

state governmental agencies and the pipeline industry. The NPMS consists of geospatial data, attribute data, public contact information, and metadata pertaining to the interstate and intrastate gas and hazardous liquid transmission pipelines, liquefied natural gas (LNG) plants, and hazardous liquid breakout tanks jurisdictional to PHMSA.

The nominal accuracy of geospatial data in the NPMS is +/- 50 feet. Therefore, the NPMS cannot be used as a substitute for contacting a one call center before excavating. Attributes in the NPMS pipeline data layer include:

- PHMSA assigned operator identification number
- Operator name
- System name
- Subsystem name
- Diameter (voluntary data element)
- General commodities transported
- Interstate/intrastate designation
- Operating status (in service, abandoned, retired)
- Geospatial accuracy estimate

The NPMS does not contain information on interconnects, pump and compressor stations, valves, direction of flow, capacity, throughput, or operating pressure. In addition, distribution and gathering pipelines are not included in the NPMS.

The NPMS is built from data submitted by pipeline, LNG plant, and breakout tank facility operators. Since 2002, transmission pipeline and LNG plant facility operators are required to submit mapping information to the NPMS and to update their submissions annually. Breakout tank operators are able to submit data to the NPMS on a voluntary basis.

Members of the public can access the National Pipeline Mapping System website to find out which pipelines are located in their area @ <http://www.npms.phmsa.dot.gov/>

5.8 Prevention and Response

This program will also help train the public to understand the steps that must be taken to prevent and initiate response to pipeline emergencies.

'Prevention' refers to the object of reducing the occurrences of pipeline emergencies caused by third party damage through awareness of safe excavation practices and the use of the USA North one call system.

'Response' steps include: protecting life, property, the environment and to promptly notify pipeline companies and emergency response officials in the event of a release or emergency.

5.9 Management of Public Awareness Programs

Another important objective of this program is to provide the Company with a framework for managing public awareness programs so that the quality of this program can be continually reviewed and improved as appropriate.

Expandability and Continuous Improvement of Public Awareness Programs

In the following sections, references are made to expanding or “scaling” the frequency, message, delivery method or geographic coverage area of public awareness program activities when special conditions along the pipeline ROW suggest a more intensive effort. ~~While~~ there may be other reasons to intensify public awareness activities, the presence of federally designated high consequence areas (HCA’s) is an example that may prompt the Company to supplement public awareness activities.

6.0 TARGETED AUDIENCES, I.E. “STAKEHOLDER AUDIENCES”

This section defines the intended audiences for the Public Awareness Program and provides examples (not all inclusive) of each audience. ~~The~~ five intended “Stakeholder Audiences” include:

- The affected public i.e., landowners, residents, and places of congregation (businesses, schools, etc.) along the pipeline and the associated right of way
- Local and state emergency response and planning agencies, i.e., Local Emergency Planning Committees (LEPC’s)
- Local public officials and governing councils
- Private and public utilities
- Excavators

7.0 MESSAGE CONTENT FOR KE~~Y~~STAKEHOLDER AUDIENCES

7.1 Message Content

The Company will select the optimum combination of message, delivery method, and frequency that meets the needs of the intended audience. ~~Information~~ materials may also include supplemental information about WGS, LLC, including pipeline operations, company safety record and any other information that is deemed appropriate for the audience. ~~Communications~~ materials will be provided in both English and Spanish or in the language(s) spoken by a significant portion of the intended audience.

The basic message conveyed to the intended audience will provide information that will allow the operator to meet the program goals. ~~The~~ communications will include enough information so that in the event of a pipeline emergency, the intended audience will know how to identify a

potential hazard, protect themselves, notify emergency response personnel, and notify Wild Goose Storage personnel.

7.2 Pipeline Maintenance Activities

When planning pipeline maintenance related construction activities, WGS, LLC will communicate to each stakeholder affected by the activity in a manner that is appropriate to the nature and extent of the activity. For major maintenance construction projects (such as main line rehabilitation or replacement projects) the Company will also notify appropriate emergency and local public officials and include information on further communications appropriate to the nature or local impact of the maintenance or construction activity. Acquisition permits may satisfy the appropriate communications needs.

8.0 DELIVERY METHOD, MEDIA, AND FREQUENCY

This section describes the potential delivery methods and tools available that WGS, LLC will use to foster effective communication programs with stakeholder audiences previously described. This section does not imply that all methods are effective in all situations or that all methods will be implemented. Content of the communication efforts will be tailored to the needs of the audience and the intent of the communication.

8.1 Print Materials

8.1.1 Targeted Mailings, Brochures, Flyers, Pamphlets, Leaflets

Targeted mailings, brochures, flyers, pamphlets and leaflets are the most common message delivery mechanisms that the Company can use to distribute information regarding the WGS, LLC Public Awareness Program. Printed materials will convey important information about Wild Goose Storage LLC, the gas storage industry, pipeline safety, or a proposed project or maintenance activity and will provide contact information where the recipient can obtain further information. Printed materials also afford an effective opportunity to communicate content in a graphical or pictorial way.

Print materials, in the form of targeted mass mailers can be mailed to landowners or communities along the pipeline system ROW or handed out at local community fairs, open houses, or other public forums. The Company may hire facilitators to organize mass mailings, using nine digit zip codes or geo spatial address databases, to designated residents in the community located along the pipeline, such as within an appropriate distance either side of the pipeline centerline.

Mailers or brochures alone will be considered effective communication with the affected public. Another example of a delivery method is reviewing the Niska Gas Storage Emergency Response Plan (ERP) with local emergency response personnel.

8.1.2 Letters

Research has indicated that letters mailed to landowners along a pipeline system ROW are one of the most effective tools to communicate specific information that the operator wants to convey such as what to do in the event of a leak, identification of suspicious activity or notification of planned activities within the right of way.

Notification letters are especially effective with property owners that may have a high likelihood for third party damage such as in agricultural areas, new developments and where other types of ground disturbing activities may take place. Similar to contractors, excavators and equipment rental companies informing them of the requirement to use USA North and providing other important safety information for their workers and the public are also effective.

Letters can be a more personalized delivery system for the brochures described above and shall always provide a mechanism where the recipient can obtain further information (such as website address, e-mail address, local phone numbers and one call numbers).

8.2 Personal Contact – General

Face to face personal contact describes contacts between WGS, LLC and the intended stakeholder audience that is performed in person. The method is usually a highly effective form of communications, and it allows for two way discussion. This may be done on an individual basis or in a group setting. Niska will use the face to face contact method for educating emergency response officials by:

- Personal delivery of pipeline safety literature
- Conducting an Open House and inviting stakeholders
- Conducting presentations at their facilities, or
- Conducting group meeting

Some other examples of face to face communications are described below:

8.2.1 Door to Door Contact along Pipeline Right of Way

This method is often used to make contact with landowners/residents along the pipeline right of way to relay pipeline awareness information or information on upcoming maintenance. This method can also build trust, which is an integral part of communication and enhancement to the long term public awareness program. Company representatives making this contact must be knowledgeable, courteous and provide the landowner/resident with basic pipeline safety information and a means for future contact.

If pipeline safety is to be discussed in this forum, the Company representative shall be generally knowledgeable about the Niska Gas Storage Pipeline Integrity Management Program and

emergency response procedures. In addition to the general information, the following additional information shall also be considered:

- a. Description of facilities on or near the property (i.e., pipelines, meter/ regulator stations, compressor/pump stations, wellheads, treating facilities, storage tanks, line markers, cathodic protection, communication, etc.).
- b. Description of easement and property owner's rights and limitations within easement (may provide literature on encroachment standards).
- c. Name and phone number of local contacts within the Company so that further information can be obtained
- d. The WGS, LLC 24 hour emergency contact number so that emergencies or suspicious activity can be reported.
- e. Information on damage prevention and local "Call, Before You Dig" programs.
- f. What to do in case of emergency (fire, leak, noise, suspicious person).
- g. Trinkets (i.e. calendar, magnetic card, pens, hats, etc) to retain important telephone numbers.
- h. As appropriate, additional local information such as upcoming maintenance, projects, events and/or Company community involvement such as United Way, other charities, environmental projects, etc.

8.2.2 Telephone Calls

When the intended audience is small in number, it may be more effective to communicate by telephone. The personal form of contact allows for two way discussion. WGS shall decide which elements of their public awareness program are suitable for conducting via telephone calls.

8.2.3 Group Meetings

Group meetings can be an effective way to convey the messages to selected audiences. Meetings may be between the Company and an individual audience or with a number of the different audience groups at one time. For example, group meetings could include individual meetings with emergency response personnel, combined industry meetings with emergency response personnel and inviting emergency response officials and personnel to the Company's emergency response tabletop drills and deployment exercise. Meeting advance with local emergency response personnel can reap tremendous benefits in responding to and coordinating during an actual emergency. Additional meetings include those with state one call system events, local excavators, contractors, land developers and other utilities.

8.2.4 Open House

An open house provides an informal setting to introduce an upcoming project, provide a "get to know your neighbor" atmosphere or to discuss an upcoming maintenance activity such as pipeline segment replacement. Toof the WGS facility, question and answer sessions, videos, or presentations about pipeline safety and reliability do well in an open house environment. Even without formal presentations, allowing the public to see the facility can also be very effective. Of this type of forum will include refreshments and handouts (see brochures, letters, etc. elsewhere in this section) that attendees can take with them.

8.2.5 Community Events

Community sponsored events, fairs, charity events, or civic events may provide appropriate opportunities where public awareness messages can be relayed. The company can participate with a booth, as a partial sponsor of the event. The forums are generally used to remind the community of the Company's presence, show support for community concerns, and heighten public awareness about the benefits of pipeline transportation and about pipeline safety. Examples of community events include:

- a. County and state fairs
- b. Festivals and shows
- c. Job fairs
- d. Local association events
- e. Trade shows (Energy Fair)
- f. Chamber of Commerce events

8.2.6 Charitable Contributions

While contributions to charities and civic causes are not in themselves a public awareness effort, the Company will consider appropriate opportunities where public awareness messages can be conveyed as part of or in publicity of the contribution. Examples include:

- a. Contribution of gas detection equipment to the local volunteer fire department,
- b. Donation of funds to acquire or improve nature preserves or green space,
- c. Sponsorship to the community arts and theatre, or
- d. Support of scholarships (especially when given to degree programs relevant to the Company or industry).

8.3 Electronic Communications Methods

8.3.1 Videos and CD's

There are a variety of approaches the Company can use to supplement the delivery of the Public Awareness Program such as the utilization of videos. While supplement to the minimum components of an effective public awareness program, videos may be quite useful with some stakeholders or audiences in some situations. Videos show activities such as construction, natural gas or petroleum consumers, pipeline routes, preventive maintenance activities, simulated or actual spills and emergency response exercises or actual response that printed materials often cannot. WGS, LLC may seek industry specific videos from trade organizations or develop their own customized version. Such videos can be used for landowner contacts, emergency official meetings, or the variety of community or group meetings described elsewhere in this section.

8.3.2 Electronic Mail (E mail)

E mail can be a supplemental way to send public awareness information to a variety of stakeholders. Content and approach is similar to letters or brochures, but the information is sent electronically rather than delivered by mail, person or during meetings.

E mail contact information can be provided on Company handouts, magazine advertisements, websites and other written communications. This provides an effective mechanism for the public to request specific information or to be placed on distribution lists for specific updates.

An advantage of e mail is the ease of requesting and receiving return information from the recipient.

8.4 Mass Media Communications

8.4.1 Public Service Announcements (PSA's)

Radio and television stations occasionally make some airtime available for public service announcements. There is great competition from various public interest causes for the small amount of time available because the broadcast media is no longer required to donate free airtime for PSA's. Given the popularity of radio and television and the large areas covered by both, public service announcements can be an effective means for reaching a large sector of the public. Contacting local stations along the pipeline route to encourage their use of the PSA's could be considered. Use of cable TV public access channels may also be an option.

8.4.2 Newspapers and Magazines

Newspaper/Magazine articles don't have to be limited to reactive coverage following an emergency or controversy. Encouraging a reporter to write constructive stories about pipeline issues in various topics of relevance, such as local projects, excavation safety or the presence of pipelines as part of the energy infrastructure can be initiated. Even the reporter is covering an

emergency or controversial issue, pipeline companies can leverage the opportunity to reinforce key safety information messages such as damage prevention and the need to be aware of pipelines in the community. Trade magazines such as those for excavators or farmers often welcome guest articles or submission or assistance in writing a positive, safety mindset by for their readers.

8.4.3 Paid Advertising

The use of paid advertising media such as television ads, radio spots, newspapers ads, and billboards can be an effective means of communication with an entire community. Type of advertising can be very expensive, but can be made more cost effective by joining with other pipelines, including the local utilities, to deliver a consistent message.

8.4.4 Community and Neighborhood Newsletters

Information contained within newsletters shall be similar to that made available for newspapers and magazines. Posting pipeline safety or other information to community and neighborhood newsletters can be done in conjunction with outreach to those communities and/or neighborhoods and is usually done for free. This method can be particularly effective in reaching audiences near the pipeline, namely neighborhoods and subdivisions through which the pipeline traverses.

8.4.5 Specialty Advertising Materials

Specialty advertising can be a unique and effective method to introduce the Company or maintain an existing presence in a community. These also provide ways of delivering pipeline safety messages, project information, important phone numbers and other contact information. Many such materials or items exist, including Company logo: refrigerator magnets, calendars, day planners, thermometers, key chains, flashlights, hats, jackets, shirts, clocks, wallet cards, and other such items containing contact information and/or a short message (i.e. "Call, Before You Dig"). The benefit of this type of advertising is that it tends to have a longer retention life than printed materials because it is otherwise useful to the recipient. Because of the limited amount of information that can be printed on these items, they shall be used as a companion to additional printed materials or other delivery methods.

8.4.6 Informational or Educational Items

Develop informational and educational materials for groups or schools that heighten pipeline awareness. Companies (and their industry associations) may also sponsor or develop training materials for emergency response agencies that are designed to increase knowledge and skills in responding to pipeline emergencies. Alternatively, local emergency officials will hold training as part of their own continuing education and attendance by pipeline personnel at these sessions is often welcome and an ideal setting for relaying public awareness information about pipelines.

9.0 EXPANDABILITY OF PUBLIC AWARENESS PROGRAM

9.1 Expandability of the Public Awareness Program

Modification or revision of the Niska Gas Storage Public Awareness Program takes into account the differences in pipeline conditions, consequences, population, increased development/excavation activities and other issues along pipeline systems. The program allows WGS, LLC to develop a program that is “scaled” based on appropriate stakeholder and pipeline segment needs.

Accordingly, a “one size fits all” public awareness program across all pipeline systems/segments would not be the most effective approach since some geographic areas have a low population, low turnover in residents, and little development or excavation activity; while other areas have very high population, high turn over, and extensive development and excavation activity.

The Public Awareness Program provides WGS, LLC with a minimum recommended, or baseline, public awareness program and provides the Company with considerations to determine how to expand the program to provide a greater level of public awareness outreach in certain areas. Details of program expansion are presented below.

9.2 Consideration for Program Expansion

When external factors along the pipeline route indicate that program expansion is warranted, the following sections are provided for guidance. The primary forms of program “expandability” are provided for consideration in the development and administration of each public awareness program:

1. Increased Frequency (Shorter Interval) – Refers primarily to providing certain communications to certain stakeholder audiences on a more frequent basis (shorter interval) than the baseline recommended minimum using the same content and delivery methods/media.
2. Supplemental Efforts – Refers to providing additional or supplemental communications activities above and beyond those identified in the baseline recommended minimum using the same or possibly a more custom tailored message content and different, or additional, delivery methods/media to reach the intended audience.
3. Coverage Areas – Refers to broadening or widening the stakeholder audience coverage area beyond those prescribed in the baseline recommended minimum for delivery of certain communications messages.

9.3 Consideration of External Factors

WGS, LLC will conduct periodic program evaluations at a minimum, every four (4) years and will review external factors along pipeline routes and right’s of way and consider what components of the public awareness program require expansion.

At a minimum, WGS, LLC will consider each of the following general external factors, applied along the entire route of the pipeline system, in assessing the potential expansion of their public awareness program:

- Pipeline release consequences
- HCA as defined by 49 CFR 192.903 – Transportation of Natural and Other Gas by Pipeline
- Population density
- Land development activity
- Land farming activity
- Third Party damage incidents
- Environmental considerations
- Pipeline history in an area
- Specific local situations
- Regulatory requirements
- Results from previous public awareness program evaluations
- Other relevant needs

Another factor to consider is the hazard associated with the pipeline as perceived by either the Company or the stakeholder audience. For example, if a pipeline segment has experienced damage as a result of third parties; prudent action would dictate that the frequency of messages to those third parties and other related stakeholder audiences would be increased. If the public's confidence in pipeline safety is undermined by a high profile emergency, even though a specific company is **not** experiencing an upward trend, WGS, LLC shall consider expanding the public awareness communications to their stakeholder audiences to restore confidence in their adjacent pipeline system. Further detail of considerations for program expansion is discussed in the following sections.

Examples for program expansion may include:

9.3.1 *The Affected Public*

- (a) Consideration shall be given to increased frequency and supplemental efforts to the Affected Public when known instances indicate an elevated potential for third party damage. For example:

- An additional mass mailing to farmers just prior to the deep plowing season where deep till plow methods are used,
 - An additional or interim mass mailing to Landowners/ Residents of new housing developments in areas along the pipeline route that may not have previously been reached.
- (b) Heavily developed urban areas are more likely to have a higher turnover rate than more stable, less dense suburban or rural areas. Turnover rates in an identified audience area shall be considered when determining increased frequency and supplemental efforts to:
- Landowners/Residents in high turnover areas such as multi family developments or densely populated urban areas.
- (c) In areas where right of way encroachments have occurred frequently, consideration shall be given to increased frequency and supplemental efforts to:
- Residents/Developers/Contractors in areas of right of way encroachment.
- (d) In areas where the potential for concern about consequences of a pipeline emergency is identified, extend beyond the specified minimum public awareness communications area (band width). Consideration shall be given to expanding the coverage area for:
- HVL pipelines in high population areas, extend the coverage area beyond the 1/8th mile minimum distance,
 - Other pipelines where pipeline emergencies may affect the public outside of the specific minimum coverage area.

9.3.2 Public Officials

Consideration shall be given to increased frequency and supplemental efforts where:

- Heightened public sensitivity to pipeline emergencies in the area, independent of cause or which the Company was involved,
- Significant right of way encroachments (such as new construction developments) are occurring.

9.3.3 Emergency Officials

Consideration shall be given to increased frequency and supplemental efforts where:

- Emergency officials have heightened sensitivity to pipeline emergencies,

- After post emergency review, or where there's potential for enhanced "liaison activities" between the Company and emergency officials that could have improved the emergency response to a pipeline emergency, or
- Requested by emergency officials to provide additional communications.

9.3.4 Excavators/Contractors and One Call Centers

Consideration shall be given to increased frequency and supplemental efforts where:

- There are instances which indicate an elevated potential for third party damage,
- Developers and contractors are performing a high number of excavations along a pipeline route in developing areas,
- There are instances of problems identified with excavators' use or lack of use of the One Call system.

10.0 PROGRAM EVALUATION AND EFFECTIVENESS

This section provides guidance on how to periodically, on an annual basis, evaluate the WGS, LLC Public Awareness Program to determine whether the goals of the program are being met and assess the effectiveness of the communication messages, delivery mediums and frequency of activities. The overall goal of the program evaluation shall be to assure sufficient awareness by the affected public of the pipeline, emergency notification and appropriate response actions so that adjustments are made in the program in an aim of continuous improvement.

An evaluation of this program shall be conducted at a minimum frequency of four (4) years. This evaluation program is presented to assure consistent baseline evaluations on all segments or pipelines.

While not a specific goal of the Public Awareness Program, another important outcome of an effective public awareness program (along with safe performance) is the establishment or reinforcement of the Company's reputation as a safe operator. A solid reputation as a safe operator is an intangible asset that can facilitate awareness and acceptance of the Company operations, facility expansion plans and provide a more constructive base of community relations if an emergency occurs.

10.1 Evaluation Objectives

The evaluation of the Public Awareness Program shall address the following short and long term questions and objectives:

- a. Is the Company doing what it says it will do in the written program?
- b. Is the process for conducting the public awareness program supported by management with specific and understandable action plans and personnel accountability?

- c. Are the public awareness activities conducted as cost effectively possible while still achieving goals?
- d. Are the materials used in the program readable and understandable, and do they convey the key messages to the intended stakeholder audience?
- e. Does the Company feel confident that, if asked, a sufficient number of the target stakeholder audience will recall the most important messages and information relayed to them and that this knowledge contributes to improving pipeline safety?

10.2 Evaluation Techniques

A number of potential evaluation techniques are described below. Each provide value to the evaluation and improvement of a public communication program, although not all provide statistically valid results.

10.2.1 Self Assessment Techniques

Self assessments can be completed using a cross functional internal working group to review the written program, collect data, randomly check documentation, and verify actions. The company could also engage a third party to conduct an assessment and provide recommendations.

10.2.2 Feedback or Reply Messages

Feedback postcards (often called reply or bounce back cards) or e mail reply forms can be included in public awareness materials, events or meetings. Usually these are designed to solicit quick reactions, short comments or suggestions or check bookings. This technique can be very relevant to the public awareness program but general reaction comments, perceptions and self selected "sample" group are also valuable. While not always representative of a statistically valid sample group, such feedback can be extremely effective input to the Company's public awareness program activities.

10.2.3 Focus Groups or Interview Panels

A group of people representative of one or more target audiences can be gathered to provide feedback about one or more aspects of the public awareness program. Useful feedback can be obtained using a very formal, professionally administered "focus group" but can be just as valuable with objective, open and documented feedback sought on a more informal basis. This technique is effective in pre testing public awareness materials and seeking feedback about the outcomes or knowledge impact. The results of focus groups or interview panels conducted by others, such as industry associations, can also be reviewed by the Company and findings incorporated into its own public awareness program.

10.2.4 Feedback Instruments

Although not statistically valid, public responses to requests for feedback via response cards, e mail comments, unsolicited letters or phone calls, comments during meetings, planned dialogue sessions (e.g. post emergency) can be documented and used in the program evaluation and enhancement process. Another important means of obtaining feedback is through government conducted public meetings, where views on public awareness and industry communications are discussed.

10.2.5 Audience Counts

Any number of statistics can be developed, maintained and referenced as indications for program effectiveness. These could include, for example, counts of the number of mass mailings, public official visitations, emergency response exercise attendees, number of reply cards received, and number of e mail inquiries through the Company's internet site. These could also include categorization and count of internet site viewers (on the relevant pages), attendance at meetings, numbers of face to face landowner contacts, etc.

10.2.6 Surveys of Affected Audience

A properly conducted survey assures a randomly selected, statistically valid sample group of one or more target audiences (e.g. landowners along pipeline route or right of way, emergency response officials, excavators in region, etc.). The design of the survey could be comprehensive and measure all aspects of the program (message content, delivery medium, frequency and retention of knowledge of those surveyed). Alternatively, a survey could be more focused and solicit data on only one or more aspects of a program. Generally, surveys need to be professionally designed and conducted to assure statistical significance and validity. The Company may:

1. Develop and conduct a survey on its own system using internal or external expertise;
2. Select a survey format designed by external parties or an industry association, or alternatively, or
3. Assess the results and incorporate findings of surveys conducted on behalf of many pipeline companies or through industry associations. If results of an industry association survey are used, WGS, LLC will seek to have the results segmented by region to heighten the relevance of results to the Company's own system(s).

10.2.7 Self Assessment

A self assessment answers the following questions:

- *Is the Company doing what it says it will do in the written program?*

- *Is the process for conducting the public awareness program supported by management with specific and understandable action plans and personnel accountability?*
- *Are the Public Awareness activities conducted as cost effectively possible while still achieving goals?*

The self assessment shall include:

- Confirmation that the written program has been established and is updated as major organizational changes are made,
- Confirmation that personnel assigned responsibilities identified in this program are aware of their responsibilities and have management support (e.g. budget and resources) for carrying out their responsibilities,
- An assessment to assure regulatory requirements have been met on a timely basis,
- Verification that all actions identified in this program have been in fact carried out,
- A review of documentation so that all actions can be confirmed,
- Confirmation that WGS, LLC has appropriately identified significant concentration(s) of non English speaking residents along the right of way the public awareness program activities have addressed the language difference (as required by 49 CFR Parts 192), and
- An assessment of the materials and means used to determine if more efficient or more effective approaches are justified (e.g. use of in house mailing using existing landowner (transmission) or customer (local distribution) lists versus use of service companies who identify mailing lists and complete the process; or a review of excavation one call close calls or damage to determine if a more intensive approach in one segment is justified)

10.2.8 Pre Test Effectiveness of Materials

The effectiveness and clarity of written or electronic communication materials can be assessed in advance of delivery to determine if improvements can be made. Evaluation during the formative or developmental stages of preparing materials can answer the question:

“Are the materials used in the WGS, LLC Public Awareness Program understandable, readable, and convey the key messages to the intended audience?”

