUG PROGRAM MANAGER**

Name: Joe Cust, EH&S Specialist - Occupational Health  
Address: 1700, 440 - 2nd Ave SW, Calgary, AB, Canada, T2P 5E9  
Phone: (403) 604-5662

**MEDICAL REVIEW OFFICER (MRO)**

Name: Dr. Philip Lopez, MD  
Address: 18241 Daybreak Dr, Boca Raton FL 33496  
Phone: 888-382-2281

Name: Dr. Brian N. Heinen  
Address: 151 Leon Avenue, Eunice, LA 70535  
Phone: 888-382-2281

**SUBSTANCE ABUSE & MENTAL HEALTH ADMINISTRATION (SAMHSA/HHS) LABORATORY**

Name: Alere Toxicology Services  
Address: 450 Southlake Blvd., Richmond, VA 23236  
Phone: 804-378-9130

Name: Alere Toxicology Services  
Address: 1111 Newton St, Gretna, LA 70053  
Phone: 800-433-3823

Name: Quest Diagnostics  
Address: 10101 Renner Blvd., Lenexa, KS 66219  
Phone: 913-888-3927 / 800-873-8845

Name: Quest Diagnostics Incorporated  
Address: 400 Egypt Road, Norristown, PA 19403  
Phone: 610-631-4600 / 877-642-2216



**COLLECTION SITE(s) - DRUG AND BREATH ALCOHOL**

Nova Medical - Corpus Christi  
Address: 3403 S Padre Island Dr, Corpus Christi, TX 78415  
Phone: 361-445-3969

Concentra - Corpus Christi  
Address: 402 S Padre Island Dr, Corpus Christi, TX 78411  
Phone: 361-852-8255

Texas Industrial Medical  
Address: 7433 Leopard St, Corpus Christi, TX 78409  
Phone: 361-299-2891

Texas Alcohol & Drug Testing Services  
Address: 1605 US Hwy 181, Portland, TX 78374  
Phone: 361-643-6100

**SUBSTANCE ABUSE PROFESSIONAL (SAP)**

Name: American Substance Abuse Professionals  
Address: 10151 York Rd, Suite 120, Cockeysville, MD 21030  
Phone: 866-566-7692

**EMPLOYEE ASSISTANCE PROGRAM (EAP)**

Name: Magellan Healthcare  
Phone: - 1-800-450-1327  
- International: 1-800-662-4504  
- TTY: 1-800-456-4006  
Website: <https://member.magellanhealthcare.com/>



**Appendix C**  
**Positions Subject to Alcohol and Drug Testing**  
**(JOB CLASSIFICATIONS/TITLES)**

<b>Position Title</b>	<b>Supervisor/Employee</b>
Manager Operations	Supervisor
Senior Environment & Regulatory Specialist	Employee
Project Manager US	Supervisor
Supervisor Operations	Supervisor
Senior EH&S Advisor	Employee
Supervisor Maintenance & Operations Specialist	Supervisor
Field Supervisor	Supervisor
Warehouse Specialist	Employee
Mechanical Technician	Employee
E&I Technician	Employee
Terminal Operator A	Employee
Terminal Operator B	Employee
Terminal Operator C	Employee
Field Operator A	Employee
Apprentice Terminal Operator	Employee
Summer Student Laborer	Employee

**4 Reference and Supporting Documents**

- Incident Investigation Aid document
- Reasonable Suspicion Observation and Questions documents
- Incident Management Program
- US Pre-employment Process
- US SAP Process
- US Random Testing Process
- US Follow-up Testing Process
- DOT Vendor Site Requirement Tracking

**5 Governing Documents**

[Operations Policy](#)

[Operations Assurance Program](#)