For example, the Company can send draft materials to a small or sample group of affected public, public officials, or employees in other departments and get valuable feedback about whether the messages intended are likely to be received by the targeted audience. Pretesting effectiveness and clarity of materials in advance of mass production and distribution is extremely helpful in assessing strengths and weaknesses of materials during the final stages of

development. Input received during pre-testing materials can be used to correct language or graphics that will reinforce the main messages of the Company's public awareness program goals.

10.2.9 Measuring Public Awareness Activities

A valuable tool in monitoring a public awareness program is to establish several key measures that gauge whether the program is reaching intended audience. Potential measures include (but are not limited to) a systematic compilation of the following data tracked over time.

- Number of recipients of mailings in a given year, including comparison of total mailings to number of pipeline miles,
- Number of response, "bounce back" reply cards received following a mass mailing,
- Total number of personal meetings with emergency responders and/or number and total attendees in emergency response drills or exercises conducted with emergency response officials,
- Number of excavation one call notifications received by pipeline section or region,
- Number of attendees at public open houses or tours

The Company will need to track at least some measures such as those listed above to provide a gauge of the total number of affected audiences that have successfully received key public awareness information.

10.2.10 Measuring the Outcomes or Impacts of the Public Awareness Program

Evaluating the outcomes of the Public Awareness Program will help answer the questions:

"Does the Company feel confident that, if asked, a sufficient number of the target audience will recall the most important messages and information relayed to them, and does this knowledge contribute to improving pipeline safety?"

There are several ways WGS, LLC can collect information to make judgments about how effective the Public Awareness Program is in raising awareness of the nearby pipeline systems, improving knowledge of how to recognize and respond to leaks or impacting behaviors that decrease the risk of third party damage. The evaluation portion of the WGS, LLC Public Awareness Program shall include at least one measure of long term outcome or impacts. The following illustrate some approaches that will be used to validate that the public awareness program is achieving the outcomes and impacts desired:

10.2.11 Assess Knowledge during Personal Encounters with the Affected Public

While not a statistically valid measure, encounters with the affected public can provide valuable input. Feedback, feedback could be sought on 3 questions whenever a landowner/business

is personally dealt with for maintenance access. Another opportunity is to seek feedback on 1 2 questions added to the emergency reporting log or from emergency officials following a joint exercise. The Company's instructions for conducting and documenting this type of interaction could be modified to solicit feedback on specified questions for purposes of measuring public awareness impact, and the documentation routed to the personnel responsible for public awareness assessment.

10.2.12 Survey Measuring Impact of Public Awareness Program

A statistically valid, well designed survey targeting one or more affected public categories is one of the most comprehensive ways to measure outcomes and impacts. Surveys can be conducted on a large population along pipeline routes to evaluate the full scope of the program activities or a smaller survey can be done to evaluate a specific aspect or initiative.

10.3 Minimum Components of Public Awareness Evaluation

The Company's evaluation process shall be developed to coincide with the overall cycle of communication initiatives undertaken. Specifically, the results of evaluations need to be incorporated through adjustments and enhancements (as necessary) to the public awareness program. Because communication activities are planned, budgeted and conducted on a 2 year cycle, the evaluation program shall be timed to ensure feedback in sufficient time to incorporate findings into the next "cycle" of public awareness program activities.

11.0 MEASURING IMPACT ON REDUCING THIRD PARTY DAMAGE AND SUPPLEMENTAL ACTIVITIES

11.1 Measuring Impact on Reducing Third Party Damage

The one aspect of pipeline safety *most influenced* by an effective public awareness program is a reduction in third party excavation damage. Niska will track such occurrences using the Niska Gas Storage Incident Reporting and Investigation Guideline to identify improvements or trends, both over time and as compared to industry wide performance.

11.2 Supplemental Activities

The Niska Chief Operating Officer manages pipeline assets and will have the responsibility to determine if any supplemental activities or revisions of the program's elements are necessary to communicate a message to any respective member of the Stakeholder Audience Group.

Initial and subsequent program evaluations will consider the following factors applied to the entire pipeline system or around the facility areas:

- Potential Hazards
- High Consequence Areas

- Population Density
- Land Development Activity
- Land Farming Activity
- Third Party Damage Incidents
- Environmental Considerations
- Pipeline History in Area
- Specific Local Situations
- Regulatory Requirements
- Other Relevant Needs

Supplemental activities that may be implemented may include the following:

- Increased communication frequency to specific stakeholders.
- Enhancing the message content and the delivery method.
- Broadening the stakeholder audience.
- Expanding the buffer distance for Stakeholder Audience coverage along the right of way.
- Face to face communications with builders/developers along right of way.

If portions of the pipeline are designated High Consequence Areas (HCA's), a review of the type of HCA, local understanding of the HCA and pipeline may warrant possible supplemental enhancements to the Public Awareness Program. Niska will include supplemental activities as identified above. HCA's (if any) and supplemental enhancements will be reviewed when the entire program is reviewed on an annual basis.

The following are examples for consideration of supplemental program enhancement:

- Occurrences indicate an increase potential for third party damage.
- Increased right of way encroachments.
- The area becomes developed and becomes heavily populated with resident turnover.
- Increased public awareness and inquiry to possible pipeline emergencies.
- Increased information requests from public officials and/or emergency officials.



- Increased number of land development and/or excavation activities in area.
- Increased level of locate requests through the One Call Centers.

If a supplemental activity is conducted, Niska's Pipeline Manager will be responsible for implementing and maintaining the additional documentation materials.

12.0 RECORDS

The following records will be maintained at the WGS, LLC facility office:

- 12.1 A list identifying each of the residents residing along the Company ROW. This will include: names, telephone numbers, special needs of inhabitants and mailing addresses. This list will be updated as appropriate.
- 12.2 Documentation of the transmittal of information or the participation in activities publicizing the Company's Public Awareness Program. Documentation will be retained for at least five (5) years.

13.0 REFERENCE

- 49 CFR, Sections 192.614(c)(2), 192.616, and
- API RP #1162, Public Awareness Programs for Pipeline Operators
- Office of Pipeline Safety (OPS) Interpretation Letter, February 4, 1993
- Office of Pipeline Safety (OPS) Damage Prevention Self Assessment Form, www.ops.dot.gov (RP 1162 Resources)
- December 17, 2002 Pipeline Safety Act
- Office of Pipeline Safety (OPS) Advisory Bulletin ADB 03-04, August 2003



Exhibit "A" Company Commitment & Support Statement

COMPANY COMMITMENT & SUPPORT STATEMENT

Niska Gas Storage Partners LLC, parent company of Wild Goose Storage LLC, is committed to operating its pipelines in a safe and reliable manner for the safety of all persons working and living around our operations.

Niska Gas Storage supports the activities as set forth in API RP 1162 and in accordance with the other applicable regulatory requirements concerning Public Awareness Program efforts.

Niska Gas Storage is committed to the activities as described in its Public Awareness Program.

Niska Gas Storage is committed to provide the appropriate level of funding and resources that are necessary to implement, maintain and as appropriate, enhance its Public Awareness Program.

Niska Gas Storage supports the efforts of its employees to conduct their individual work related responsibilities safely and to contribute in complying with the requirements of the Public Awareness Program as described in this written document.

Mr. Simon Dupere

President, CEO, COO

Niska Gas Storage Partners LLC

June 15, 2012

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Niska Gas Storage Partners LLC

Health, Safety & Environmental (HSE) Policy

HSE Commitment

We at Niska Gas Storage Partners LLC (Niska) are committed to working in a responsible manner, one that promotes the well-being and protection of our workers, the public and the environment.

We will operate our facilities to the highest standard, one that respects the health and safety of our employees, contractors, customers, communities and the environment in which we operate. Niska will ensure that:

- Compliance with health, safety and environmental rules and regulations come first, regardless of the magnitude or urgency of the job.
- Personnel are available to provide the resources and guidance necessary for continuous improvement to health, safety and environmental procedures.
- Our employees are provided with the tools and training necessary to allow them to conduct their work in a healthy, safe and environmentally productive manner.

HSE Principles

Niska believes that the health, safety and well being of our employees, contractors, customers and the public take precedence. It is our goal and objective to operate our business in such a way as to prevent harm to people and to protect the environment. We will comply with all applicable health, safety and environmental laws and regulations. It is the expectation that all workers, on Niska worksites, adhere to company health, safety and environmental practices as well as applicable government laws and regulations. We will not jeopardize or compromise our HSE Principles for profit or production.

Health and Safety

- Every worker employed on a Niska worksite has the right to a healthy and safe environment.
- Niska embraces a 100% compliant healthy and safe culture and places the protection of people from injury above all other management considerations.
- Prior to the commencement of work, safe work procedures shall be developed, reviewed by all affected workers and adhered to.
- Personal Protective Equipment is made available and must be used.

Environment

- Niska is committed to responsible stewardship of the environment at our worksites, as appropriate for our industry.
- As part of ongoing efforts to protect the environment, Niska will comply with environment regulations and agreements to continuously improve our environment management practices.
- Niska will take steps to improve environmental protection, use sustainable business processes and practices that minimize waste, prevent pollution, and dispose of waste safely and responsibly.
- Our facilities will be operated in an environmentally friendly and socially responsible manner and we will endeavor to reduce waste, emissions and discharges from our operations.

The success of the Niska health, safety and environmental program depends on the adherence and cooperation of all Niska employees and contractors. We must all strive to protect the health and safety of ourselves, fellow workers, general public and the environment.

No job is so important that we cannot take the time to do it safely.

Simon Dupont
President and Chief Executive Officer
Niska Gas Storage Partners LLC
September 2012

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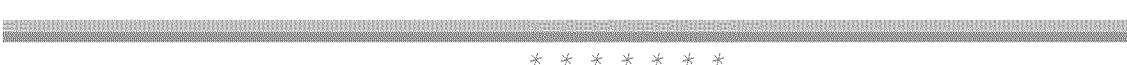
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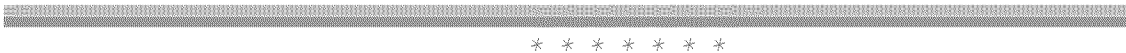
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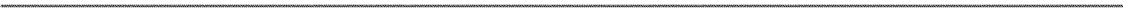


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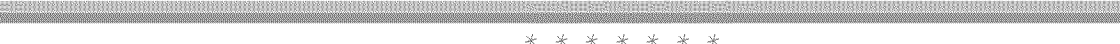
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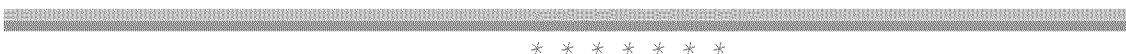
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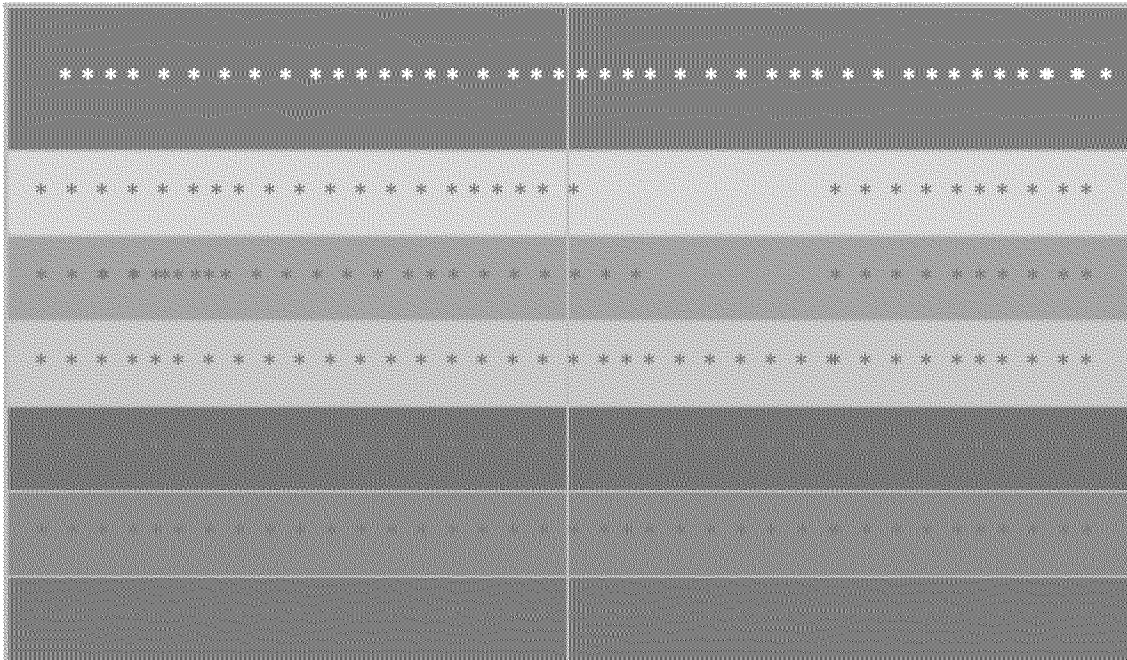
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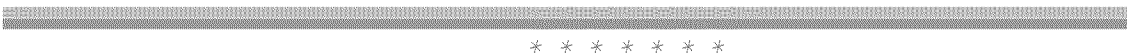


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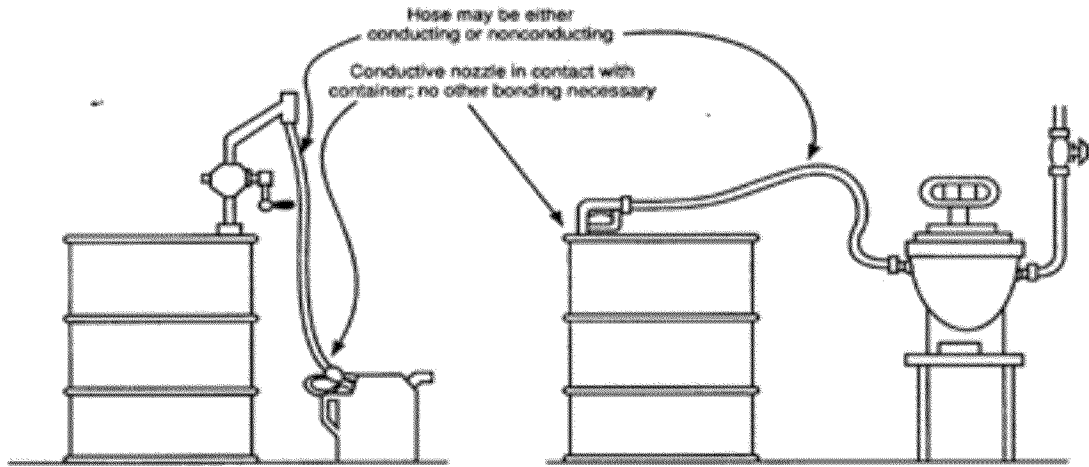
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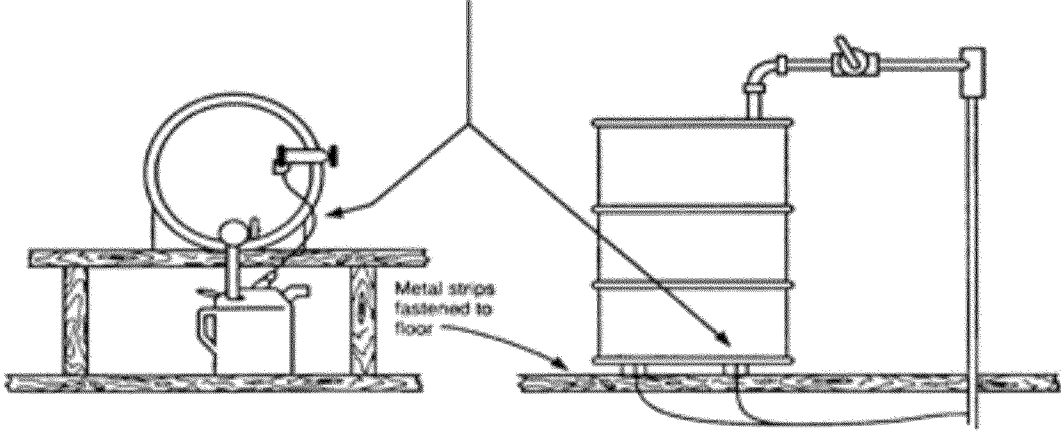


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Nozzle not in contact (a bond wire is necessary except where containers are inherently bonded together; if resistance between the container and the fill pipe or other source exceeds 10⁶ ohms, a bond shall be provided between them)



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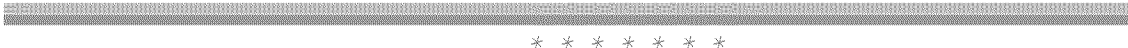
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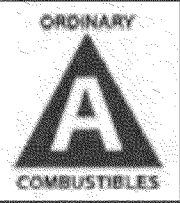
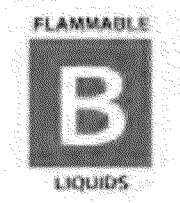
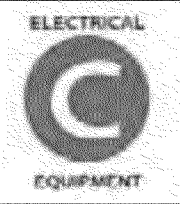

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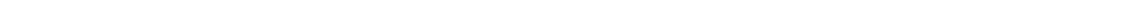
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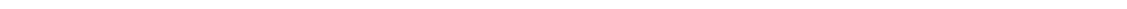
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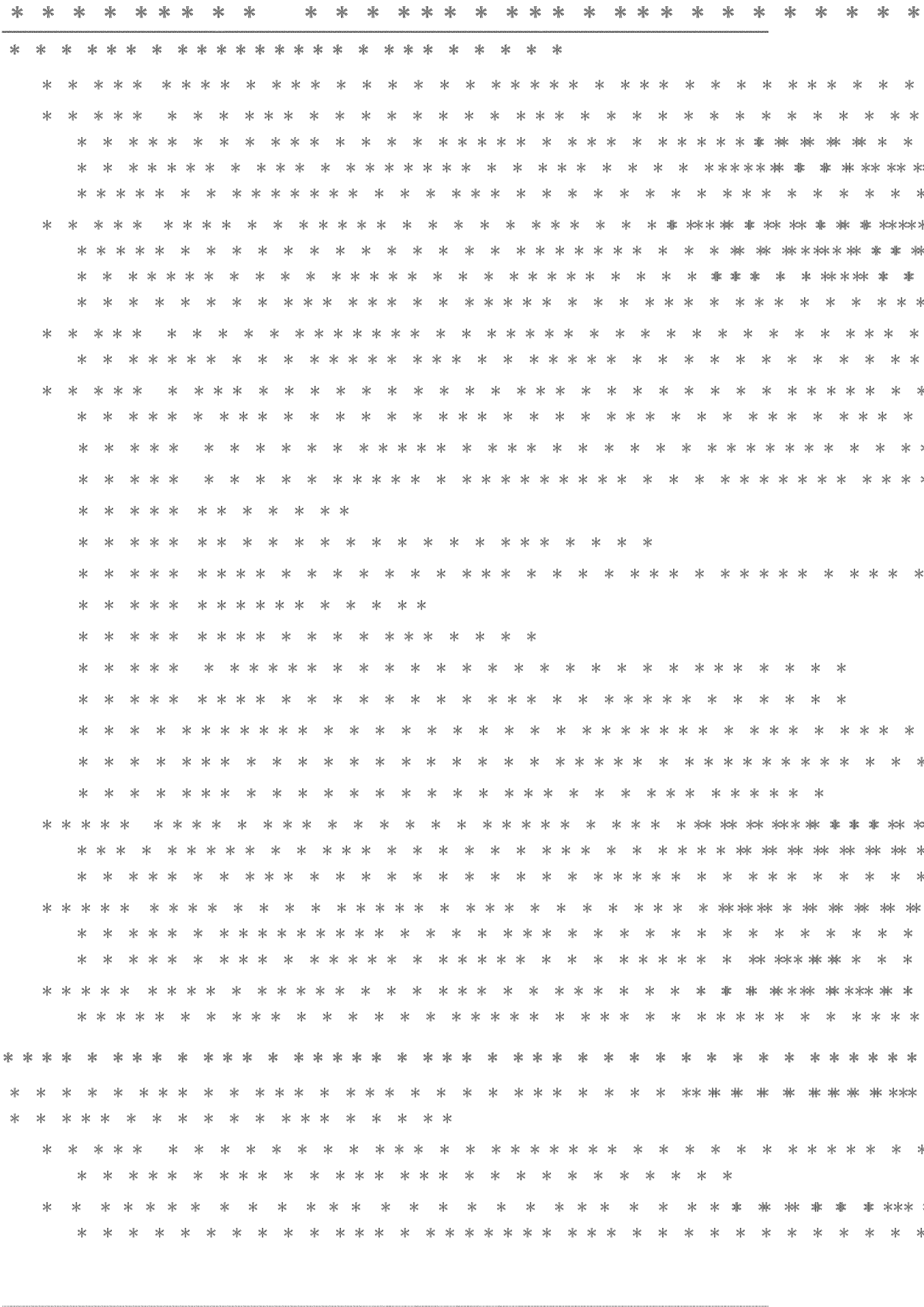
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HAND SIGNALS
For
DIRECTING
VEHICLES
Industry Recommended Practice (IRP)

Turns




Direction arm points in direction to turn




Motioning arm, repeatedly bent towards head, indicates continued turning

CLEAR TO LEAVE AREA




Point at driver




Turn and extend arms in desired direction

DISTANCE TO STOPPING POINT




Palms face forward hands above head




Bring elbows forward and hands together

PROCEED SLOWLY FORWARD OR BACKWARD



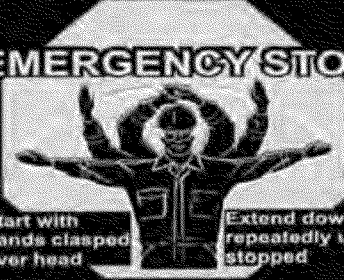
Palms face direction of travel




Bend both arms repeatedly toward head and chest, then extend

Canadian Petroleum Safety Council

EMERGENCY STOP

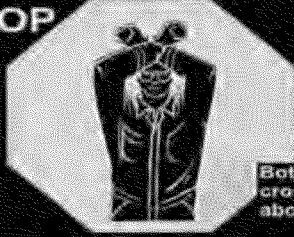


Start with hands clasped over head



Extend downward repeatedly until stopped

STOP



Both wrists crossed above head

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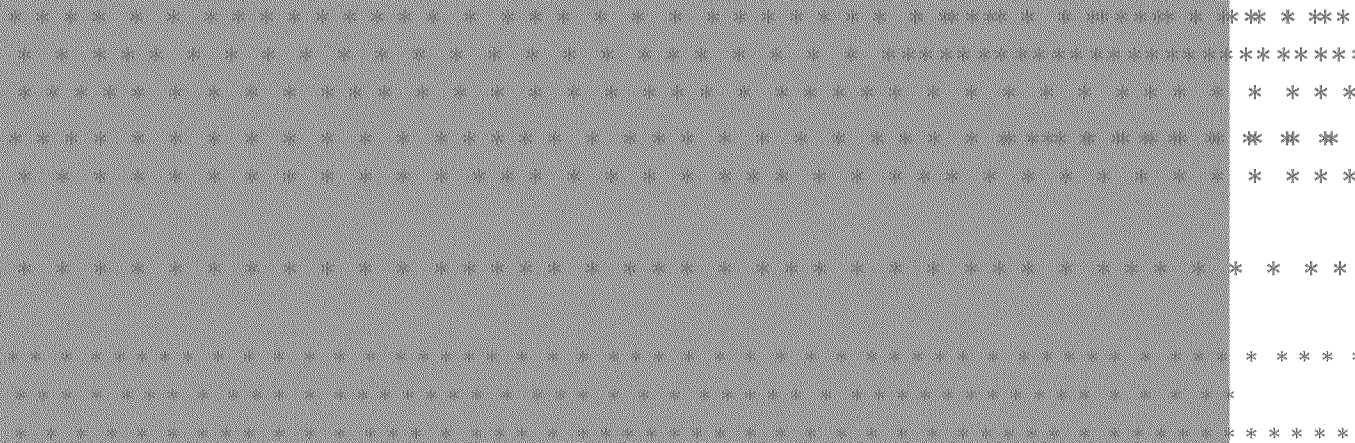
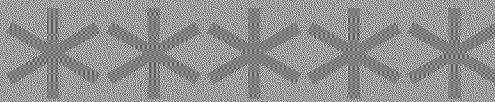
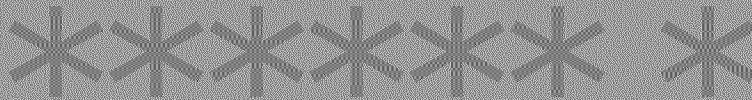
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Gas Storage



Topic	Frequency	Applies to	Federal Requirement	California Requirement	Trainer	Patrick * Raymond	Grant * Bozart	Stacy Brackin	Brent Hall	Richard * Holland	Justin * Jarmilo	Matt Jones	LeK Kilaugh	Dan Moffett	Daniel * Pleger
Back Injury Prevention	as Needed / With changes	All * employees	NA	NA	Safety * Tactics	22 * Aug * 12	* Aug * 12	* Aug * 12		22 * Aug * 12	* Aug * 12	* Aug * 12	* Aug * 12	22 * Aug * 12	* Aug * 12
Bloodborne * Pathogens * (Infectiocontrol)	Annual	All * employees	29 CFR 1910.1030(e)(5), (g)(1)	8 CCR 5193(S)(C)	Safety * Tactics	20 * Aug * 12	* Aug * 12	* Aug * 12		20 * Aug * 12	* Aug * 12	* Aug * 12	* Aug * 12	20 * Aug * 12	* Aug * 12
Confined Space * Awareness	Updates	All * employees	29 * CFR 1910.146	8 CCR 5157(g)	Safety Tactics	20 * Aug * 12	* May * 13	* Aug * 12	* May * 13	* May * 13	* May * 13	* May * 13	* Aug * 12	* May * 13	* May * 13
Control * Room Mgmt	Updates	All * employees	29 * CFR 192.631		WGS		5/1/2013		5/1/2013	5/1/2013	5/1/2013	5/1/2013		5/1/2013	5/1/2013
Bridge * Cranes / * Hoisting	as Needed				Safety * Tactics	23 * Aug * 12	* Aug * 12	23 * Aug * 12		23 * Aug * 12	* Aug * 12	* Aug * 12	* Aug * 12	23 * Aug * 12	* Aug * 12
Defensive Driving	3 Years	All * employees	Best * Practice	Best * Practice	Zurich * Insurance	23 * Oct * 12	23 * Oct * 12	23 * Oct * 12		23 * Oct * 12	* Oct * 12	* Oct * 12	* Oct * 12	23 * Oct * 12	23 * Oct * 12
Drug * and Alcohol Abuse/Misuse * ** Supervisor	as Needed?	All * employees			Safety * Tactics	23 * Aug * 12	* Aug * 12	23 * Aug * 12		23 * Aug * 12	* Aug * 12	* Aug * 12	* Aug * 12	23 * Aug * 12	* Aug * 12
Electrical * Safety/Basic * Awareness	Annual	All * employees			Safety * Tactics	23 * Aug * 12	* Aug * 12	23 * Aug * 12		23 * Aug * 12	* Aug * 12	* Aug * 12	* Aug * 12	23 * Aug * 12	* Aug * 12
Emergency * Response	Annual	All * employees	No * requirement.	Title * 8, 3220	Kelly Baltimore	25 * Jan * 2012		25 * Jan * 2012		25 * Jan * 2012	* Jan * 2012	* Jan * 2012	* Jan * 2012	25 * Jan * 2012	* Jan * 2012
Excavation * and Trenching	Annual	All * employees			Safety * Tactics	22 * Aug * 12	* Aug * 12	22 * Aug * 12		22 * Aug * 12	* Aug * 12	* Aug * 12	* Aug * 12	22 * Aug * 12	* Aug * 12
Fall * Protection	Annual	All * employees			Safety * Tactics	22 * Aug * 12	* Aug * 12	22 * Aug * 12		22 * Aug * 12	* Aug * 12	* Aug * 12	* Aug * 12	22 * Aug * 12	* Aug * 12
FEMA Incident * * Communitysterk ICS100	3 Years	All * employees			FEMA Online	11/6/2009	11/4/2011	11/13/2009		11/6/2009	11/20/2011	11/30/2011	10/11/2009	11/9/2009	11/30/2011
Fire * Extinguishers/Handheld	Annual	All * employees	29 * CFR 1910.157(g)	8 CCR 6151(g)(1)	Safety Tactics	20 * Aug * 12	* Aug * 12	20 * Aug * 12		20 * Aug * 12	* Aug * 12	* Aug * 12	* Aug * 12	20 * Aug * 12	* Aug * 12
Fire * Protection * and Prevention	Annual	All * employees			Safety * Tactics	20 * Aug * 12	* Aug * 12	20 * Aug * 12		20 * Aug * 12	* Aug * 12	* Aug * 12	* Aug * 12	20 * Aug * 12	* Aug * 12
First Aid * / CPR * / * AED	2 Years	All * employees	29 * CFR 1910.151	8 CCR 3400(b), * 6201	External * Consultant - Zee * Medical	4/23/2007		5/13/2009		10/27/2010	10/27/2010	10/27/2011	5/13/2009	10/27/2010	
First * Respondr Awareness/Operations	Annual	All * employees	29 CFR * 1910.128 (a)	CCR * Title 8 * Sub 5192 * (C) (4)	Safety * Tactics	10/10/2005				10/27/2010			10/10/2005	10/27/2010	
Forklift * Operator	3 Years	F/L * Operators	29 * CFR 1910.178(f)	Title * 8 * 305266-6 3668	Safety * Tactics	21 * Aug * 12	* Aug * 12	21 * Aug * 12		21 * Aug * 12	* Aug * 12	* Aug * 12	21 * Aug * 12	* Aug * 12	* Aug * 12
Forklift * Safety	3 Years	F/L * Operators		Title * 8 * 305266-6 3668	Safety * Tactics	21 * Aug * 12	* Aug * 12	21 * Aug * 12		21 * Aug * 12	* Aug * 12	* Aug * 12	21 * Aug * 12	* Aug * 12	* Aug * 12
Ground * Fault Circuit Interrupter/GFCI	as Needed	All * employees	29 * CFR 1926.404		Safety * Tactics	21 * Aug * 12	* Aug * 12	21 * Aug * 12		21 * Aug * 12	* Aug * 12	* Aug * 12	* Aug * 12	21 * Aug * 12	* Aug * 12
Ground * Disturbance	TBD	All * employees			Kelly * Baltimore	3/10/2009		3/10/2009		3/10/2009			3/10/2009	3/10/2009	
Hazard * Communication	as Needed / With changes	All * employees	Title * 8 * 5194		Safety * Tactics	22 * Aug * 12	* May * 13	* Aug * 12	* May * 13	* May * 13	* May * 13	* May * 13	* May * 13	22 * Aug * 12	* May * 13
Haz * Mat Trans & Shipper	3 Years	Operators			Safety * Tactics			4/24/2009					10/7/2009	4/22/2009	
HAZWOPER * and Butte County HMRP	Annual	All * employees	29 CFR 1910.120(q)(6)	8 CCR 5192 (b) (1) and * * * 49 CFR 2670 et seq	External * Consultant * EKHolm * Co/ndidit	10/10/2005					10/20/2010		10/20/2010	10/20/2010	
HAZWOPER * REFRESHER	Annual	All * employees	29 * CFR 1910.120		Online	7/18/2007						10/20/2010	3/16/2009	3/16/2009	
Hearing * Conservation	Annual	All * employees	29 * CFR 1910.95	8 * CCR 5099	Safety Tactics	20 * Aug * 12	* Aug * 12	20 * Aug * 12		20 * Aug * 12	* Aug * 12	* Aug * 12	* Aug * 12	20 * Aug * 12	* Aug * 12
Heat * Stress	Annual (Spring)	All * employees	No * requirement	8 * CCR 3395	Safety Tactics	21 * Aug * 12	* May * 13	* Aug * 12	* May * 13	* May * 13	* May * 13	* May * 13	* Aug * 12	* May * 13	* May * 13
Injury * & * Illness Prevention Plan	Annual	All * employees	No * requirement.	8CCR * 3203	External * Consultant										
Incident * Investigation	Annual	Supervisors		8CCR * 3203	Kelly Baltimore										
Ladders	as Needed	All * employees	29 * CFR 1926.1053		Safety * Tactics	23 * Aug * 12	* Aug * 12	23 * Aug * 12		23 * Aug * 12	* Aug * 12	* Aug * 12	23 * Aug * 12	* Aug * 12	* Aug * 12
Lock * out / * Tag * out	Annual	All * employees		CCR * Title 8 * 3314	Kelly * Baltimore	21 * Aug * 12	* Aug * 12	21 * Aug * 12		21 * Aug * 12	* Aug * 12	* Aug * 12	* Aug * 12	21 * Aug * 12	* Aug * 12
Machine * Guarding	as Needed	All * employees	29 * CFR 1910.212		Safety * Tactics	23 * Aug * 12	* Aug * 12	23 * Aug * 12		23 * Aug * 12	* Aug * 12	* Aug * 12	* Aug * 12	23 * Aug * 12	* Aug * 12
Noise Exposure	Annual	All * employees	29 * CFR 1926.52	Title * 8 * 5097509	Safety Tactics	20 * Aug * 12	* Aug * 12	20 * Aug * 12		20 * Aug * 12	* Aug * 12	* Aug * 12	* Aug * 12	20 * Aug * 12	* Aug * 12
O&M * Manual	Initial	All * employees	49 * CFR 192		Safety * Tactics		4 * 30 * 31 * 13		4 * 30 * 31 * 13	4 * 30 * 31 * 13	4 * 30 * 31 * 13	4 * 30 * 31 * 13		4 * 30 * 31 * 13	4 * 30 * 31 * 13
Overhead * Powerline * Safety	as Needed	All * employees		CCR * Title 8, 2946 2949	Kelly * Baltimore	23 * Aug * 12	* Aug * 12	23 * Aug * 12		23 * Aug * 12	* Aug * 12	* Aug * 12	* Aug * 12	23 * Aug * 12	* Aug * 12
Personal * Protective Equipment	as Needed	All * employees	29 * CFR 1910.132	CCR * Title 8 * 3380	Safety Tactics	22 * Aug * 12	* Aug * 12	22 * Aug * 12		22 * Aug * 12	* Aug * 12	* Aug * 12	* Aug * 12	22 * Aug * 12	* Aug * 12
Purging Code	TBD	All * employees			Kelly * Baltimore	6/7/2011		6/7/2011		6/7/2011	6/7/2011	6/7/2011	6/7/2011	6/7/2011	Absent

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Respiratory * Protection	Annual	All * employees	29 * CFR 1910.134	CCR * Title 8 * 5149	Safety/Tactics	22 * Aug * 12	22 * Aug * 12	22 * Aug * 12	22 * Aug * 12	22 * Aug * 12	22 * Aug * 12	22 * Aug * 12	22 * Aug * 12	22 * Aug * 12	22 * Aug * 12	22 * Aug * 12	22 * Aug * 12	22 * Aug * 12
Respiratory * Medication and * FR test	Annual	All * employees	29 * CFR 1910.134 (d) (5)	CCR * Title 8 * 5149	Safety/Tactics													
Underground * Storage * Tanks * (UST)	Annual	Operators	No * requirement.	29 CCR 2715(d) (8)	WGS * employee * certified * UST Operator	1/31/2012	1/31/2012			1/31/2012			1/31/2012	1/31/2012				
Welding and Cutting	as needed	Welders, * employees working * in the area	29 CFR 1926.350, 351	CCR * Title 8 * 1597, 4799, * 4848	Safety * Tactics													

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Back* Injury* Prevention	22* *Aug*	*12
Bloodborne* Pathogens* (Infectio*control)	20* *Aug*	*12
Confined* Space* Awareness	20* *Aug*	*12
Bridge* Cranes/* Hoisting	23* *Aug*	*12
Drug* and* Alcohol* Abuse/Misuse*Sup*ervisor	23* *Aug*	*12
Electrical* Safety*Basic** awareness	23* *Aug*	*12
Excavation* and* Trenching	22* *Aug*	*12
Fall* Protection	22* *Aug*	*12
Fire* Extinguisher*Handheld	20* *Aug*	*12
Fire* Protection* an*vention	20* *Aug*	*12
Forklift* Operator	21* *Aug*	*12
Forklift* Safety	21* *Aug*	*12
Ground* Fault* Circuit* Interrupter/GFCI	21* *Aug*	*12
Hazard* Communication	22* *Aug*	*12
Hearing* Conservation*	20* *Aug*	*12
Heat* Stress	21* *Aug*	*12
Ladders	23* *Aug*	*12
Lock* out/* Tag*ut	21* *Aug*	*12
Machine* Guarding	23* *Aug*	*12
Noise* Exposure	20* *Aug*	*12
Overhead* Powerline* Safety	23* *Aug*	*12
Personal* Protective* Equipment	22* *Aug*	*12
Respiratory* * Protection	22* *Aug*	*12

Confined Space

Hazard* Communication
Heat* Illness
Injury* & * Illness* Prevention* Plan
Incident* Investigation
O&M* Manual
Welding* and* Cutting

2 days

ANTI-DRUG AND ALCOHOL MISUSE PREVENTION PLAN

U.S.D EPARTMENT OF TRANSPORTATION
PIPELINE & HAZARDOUS MATERIALS SAFETY ADMINISTRATION (PHMSA)
PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF:
49CFRPART199
49CFRPART40

WILD GOOSE STORAGE LLC

400-607 8th AVE SW
CALGARY, ALBERTA, CANADA T2P 0A7

403-513-8711

ORIGINAL DATE OF IMPLEMENTATION: Jun 9, 2006

NEW EFFECTIVE DATE: Jan 4, 2011

PLAN REVISION DATE: January 4, 2011
©NATIONAL COMPLIANCE MANAGEMENT SERVICE, INC.(NCMS)
REVISION DATE MODIFIED BY NCMS ONLY

WILD GOOSE STORAGE LLC

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WILD GOOSE STORAGE LLC

PHMSA DRUG/ALCOHOL PLAN

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I. INTRODUCTION

1. Development of “Combined” Plan

The Pipeline and Hazardous Materials Safety Administration (PHMSA) is the agency within the Department of Transportation (DOT) that regulates operators in the natural gas and hazardous liquid pipeline industry. PHMSA’s Drug and Alcohol Testing Regulation, 49 CFR Part 199¹, 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. This “combined” Anti-Drug and Alcohol Misuse Prevention Plan,” merges both PHMSA-required plans into a single document.

Authorization for a combined plan was granted by PHMSA’s Office of Pipeline Safety stating: “PHMSA will allow the combining of the two plans into one written plan, as long as all requirements of each regulation are met.” The “requirements of each regulation” means the requirements of Part 199 and the requirements of DOT’s “Procedures for Transportation Workplace Drug and Alcohol Testing,” 49 CFR Part 40².

The Anti-Drug and Alcohol Misuse Prevention Plan, henceforth referred to as the “Plan,” meets all the requirements of Part 199 and Part 40.

2. Approach

The Plan will use the generic word “*Company*” in reference to the operator or contractor, as applicable, for which it is written. PHMSA’s requirement for plan development and implementation applies equally to each operator and contractor that performs safety-sensitive operations, maintenance, or emergency-response functions on a pipeline or LNG facility within the natural gas and hazardous liquid pipeline industry. The Plan will describe how the Company will comply with government requirements.

The Plan will identify “Company-additional” requirements – those that go beyond the minimum requirements of DOT. Company-additional requirements 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. Appendix D outlines the Company disciplinary actions and additional procedures.

The Plan is written in “plain language” and follows the requirements of each rule. However, the Plan does not repeat the language of either Part 40 or Part 199. Doing so would require the Company to produce a new plan every time DOT or PHMSA issued a change to their respective rule. The goal of DOT is to know that the Company understands the requirements of the rules and how the Company will go about achieving compliance. The Plan makes use of existing DOT language in places where summaries are used to explain a more detailed process (e.g., specimen collection and alcohol test procedures are extracted from DOT’s “Employee Guide”³).

¹ Title 49 Code of Federal Regulations (CFR), Part 199, “Drug and Alcohol Testing Requirements,” Pipeline and Hazardous Materials Safety Administration, Department of Transportation, 53 FR 47096, Nov. 21, 1988 as amended.

² Title 49, Code of Federal Regulations (CFR), Part 40, “Procedures for Transportation Workplace Drug and Alcohol Testing Programs,” Office of the Secretary, Department of Transportation, 65 FR 79462, Dec. 19, 2000 as amended.

³ “What Employees Need To Know About DOT Drug & Alcohol Testing,” ODAPC, DOT, October, 2010.

Cross references are made linking the Plan to the PHMSA Inspection Form⁴ for the purpose of assisting inspectors with specific areas of Plan compliance. The cross references will appear in the Plan as superscripted “endnotes”. Each endnote matches an inspection number and description from the PHMSA Inspection Form. The Inspection Form cross references is found in Appendix E.

3. Background

Safety. The DOT requires transportation employers to develop and implement drug and alcohol testing programs in the interest of public safety. Safety is the highest priority for DOT. One of the means by which the DOT helps ensure safety is by subjecting those workers responsible for transportation safety to drug and alcohol testing. Workers tested under the DOT program have direct impact on the safety of the traveling public or the safety of those potentially affected by the transportation of hazardous products, such as natural gas, liquefied natural gas (LNG) and hazardous liquids.

Test Procedures. The overall responsibility for management and coordination of the DOT program resides within the Office of the Secretary of Transportation’s (OST), Office of Drug and Alcohol Policy and Compliance (ODAPC). ODAPC issues Part 40. Whether the transportation employee is a pipeline worker, truck driver, or airline pilot, their drug and alcohol tests are conducted using the same Part 40 procedures. This consistency benefits all employees affected by DOT regulations in that each agency’s regulations must adhere to DOT’s testing procedures. Better known simply as “Part 40,” this rule has become the standard for workplace testing in the United States.

Compliance Enforcement. Regulation and enforcement within the different transportation industries is the responsibility of the DOT agency that has authority over the particular industry. The regulatory authority requiring drug and alcohol testing of safety-sensitive employees in aviation, trucking, railroads, and mass transit industries is the Omnibus Transportation Employee Testing Act of 1991⁵ (OTETA). The OTETA did not specifically address the pipeline industry. PHMSA has regulatory authority over the pipeline industry and conveyed their authority, for drug and alcohol testing, through the issuance of their regulation -- Part 199. Part 199 spells out *who* is subject to testing, *when* and in *what* situations. Operators, and in turn, their associated contractors, implement the regulations.

II. GENERAL

1. Scope

Operators of pipeline facilities subject to 49 CFR Parts 192⁶, 193⁷, or 195⁸ are required to test covered employees for the presence of prohibited drugs and alcohol. Contractors doing similar work on the behalf of their operators are subject to the same requirements. Part 199 requires of each operator the assurance that any contractor performing any DOT safety-sensitive work for that operator, under Parts 192, 193, or 195, is in full compliance with the provisions of the DOT’s drug and alcohol program, as applicable.

⁴ “Substance Abuse Program: Comprehensive Audit and Inspection Protocol Form, Combined Anti-Drug and Alcohol Misuse Programs, Form No.: 3.1.11, January 29, 2010” Pipeline and Hazardous Materials Safety Administration, Office of Pipeline Safety.

⁵ Public Law 102-143, October 28, 1991, Title V – Omnibus Transportation Employee Testing, 105 Stat. 952-965; 49 U.S.C. 45104(2).

⁶ Part 192 – Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards

⁷ Part 193 – Liquefied Natural Gas Facilities: Federal Safety Standards

⁸ Part 195 – Transportation of Hazardous Liquids by Pipeline

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2. Applicability

Part 199, and the provisions of the Plan, applies to operators and contractors only with respect to their employees located within the territory of the United States, including those employees located within the limits of the “Outer Continental Shelf.” Part 199 and the provisions of the Plan do not apply to covered functions performed on master meter systems or pipeline systems that transport only petroleum gas or petroleum gas/air mixtures.

3. Compliance^{1 2}

Plan Development . The Plan meets the requirement of Part 199, paragraphs §199.101 and §199.202, respectively, to develop a written anti-drug plan and a written alcohol misuse prevention plan. The Plan describes the methods and procedures for compliance with the drug and alcohol program requirements of the DOT, including the employee assistance program. The Plan covers the operational, day-to-day requirements that are found in Part 199, and the procedural, testing requirements that are found in Part 40. The Plan provides appendices for the name and address of each laboratory that analyzes specimens for the Company, the Company’s Medical Review Officer, and Substance Abuse Professionals. The Plan communicates to employees, Company officials, and DOT officials the path that the Company will follow in order to comply with the requirements for a successful DOT drug and alcohol program.

Plan Availability . The Plan will be posted in a common place, selected by the Company, for employee review and feedback. A copy of the Plan will be made available to all covered employees. Any covered employee desiring a copy of Part 40 and/or Part 199 must contact the Designated Employer Representative (see Appendix B). The Plan provides a basic description of the rules and testing requirements, and shows how the Company implements and follows them. The Plan is not meant as a substitute for the detail provided in either rule. If there is any difference in instruction or interpretation between the Plan and the rules, the rules prevail. The Plan will be updated at any time its language, or the intent of its language, differs from that of either Part 40 or Part 199. Employees are encouraged to obtain and read Part 40 and Part 199 on their own.

4. “DOT” vs. “PHMSA”

All DOT workplace testing procedures will follow Part 40 requirements. All DOT procedural responsibilities for pipeline operators and contractors will follow Part 199. In the Plan, the term “DOT” will be used for references to general requirements (e.g., testing procedures) placed on all transportation employers, including operators and contractors. The use of the term “PHMSA” will be to distinguish specific, unique administration requirements versus general, DOT requirements (e.g., random alcohol testing is not authorized by PHMSA).

5. DOT Procedures

The Company will assure that the procedures of Part 40 are followed for drug and alcohol testing conducted under the requirements and authority of Part 199; a violation of Part 40 is a violation of Part 199. If the Company employs a Consortium/Third-Party Administrator (C/TPA) to assist in program development, implementation, and management, the C/TPA will, likewise, follow all the requirements of Part 40 and Part 199. It is the Company’s goal to establish and maintain compliance with the DOT drug and alcohol program.

6. Stand-down Waiver³

DOT “stand-down” is not in effect for this Company. The Company does not hold a stand-down waiver under Part 40, and has not applied for one. Should this status change, the Company will notify all covered employees and Company officials, in accordance with Part 40 requirements.

7. Preemption of State and Local Laws

Part 40 and Part 199 are Federal laws. Federal law preempts any state or local law, rule, regulation, or order to the extent that: (a) compliance with both the state or local requirement and Part 40 or 199

is not possible; or, (b) compliance with the state or local requirement is an obstacle to the accomplishment and execution of any requirement of Part 40 or 199; or, (c) the state or local requirement is a pipeline safety standard applicable to interstate pipeline facilities. This provision does not preempt provisions of state criminal law that impose sanctions for reckless conduct leading to actual loss of life, injury, or damage to property, whether the provisions apply specifically to transportation employees or employers or to the general public.

8. Definitions

Definitions from Parts 40, 191, 195, and 199 have been combined in alphabetical order and are provided in a single listing. For purposes of the Plan the following definitions apply:

Accident - An incident reportable under Part 191 involving gas pipeline facilities or LNG facilities or an accident reportable under Part 195 involving hazardous liquid pipeline facilities.

a) (§191.3) – An accident on a gas pipeline or LNG facility is defined as an "incident," as follows:

- (1) An event that involves a release of gas from a pipeline, or of liquefied natural gas, liquefied petroleum gas, refrigerant gas, or gas from an LNG facility, and that results in one or more of the following consequences:
 - (a) A death, or personal injury necessitating inpatient hospitalization; or
 - (b) Estimated property damage of \$50,000 or more (\$5,000 or more for intrastate operators/contractors in Oklahoma and New Mexico), including loss to the operator and others, or both, but excluding cost of gas lost;
 - (c) Unintentional estimated gas loss of three million cubic feet or more;
- (2) An event that results in an emergency shutdown of an LNG facility. Activation of an emergency shutdown system for reasons other than an actual emergency does not constitute an incident.
- (3) An event that is significant, in the judgment of the operator, even though it did not meet the criteria of paragraphs (1) or (2).

b) (§195.50) – An accident report is required for each failure in a pipeline system in which there is a release of the hazardous liquid or carbon dioxide transported resulting in any of the following:

- (1) Explosion or fire not intentionally set by the operator.
- (2) Release of 5 gallons (19 liters) or more of hazardous liquid or carbon dioxide, except that no report is required for a release of less than 5 barrels (0.8 cubic meters) resulting from a pipeline maintenance activity if this release is:
 - (a) Not otherwise reportable under this section;
 - (b) Not one described in §195.52(a)(4);
 - (c) Confined to Company property or pipeline right-of-way; 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.

Administrator - The Administrator of the Pipeline and Hazardous Materials Safety Administration (PHMSA) or any person to whom authority in the matter concerned has been delegated by the Secretary of Transportation.

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.

Affiliate - Persons are affiliates of one another if, directly or indirectly, one controls or has the power to control the other or a third party controls or has the power to control both. Indicators of control include, but are not limited to: interlocking management or ownership; shared interest among family members; shared facilities or equipment; or common use of employees. Following the issuance of a Public Interest Exclusion (PIE), an organization having the same or similar management, ownership, or principal employees as the service agent concerning who public interest exclusion is in effect is

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regarded as an affiliate. This definition is used in connection with the public interest exclusion procedures of Part 40, Subpart R.

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

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

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

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

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

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

Alcohol testing site - A place selected by the employer where employees present themselves for the purpose of providing breath or saliva for an alcohol test.

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

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

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

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

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

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

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

Collection Site - A place selected by the employer where employees present themselves for the purpose of providing a urine specimen for a drug test.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Pipeline - All parts of those physical facilities through which gas, hazardous liquids or carbon dioxide moves in transportation, including, but limited to, pipe, valves, and other appurtenance attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, pumping units, breakout tanks and fabricated assemblies.

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

Positive rate for random drug testing - The number of verified positive results for random drug tests conducted under Part 199, plus the number of refusals of random drug tests required by Part 199, divided by the total number of random drug tests conducted plus the number of refusals of random tests under Part 199.

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

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

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

Qualification Training - The training required in order for a collector, BAT, MRO, SAP, or STT to be qualified to perform their functions in the DOT drug and alcohol testing program. Qualification training may be provided by any appropriate means (e.g., classroom instruction, internet application, CD-ROM, video).

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

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

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

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

Screening drug test - See Initial drug test definition above.

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

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

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

Shipping container - A container that is used for transporting and protecting urine specimen bottles and associated documents from the collection site to the laboratory.

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

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

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

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

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

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

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

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

III. POLICY AND RESPONSIBILITIES

1. Company Policy

Policy Statement. The Company has a long-standing commitment to maintain the highest standards for employee safety and health. The use of controlled substances and the misuse of alcohol are contrary to these high standards. The use or possession of illegal controlled substances or alcoholic beverages while on Company property, or in any Company vehicle, or on Company time, including breaks or lunch, paid or unpaid, on any shift, is strictly prohibited.

DOT Compliance . The Company is aware that it is ultimately responsible for meeting the requirements of Parts 40 and 199. The DOT authorizes transportation employers to use a service agent(s) to perform tasks necessary to comply with the Plan. The Company understands that, under the DOT regulations, it is responsible for the actions of its service agents. The Company is responsible for developing and implementing a successful and comprehensive DOT workplace drug and alcohol program. Components of the Company's program include clear policies, provisions for education and training, drug and alcohol testing, and when needed, referral for evaluation, education, and treatment. The Company shall ensure that all covered employees are aware of the provisions and coverage of the Plan.

2. Responsibilities of Key Personnel

The Company will convey to responsible individuals -- the Designated Employer Representative(s) and affected supervisors - that, to the best of their ability, the privacy and confidentiality of any covered employee subject to the Plan must be maintained at all times.

Designated Employer Representative (DER) . Appendix B contains the name, address, and phone number of the DER(s). The DER is:

- a. the key employee for the Company's drug and alcohol program functions, and has the knowledge and authority to make decisions about the testing process and answer questions about it.
- b. **not** a service agent.
- c. one or more employees of the Company assigned to ensure adequate coverage on all shifts and at all locations.
- d. responsible for the preparation of the Plan, as well as providing oversight and evaluation on the Plan.
- e. responsible to review all adverse personnel action or discipline applied under the Plan for consistency and conformance to human resources policies and procedures.
- f. responsible for scheduling random, return-to-duty and follow-up testing, as applicable, and is authorized to receive and maintain, in a secure file system, all drug and alcohol testing results.

- g. responsible for providing answers to employee questions regarding the testing program, and information on the resources available for drug and alcohol counseling.
- h. responsible for overseeing the employee assistance program (EAP).

Supervisor. A Company individual(s) responsible for observing the performance and behavior of employees that is suggestive enough to lead to reasonable suspicion/cause drug and/or alcohol testing. Supervisors who will determine whether an employee must be drug tested and/or alcohol tested based on reasonable suspicion/cause will be trained in the “signs and symptoms” of each substance. The supervisor is required to document a reasonable suspicion/cause event. The supervisor may also be responsible for requests as the second supervisor for substantiation and concurrence for reasonable suspicion/cause drug test, if applicable.

3. Responsibility of Covered Employees⁴

Compliance. Each covered employee must comply with the requirements of the Plan, and the DOT drug and alcohol rules it pertains to, in order to remain eligible to work in a DOT safety-sensitive position. Each covered employee has the responsibility to read, be knowledgeable of, and comply with, the requirements of the Plan, and Parts 40 and 199. Committing a DOT violation will result in the employee’s immediate removal from the covered function, and remain so until successfully completing the DOT return-to-duty conditions of Part 40. The Plan describes circumstances for being tested, violations, prohibited conduct, and their subsequent consequences. The Plan describes what is available to each covered employee as services (e.g., EAP) in such cases where the employee has a potential problem with drugs or alcohol prior to a drug or alcohol test. It is a condition of employment for all covered employees to sign the Acknowledgement/Receipt Form (Appendix A). In doing so, the employee attests to comply with the drug and alcohol program requirements of the Company and the requirements of the Plan. Failure to comply with this condition may result in disciplinary action up to and including termination.

4. Use of Service Agents^{5 6}

Compliance. The Company will contract with service agents to accomplish many of the requirements of Parts 40 and 199. Appendix B (Designated Personnel and Service Agents) provides the names and addresses of service agents that are under contract. Contracts will contain a provision that the service agent will comply with Parts 40 and 199 in the services provided. The work of any service agent providing services to the Company will be open to inspection by the Company. The service agent must allow access to property and records by the operator, the Administrator, and if the operator is subject to the jurisdiction of a state agency, a representative of the state agency for the purpose of monitoring the operator's compliance with the requirements of Part 199. No service agent will serve as DER for this Company.

Public Interest Exclusion. The Company will not use a service agent against whom a Public Interest Exclusion (PIE) has been issued. The Company will stop using the services of a service agent no later than 90 days after the DOT has published the decision in the *Federal Register* or posted it on its web site that a PIE has been issued. The Company may apply to the ODAPC Director for an extension of 30 days if it is demonstrated that a substitute service agent cannot be found within 90 days.

Consortium/Third Party Administrator. The Company may employ the service of a Consortium/Third Party Administrator (C/TPA) to assist the DER with overall program management and consultation on any program issue. While the C/TPA will not serve as the DER, the C/TPA may support the DER by explaining the regulations and offering guidance on program-compliance issues.

5. Critical Service Agent Positions^{7 8}

Compliance. The Company recognizes the significance of critical service agent positions within the DOT drug and alcohol program. The Company understands the importance of each service agent meeting their initial qualifications, as applicable, and then maintaining compliance throughout the conduct of their program functions, all in accordance with Part 40 and Part 199 requirements. The Company will ensure that the following critical positions meet DOT rule requirements:

- a) Medical Review Officer (MRO) (§40.121 and §199.109(b));

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- b) Substance Abuse Professional (SAP) (§40.281);
- c) Urine Specimen Collector (§40.33);
- d) Screening test Technician (§40.213); and,
- e) Breath Alcohol Technician (§40.213)

6. "Non-DOT" Testing Program^{9 10}

Compliance. The Company may implement an additional drug and/or alcohol testing program, referred to as a "non-DOT program." Any additional testing program would be completely independent of the DOT testing program. Such a testing program would be developed under the Company's own authority and kept separate from the DOT program. All DOT testing would be accomplished first; the Company's non-DOT program would commence afterwards. The non-DOT program would use different forms and not use the Federal Custody and Control Form or the DOT Alcohol Testing Form. The non-DOT program could test different people, for different drugs, and different reasons-for-testing. If the Company implements its own non-DOT testing program, the Company will define the program and notify all employees through a Non-DOT Program Plan.

IV. DOT PROGRAM REQUIREMENTS

1. Employees Subject to Testing^{11 12}

Compliance. Any employee who would perform an operations, maintenance, or emergency-response function, regulated by Part 192, 193, or 195, on a pipeline or LNG facility, is subject to mandatory DOT drug and alcohol testing under this program. Such individuals are subject to DOT testing because their job functions have been determined by PHMSA to be a covered, or safety-sensitive, transportation function. Appendix C (Covered Positions) provides specific employee titles, for this Company, of those subject to testing under this program. However, it is the work that an individual performs, not the title of their job, which determines whether their work is covered and therefore subject to drug and alcohol testing.

Operator or Contractor . Covered employees may be employed by the operator, be a contractor engaged by the operator, or be employed by such a contractor; this includes full-time, part-time and temporary employees and includes any applicant for a covered function.

2. Acknowledgement/Receipt Form

The "Acknowledgement/Receipt Form," (Appendix A), applies to all drug and/or alcohol tests, or related foregoing or subsequent DOT procedures, while the employee is in a covered function with the Company. The signed form will be maintained by the Company. For any test, the expectations placed on the employee by the Company are to "follow all instructions" in order to accomplish the test.

3. History-check Requirement^{13 14}

Compliance. 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 safety-sensitive position) the Company will require a "history check" of the employee. The history check will look back into the employee's past two years of DOT employment for DOT violations. History checks are conducted only after obtaining the employee's written authorization to do so. Any employee refusing to provide written consent will not be permitted to perform safety-sensitive functions. 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.

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

- a) Alcohol tests with a result of 0.04 or higher alcohol concentration;
- b) Verified positive drug tests;
- c) Refusals to be tested (including verified adulterated or substituted drug test results);
- d) Other violations of DOT agency drug and alcohol testing regulations; and

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- e) 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.

The Company will make at least one attempt by telephone, e-mail or fax, and maintain documentation associated with the attempt to obtain history-check information (e.g., date and time of the attempt, person contacted). If the Company finds evidence of past DOT violations, those violations may be used as the sole reason for not hiring the individual or for termination.

Violation Consequences . The Company will not use any employee in a DOT safety-sensitive position that has had a past DOT violation and has not complied with DOT eligibility standards for returning to safety-sensitive work. The Company will also ask the employee if they had any pre-employment test that was positive for which the previous employer did not hire them. The employee's answer to this question will be maintained as part of the employee's history-check information.

4. Employee Notification of Tests

Employees will be notified directly when a test must be conducted. While the circumstances for a test will differ by its reason-for-test, the Company will endeavor to conduct all tests with only a limited number of Company personnel having knowledge of the reason for the test.

All testing will be unannounced until the last possible moment. The timing will vary in conjunction with the reason-for-test. For example, a pre-employment test will be announced during the job application; a random test is announced within the test period, but just prior to the test, to maintain the element of surprise; and, announcements of post-accident or reasonable suspicion tests are controlled by the circumstances that come to light around the time of the event (e.g., accident). All alcohol test will be conducted just prior to, during, or just after the performance of safety-sensitive duties. Drug tests may be conducted anytime the employee is at work.

The DER and Company supervisors will be responsible for notifications and to help maintain the element of confidentiality. When an employee is notified for a test, the employee must proceed to the collection site immediately. Immediately means that after notification, all the employee's actions must lead to an immediate specimen collection (or test). The Company considers "travel time to the collection site, plus 30 minutes" as the maximum acceptable interval of time between notification and testing.

In test situations such as post-accident and reasonable suspicion/cause, where the employee's job performance is called into possible question, supervisors will use their discretion and training to minimize further confrontation. A reasonable attempt will be made by the supervisor to isolate and inform the employee of the decision to test, the steps that must be taken to accomplish the test, and the consequences of refusing the test. If possible, for post-accident and reasonable suspicion tests, the Company will have the DER or a supervisor accompany the employee to the collection site.

5. DOT Drug Violations

Drug Violations . The following provides a listing of DOT drug violations prohibited of covered employees:

- a) A verified positive drug test result;
- b) A refusal to be tested, determined by:
 - (1) Having a verified adulterated or substituted drug test result;
 - (2) Failing to appear for any drug test (except a pre-employment test) within a reasonable time, as determined by the Company, after being directed to do so by the Company;
 - (3) Failing to remain at the drug testing site until the testing process is complete;
 - (4) Failing to provide a urine specimen for any drug test;
 - (5) Failing to allow a directly observed or monitored collection in a drug test that requires such a collection procedure;

- (6) Failing to provide a sufficient amount of urine for a drug test when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
- (7) Failing or declining to take an additional drug test the Company or collector has directed the employee to take;
- (8) Failing to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER; or,
- (9) Failing to cooperate with any part of the testing process (e.g., refuse to empty pockets or failure to wash hands when so directed by the collector, behave in a confrontational way that disrupts the collection process, tampering with a specimen).
- (10) For an observed collection, fail to follow the observer's instructions to raise clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if there is any type of prosthetic or other device that could be used to interfere with the collection process.
- (11) Possess or wear a prosthetic or other device that could interfere with the collection process.
- (12) Admit to the collector or MRO that a specimen has been adulterated or substituted.

6. DOT Alcohol Violations and Prohibited Conduct^{15 16}

Alcohol Violations. The following provides a listing of DOT alcohol violations prohibited of covered employees:

- a) A test result of 0.04 or higher alcohol concentration;
- b) A refusal to be tested, determined by:
 - (1) Failing to appear for any alcohol test (except a pre-employment test) within a reasonable time, as determined by the Company, after being directed to do so by the Company;
 - (2) Failing to remain at the alcohol testing site until the testing process is complete;
 - (3) Failing to provide an adequate amount of saliva or breath for an alcohol test;
 - (4) Failing to provide a sufficient amount of breath for an alcohol test when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
 - (5) Failing to undergo a medical examination or evaluation, as directed by the DER;
 - (6) Failing to sign the certification statement on the Alcohol Testing Form; or,
 - (7) Failing to cooperate with any part of the testing process.
- c) On-duty use of alcohol while performing covered functions.
- d) Pre-duty use of alcohol within four (4) hours prior to performing covered functions, or if the employee is called to duty to respond to an emergency, within the time period after the employee has been notified to report for duty.
- e) Use of alcohol within eight (8) hours following an accident in which the performance of covered functions has not been discounted by the Company as a contributing factor to the accident, unless the employee has already been given a post-accident alcohol test.

Alcohol Prohibited Conduct. The following is prohibited conduct of DOT covered employees:

- a) A test result of 0.02 or greater alcohol concentration, but less than 0.04.

7. Violation Consequences and Company Actions^{16 17}

After DOT Rule Violations. The Company will not allow any covered employee who has a DOT drug or alcohol violation to perform safety-sensitive duties for the Company. Immediately upon learning of the violation, the DER shall assure the removal of the employee from all safety-sensitive duties. That employee will be ineligible to work in any DOT safety-sensitive function for the Company until the employee has successfully completed the DOT return-to-duty process. The Company will refer the

employee to a Substance Abuse Professional (SAP) as soon as practicable after the verified violation report.

After DOT Alcohol Prohibited Conduct. The Company will not allow any covered employee to perform, or continue to perform, any function covered by Part 199 when the employee is found to have an alcohol concentration of 0.02, or higher, but less than 0.04. The Company may continue testing the employee until the alcohol concentration is less than 0.02, or the Company may not use the employee in a safety-sensitive function until the start of the employee's next regularly scheduled shift, which must be not less than eight hours following the test that indicated "prohibited conduct."

V. ANTI-DRUG PROGRAM

1. DOT-Required Drug Tests

Compliance. The Company will ensure that each employee who performs a DOT-covered function will be drug tested for the following reasons when called for by Part 199: All drug tests will be conducted following the procedures of Part 40.

Pre-Employment.¹⁸ A pre-employment drug test will be conducted before an individual is hired or contracted into a covered position and when an individual is transferred or promoted from a non-covered to a covered position. This includes when an individual switches back and forth from a covered position to a non-covered position and back again. This also applies to employees returning from a leave of absence greater than 30 days who have not been participating in the Company's drug program and subsequently subject to the random selection process. A negative DOT urine drug test result is required prior to performing covered functions. DOT does not allow the use of a "quick test" (e.g., a urine test that produces an immediate test result) or any other methodology other than urine. Pre-employment tests are normally unobserved by the collector. However, provisions will be available at the collection site for a directly observed collection to take place should circumstances require such action.

Post-Accident Testing.¹⁹ The Company will conduct both a drug test and an alcohol test after an accident, or incident on each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident. The decision whether to test or not to test any employee shall be based on the Company's determination, using the best available information immediately following the accident, that the covered employee's performance could or could not have contributed to the accident. The Company will explain to each employee to be tested there is reason to believe their performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident. The Company will document the decisions that support the determination to conduct a post-accident test. Refer to the *Post Accident or Reasonable Cause/Suspicion Supervisor Written Record*.

A post-accident drug test shall be conducted on each employee as soon as possible but no later than 32 hours after the accident. The Company must take all reasonable steps to obtain a urine specimen from an employee after an accident, but any injury should be treated first. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident, to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

The affected employee will not be allowed to proceed alone to or from the collection site. An employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying the Company or Company's representative of their location if they leave the scene of the accident prior to submission to such test, may be deemed by the Company to have refused to submit to testing. Post accident tests are normally unobserved by the collector. However, provisions will be available at the collection site for a directly observed collection to take place should circumstances require such action. Depending on the circumstances of the accident, and if feasible, the employee will not be allowed to perform covered functions pending the results of the drug test.

Random Drug Testing.^{20 21 22 23} The Company will conduct a number of random tests each calendar year that meets or exceeds the current minimum annual percentage random testing rate. The

minimum rate for random drug testing, set by the PHMSA regulation, is 25 percent of the Company's covered employees. If the industry random drug testing positive rate is above 1 percent, PHMSA will raise the annual percentage rate for random drug testing to 50 percent of the Company's covered employees. The Company may use the services of the C/TPA to manage all aspects of the Company's random testing program. If the Company conducts random testing through a C/TPA, the number of employees to be tested may be calculated for each individual Company or may be based on the total number of covered employees covered by the C/TPA who are subject to random testing (e.g., consortium random testing pool).

All covered employees will be immediately placed in the random pool after obtaining a negative result on their pre-employment test. Covered employees will remain in the random selection pool at all times, regardless of whether or not they have been previously selected for testing. The selection of employees shall be made by using a computer-based, scientifically valid method (e.g., random number generator or equivalent random selection method) that is matched with an employee's social security number or employee ID number. The DER will assure the pool contains employee social security numbers or employee identification numbers that are current, complete, and correct. Employees will have an equal chance of being selected for testing.

Random testing will occur on a quarterly basis. Prior to selection, the DER shall ensure that the random testing pool has been updated to include all current covered employees in the Company's workforce. The number of tests to be conducted will be based on the number of covered employees at the beginning of each quarter's test cycle. The DER, or C/TPA, shall use the random selection procedures to compile a list of covered employees selected for testing in each testing cycle. The number of employees selected shall be sufficient to assure that the minimum number of required tests can be achieved. The list of employees selected will be retained by the DER in a secure location until the time of testing when the list will then be provided to the appropriate division manager, department head, or supervisor who will, in turn, notify the employee(s) to report for testing.

Random testing is unannounced, with employees being notified that they have been selected for testing after they have reported for duty on the day of collection. Specimen collection will be conducted on different days of the week throughout each test cycle to prevent employees from matching their drug use patterns to the schedule for collection. Random tests are normally unobserved by the collector. However, provisions will be available at the collection site for a directly observed collection to take place should circumstances require such action.

Once notified by the appropriate Company official, employees will be instructed to report immediately to the collection site.

Reasonable Suspicion/Cause Testing.²⁴ The Company will conduct reasonable suspicion testing, also known as reasonable cause testing, based on the Company's observation of "signs and symptoms" of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. At least two Company supervisors, one of whom is trained in detection of the possible signs and symptoms of drug use, shall substantiate and concur in the decision to test an employee. The concurrence between the two supervisors may be by telephone. If the Company has 50 or fewer employees subject to testing under PHMSA regulations, only one supervisor, trained in detecting possible drug use signs and symptoms, is needed to make the decision to test.

The supervisor making the determination to test shall document, in writing, the behavioral signs and symptoms that support the determination to conduct a reasonable suspicion/cause test. This documentation of the employee's conduct shall be prepared and signed within 24 hours of the observed behavior or before the results of the tests are released, whichever is earlier. Refer to the *Post Accident or Reasonable Cause/Suspicion Supervisor Written Record*. The potentially affected employee should not be allowed to proceed alone to or from the collection site. In addition to the safety concerns for the employee, accompanying the employee also assures that there is no opportunity in route to the collection site for the employee to compromise the test through any method of tampering that could affect the outcome of the test result. Reasonable suspicion/cause tests are normally unobserved by the collector. However, provisions will be available at the collection site for a directly observed collection to take place should circumstances require such action.

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The employee shall not perform a covered function pending the receipt of the drug test results. The employee should make arrangements to be transported home. The employee should be instructed not to drive any motor vehicle due to the reasonable belief that the employee may be under the influence of a drug. If the employee insists on driving, a supervisor should notify the proper local law enforcement authority that an employee believed to be under the influence of a drug is leaving the Company premises driving a motor vehicle.

Return-to-Duty Testing.²⁵ The Company will conduct a return-to-duty test prior to an employee returning to safety-sensitive duty following a DOT violation. When an employee has a DOT violation the employee cannot work again in any DOT safety-sensitive function until successfully completing the Substance Abuse Professional (SAP) return-to-duty requirements. Only after the SAP has reported to the Company that the employee is eligible to return to safety-sensitive duties is the Company authorized to return the employee to a covered function. However, whether or not to do so is a business decision of the Company, not the DOT. When the Company makes the decision to return the employee to safety-sensitive duty, the Company will initiate the order for the return-to-duty test. All return-to-duty tests will be conducted using direct-observation collection procedures.

A return-to-duty test, as a minimum, will be for the substance associated with the violation. A return-to-duty test may, however, be for both drugs and alcohol. The decision belongs solely to the SAP from information gained during the SAP-evaluation/treatment processes. The results of a return-to-duty drug test must be negative in order “to count” and allow the employee to return to work. A cancelled test must be recollected; a positive test or refusal-to-test will be considered as a new, separate violation. When the employee “passes” his return-to-duty test, their name is immediately placed into the Company’s random testing pool.

Follow-up Testing.^{26 27} 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 on the return-to-duty drug and/or alcohol tests. Follow-up testing, as a minimum, will be for the substance associated with the violation. In addition, follow-up testing may be for both drugs and alcohol, as directed by the SAP’s written follow-up testing plan.

Follow-up testing is the Company’s responsibility to conduct. Follow-up testing will run concurrently with random testing. All follow-up tests will be conducted using direct-observation collection procedures.

The number and frequency of the follow-up tests will be determined by the SAP, but shall consist of at least six tests in the first 12 months following the covered employee’s return to duty. The follow-up plan will give both the number of tests and their frequency; the Company will select the actual day and time of the test and the tests are unannounced. Follow-up testing shall not exceed 60 months from the date of the covered employee’s return to duty. The SAP may terminate the requirement for follow-up testing at any time after the first six tests have been administered, if the SAP determines that such testing is no longer necessary.

2. Drug Tests That Require Direct Observation Procedures²⁸

Compliance. The Company will conduct all return-to-duty and follow-up drug tests using the direct observation collection procedures specified by Part 40. Pre-employment, post-accident, reasonable suspicion/cause and random drug tests are normally conducted by giving the employee the privilege of privacy when providing the urine specimen. However, should it become required that these collections be conducted under direct observation procedures, the Company will convey instructions to the collector to ensure that this is done. Direct observation procedures will also be used for collections when a specimen is provided and the temperature is out of range, when the specimen appears to have been tampered with or when a previous specimen has been reported as invalid, adulterated, substituted or negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, as defined in Part 40.

3. Specimen Collection Procedures

Compliance. The Company will follow the requirements of Part 40 for its DOT collections. A full description of DOT collection requirements that collectors will follow can be found in Part 40, Subpart C (“Urine Collection Personnel”), Subpart D (“Collection Sites, Forms, Equipment and Supplies Used in a DOT Urine Collection”), and Subpart E (“Urine Specimen Collections”).

Collection Site Personnel .^{29 30} The Company will ensure that collection sites, utilized by its employees, are aware of their responsibilities with regard to the DOT specimen collection process. These responsibilities are to collect urine specimens using Part 40 procedures, ship the specimens to a Department of Health and Human Services (HHS) certified laboratory for analysis, and distribute copies of the Federal Drug Testing Custody and Control Form (CCF) to the laboratory, Medical Review Officer, employer or employer’s C/TPA, and employee in a confidential manner. All attempts are made to use collectors who have been trained in accordance with Part 40. The Company, or the Company’s C/TPA, will ask the collection sites conducting DOT collections to attest to the fact that they comply with DOT standards of practice. The direct supervisor of a covered employee shall not serve as a collector in conducting any required drug test unless it is otherwise impracticable.

Collection Site, Forms, and Specimen. The Company will provide the employee with the specific location of the collection site where the drug test will take place. In most cases, the Company will provide the employee with a drug testing kit, which includes the CCF, to present to the collector. The only specimen that will be collected for any DOT collection is urine; the only form that will be used is the Federal CCF.

Collections. The Company will inform every employee that they are required to carry and present a current valid photo ID, such as a driver’s license, passport, or employer-issued picture ID to the collection site. The employee will be advised that the collector will ask them to empty their pockets, remove any unnecessary garments (the employee may retain their wallet), and wash and dry their hands prior to the collection. The employee will be instructed to follow the collector’s instructions throughout the collection process. Normally, the employee will be afforded privacy to provide a urine specimen. Exceptions to the rule generally surround issues of attempted adulteration or substitution of a specimen or any situation where questions of specimen validity arise, like an unusual specimen temperature.

After the employee has provided the specimen (a minimum of 45 mL) of their urine into a collection container, the collector will check the temperature and color of the urine. All DOT collections are “split specimen collections.” The collector will pour the urine into two separate bottles (bottle “A” as the primary specimen and bottle “B” as split specimen), seal them with tamper-evident tape, and then ask the employee to initial the seals after they have been placed on the bottles. (Remember: Neither the employee nor the collector should let the specimen out of their sight until it has been poured into two separate bottles and sealed.) Next, the employee will write their name, date of birth, and daytime and evening phone numbers on the MRO Copy (Copy 2) of the CCF. This is so the MRO can contact the employee directly if any questions arise about their test.

Lastly, the collector will complete the necessary documentation on Copy 1 of the CCF and package the CCF and the two specimen bottles in the plastic bag and seal the bag for shipment to the laboratory. Copies of the CCF will be distributed: Copy 2 to the MRO and Copy 4 to the employer or the employer’s C/TPA; the collector keeps Copy 3; and, the employee gets Copy 5. The employee may list any prescription and over-the-counter medications they may be taking on the back of their copy of the CCF (this may serve as a reminder for the employee in the event the MRO calls to discuss their test results).

Possible collection issues. If the employee is unable to provide 45 mL of urine on the first attempt, the time will be noted, and they will be required to remain in the testing area under the supervision of the collection site personnel, their supervisor, or a representative from their Company (e.g., supervisor accompanying the employee). Leaving the testing area without authorization may be considered a refusal to test. The employee will be urged to drink up to 40 oz. of fluid, distributed reasonably over a period of up to three hours, and asked to provide a new specimen (into a new collection container). If the DER is contacted, the DER should instruct the employee to remain at the collection site to complete the collection process. If the employee does not provide a sufficient

specimen within three hours, the DER, in consultation with the MRO, will direct the employee to obtain a medical evaluation within five days to determine if there is an acceptable medical reason for not being able to provide a specimen. If it is determined that there is no acceptable physiological or pre-existing psychological reason for not providing a urine specimen, it will be considered a refusal to test.

Directly observed collections . If a direct observation collection is required of the employee, the Company will ensure that the DOT requirements (i.e., direct observation by same-sex collector, observation of body-to-bottle urination, and use of full turn-around observation) procedures are followed.

4. PHMSA Inspection Protocol for Specimen Collection Sites

Compliance. PHMSA's Substance Abuse Program: Comprehensive Audit and Inspection Protocol Form, Combined Anti-Drug and Alcohol Misuse Prevention Programs, Form No.: 3.1.11, dated January 29, 2010, provides a separate inspection protocol for Specimen Collection Sites. The Company provides this protocol to correspond with the detail found in the PHMSA Inspection Form. As previously stated, the Company will ensure that all DOT drug tests comply with Part 40 requirements.

Collection Personnel. The Company will ensure that only qualified collectors are used to conduct Company DOT tests. An immediate supervisor of an employee may be used in cases where there are no qualified collectors available, and where their use is the only way to get the test conducted. Collectors will maintain documentation to verify they meet training requirements and will make that documentation available to the Company on request.³¹ If an error occurs causing a test to be canceled and the error is directly attributed to the collector, the collector will undergo error-correction training within 30 days of the date of notification of the error that led to the need for training.³²

Collection Sites, Forms and Supplies. The Company will use designated collection sites that meet DOT requirements.³³ If the collection site uses a facility normally used for other purposes, the collector will ensure that it meets DOT standards before continuing the collection.³⁴ Access to collection materials and specimens will be restricted, and the facility will be secured against access during the procedure to ensure privacy to the employee and prevent distraction of the collector. Limited-access signs will be posted as necessary. The collector will maintain personal control over each specimen and CCF throughout the collection process and will prevent unauthorized personnel from entering any part of the site in which urine specimens are collected or stored.³⁵ The current CCF and a collection kit, that meets the requirements of Appendix A to Part 40, will be used for DOT collections.^{36 37}

Specimen Collections. Collectors will explain the basic collection procedure to the employee, including showing the employee the instructions on the back of the CCF.³⁸ In most all collections, the Company will provide the employee with a kit and CCF to carry to the collection site. In other collections, collectors will provide the employee with an individually wrapped or sealed collection container from the collection kit materials.³⁹ Precautions will be taken to ensure that unadulterated specimens are obtained and correctly identified. Specimen integrity will be maintained by: bluing agents being added in the toilet tank and all water sources secured; positive photo identification of the employee for collection; notification of the DER if employee fails to arrive at the assigned time; having the employee remove any unnecessary outer garments (purses or briefcases will remain with outer garments); having employees wash and dry their hands; and, to the greatest extent possible, the collector will keep an employee's collection container within view of both the collector and the employee between the time the employee has urinated and the specimen is sealed. Any unusual behavior will be noted on the CCF.⁴⁰

Following the collection, the specimen will be checked for sufficient volume (i.e., 45 mL), acceptable temperature range (i.e., between 90-100 degrees F), and shows no signs of tampering (e.g., color, odor).⁴¹ Having problematic issues with specimen volume, the collector will follow DOT's "shy bladder" procedures⁴²; problems with temperature or tampering will result in the collector conducting a second collection under direct observation (see Section V.2, "Drug Tests That Require Direct Observation Procedures").⁴³ Direct observation procedures will be used for all collections where the reason-for-test is either return-to-duty or follow-up. Direct observation procedures will also be used for collections when a specimen is provided and the temperature is out of range, when the specimen

appears to have been tampered with or when a previous specimen has been reported as invalid, adulterated, substituted or negative-dilute with a creatinine concentration greater than or equal to 2 mg/dL but less than or equal to 5 mg/dL, as defined in Part 40. If the collector does a monitored collection, same gender monitors will be used if the monitors are non-medical personnel.⁴⁴ All collections are completed by the specimens being sealed and labeled, the CCF being properly executed, and the specimens and the CCF being sealed in a plastic bag for shipment to the laboratory.⁴⁵

5. Drug Testing Laboratory

Compliance. The Company will employ a laboratory that will follow the requirements of Part 40 for the Company's DOT drug tests. A full explanation of DOT drug testing requirements that the laboratory will follow is found in Part 40, Subpart F ("Drug Testing Laboratories").

Laboratory.^{46 47} The Company shall ensure that all DOT testing is conducted only by a laboratory that is certified by the Department of Health and Human Services (HHS) under the National Laboratory Certification Program (NLCP). Doing so ensures that the Company complies with the requirements of Part 40 and with all applicable requirements of HHS in testing DOT specimens, whether or not those requirements are explicitly stated in the Plan. The laboratory used by this Company is specified in Appendix B. The laboratory will report the certified results to the MRO and only to the MRO, at the address provided on the Federal CCF. Results will not be reported directly to the Company or to or through another service agent, such as the C/TPA.

Specimen. Urine is the only specimen that is authorized for DOT drug testing. The Company will not use any other specimen (e.g., hair or saliva) for a DOT-required drug test. A "quick test" (e.g., a urine test that produces an immediate test result) is also prohibited by DOT.

Drug Testing.⁴⁸ The laboratory will ensure that, on each DOT test, each specimen is tested for **marijuana, cocaine, amphetamines, opiates, and phencyclidine (PCP)**. (See Table 1, pg 23) The testing is a "two step" process: all presumptive positive results on the initial test must be confirmed by a confirmation test. The initial and the confirmation tests use different chemical principles, and separate portions of the original specimen, for testing. DOT specimens will not be tested for any other drugs. DOT specimens will not be subjected to DNA testing.

Validity Testing. The laboratory will ensure that, on each DOT test, each specimen is also subjected to "validity testing." The purpose of validity testing is to determine if the employee tampered with their specimen during the collection process. Validity testing measures the creatinine concentration and specific gravity to detect a diluted or substituted specimen; pH is measured as one criterion established to detect an adulterated specimen. Validity testing also incorporates HHS criteria (used by DOT) in testing for specific adulterants such as nitrites, chromates, surfactants, and other active chemical compounds.

Laboratory specimen handling and reporting. When the laboratory receives a DOT specimen they will unpack and enter it into the testing process. Part of that process is to examine the condition of the specimen bottles and accompanying CCF. The laboratory will look closely for any specific reason to stop the testing process (i.e., "fatal flaws"). If the laboratory determines a fatal flaw exists, the specimen is rejected for testing. If a fatal flaw does not exist, the specimen will be tested. DOT specimens are limited to four fatal flaws. They are:

- a) Specimen ID numbers on the CCF and the bottles do not match.
- b) Not enough urine and the bottles cannot be re-designated.
- c) Signs of tampering and the bottles cannot be re-designated.
- d) Collector's printed name and signature are missing.

The laboratory will open only the primary specimen (Bottle "A") to conduct the two tests (initial and confirmatory). If the specimen tests negative in either test and does not have any specimen validity issues, the result will be reported to the MRO as a negative. Only if the specimen test results are positive, adulterated, substituted, and/or invalid under both tests will the specimen be reported to the MRO as a positive, adulterated, substituted, and/or invalid, respectively. These results are also referred to as "non-negative" results.

Required DOT Drug Tests & Cutoffs

TYPE OF DRUG Initial Test Analyte	INITIAL TEST Cutoff Concentration	CONFIRMATORY TEST Analyte	CONFIRMATORY TEST Cutoff Concentration
Marijuana metabolites	50 ng/mL	THCA ⁹	15 ng/mL
Cocaine metabolites	150 ng/mL	Benzoyllecgonine	100 ng/mL
Opiate metabolites: Codeine/Morphine	2000 ng/mL	Codeine Morphine	2000 ng/mL 2000 ng/mL
6-acetylmorphine (6-AM)	10 ng/mL	6-acetylmorphine (6-AM)	10 ng/mL
Phencyclidine (PCP)	25 ng/mL	Phencyclidine	25 ng/mL
Amphetamines: AMP/MAMP	500 ng/mL	Amphetamine Methamphetamine	250 ng/mL 250 ng/mL ¹³
MDMA	500 ng/mL	MDMA ¹⁰ MDA ¹¹ MDEA ¹²	250 ng/mL 250 ng/ml 250 ng/mL

Table 1

⁹ Delta-9-tetrahydrocannabinol-9-carboxylic acid.

¹⁰ Methylenedioxymethamphetamine (MDMA).

¹¹ Methylenedioxyamphetamine (MDA).

¹² Methylenedioxyethylamphetamine (MDEA).

¹³ Specimen must also contain amphetamine at a concentration of greater than or equal to 100 ng/mL.

WILD GOOSE STORAGE LLC

PHMSA DRUG/ALCOHOL PLAN

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6. Laboratory Retention Periods and Reports

Specimen retention.⁴⁹ Specimens that are confirmed by the laboratory to be positive, adulterated, substituted, or invalid will be retained by the laboratory in properly secured, long-term, frozen storage for at least 365 days. Within this 365 day period, the MRO, the employee, the Company, PHMSA or other state agencies with jurisdiction, may request in writing that the specimens be retained for an additional period. If the laboratory does not receive the request to retain the specimen within the 365-day period, the specimen will be discarded.

Record retention.⁵⁰ All laboratory records pertaining to any test for this Company on its covered employees will be retained for two years. The employer-specific data that is created by the laboratory for the laboratory statistical summary will be retained for two years.

Semi-annual reports.⁵¹ The laboratory will prepare and send to the Company the aggregate employer-specific summary on a semi-annual basis. The format for this report is found in Part 40, Appendix B.

7. Laboratory Quality Control

Inspections. The laboratory shall permit inspections by the Company, the PHMSA Administrator, or if the Company is subject to the jurisdiction of a state agency, a representative of the state agency. Additionally, if the Company uses a C/TPA, that C/TPA may conduct a periodic inspection of the laboratory on the behalf of the companies that are clients of the C/TPA.

Quality control.⁵² If the Company, or any C/TPA employed by the Company, has 2000 or more covered employees, the Company, or C/TPA, will submit quality control specimens to any laboratory where they have more than 100 specimens tested each year. The rate of quality control specimens is 1% with a cap at 50 per quarter. At any time that the Company, or any C/TPA employed by the Company, reaches the 2000-employee threshold, quality control specimen will be submitted following the specifications of Part 40. Quality control specimens, known as “blind” specimens, submitted to the laboratory, will appear to be real, employee specimens. The MRO will be informed of each test result and expected outcome.

Reporting discrepancies. The MRO will inform the Company or its C/TPA of any discrepancy in the expected result of any blind specimen. The MRO and C/TPA will resolve any discrepancies in the expected outcomes with this testing. If the unexpected outcome is positive, adulterated, or substituted where the expected outcome was to be negative, the MRO will report this result directly to DOT/ODAPC, in accordance with Part 40.

8. MRO Review of Drug Test Results

Compliance.⁵³ The Company will have, on staff or contract for the services of, an MRO who is a licensed physician with knowledge of drug abuse and is qualified under Part 40. The MRO will follow the requirements of Part 40 in carrying out the functions of the “independent and impartial gatekeeper of the drug testing process.” A full description of DOT MRO requirements can be found in Part 40, Subpart G (“Medical Review Officers and the Verification Process”), and Subpart H (Split Specimen Testing).

Duties.⁵⁴ All confirmed drug test results for the Company are received by the MRO directly from the laboratory. 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 control reviews of the MRO staff. The MRO will review and interpret confirmed positive, adulterated, substituted, and invalid test results. In carrying out this responsibility, the MRO shall examine alternate medical explanations for any positive, adulterated, substituted, or invalid test result. This action would include conducting a medical interview with the employee and review of the employee's medical history, or review of any other relevant biomedical factors, such as the results of a physical examination following an opiate positive. The MRO shall review medical records made available by the tested employee when the source of the confirmed result could have been from legally prescribed medication. The MRO shall

not, however, consider the results of urine or other specimens that are not obtained or processed in accordance with DOT regulations.

Results.^{55 56} The MRO will use staff under his direct supervision to handle administrative processes for negative test results including receiving the result from the laboratory, reviewing the paperwork for accuracy, and reporting of the result to the DER.

The MRO staff may make the initial contact with employees having confirmed positive, adulterated, substituted, and invalid test results, for the purposes of setting up an interview for the MRO. The MRO will personally conduct the interview with the employee to determine whether there is a legitimate medical explanation for these results. This interview will be conducted, in most cases, before the Company is notified. If the result is confirmed positive by the laboratory, and a legitimate medical explanation is established, the MRO will report the result to the DER as negative. If not, the MRO will report the result to the DER as positive. If the confirmed result is adulterated or substituted, and a legitimate medical explanation is established, the MRO will report the result to the DER as cancelled and notify ODAPC, in accordance with Part 40 procedures. If not, the MRO will report the result to the DER as a refusal to test. If the result is invalid, and an acceptable reason is established, the MRO will report the result to the DER as cancelled and the process will stop, unless a negative test result is needed (e.g., pre-employment, return-to-duty and follow-up). If an acceptable reason is not established, the MRO will report the result to the DER as cancelled and order an immediate recollection under direct observation.

Reports.⁵⁷ All drug test results will be reported to the Company DER in a confidential and timely manner. Before reporting any results, the MRO will have received a copy of the CCF showing where the employee has signed the form. The time period from collecting the specimen to reporting the verified test result is generally shorter for negatives than for non-negatives. Non-negatives will not be reported to the DER until all information required for the employee interview is received and approved by the MRO. The Company may use a C/TPA as its intermediary in receiving drug test results. If so, those reports will be handled in accordance with Part 40 requirements. If the MRO does not use Copy 2 of the CCF for reporting results, the MRO will maintain a copy of the signed or stamped report in addition to the signed or stamped and dated Copy 2. If the MRO uses an electronic data file to report negatives, the MRO will maintain a retrievable copy of that report in a format suitable for inspection and auditing by a DOT representative.

9. Split Specimen Testing

Split Specimen.⁵⁸ When the MRO has verified a result as positive, adulterated, or substituted, the MRO will notify the employee of their right to have the split specimen tested. The employee must notify the MRO within 72 hours of the result being verified in order to have this testing conducted. If the employee requests that the split specimen be tested within the 72-hour period, the MRO will ensure that the split specimen is tested. Testing of the split specimen is only conducted at the request of the employee, and then only after using the MRO as the requesting agent for the employee.

The Company is responsible for making sure that the MRO, first laboratory, and second laboratory perform the functions noted in Part 40 in a timely manner, once the employee has made a timely request for a test of the split specimen (e.g., by establishing appropriate accounts with laboratories for testing split specimens).

The Company must not condition compliance with these requirements on the employee's direct payment to the MRO or laboratory or the employee's agreement for reimbursement of the costs of testing. For example, if the Company's asks the employee to pay for some or all of the cost of testing the split specimen, and the employee is unwilling or unable to do so, the Company must ensure that the test takes place in a timely manner, which means that the Company will pay for the split testing. The Company may seek payment or reimbursement of all or part of the cost of the split specimen from the employee. Part 40 takes no position on who ultimately pays the cost of the test, so long as the Company ensures that the testing is conducted as required and the results released appropriately.

Laboratory.⁵⁹ The testing of the split specimen will be conducted at another HHS-certified laboratory, different from the original laboratory. The Company will select the second laboratory. The split specimen will be tested for the same substance or condition that was found in the primary

specimen. The MRO will report back to the DER and the employee whether the split reconfirms the primary. If the test of the split does not reconfirm the primary, both tests will be cancelled as if they never occurred.

10. Medical Marijuana

The DOT and the Company does not accommodate the use of medical marijuana by DOT-covered employees.

VI. ALCOHOL MISUSE PREVENTION PROGRAM

1. DOT-Required Alcohol Tests

Compliance. The Company will ensure that each employee who performs a DOT-covered function will be alcohol tested for the following reasons when called for by Part 199. All alcohol tests will be conducted following the procedures of Part 40.

Pre-Employment.⁶⁰ PHMSA does not mandate a pre-employment alcohol test for covered employees in the pipeline industry. PHMSA does give operators and contractors who wish to conduct a pre-employment alcohol test the authority to do so. If the Company decides to conduct pre-employment alcohol testing, all applicants will be advised of the test prior to the test occurring, and all tests will be conducted before the first performance of covered functions by every covered employee (whether a new employee or someone who has transferred to a position involving the performance of covered functions). The Company will treat all covered employees the same for the purpose of pre-employment alcohol testing; the Company will not test some covered employees and not others. The Company will conduct the pre-employment tests after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test. A result of less than 0.02 alcohol concentration is required prior to performing covered functions.

Post-Accident Testing.⁶¹ The Company will conduct both a drug test and an alcohol test, after an accident, or incident, on each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident. The decision whether to test or not to test any employee shall be based on the Company's determination, using the best available information immediately following the accident, that the covered employee's performance could or could not have contributed to the accident. The Company will explain to each employee to be tested there is reason to believe their performance contributed to the accident or cannot be completely discounted as a contributing factor to the accident. The Company will document the decisions that support the determination to conduct a post-accident test. Refer to the *Post Accident or Reasonable Cause/Suspicion Supervisor Written Record*.

A post-accident alcohol test shall be conducted on each employee as soon as possible but no later than 8 hours after the accident. If the test is not completed within 2 hours the Company will prepare and maintain a written statement documenting the reason the test was not conducted. If the test is not completed within 8 hours the Company shall cease attempts to do so. The Company will take all reasonable steps to obtain a breath test from an employee after an accident, but any injury should be treated first. Nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident, to prohibit a covered employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.

The affected employee will not be allowed to proceed alone to the testing site. A covered employee who is subject to post-accident testing who fails to remain readily available for such testing, including notifying the Company or Company's representative of their location if they leave the scene of the accident prior to submission to such test, may be deemed by the Company to have refused to submit to testing.

Random Testing. PHMSA does not authorize random alcohol testing of covered employees within the natural gas and hazardous liquids pipeline industry. The Company will not conduct DOT random alcohol testing of their PHMSA-regulated employees.

Reasonable Suspicion/Cause Testing .^{62 63 64} The Company will conduct reasonable suspicion testing, also known as reasonable cause testing, based on the Company's observation of "signs and symptoms" of specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. A supervisor trained in detection of the possible signs and symptoms of alcohol use shall make the decision to test an employee. The decision to test will only be made on an employee during, just before, or just after his performance of DOT functions. The supervisor making the determination to test shall document, in writing, the behavioral signs and symptoms that support the determination to conduct a reasonable suspicion/cause test. This documentation of the employee's conduct should be prepared and signed within 24 hours of the observed behavior or before the results of the tests are released, whichever is earlier. Refer to the *Post Accident or Reasonable Cause/Suspicion Supervisor Written Record*. The potentially affected employee should not be allowed to proceed alone to or from the test site.

If the reasonable suspicion test is not administered within 2 hours following the determination, the Company will prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test is not administered within 8 hours, the Company will cease attempts to administer an alcohol test and record the reasons for not testing.

If the test results are 0.02 or greater, the employee should make arrangements to be transported home. The employee should be instructed not to drive any motor vehicle due to the reasonable belief that he may be under the influence of alcohol. If the employee insists on driving, a supervisor should notify the proper local law enforcement authority that an employee believed to be under the influence of alcohol is leaving the Company premises driving a motor vehicle.

Return-to-Duty Testing .⁶⁵ The Company will conduct a return-to-duty test prior to an employee returning to safety-sensitive duty following a DOT violation. When an employee has a DOT violation the employee cannot work again in any DOT safety-sensitive function until successfully completing the SAP/return-to-duty requirements. Only after the SAP has reported to the Company that the employee is eligible to return to safety-sensitive duties is the Company authorized to return the employee to a covered function. However, whether or not to do so is a business decision of the Company, not the DOT. When the Company makes the decision to return the employee to safety-sensitive duty, the Company will initiate the order for the return-to-duty test.

A return-to-duty test, as a minimum, will be for the substance associated with the violation. A return-to-duty test may, however, be for both drugs and alcohol. The decision belongs solely to the SAP from information gained during the SAP-evaluation/treatment processes. The results of a return-to-duty alcohol test must be less than 0.02 in order "to count" and allow the employee to return to work. A cancelled test does not meet this criterion and requires a retest; a result greater than 0.02 but less than 0.04 must be retested until the result is less than 0.02; a result of 0.04 or greater is a new, separate violation.

Follow-up Testing .^{66 67} 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 on the return-to-duty drug and/or alcohol tests. Follow-up testing, as a minimum, will be for the substance associated with the violation. In addition, follow-up testing may be for both drugs and alcohol, as directed by the SAP's written follow-up testing plan.

Follow-up testing is the Company's responsibility to conduct. The number and frequency of the follow-up tests will be determined by the SAP, but shall consist of at least six tests in the first 12 months following the covered employee's return to duty. The follow-up plan will give both the number of tests and their frequency; the Company will select the actual day and time of the test and the tests are unannounced. Follow-up testing shall not exceed 60 months from the date of the covered employee's return to duty. The SAP may terminate the requirement for follow-up testing at any time after the first six tests have been administered, if the SAP determines that such testing is no longer necessary.

2. Alcohol Test

Compliance. The Company will follow Part 40 procedures for alcohol testing. A full description of DOT alcohol testing requirements can be found in Part 40, Subpart J ("Alcohol Testing Personnel");

Subpart K (“Testing Sites, Forms, Equipment and Supplies Used in Alcohol Testing”); Subpart L (“Alcohol Screening Tests”); Subpart M (“Alcohol Confirmation Tests”); and, Subpart N (“Problems in Alcohol Testing”). These procedures apply to all DOT alcohol tests regardless of the reason for the test.

Personnel and Testing Devices.^{68 69} The Company will only use qualified Screening Test Technicians (STT) or Breath Alcohol Technicians (BAT) for DOT alcohol tests. These technicians will only conduct the test using DOT-approved devices. Devices are approved by the National Highway Traffic Safety Administration (NHTSA), an agency of DOT, and placed on the Conforming Products List (CPL).¹⁴ The devices used by the Company will be maintained according to the particular manufacturer’s specifications in the Quality Assurance Plan (QAP). External calibration checks will be performed at the intervals specified in the manufacturer’s instructions for any EBT used for DOT-required alcohol confirmation testing.

Testing Site, Forms, and Specimen. 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. The Company will remind the employee that failure to sign the DOT Alcohol Testing Form (ATF) at the instruction of the testing technician will be viewed as a refusal to test. The alcohol screening test may be conducted with breath or saliva, as applicable for the device used by the testing technician. Only breath will be used for the confirmation test, which is conducted by a BAT using an EBT.

Test. The Company will inform the employee that they are required to carry and present a current valid picture ID, such as a driver’s license, passport, or employer-issued picture ID to the testing site. The testing technician will perform a screening test and show the employee the test result. If the screening test result is an alcohol concentration of less than 0.02, no further testing is authorized, and there is no DOT action to be taken. The technician will document the result on the ATF, provide the employee a copy and also provide the Company and/or the Company’s C/TPA a copy. If the screening test result is 0.02 or greater, the employee will be required to take a confirmation test, which can only be administered by a BAT using an EBT. The BAT will wait at least 15-minutes, but not more than 30 minutes, before conducting the confirmation test. During that time, the employee will not be allowed to eat, drink, smoke, belch, put anything in their mouth or leave the testing area. Leaving the testing area without authorization may be considered a refusal to test. The BAT will perform an “air blank” (which must read 0.00) on the EBT device to ensure that there is no residual alcohol in the EBT or in the air around it. The confirmation test result is the final result of the test, and the will be shown to the employee and on the printout from the EBT. If the result is less than 0.02, no action is taken under Part 199. Any result of 0.02 or greater will be immediately reported to the Company.

3. PHMSA Inspection Protocol for Alcohol Testing Sites

Compliance. PHMSA’s Substance Abuse Program: Comprehensive Audit and Inspection Protocol Form, Combined Anti-Drug and Alcohol Misuse Prevention Programs, Form No.: 3.1.11, dated January 29, 2010, provides a separate inspection protocol for Alcohol Testing Sites. The Company provides this protocol to correspond with the detail found in the PHMSA Inspection Form. As previously stated, the Company will ensure that all DOT alcohol tests comply with Part 40 requirements.

Alcohol Testing Personnel . The Company will ensure that only qualified STTs and BATs are used to conduct Company DOT tests. STTs and BATs are responsible to maintain their own verification documentation and will make it available to the Company on request.⁷⁰ A supervisor of an employee may not be used to conduct a reasonable suspicion/cause test if that supervisor was the one who made the determination to test.⁷¹

¹⁴ National Highway Traffic Safety Administration, Conforming Products List for Evidential Breath Measurement Devices, March 11, 2010, and addendums.

Alcohol Testing Sites, Forms and Supplies . The testing site will ensure visual and aural privacy to the employee being tested to prevent unauthorized persons from seeing or hearing test results. The site will have the needed personnel, materials, equipment, and facilities to provide for the collection and analysis of breath and/or saliva samples, and a suitable clean surface for writing. The site will be able to prevent unauthorized personnel from entering the testing site, and ensure no unauthorized employee has access to an unsecured EBT, and that when an EBT or ASD is not being used for testing, it is stored in a secure place. Tests will be conducted on only one employee at a time.⁷²

Only EBTs and ASDs listed on the NHTSA CPL will be used for DOT alcohol testing, and only an EBT must be used for conducting the confirmation tests.⁷³ The QAP and associated manufacturer's instructions will be followed for all EBTs and ASDs used by the Company.⁷⁴ It is the responsibility of the testing sites used by the Company to carry out this responsibility for the Company.⁷⁵

Alcohol Screening Tests . Only the DOT-approved ATF will be used for all Company alcohol tests.⁷⁶ The employee will provide a positive identification through the use of photo ID or by employer representative prior to the test.⁷⁷ The BAT or STT shall explain the testing process to the employee, including showing the employee the instructions on the back of the ATF.⁷⁸ If the employee has a designated testing time and does not appear, the BAT or STT will notify the DER. Testing will begin without undue delay. An alcohol test will be given prior to a drug test and medical attention, if it is required, will not be delayed in order to conduct a test. The testing technician will explain the testing procedure to the employee, including showing the employee the instructions on the back of the ATF. The ATF will be completed and the employee will be asked to sign the ATF. Failure to sign is a refusal to test. The BAT or STT will select, or allow the employee to select, an individually wrapped or sealed mouthpiece from the testing materials and insert it into the device in accordance with the manufacturer's instructions. The employee will be instructed to blow steadily and forcefully into the mouthpiece for at least six seconds or until the device indicates that an adequate amount of breath has been obtained. The employee will be shown the displayed test result. The device will print a label with, or the technician will write, the result and pertinent information on the ATF.⁷⁹

Alcohol Screening with an ASD .⁸⁰ It is not the intent of the Company to use an ASD for an alcohol test. However, it is possible that, when necessary, one may have to be used to conduct the test. In those cases the STT or BAT will follow the manufacturer's instructions, and only use a device that has been under their control. The ASD may be either a saliva device or a breath tube. The expiration date will be shown to the employee. A device will not be used after its expiration date. The device will be opened in the presence of the employee, and the employee will be offered the opportunity to use the device, according to instructions. In any case where the technician uses the device, the device will be inserted into the employee's mouth and gather saliva, with the technician wearing single-use examination gloves while doing so and change them following each test. Assurance will be made that the device has properly activated and that the correct amount of time will be allowed to elapse before reading the result. If problems occur (e.g., the device does not activate, it is dropped on the floor), it will be discarded and a new test will be conducted using a new device. The STT or BAT will note on the ATF the reason for the new test. If efforts to get the ASD to work properly fail, the technician will direct the employee to take a new test immediately, using an EBT for the screening test. Devices, swabs, gloves or other materials used in the prior saliva or breath tube testing will not be used in subsequent tests.

Alcohol Screening Results .⁸¹ A result with an alcohol concentration of less than 0.02 will be recorded on the ATF; the result will be transmitted to the DER, with the test concluded without consequence. A result with an alcohol concentration of 0.02 or higher requires the employee to take a confirmation test. If the same BAT who conducted the alcohol screening test will also conduct the confirmation test, the test will begin immediately. If a different BAT will conduct the confirmation test, the technician conducting the screening test will direct the employee to the site where the test will take place. The technician will also advise the employee not to eat, drink, put anything (e.g., cigarette, chewing gum) into the employee's mouth, or belch, during the 15-minute waiting period until the test occurs. The employee will be observed by the technician or an employer representative on the way to the confirmation testing site. The employee will be directed not to attempt to drive a motor vehicle to the confirmation testing site.

Alcohol Confirmation Test.^{82 83} 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, put anything (e.g., cigarette, chewing gum) into the employee's mouth, or belch. The BAT will conduct an air blank on the EBT in the presence of the employee. The reading must be 0.00 for the test to proceed. If the reading is greater than 0.00, another air blank must be conducted; the EBT must not be used (taken out of service) if the second reading is greater than 0.00. The EBT cannot be used for testing until it is found to be within tolerance limits on an external check of calibration. A new sealed mouthpiece will be opened, in view of the employee, and used for the test. The employee will be instructed to blow steadily and forcefully into the mouthpiece for at least six seconds or until the device indicates that an adequate amount of breath has been obtained. The results will be shown to the employee and printed for application to the ATF.

Alcohol Confirmation Results . If the alcohol confirmation test result is lower than 0.02, nothing further is required of the employee. If the alcohol confirmation test result is 0.02 or higher, the BAT will immediately transmit the result directly to the DER in a confidential manner.

Problems in Alcohol Testing .^{84 85 86} The Plan addresses the situations in which an employee has refused to take an alcohol test. See Section IV.6, "DOT Alcohol Violations and Prohibited Conduct." In situations where an employee is unable to provide sufficient saliva to complete a screening test, the Company will ensure that the employee takes a breath test immediately. In situations where an employee is unable to provide sufficient breath to complete a test, the employee will be sent for an evaluation, by a licensed physician who is acceptable to the Company. The physician will have expertise in the medical issues raised by the employee's failure to provide a breath specimen, as well as be apprised of the consequences of the appropriate DOT agency regulation for refusing to take the required alcohol test. The physician will provide the Company with a signed statement of their conclusions. If it is the reasonable medical judgment of the physician, that a medical condition has, or with a high degree of probability could have, precluded the employee from providing a sufficient amount of breath, the test will be canceled by the Company. If there is not an adequate basis for determining that a medical condition has, or with a high degree of probability could have, precluded the employee from providing a sufficient amount of breath, this constitutes a refusal to test.

Canceling an Alcohol Test.⁸⁷ The Company will ensure that an alcohol test is canceled if a fatal flaw occurs. Fatal flaws are: 1) in the case of a screening test conducted on a saliva ASD or a breath tube ASD, the STT or BAT reads the result either sooner than or later than the time allotted by the manufacturer; the saliva ASD does not activate; the device is used for a test after its expiration date; or, in the case of a screening or confirmation test conducted on an EBT, the sequential test number or alcohol concentration displayed on the EBT is not the same as the sequential test number or alcohol concentration on the printed result; 2) in the case of a confirmation test the BAT conducts the confirmation test before the end of the minimum 15-minute waiting period; the BAT does not conduct an air blank before the confirmation test; there is not a 0.00 result on the air blank conducted before the confirmation test; the EBT does not print the result; or, the next external calibration check of the EBT produces a result that differs by more than the tolerance stated in the QAP from the known value of the test standard. In this case, every result of 0.02 or above obtained on the EBT since the last valid external calibration check is canceled.

The Company will ensure that an alcohol test is canceled if a correctable flaw occurs and is not corrected. Correctable flaws are: the BAT or STT does not sign the ATF; the BAT or STT fails to note on the "Remarks" line of the ATF that the employee has not signed the ATF after the result is obtained; and, the BAT or STT uses a non-DOT form for the test.

Correcting Alcohol Problems.⁸⁸ The Company will ensure that BATs and STTs will try to successfully complete each alcohol test for an employee. If they become aware of a problem that will cause the test to be canceled, they will try to correct the problem promptly, if practicable. Repeating the test is an acceptable part of this process. If repeating the testing process is necessary, a new test (new ATF, new device) must begin as soon as possible. If repeating the testing process is necessary, the technician is not limited in the number of attempts to complete the test, provided that the employee is making a good faith effort to comply with the testing process. If another testing device is not available for the new test at the testing site, the technician will immediately notify the DER and

advise the DER that the test could not be completed. The DER will make all reasonable efforts to ensure that the test is conducted at another testing site as soon as possible. If the Company or its service agent administering the testing process becomes aware of a correctable flaw that has not been corrected, all practicable action will be taken to correct the problem so that the test is not cancelled. If the problem resulted from the omission of required information, the person responsible for providing the information must supply in writing the missing information and a signed statement that it is true and accurate.

If the problem is the use of a non-DOT form, the technician must, as the person responsible for the use of the incorrect form, certify in writing that the incorrect form contains all the information needed for a valid DOT alcohol test. The technician must also provide a signed statement that the incorrect form was used inadvertently or as the only means of conducting a test, in circumstances beyond the technician's control, and the steps the technician has taken to prevent future use of non-DOT forms for DOT tests. The technician must supply this information on the same business day on which the collector was notified of the problem, transmitting it by fax, e-mail or courier. If the technician cannot correct the problem, the technician must cancel the test.

VII. PROGRAM ELEMENTS COMMON TO DRUG AND ALCOHOL

1. Substance Abuse Professional

Compliance. The Company will follow the requirements of Part 40 for its Substance Abuse Professional (SAP) obligations. A full description of the SAP requirements is in Part 40, Subpart O ("Substance Abuse Professionals and the Return-to-Duty Process").

Qualifications.⁸⁹ 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, 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.

SAP Referral.⁹⁰ The Company will provide to each employee who violates a DOT drug and alcohol regulation a listing of SAP's readily available to the employee and acceptable to the Company. The list will include SAP names, addresses, and telephone numbers. There will not be a charge to the employee for compiling or providing this list. The Company may use its C/TPA or other service agent to provide this information. Any covered employee who has violated DOT drug and alcohol regulations cannot again perform any DOT safety-sensitive duties for this Company until and unless the employee successfully completes the SAP evaluation, referral, and education/treatment process.

Payment. The Company is not required to pay for a SAP evaluation or any subsequent recommended education or treatment for an employee who has violated a DOT drug and alcohol regulation.

Company Responsibility. The Company is only bound by DOT to ensure that if the employee is provided an opportunity to return to a DOT safety-sensitive duty following a violation, that the Company ensure that the employee receives an evaluation by a SAP meeting the requirements of Part 40 and that the employee successfully complies with the SAP's evaluation recommendations before returning to the safety-sensitive job. Even if a SAP believes that the employee is ready to return to safety-sensitive work, the Company is under no obligation to return the employee to work. Under the DOT regulations, hiring and reinstatement decisions are left to the employer. The DOT leaves all payment issues for SAP evaluations and services to the Company and the employee to resolve.

SAP Process. The SAP will make a face-to-face clinical assessment and evaluation to determine what assistance is needed by the employee to resolve problems associated with alcohol and/or drug use. The SAP will refer the employee to an appropriate education and/or treatment program. At the completion of the education and/or treatment, the SAP will conduct a face-to-face follow-up evaluation to determine if the employee actively participated in the education and/or treatment program and demonstrated successful compliance with the initial assessment and evaluation recommendations. Reports will be provided to the Company on both the initial requirements and the outcome of the follow-up evaluation. The report will be specific and will include all of the Part 40 requirements of a written SAP report. The SAP will provide the DER with a written follow-up drug and/or alcohol testing plan for the employee and, if deemed necessary, will also provide the

employee and the Company with recommendations for continuing education and/or treatment.

2. Employee Assistance Program^{91 92}

The Company will provide an Employee Assistance Program (EAP) for its employees and supervisors. The EAP may be established "in house," as part of internal personnel service or may be contracted to an entity that provides EAP services at other locations. The function of the EAP will be to provide employees with informational material on the awareness and danger of drug and alcohol use. General EAP-information material, such as the availability of brochures or videos, and community service "hotline" telephone numbers will be displayed in common areas and distributed to employees. Employees will be encouraged to call the hotline if needed. Additionally, this Plan will be displayed and made available to all employees. The Plan contains the employer's policy regarding the use of prohibited drugs and alcohol misuse. The areas and places in which the above material will be displayed include employee bulletin boards, break rooms, locker rooms, or other areas designated by the Company.

3. Supervisor Training^{93 94 95}

Each supervisor who will determine whether an employee must be drug tested and/or alcohol tested based on reasonable suspicion/cause will be trained in the "signs and symptoms" of each substance. Each supervisor will receive one 60-minute period of training on the specific, contemporaneous physical, behavioral, and performance indicators of probable *drug* use and one 60-minute period of training on the specific, contemporaneous physical, behavioral, and performance indicators of probable *alcohol* use. The two 60-minute training periods may run concurrently.

4. Contractor Monitoring^{96 97}

Compliance. Operators are responsible for ensuring that contractors and contractor employees working for, and/or on the properties of, the operator are in compliance with the requirements of Part 40 and 199. With respect to those covered employees who are contractors or employed by a contractor, an operator may provide by contract that all requirements of Part 40 and 199 will be carried out by the contractor.

To assure that the contractor is in full compliance, the contractor will allow access to property and records by the operator, the operator designee, the Administrator, any DOT agency with regulatory authority over the operator or covered employee, 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 with the requirements of Part 40 and 199. The operator will ensure that all contractors are qualified prior to commencing, as well as during the performance of, covered functions for the operator.

Qualifying Potential Contractor. Qualifications of the potential contractor as it pertains to drug and alcohol testing policies and procedures are assured by requesting the potential contractor to submit a copy of its Plan for review and compliance with PHMSA regulations. After review of the Plan is completed, written correspondence to the contractor will advise whether or not it is acceptable or in need of further additions, deletions, revisions or clarifying language. The review of the contractor Plan shall be completed utilizing the criteria established by PHMSA.

Monitoring Contractor's Compliance. The contractor may be required to provide information on their employees who will perform covered functions for the operator. This information will include, as a minimum, the name, type of test and test date of the employees who will perform any work or functions covered by Part 199 under that contract. A list of each contractor's covered employees may be distributed to appropriate Company field management. All contractors will be required to submit drug and alcohol testing statistical information on a periodic basis, which may be based on the duration of the contract. Typically, this requirement will be on a semi-annual basis. The Company may require a more frequent schedule for submission of drug and alcohol testing data should they determine a need for such statistics. The Company shall maintain a complete file on each contractor's statistical drug and alcohol testing reports. The Company shall make these reports available when requested by a PHMSA agency-designated representative, or representatives of

those state agencies under which jurisdiction the Company operates. The operator will also submit contractor Management Information System (MIS) reports to PHMSA by March 15th each year.

The contractor will cooperate with the operator, or the operator's designee, if additional information is requested to further verify compliance of the regulations.

5. Recordkeeping^{98 99 100}

Compliance. The Company will ensure that all records required by the DOT are maintained. The Company is not required to keep records related to a program requirement that does not apply to Part 40 or 199. The Company or its C/TPA will maintain the records in a locked file system and will be accessed only on a strict "need to know" basis. The Company or its C/TPA will not release an employee's drug and alcohol records to third parties without the employee's specific written consent. A "third party" is any person or organization to whom Parts 40 or 199 do not explicitly authorize or require the transmission of information in the course of the drug and alcohol testing process. "Specific written consent" means a statement signed by the employee that he or she agrees to the release of a particular piece of information to a particular, explicitly identified, person or organization at a particular time.

The Company or its C/TPA will release the employee's information without consent to DOT, PHMSA, or other government agency having regulatory authority over the Company or employee without consent. The Company or its C/TPA will release the employee's information without consent as a part of an accident investigation by the National Transportation Safety Board. The Company or its C/TPA will release the employee's information without consent in certain legal proceedings. These proceedings include a lawsuit, grievance, administrative proceeding (e.g., an unemployment compensation hearing brought by or on behalf of an employee resulting from a positive drug or alcohol test or refusal to test), a criminal or civil action resulting from an employee's performance of safety-sensitive duties, in which a court of competent jurisdiction determines that the drug or alcohol test information sought is relevant to the case and issues an order directing the Company to produce the information. In such a proceeding the information will be released to the decision maker in the proceeding with a binding stipulation that the decision maker to whom it is released will make it available only to parties to the proceeding. After releasing the information, the Company or its C/TPA will notify the employee.

If the Company uses a C/TPA to maintain the records, the Company will ensure that the C/TPA can produce these records at the Company's principal place of business in the time required by the DOT agency for an inspection. The records will be provided within two business days after receipt of the request. Most records will be stored electronically, where permitted by Part 40 and 199. The Company will ensure that the records are easily accessible, legible, and formatted and stored in an organized manner. If electronic records do not meet these criteria for the DOT inspector, the Company will convert them to printed documentation in a rapid and readily auditable manner, at the request of DOT agency personnel.

Records and Retention Periods . The Company or its C/TPA will maintain the following records for the noted time periods, as a minimum:

- a) Records kept for **five** years:
 - (1) Records of alcohol test results indicating an alcohol concentration of 0.02 or greater;
 - (2) Records of the inspection, maintenance, and calibration of EBTs;
 - (3) Records of verified positive drug test results;
 - (4) Documentation of refusals to take required alcohol and/or drug tests (including substituted or adulterated drug test results);
 - (5) SAP reports;
 - (6) Follow-up tests and schedules for follow-up tests; and,
 - (7) Statistical data related to the Company's testing program, entitled "Management Information System," will be available to a representative of DOT, PHMSA, or a state agency having regulatory authority over the Company upon request.

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- b) Records kept for **three** years:
 - (1) Records of information obtained from previous employers under Part 40 concerning drug and alcohol test results of employees;
 - (2) Records that demonstrate the drug-testing collection process; and,
 - (3) Records related to “signs and symptoms” alcohol and drug training for supervisors.
- c) Records kept for **two** years:
 - (1) Records related to the alcohol collection process (i.e., calibration documentation for evidential breath testing devices, documentation of breath alcohol technician training, documents generated in connection with decisions to administer reasonable suspicion alcohol tests, documents generated in connection with decisions on post-accident tests, and documents verifying existence of a medical explanation of the inability of a covered employee to provide adequate breath for testing); and,
- d) Records kept for **one** year:
 - (1) Negative drug test results.
 - (2) Alcohol results less than 0.02.

Employee Request for Records . All employees have the right to request and obtain copies of any records pertaining to the employee's use of alcohol and/or drugs, including records of the employee's DOT-mandated drug and/or alcohol tests, and copies of SAP reports. Requests for records must be made in writing to the DER. A laboratory must provide, within 10 business days of receiving a written request from an employee, and made through the MRO, the records relating to the results of the employee's drug test (i.e., laboratory report and data package). Service agents providing records may charge no more than the cost of preparation and reproduction for copies of these records. SAPs must redact follow-up testing information from the report before providing it to the employee.

6. Management Information System ^{101 102 103}

Compliance. The Company will prepare and maintain the DOT Management Information System (MIS) report for its drug and alcohol testing program. This report will be submitted to PHMSA in accordance with annual submission requirements. If the Company uses a C/TPA then the C/TPA may prepare and maintain the MIS, reporting the MIS as the Company requires. The DER will certify each report submitted by a C/TPA for accuracy and completeness.

Contractor Reporting for MIS. If the Company is an operator, it will verify and identify all contractors who performed covered functions, as defined under Part 199, for this Company in a given calendar year. If required, by either mandated annual or PHMSA written request, the Company will submit an MIS report for each of these contractors on or before March 15th.

VIII. Appendix A - Acknowledgement/Receipt Form

I acknowledge, by signing this form, that my full compliance with the Anti-Drug and Alcohol Misuse Prevention Plan (the "Plan") and DOT drug and alcohol regulation requirements is a condition of my initial and continued employment with the Company. I understand and agree that I may be discharged or otherwise disciplined for any drug and/or alcohol violation, committed by me, as cited in the Plan and/or in the DOT drug and alcohol regulatory requirements.

I also acknowledge, by signing this form, that a copy of the Plan has been made available to me and that I have read and understand the requirements of the Company and DOT drug and alcohol program. I have also been provided with informational material on the dangers and problems of drug abuse and alcohol misuse.

Signed, this the _____ day of _____, 20_____.

Employee Name (Please Print)

Employee Signature

Company Representative Name (Please Print)

Company Representative Signature

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IX. Appendix B - Designated Personnel and Service Agents

CONSORTIUM/THIRD PARTY ADMINISTRATOR (C/TPA)

Name: Pipeline Testing Consortium, Inc.

Address: 9 Compound Drive, Hutchinson, Kansas 67502

Phone Number: (800) 294-8758

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

Name: Jennifer Johnson / Darren Brown

Address: 400-607 8th Ave, SW, Calgary, Alberta, Canada T2P 0A7

Phone Number: 403-513-8711

MEDICAL REVIEW OFFICER (MRO)

Name: David Paine, M.D. - American Medical Review Officers, LLC

Address: 7 Compound Drive, Hutchinson, Kansas 67502

Phone Number: (866) 359-0414

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

Name: Clinical Reference Laboratory

Address: 8433 Quivira Road, Lenexa, Kansas 66215

Phone Number: (800) 445-6917

COLLECTION SITE(s) - DRUG AND BREATH ALCOHOL

Name: Pipeline Testing Consortium, Inc.-www.pipelinetesting.com for a current list of collection sites.

Address: 9 Compound Drive, Hutchinson, KS 67502

Phone Number: (800) 294-8758

LIST OF APPROVED EVIDENTIAL BREATH TESTING DEVICES (EBTS) UTILIZED:

EBT Manufacture Name and EBT Model Name:

Draeger Breathlyzer 7410; Intoximeters Alcohol Sensor IV; Intoxilyzer 200D

SUBSTANCE ABUSE PROFESSIONAL (SAP)

Name: Pipeline Testing Consortium, Inc.

Address: 9 Compound Drive, Hutchinson, Kansas 67502

Phone Number: (800) 294-8758

EMPLOYEE ASSISTANCE PROGRAM (EAP)

Name: Pipeline Testing Consortium, Inc.

Address: 9 Compound Drive, Hutchinson, Kansas 67502

Phone Number: (800) 294-8758

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X. Appendix C - Covered Positions

**EMPLOYEE/SUPERVISOR POSITIONS SUBJECT TO ALCOHOL & DRUG TESTING
(JOB CLASSIFICATIONS/TITLES)**

SUPERVISOR POSITIONS THAT HAVE RECEIVED ALCOHOL AND DRUG TRAINING (60 MINUTES DRUG, 60 MINUTES ALCOHOL)

<u>Title</u>	<u>Employee Supervisor</u>		<u>Title</u>	<u>Employee Supervisor</u>	
	Check applicable box.			Check applicable box.	
OPER. & MAIN. COORDINATOR	<input type="checkbox"/>	<input checked="" type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
SPS OPERATOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
MECHANIC	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
OPERATOR	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
INSTRUMENTATION TECH	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
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XI. Appendix D - Company Disciplinary Actions and Additional Procedures

1. Company Discipline

Under the Anti-Drug and Alcohol Misuse Prevention Plan, the Company is committed to a drug and alcohol free workplace. Violations to this Plan include:

a) The presence in the body, possession, use, distribution, dispensing, and/or unlawful manufacture of prohibited drugs and the misuse of alcohol is not condoned while conducting Company business, or while in work areas or Company vehicles on or off Company premises. No employee will work under the influence of prohibited drugs and alcohol.

b) An employee or applicant who tests positive for drugs, has an alcohol concentration of 0.04 or higher, or refuses to take any drug or alcohol test as directed by the Company.

c) The prohibited use of alcohol with a test result of 0.02 or greater, but less than 0.04.

Employees violating this Plan will be subject to disciplinary actions up to and including termination. Disciplinary action may include, but is not limited to: removal from working in a covered position, suspension, loss of pay, and termination of employment.

2. Additional Company Procedures

Reservation of Rights. The Company reserves the right to interpret, modify, or revise this policy statement in whole or in part without notice. Nothing in this policy statement is to be construed as an employment contract nor does this alter an employee's employment at-will status. The employee remains free to resign his/her employment at any time for any or no reason, without notice. Similarly, the Company reserves the right to terminate any employee's employment, for any or no reason, without notice.

Compliance with All Laws. This policy statement will be amended from time to time to comply with changes in Federal and State laws.

The Company reserves the right to revise or amend this policy with or without notice at any time.

THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK TO ADD ADDITIONAL COMPANY DISCIPLINARY ACTIONS AND PROCEDURES IF NEEDED.

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XII. Appendix E – PHMSA Inspection Plan Cross-Reference Endnotes

1 A.01.a. Verify that the operator maintains and follows a written Anti-Drug Plan that conforms to Part 199 and Part 40 and that the plan contains the following [§199.101]: 1) Methods and procedures for compliance with all the requirements of Part 199, including the employee assistance program; 2) The name and address of each laboratory that analyzes the specimens collected for drug testing; 3) The name and address of the operator's Medical Review Officer, and Substance Abuse Professional; and Procedures for notifying employees of the coverage and provisions of the plan.

2 H.01.a. Verify that the operator maintains and follows a written Alcohol Misuse Plan that conforms to Part 199 and Part 40 and that the plan contains methods and procedures for compliance with required testing, recordkeeping, reporting, education and training elements [§199.202].

3 A.02.a. Verify that "stand-down" is prohibited before the MRO has completed the drug test verification process or that an approved waiver is granted per the requirements of [§40.21] and [§199.7].

4 H.02.e. Verify that the educational materials made available to covered employees includes detailed discussion of at least the following [§199.239(b)]: 1) The identity of the person designated by the operator to answer covered employee questions about the materials; 2) The categories of employees who are subject to the provisions of this subpart; 3) Sufficient information about the covered functions performed by those employees to make clear what period of the work day the covered employee is required to be in compliance with this subpart; 4) Specific information concerning covered employee conduct that is prohibited by this subpart; 5) The circumstances under which a covered employee will be tested for alcohol under this subpart; 6) The procedures that will be used to test for the presence of alcohol, protect the covered employee and the integrity of the breath testing process, safeguard the validity of the test results, and ensure that those results are attributed to the correct employee; 7) The requirement that a covered employee submit to alcohol tests administered in accordance with this subpart; 8) An explanation of what constitutes a refusal to submit to an alcohol test and the attendant consequences; 9) The consequences for covered employees found to have violated the prohibitions under this subpart, including the requirement that the employee be removed immediately from covered functions, and the procedures under §199.243; 10) The consequences for covered employees found to have an alcohol concentration of 0.02 or greater but less than 0.04; and 11) Information concerning the effects of alcohol misuse on an individual's health, work, and personal life; signs and symptoms of an alcohol problem (the employee's or a coworker's); and including intervening evaluating and resolving problems associated with the misuse of alcohol including intervening when an alcohol problem is suspected, confrontation, referral to any available EAP, and/or referral to management.

5 B.01.b. Verify that a service agent is not used to fulfill the function of a DER [§40.15(d)].

6 N.01.a. Verify that an employer who is using a service agent concerning whom a PIE is issued stops using the services of the service agent no later than 90 days after the Department has published the decision in the Federal Register or posted it on its web site. The employer may apply to the ODAPC Director for an extension of 30 days if it is demonstrated that a substitute service agent cannot be found within 90 days [§40.409(b)].

7 B.01.a. Verify that critical positions meet the applicable qualifications of Part 40 and 199; 1) Medical Review Officer (MRO), (§40.121 and §199.109(b)); 2) Substance Abuse Professionals (SAP), (§40.81) 3); 3) Urine Specimen Collectors (§40.33).

8 I.01.a. Verify that Alcohol Misuse Prevention Program positions meet the applicable qualification requirements of Part 40 and Part 199 as follows: 1) Screening Test Technician (§40.213); 2) Breath Alcohol Technician (§40.213); and, 3) Substance Abuse Professional (SAP) (§40.281).

9 A.01.d. Verify that DOT tests are completely separate from non-DOT tests in all respects [§40.13].

10 H.01.d. Verify that the Alcohol Misuse Prevention Program ensures that the DOT tests are completely separate from non-DOT tests in all respects [§40.13].

11 A.01.b. Verify that the Plan identifies covered employees (as defined in §199.3), required to be tested for drugs, are identified [§199.1].

12 H.01.b. Verify that the Alcohol Misuse Prevention Program identifies the covered employees (as defined in §199.3) that are required to be tested for the presence of alcohol [§199.1].

13 C.01.a. Verify drug testing information [§40.25(b)] is requested from previous DOT-regulated employers for any employee seeking to begin covered functions for the first time (i.e., a new hire or an employee transfer) [§40.25(a)]. Covered employee must not perform their functions after 30 days from the date on which the employee first performed safety-sensitive functions, unless a good faith effort to obtain the information has been made and documented.

14 J.01.a. Verify that alcohol testing information [§40.25(b)] is requested from previous DOT-regulated employers for any employee seeking to begin covered functions for the first time (i.e., a new hire or an employee transfer) [§40.25(a)]. In addition, verify that a covered employee must not perform their functions after 30 days from the date on which the employee first performed safety-sensitive functions, unless you have obtained or made and documented a good faith effort to obtain alcohol testing information from previous DOT-regulated employers.

15 H.02.a. Verify that the Alcohol Misuse Plan ensures that a covered employee is not permitted to perform covered functions if the employee has engaged in violations of §§199.215 through 199.223 (see below) or an alcohol misuse rule of another DOT agency [§199.233]. 1) Having an alcohol concentration of 0.04 or greater [§40.23(c), §40.285 and §199.215]; 2) Using alcohol while performing covered functions [§199.217, On-duty use]; 3) Using alcohol within 4 hours prior to performing covered functions, or, if an employee is called to duty to respond to an emergency, within the time period after the employee has been notified to report for duty [§199.219, Pre-duty use]; 4) A covered employee, who has actual knowledge of an accident in which his or her performance of

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covered functions has not been discounted by the operator as a contributing factor to the accident, is prohibited from using alcohol for 8 hours following the accident, unless he or she has been given a post-accident test under §199.225(a), or the operator has determined that the employee's performance could not have contributed to the accident [§199.221, Use following an accident]; and, 5) Upon refusal of a covered employee to submit to a post-accident alcohol test required under §199.225(a), a reasonable suspicion alcohol test required under §199.225(b), or a follow-up alcohol test required under §199.225(d) [§40.285 and §199.223, Refusal to submit to a required alcohol test].

16 H.02.c. Verify that the Alcohol Misuse Prevention Program assures that a covered employee is prohibited from performing or continuing to perform covered functions when found to have an alcohol concentration of 0.02 or greater but less than 0.04, until: The employee's alcohol concentration measures less than 0.02 in accordance with a test administered under §199.225(e); or The start of the employee's next regularly scheduled duty period, but not less than 8 hours following administration of the test [§40.23(c) and §199.237(a)].

17 A.02.b. Verify that a covered employee that violates DOT drug regulations is removed from performing safety-sensitive functions [§40.23 and §199.7]. A verified positive DOT drug test result or a refusal to test (including by adulterating or substituting a urine specimen) constitutes a violation of DOT drug regulations [§40.285(b) and §199.103(a)]. If a covered employee violates a DOT drug regulation, a listing of SAPs that are readily available is provided to the employee [§40.287].

18 C.01.b. Verify no new personnel (new hire, contracted, or transferred employees) are used to perform covered functions unless that person receives a negative drug test and or is covered by the Plan that conforms to Part 199 [§199.105(a)]. Procedures are in place for direct observation when required under §§40.67(a), (b) and (d).

19 C.02.a. Verify post-accident drug testing is performed, as soon as possible but no later than 32 hours after an accident (§ 195.50) or incident (§ 191.3), for each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident [§199.105(b)]. In addition, procedures are in place for direct observation when required under §§40.67(a), (b) and (d).

20 C.03.a. Verify the minimum annual percentage rate used for random drug testing of covered employees complies with §199.105(c)(1) through (4).

21 C.03.b. Verify the selection of employees for random drug testing is based on a scientifically valid method, such as a random number table or a computer-based random number generator matched with employee identification data [199.105(c)(5)].

22 C.03.c. Verify a sufficient number of covered employees will be selected for random testing during each calendar year to equal an annual rate not less than the required minimum annual percentage rate (see Protocol C.03.a.) [199.105(c)(6)]. The total number of covered employees eligible for random testing throughout the year will be calculated by adding the total number of covered employees eligible for testing during each random testing period for the year and dividing that total by the number of random testing periods [199.119(c)].

23 C.03.d. Verify random drug tests are unannounced and that the dates for administering the tests are spread reasonably throughout the calendar year [199.105(c)(7)].

24 C.04.a. Verify decisions to test are reasonable and articulable, and based on specific contemporaneous physical, behavioral or performance indicators of probable drug use. At least two supervisors, one of whom is trained in detection of the symptoms of drug use, substantiate and concur in the decision to test an employee who is reasonably suspected of drug use [§199.105(d)].

25 C.05.a. Verify a covered employee that violates DOT drug regulations does not return to duty for a covered function until the employee: 1) Completes a SAP evaluation, referral, and education/treatment process [§40.285(a), §40.289(b), and §199.105(e)]; 2) After completion of the SAP process above, successfully completes a return-to-duty drug test [§40.305(a) and §199.105(e)]; and 3) All return-to-duty testing will be performed under direct observation [§40.67(b)].

26 C.06.a. Verify SAP will establish a written follow-up testing plan for a covered employee that violates DOT drug regulations and seeks to return to the performance of a covered function [§40.307(a)]. All follow-up testing will be performed under direct observation [§40.67(b)].

27 C.06.b. Verify follow-up testing is performed on an unannounced basis, at a frequency established by the SAP, for a period of not more than 60 months. At least six tests must be conducted within the first 12 months following the covered employee's return to duty. [§40.307, §40.309, and §199.105(f)].

28 C.07.a. Verify procedures are in place for direct observation when required under §§40.67(a), (b) and (d).

29 B.01.a. Urine Specimen Collector (§40.33) meet the applicable qualification requirements of Part 40 and Part 199.

30 O.01.a. Does the operator ensure that, unless no other collector is available, an immediate supervisor of an employee does not serve as a collection site person [§40.31(c)]?

31 O.01.b. Do collectors meet the training requirements of §40.33 and is documentation available showing that currently all requirements are met [§40.33(g)]?

32 O.01.c. Does the operator provide error correction training as required by §40.33(f) and does the training occur within 30 days of the date of notification of the error that led to the need for training?

33 O.02.a. Has the employer designated a collection site that meets the requirements of §40.41.

34 O.02.b. If the collection site uses a facility normally used for other purposes, are procedures in place to ensure before the collection that: (1) access to collection materials and specimens is effectively restricted; and (2) the facility is secured against access

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during the procedure to ensure privacy to the employee and prevent distraction of the collector? Also, are limited-access signs posted [§40.43(c)]?

35 O.02.c. Are procedures in place to assure the collector maintains personal control over each specimen and CCF throughout the collection process and to prevent unauthorized personnel from entering any part of the site in which urine specimens are collected or stored [§40.43(d)(5) and §40.43(e)]?

36 O.02.d. Is the current Federal Drug Testing Custody and Control Form (CCF) or equivalent being used [§40.45]?

37 O.02.e. Is a collection kit used that meets the requirements of Appendix A to Part 40 [§40.49]?

38 O.03.a. Do collection site personnel explain the basic collection procedure to the employee, including showing the employee the instructions on the back of the CCF [§40.61(e)]?

39 O.03.b. Do collection site personnel provide the donor with an individually wrapped or sealed collection container from the collection kit materials [§40.63(c)]?

40 O.03.c. Are precautions taken to ensure that unadulterated specimens are obtained and correctly identified that meet the following requirements: 1) Bluing agents in toilet tank and all water sources secure [§40.43(b)(1) and (2)]; 2) Individual positively identified (photo ID, etc.) [§40.61(c)]; 3) Proper authority contacted if individual fails to arrive at the assigned time [§40.61(a)]; 4) The donor shall remove any unnecessary outer garments. Purses or briefcases shall remain with outer garments [§40.61(f)]; 5) Donor shall wash and dry his/her hands [§40.63(b)]; 6) To the greatest extent possible, the collector must keep an employee's collection container within view of both himself/herself and the employee between the time the employee has urinated and the specimen is sealed [§40.43(d)(2)]; and, 7) Any unusual behavior noted on the CCF [§40.63(e)]

41 O.03.d. Are procedures being followed at the collection site after the specimen has been provided in compliance with the requirements of §40.65

42 O.03.e. Have provisions been made if the donor is unable to provide at least 45 milliliters of urine [§40.65(a)]?

43 O.03.f. Are procedures in place for immediately collecting urine specimens under direct observation for the situations identified in §40.67(c). As of August 31, 2009, verify that all collections for return-to-duty and follow-up testing were performed under DER directed direct observation [§40.67(b)]

44 O.03.g. Are same gender collection personnel used if a collection is monitored under direct observation by non-medical personnel [§40.69(g)]

45 O.03.h. Is the CCF properly executed by authorized collection site personnel upon receipt and transfer of a urine specimen [§40.73(a)]

46 D.01.a. Verify drug testing laboratory used for all testing required by Part 40 and Part 199 is certified by the Department of Health and Human Services (HHS) [§40.81(a) and §199.107(a)].

47 D.01.c. Verify laboratory results are reported directly, and only, to the MRO at his or her place of business. Results must not be reported to or through the DER or a service agent (e.g., C/TPA) [§40.97(b)].

48 D.01.b. Verify drug testing laboratory only tests for the following five drugs or classes of drugs in a DOT drug test. (The laboratories must not test "DOT specimens" for any other drugs): (a) Marijuana metabolites; (b) Cocaine metabolites; (c) Amphetamines; (d) Opiate metabolites; and (e) Phencyclidine (PCP) [§40.3, §40.85 and §199.3].

49 D.01.d. Verify laboratory testing the primary specimen will retain a specimen that was reported with positive, adulterated, substituted, or invalid results for a minimum of one year. The specimen must be kept in secure, long-term, frozen storage in accordance with HHS requirements [§40.99 and §199.111(a)].

50 D.03.a. Verify laboratory retains all records pertaining to each employee urine specimen for a minimum of two years and also keeps for two years employer-specific data required in §40.111 [§40.109].

51 D.03.b. Verify laboratory transmits an aggregate statistical summary to the Company per Part 40, Appendix B, on a semi-annual basis.

52 D.02.a. If the Company or C/TPA, used by the Company, has an aggregate of 2000 or more DOT-covered employees, blind specimens are submitted to the laboratories used. If the Company or C/TPA has an aggregate of fewer than 2000 DOT-covered employees, DOT does not require them to provide blind specimens [§40.103(a)].

53 E.01.a. Verify that an MRO is designated or appointed by the Anti-Drug Plan [§199.109(a)].

54 E.01.b. Verify that the MRO provides quality assurance reviews of the drug testing process, including ensuring the review of the Custody and Control Form (CCF) on all specimen collections [§40.123(b)].

55 E.01.c. Verify that the MRO performs the review functions required by §40.127 for negative drug test results received from a laboratory, prior to verifying the result and releasing it to the Designated Employer Representative (DER).

56 E.01.d. Verify that the MRO performs the review functions required by §40.129 for confirmed positive, adulterated, substituted, or invalid drug test results received from a laboratory, prior to verifying the result and releasing it to the DER. In addition, the MRO must determine whether there is a legitimate medical explanation for confirmed positive, adulterated, substituted, and invalid drug test results from the laboratory [§40.123(c)].

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57 F.02.a. Verify that the MRO reports all drug test results to the operator [§40.163(a) and §199.109(d)] in accordance with the requirements in §40.163, §40.165 and §40.167. These requirements include: Reporting all drug test results to the DER, except in the circumstances provided for in §40.345, when a C/TPA may act as an intermediary [§40.165(a)]; reporting the results in a confidential manner [§40.167(a)]; and reporting the results within the required time constraints [§40.167(b) and (c)].

58 E.01.e. Verify that when the MRO has verified a drug test as positive for a drug or drug metabolite, or as a refusal to test because of adulteration or substitution, and the MRO must notify the employee of his or her right to have the split specimen tested. The MRO must also notify the employee of the procedures for requesting a test of the split specimen, and Inform the employee that he or she has 72 hours from the time of this notification to him or her to request a test of the split specimen [§40.153].

59 E.01.f. If additional testing is requested by the employee, verify that the split specimen is tested. The split testing laboratory must be certified by HHS. (Note: Correction made to inspection language.) [§199.111(b) and (c)].

60 J.01.b. If the operator chooses to conduct pre-employment alcohol testing, verify that the operator: 1) Conducts a pre-employment alcohol test before the first performance of covered functions by every covered employee (whether a new employee or someone who has transferred to a position involving the performance of covered functions) [§199.209(b)(1)]; 2) Treats all covered employees the same for the purpose of pre-employment alcohol testing (i.e., you must not test some covered employees and not others) [§199.209(b)(2)]; and, 3) Conducts the pre-employment tests after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test [§199.209(b)(3)].

61 J.02.a. Verify that post-accident alcohol testing is performed: 1) As soon as practicable following an accident (§195.50) or incident (§191.3) for each surviving covered employee if that employee's performance of a covered function either contributed to the accident or cannot be completely discounted as a contributing factor to the accident [§199.225(a)(1)]; and, 2) Within two hours following the accident (§195.50) or incident (§191.3), otherwise, the operator shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a post-accident test is not administered within eight hours following the accident, the operator shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test [§199.225(a)(2)].

62 J.03.a. Verify that decisions to test are based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the employee. The required observations shall be made by a supervisor who is trained in detecting the symptoms of alcohol misuse [§199.225(b)(2)].

63 J.03.b. Verify that a covered employee is directed by the operator to undergo reasonable suspicion testing for alcohol only while the employee is performing covered functions; just before the employee is to perform covered functions; or just after the employee has ceased performing covered functions. [§199.225(b)(3)].

64 J.03.c. Verify that if a reasonable suspicion test is required and is not administered within 2 hours following the determination under §199.225(b)(2), the operator shall prepare and maintain on file a record stating the reasons the test was not promptly administered. If a test is not administered within 8 hours, the operator shall cease attempts to administer an alcohol test and shall state in the record the reasons for not administering the test [§199.225(b)(4)(i)].

65 J.04.a. Verify that a covered employee that engages in conduct prohibited by §§199.215 through 199.223 does not return to duty for a covered function until the employee: 1) Completes a SAP evaluation, referral, and education/treatment process [§40.285(a), §40.289(b), §199.235, and §199.243(b)]; and, 2) After completion of the SAP process above, undergoes a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 [§40.305(a), §199.225(c), and §199.243(c)].

66 J.05.a. Verify that the SAP establishes a written follow-up testing plan for a covered employee that engages in conduct prohibited by §§199.215 through 199.223 and seeks to return to the performance of a covered function [§40.307(a)].

67 J.05.b. Verify that follow-up testing is performed on an unannounced basis, at a frequency established by the SAP, for a period of not more than 60 months. At least six tests must be conducted within the first 12 months following the covered employee's return to duty [§40.307, §40.309, §199.225(d) and §199.243(c)(2)(ii)].

68 K.01.a. Verify that any Evidential Breath Testing Device (EBT) or Alcohol Screening Device (ASD) used for DOT required alcohol testing is approved by the National Highway Traffic Safety Administration (NHTSA) and placed on a Conforming Products List (CPL) [§40.229 and §40.231]

69 K.01.b. Verify that external calibration checks are performed at the intervals specified in the manufacturer's instructions for any EBT used for DOT required alcohol confirmation testing [§40.231 and §40.233].

70 P.01.a. Does the operator's plan specify training for BATs and STTs that is in compliance with §40.213 and does the documentation certify that all requirements are met [§40.213(g)]

- 71 P.01.b.** Does the plan specify that a supervisor shall not serve as the BAT or STT if that supervisor makes the reasonable cause determination [§40.211(c) and §199.225(b)(2)].
- 72 P.02.a.** Does the alcohol testing site comply with the applicable physical and security requirements of §40.221 and §40.223?
- 73 P.02.b.** Does the plan specify that only EBTs and ASDs listed on the NHTSA CPL will be used for DOT alcohol testing [§40.229]? Also, does the plan specify that an EBT must be used for conducting the confirmation tests [§40.231(a)]?
- 74 P.02.c.** Does the operator follow the Quality Assurance Plan (QAP) for the EBT that is used [§40.233(c)(1)]? If this service is contracted out does the operator ensure that the QAP is being followed [§40.233(c)]?
- 75 P.02.d.** Does the plan specify that the operator or its agents shall comply with the QAP and manufacturer's instructions and does the operator follow the QAP for the ASD that is used [§40.235 and §40.235(c)]?
- 76 P.03.a.** Does the plan prescribe that only the DOT-approved Alcohol Testing Form (ATF) shall be utilized [§40.225(a)]?
- 77 P.03.b.** Does the plan specify that the employee shall provide a positive identification through use of photo ID or by employer representative [§40.241(c)]?
- 78 P.03.c.** Does the plan indicate that the BAT or STT shall explain the testing process to the employee [§40.241(e)]?
- 79 P.03.d.** Does the plan contain specific instructions for conducting alcohol screening tests in compliance with §40.241 and §40.243 requirements?
- 80 P.03.e.** Does the plan contain specific instructions for conducting alcohol screening tests using a saliva ASD in compliance with §40.245 requirements?
- 81 P.03.f.** Does the plan specify actions that are taken after receipt of alcohol screening test results that are in compliance with §40.247?
- 82 P.04.a.** Does the plan provide guidance for the actions a new BAT must complete to conduct a confirmation test in compliance with §40.251(b)?
- 83 P.04.b.** Does the plan specify procedures to be followed in conducting a confirmation test that are in compliance with §40.253 and §40.255?
- 84 P.05.a.** Does the plan address the situations for which the employee is considered to have refused to take an alcohol test [§40.261(a)(1) to (7)]?
- 85 P.05.b.** Does the plan specify procedures concerning an employee's inability to provide an adequate amount of saliva for testing and instructions for requiring the employee to attempt again to provide adequate amount of saliva for testing [§40.263]?
- 86 P.05.c.** Does the plan specify procedures concerning an employee's inability to provide an adequate amount of breath for testing in compliance with §40.265?
- 87 P.05.d.** Does the plan specify under what conditions that an alcohol test shall be cancelled [§40.267 and §40.269]?
- 88 P.05.e.** Does the plan specify procedures concerning the potential inability to complete an alcohol test and trying to successfully complete the test [§40.271]?
- 89 B.01.a.** Substance Abuse Professionals (SAP) meet the applicable qualification requirements of Part 40 (§40.81) and Part 199.
- 90 H.02.b.** Verify that the Alcohol Misuse Prevention Program assures that each covered employee who has engaged in conduct prohibited by §§199.215 through 199.223 shall be advised of the resources available to the covered employee in evaluating and resolving problems associated with the misuse of alcohol. This includes the names, addresses, and telephone numbers of substance abuse professionals and counseling and treatment programs [§40.285(b) and §199.243(a)]
- 91 G.01.b.** Verify that education under the EAP includes at least the following elements: display and distribution of informational material; display and distribution of a community service hot-line telephone number for employee assistance; and display and distribution of the employer's policy regarding the use of prohibited drugs [§199.113(b)].
- 92 H.02.d.** Verify that the Alcohol Misuse Prevention Program assures for providing educational materials that explain alcohol misuse requirements and the operator's policies and procedures with respect to meeting those requirements [§199.239(a)]. The operator shall ensure that a copy of these materials is distributed to each covered employee prior to start of alcohol testing under this subpart, and to each person subsequently hired for or transferred to a covered position [§199.239(a)(1)]. Each operator shall provide written notice to representatives of employee organizations of the availability of this information [§199.239(a)(2)].

93 G.01.a. Verify that an EAP is provided for its employees and supervisory personnel who will determine whether an employee must be drug tested based on reasonable cause. Each EAP must include education and training on drug use (see Protocols G.01.b. and G.01.c.) [§199.113(a)].

94 G.01.c. Verify that training under the EAP for supervisory personnel who will determine whether an employee must be drug tested based on reasonable cause must include one 60-minute period of training on the specific, contemporaneous physical, behavioral, and performance indicators of probable drug use [§199.113(c)].

95 I.01.b. Verify that supervisors designated to determine whether reasonable suspicion exists to require a covered employee to undergo alcohol testing under §199.225(b) receive at least 60 minutes of training on the physical, behavioral, speech, and performance indicators of probable alcohol misuse. [§199.241].

96 A.01.c. If an employer contracts drug testing, education and training [§199.115], there is a process in place and implemented to ensure compliance with Part 199 and Part 40. The contractor must allow access to property and records by the operator, the Administrator, and if the operator is subject to the jurisdiction of a state agency, a representative of the state agency for the purpose of monitoring the operator's compliance [§199.115(b)].

97 H.01.c. If an employer contracts alcohol testing, education and training [§199.245], there is a process in place and implemented to ensure compliance with Part 199 and Part 40. The contractor must allow access to property and records by the operator, the Administrator, any DOT agency with regulatory authority over the operator or covered employee, 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 with the requirements of Part 199 and Part 40 [§199.245(c)].

98 L.01.a. Verify that the following records are retained as required by Part 40 and Part 199 and that the records are maintained in a secure location with controlled access [§40.333(c) and §199.227(a)]. 5 years: Records of alcohol test results indicating an alcohol concentration of 0.02 or greater [§40.333(a)(1) and §199.227(b)(1)]; Documentation of refusals to take required alcohol tests [§40.333(a)(1) and §199.227(b)(1)]; SAP reports [§40.333(a)(1) and §199.227(b)(1)]; All follow-up tests and schedules for follow-up tests [§40.333(a)(1)]; MIS annual report data [§199.227(b)(1)]; and, Calibration Documentation [§199.227(b)(1)]. 3 years: Information obtained from previous employers under §40.25 concerning alcohol test results of employees [§40.333(a)(2)]. 2 years: Records of the inspection, maintenance, and calibration of EBTs [§40.333(a)(3)].

99 M.02.a. Verify that upon written request from an employee, records of drug and alcohol use, testing results, and rehabilitation are provided to the employee [§199.117(b) and §199.231(b)].

100 F.01.a. Verify that records are retained as required by Part 40 and Part 199 and that the records are maintained in a location with controlled access [§40.333(c)]

101 M.01.a. Verify if this operator has more than 50 covered employees and submits an annual MIS report in accordance with the form and instruction requirements of §40.26 and Appendix H to Part 40, not later than March 15 of each year for the prior calendar year (January 1 through December 31) [§40.26, §199.119(a) and §199.229(a)]. Beginning with the March 15, 2010 MIS submission date, also verify if this operator identifies all contractors who performed covered functions, as defined under § 199.3, for this operator in a given calendar year; and, if required by either mandated annual or PHMSA written request, is or has submitted an MIS report for each of these contractors?

102 M.01.b. Verify if this operator has 50 or less covered employees and has either a compilation of data or statistical information regarding drug and alcohol testing which, upon written request, could have been used to submit a MIS report in accordance with the form and instruction requirements of §40.26 and Appendix H to Part 40, not later than March 15 of each year for the prior calendar year (January 1 through December 31) [§40.26, §199.119(a) and §199.229(a)]. Beginning with the March 15, 2010 MIS submission date, verify that this operator identifies all contractors who performed covered functions, as defined under § 199.3, for this operator and received a compilation of data or statistical information from these contractors which, upon written request, could be used for submitting an MIS report for each of these contractors.

103 M.01.c. If a service agent (e.g., Consortium/Third Party Administrator) prepares the MIS report on behalf of an operator, verify that each report is certified by the operator's anti-drug manager/alcohol misuse prevention manager or designated representative for accuracy and completeness [§199.119(f) and §199.229(d)].

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REASONABLE CAUSE/SUSPICION OBSERVATION CHECKLIST
(STRICTLY CONFIDENTIAL)

EMPLOYEE: _____ PERIOD OF EVALUATION: _____

SUPERVISOR #1, NAME AND TELEPHONE: _____

SUPERVISOR #2, NAME AND TELEPHONE: _____

This checklist is intended to assist a supervisor in referring a person for drug and/or alcohol testing. Has the employee manifested any of the following behaviors? Indicate (X) if observation and/or documentation exists.

A. QUALITY AND QUANTITY OF WORK

- | YES | NO | |
|-----|-----|---|
| ___ | ___ | 1. Clear refusal to do assigned tasks |
| ___ | ___ | 2. Significant increase in errors |
| ___ | ___ | 3. Repeated errors in spite of increased guidance |
| ___ | ___ | 4. Reduced quantity of work |
| ___ | ___ | 5. Inconsistent, "up and down" quantity/quality of work |
| ___ | ___ | 6. Behavior that disrupts workflow |
| ___ | ___ | 7. Procrastination on significant decisions or task |
| ___ | ___ | 8. More than usual supervision necessary |
| ___ | ___ | 9. Frequent, unsupported explanations for poor work performance |
| ___ | ___ | 10. Noticeable change in written or verbal communication |
| ___ | ___ | 11. Other (please specify) _____ |

B. INTERPERSONAL WORK RELATIONSHIPS

- | YES | NO | |
|-----|-----|--|
| ___ | ___ | 1. Significant change in relations with co-workers, supervisors |
| ___ | ___ | 2. Frequent or intense arguments |
| ___ | ___ | 3. Verbal/Physical abusiveness |
| ___ | ___ | 4. Persistently withdrawn or less involved with people |
| ___ | ___ | 5. Intentional avoidance of supervisor |
| ___ | ___ | 6. Expressions of frustration or discontent |
| ___ | ___ | 7. Change in frequency or nature of complaints |
| ___ | ___ | 8. Complaints by co-workers or subordinates |
| ___ | ___ | 9. Cynical, "distrustful of human nature" comments |
| ___ | ___ | 10. Unusual sensitivity to advice or critique of work |
| ___ | ___ | 11. Unpredictable response to supervision |
| ___ | ___ | 12. Passive-aggressive attitude or behavior, doing things "behind your back" |

C. GENERAL JOB PERFORMANCE

- | YES | NO | |
|-----|-----|--|
| ___ | ___ | 1. Excessive unauthorized absences-number in last 12 months |
| ___ | ___ | 2. Excessive authorized absences-number in last 12 months |
| ___ | ___ | 3. Excessive use of sick leave in last 12 months |
| ___ | ___ | 4. Frequent Monday/Friday absence or other pattern |
| ___ | ___ | 5. Frequent unexplained disappearances |
| ___ | ___ | 6. Excessive "extension" of breaks or lunch |
| ___ | ___ | 7. Frequently leaves work early-number of days per week or month |
| ___ | ___ | 8. Increased concern about (actual incidents) safety offenses involving the employee |
| ___ | ___ | 9. Experiences or causes job accidents |
| ___ | ___ | 10. Major change in duties or responsibilities |
| ___ | ___ | 11. Interferes with or ignores established procedures |
| ___ | ___ | 12. Inability to follow through on job performance recommendation |

REASONABLE CAUSE/SUSPICION OBSERVATION CHECKLIST

(STRICTLY CONFIDENTIAL)

D. PERSONAL MATTERS

YES	NO	
___	___	1. Changes in or unusual personal appearance (dress, hygiene)
___	___	2. Changes in or unusual speech (incoherent, stuttering, loud)
___	___	3. Changes in or unusual physical mannerisms (gesture, posture)
___	___	4. Changes in or unusual facial expressions
___	___	5. Changes in or unusual level of activity-much reduced/increased
___	___	6. Changes in or unusual topics of conversation
___	___	7. Engages in detailed discussions about death, suicide, harming others
___	___	8. Increasingly irritable or tearful
___	___	9. Persistently boisterous or rambunctious
___	___	10. Unpredictable or out-of-context displays of emotion
___	___	11. Unusual fears or lacks appropriate caution
___	___	12. Engages in detailed discussion about obtaining/using drugs/alcohol
___	___	13. Has personal relationship problems (spouse, girl/boyfriend, children, in-laws)
___	___	14. Has received professional assistance for emotional or physical problems
___	___	15. Makes unfounded accusations toward others, i.e., has feelings of persecution
___	___	16. Secretive or furtive
___	___	17. Memory problems (difficulty recalling instructions, data, past behaviors)
___	___	18. Frequent colds, flu, excessive fatigue, or other illnesses
___	___	19. Makes unreliable or false statements
___	___	20. Unrealistic self-appraisal or grandiose statements
___	___	21. Temper tantrums or angry outbursts
___	___	22. Demanding, rigid, inflexible
___	___	23. Major change in physical health
___	___	24. Concerns about sexual behavior or sexual harassment

E. PHYSICAL INDICATORS

YES	NO	
___	___	1. Smell of alcohol on breath of person?
___	___	2. Speech:
		Slurred? ___
		Confused? ___
		Fragmented? ___
		Slow? ___
		Unusually soft? ___
		Unusually loud? ___
___	___	3. Disorientation: Is employee confused about;
		Where he or she is? ___
		What day it is? ___
		What time it is? ___
___	___	4. Apparent inability to focus on work?
___	___	5. Unusual or unexplained resistance to authority or refusal to follow reasonable directions?
___	___	6. Lack of motor coordination
___	___	7. Mood:
		Belligerent? ___
		Moody? ___
		Ecstatic? ___
		More nervous than usual? ___
		Giddy? ___
		Talkative? ___
		Drowsy? ___
___	___	8. Skin color:
		Pale? ___
		Flushed? ___
___	___	9. Excessive perspiration?
___	___	10. Excessive trips to the restroom?
___	___	11. Bloodshot eyes?
___	___	12. Dilated pupils?
___	___	13. Pinpoint pupils?
___	___	14. Traces of alcohol in containers?

REASONABLE CAUSE/SUSPICION OBSERVATION CHECKLIST
(STRICTLY CONFIDENTIAL)

E. PHYSICAL INDICATORS (con't)

YES	NO	
___	___	15. Confession by employee that he/she was drinking alcohol or ingesting drugs?
___	___	16. Confirmation by other employees?
___	___	17. Presence of substances with the appearance of drugs?
___	___	18. Presence of drug paraphernalia?
___	___	19. Smell of marijuana?
___	___	20. Congregation of employees in remote areas of the company's facilities or in areas not usually frequented by employees?
___	___	21. Weariness, fatigue, or exhaustion?
___	___	22. Deteriorating physical appearance?
___	___	23. Yawning excessively?
___	___	24. Blank stare or expression?
___	___	25. Sudden and/or unpredictable change in energy level?
___	___	26. Unusually energetic?
___	___	27. Shaking or trembling of hands?
___	___	28. Sunglasses worn at inappropriate times?
___	___	29. Changes in appearance after lunch break?
___	___	30. Breathing or swallowing difficulties?
___	___	31. Unusual sneezing / nasal congestion?
___	___	32. Needle marks on arms?
___	___	33. Prolonged lunch hours?
___	___	34. Tardiness?

Other information/observations (Please be specific, attach additional sheet as needed).

Additional Comments:

SUPERVISOR #1 (print name)

SUPERVISOR #2 (print name)

SUPERVISOR #1 (Signature)

DATE

SUPERVISOR #2 (Signature)

DATE



U.S. Department of Transportation
Office of the Secretary

Office of Drug & Alcohol Policy & Compliance



What Employees Need To Know About DOT Drug & Alcohol Testing



Disclaimer

This publication was produced by the U.S. Department of Transportation (DOT) to assist safety-sensitive employees subject to workplace drug & alcohol testing in understanding the requirements of 49 CFR Part 40 and certain DOT agency regulations. Nothing in this publication is intended to supplement, alter or serve as an official interpretation of 49 CFR Part 40 or DOT agency regulations. This publication is for educational purposes only.

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What Employees Need To Know About DOT Drug & Alcohol Testing

Office of Drug & Alcohol Policy & Compliance (ODAPC)
Office of the Secretary (OST)
U.S. Department of Transportation (DOT)

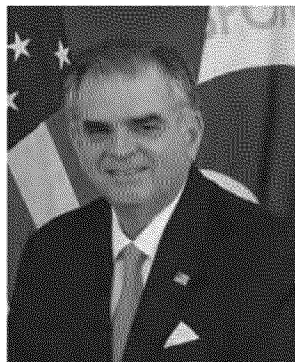
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U.S. Department of Transportation
Office of the Secretary



“Why is this program so important?”



Safety is our no. 1 priority at the U.S. Department of Transportation. And a cornerstone of our safety policy is ensuring that transportation providers across all modes – on roads, rails, water, or in the air, over land and underground – employ operators who are 100 percent drug- and alcohol-free. We want – and we insist upon – safety-conscious employees at all times and under all circumstances.

Fortunately, the transportation industry over time has worked hard to reduce the number of accidents and crashes directly related to drug and alcohol use. Nevertheless, human risk factors remain – and some transportation workers do use illicit drugs, or abuse alcohol, despite serious efforts to deter them.

We must never stop trying to improve our safety record where substance abuse is concerned. We can start by making sure that employees are properly educated on the personal and professional consequences of drug use and alcohol misuse. Supervisors must be appropriately trained to identify signs and symptoms of drug and alcohol use.

Employers must also have strong drug and alcohol testing programs. And employees must be removed from safety-sensitive duties immediately after they violate drug and alcohol testing rules. It is very important that employees are not returned to safety-sensitive duty until they are referred for evaluation and have successfully complied with treatment recommendations.

I know you will support these important measures, so that we can assure the traveling public that our transportation system is the safest it can possibly be.

A handwritten signature in black ink, appearing to read 'Ray LaHood'.

Ray LaHood
Secretary of Transportation
U.S. Department of Transportation
July 2009

Office of Drug and Alcohol Policy and Compliance

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What Employees Need To Know About DOT Alcohol & Drug Testing

Just entering the transportation industry? Performing tasks defined by the US Department of Transportation (DOT) as *safety-sensitive*, such as working on pipelines, driving a truck, operating a ferry or a train, or repairing an airplane? Then, you are subject to DOT workplace drug & alcohol testing. Here are the basics you need to know about DOT's program.

Who is subject to DOT testing?

Anyone designated in DOT regulations as a *safety-sensitive* employee is subject to DOT drug & alcohol testing. What follows is an overview of what jobs are defined as *safety-sensitive* functions subject to testing.

Aviation FAA	Flight crews, flight attendants, flight instructors, air traffic controllers at facilities not operated by the FAA or under contract to the U.S. military, aircraft dispatchers, aircraft maintenance or preventative maintenance personnel, ground security coordinators and aviation screeners. Direct or contract employees of 14 CFR Part 121 or 135 certificate holders, Section 91.147 operators and air traffic control facilities not operated by the FAA or under contract to the US Military. See FAA regulations at 14 CFR Part 120.
Commercial Motor Carriers FMCSA	Commercial Drivers License (CDL) holders who operate Commercial Motor Vehicles, 26,001 lbs. gvwr. or greater, or operate a vehicle that carries 16 passengers or more including the driver, or required to display a DOT placard in the transportation of hazardous material. ¹ See FMCSA regulation at 49 CFR Part 382.
Maritime USCG ²	Crewmembers operating a commercial vessel. See USCG regulations at 46 CFR Parts 4 & 16.
Pipeline PHMSA	Operations, maintenance and emergency response. See PHMSA regulations at 49 CFR Part 199.
Railroad FRA	Hours of Service Act personnel, engine & train, signal service or train dispatchers. See FRA regulations at 49 CFR Part 219.
Transit FTA	Vehicle operators, controllers, mechanics and armed security. See FTA regulations at 49 CFR Part 655.

Links to these regulations can be found on-line at www.dot.gov/ost/dapc.

Remember: The tasks you actually perform qualify you as a *safety-sensitive* employee, not your job title. Also, some employees, like managers and supervisors, may be qualified for these jobs but not currently performing them. Do they have to be tested as well? In most cases, yes...if that employee may be asked at a moment's notice or in an emergency to perform a *safety-sensitive* job. Be sure to check industry specific regulations for further clarification.

¹ In some instances, states allow waivers from this qualification, such as operators of fire trucks and some farm equipment. Check with your state department of motor vehicles for more information.

² An agency of the U.S. Department of Homeland Security.

Why are safety-sensitive employees tested?

The short answer is for the safety of the traveling public, co-workers and yourself. The longer answer is that the United States Congress recognized the need for a drug and alcohol free transportation industry, and in 1991 passed the Omnibus Transportation Employee Testing Act, requiring DOT Agencies to implement drug & alcohol testing of safety-sensitive transportation employees.³

Within DOT, the Office of the Secretary's Office of Drug & Alcohol Policy & Compliance (ODAPC) publishes rules on *how* to conduct those tests, *what* procedures to use when testing and *how* to return an employee to safety-sensitive duties. Encompassed in 49 Code of Federal Regulations (CFR) Part 40, ODAPC publishes and provides authoritative interpretations of these rules.

DOT agencies and the U.S. Coast Guard write industry specific regulations, spelling out *who* is subject to testing, *when* and in *what* situations. Industry employers implement the regulations that apply to them.

The benefit to all employees affected by DOT regulations is that each agency's regulations must adhere to DOT's testing procedures found at 49 CFR Part 40, commonly known as "Part 40." For example, you may work in the rail industry and later work in the motor carrier industry, but the procedures for collecting, testing and reporting of your tests will be the same under Part 40.

What information must employers provide when I first begin performing DOT safety-sensitive functions?

Depending on the DOT agency over-seeing your industry, your employer may be required to provide you with educational materials and a company policy that explain the requirements of DOT's drug & alcohol testing regulations and the procedures to help you comply. If you have not received this information, be sure to ask your employer about it.

What conduct is prohibited by the regulations?

As a safety-sensitive employee...

- You must not use or possess alcohol or any illicit drug while assigned to perform safety-sensitive functions or actually performing safety-sensitive functions.
- You must not report for service, or remain on duty if you...
 - Are under the influence or impaired by alcohol;
 - Have a blood alcohol concentration .04 or greater; (with a blood alcohol concentration of .02 to .039, some regulations do not permit you to continue working until your next regularly scheduled duty period);
 - Have used any illicit drug.
- You must not use alcohol within four hours (8 hours for flight crew members and flight attendants) of reporting for service or after receiving notice to report.

³The Omnibus Act's testing requirements do not apply to PHMSA.

- You must not report for duty or remain on duty when using any controlled substance unless used pursuant to the instructions of an authorized medical practitioner.
- You must not refuse to submit to any test for alcohol or controlled substances.
- You must not refuse to submit to any test by adulterating or substituting your specimen.

Keep these in mind when preparing to report to work.

What drugs does DOT test for?

DOT drug tests are conducted only using urine specimens. The urine specimens are analyzed for the following drugs/metabolites:

- Marijuana metabolites /THC
- Cocaine metabolites
- Amphetamines
(including methamphetamine, MDMA)
- Opiates
(including codeine, heroin (6-AM), morphine)
- Phencyclidine (PCP)

Specimens Collected for Drug & Alcohol Testing	
Drugs:	Alcohol:
Urine	Breath & Saliva
* The FRA requires blood specimens as part of their Post-Accident testing.	

To learn more about the effects of these and other drugs visit the following sites:

- *Drugs and Human Performance Fact Sheet*. National Highway Traffic Safety Administration (NHTSA) www.nhtsa.dot.gov.
- *Driving While You Are Taking Medications*. National Highway Traffic Safety Administration (NHTSA) www.nhtsa.dot.gov.
- *Common Drugs of Abuse*. National Institute for Drug Abuse (NIDA) www.nida.nih.gov.
- *Substance Abuse*. Substance Abuse and Mental Health Administration (SAMHSA) www.workplace.samhsa.gov.
- *Drug Facts*. Office of National Drug Policy Control (ONDCP) www.whitehousedrugpolicy.gov.
- *Prevention On-line*. National Clearinghouse for Alcohol and Drug Information (NCADI) www.health.org.

Can I use prescribed medications & over-the-counter (OTC) drugs and perform safety-sensitive functions?

Prescription medicine and OTC drugs may be allowed.⁴ However, you must meet the following minimum standards:

- The medicine is prescribed to you by a licensed physician, such as your personal doctor.

⁴ The FRA requires that if you are being treated by more than one medical practitioner, you must show that at least one of the treating medical practitioners has been informed of all prescribed and authorized medications and has determined that the use of the medications is consistent with the safe performance of your duties.

- The treating/prescribing physician has made a good faith judgment that the use of the substance at the prescribed or authorized dosage level is consistent with the safe performance of your duties.

Best Practice: To assist your doctor in prescribing the best possible treatment, consider providing your physician with a detailed description of your job. A title alone may not be sufficient. Many employers give employees a written, detailed description of their job functions to provide their doctors at the time of the exam.

- The substance is used at the dosage prescribed or authorized.⁵
- If you are being treated by more than one physician, you must show that at least one of the treating doctors has been informed of all prescribed and authorized medications and has determined that the use of the medications is consistent with the safe performance of your duties.
- Taking the prescription medication and performing your DOT safety-sensitive functions is not prohibited by agency drug and alcohol regulations. However, other DOT agency regulations may have prohibitive provisions, such as medical certifications.

Remember: Some agencies have regulations prohibiting use of specific prescription drugs, e.g. methadone, etc.... If you are using prescription or over-the-counter medication, check first with a physician, but do not forget to consult your industry-specific regulations before deciding to perform safety-sensitive tasks. Also be sure to refer to your company's policy regarding prescription drugs.

When will I be tested?

Safety-sensitive employees are subject to drug or alcohol testing in the following situations:

- Pre-employment.
- Reasonable Suspicion/Cause.
- Random.
- Return-to-duty.
- Follow-up.
- Post-Accident.

Pre-Employment

As a new hire, you are required to submit to a drug test. Employers may, but are not required to, conduct alcohol testing.⁶ Only after your employer receives a negative drug test result (and negative alcohol test result - if administered) may you begin performing safety-sensitive functions. This also applies if you are a current employee transferring from a non-safety-sensitive function into a safety-sensitive position (even if it is the same employer).

⁵ While a minority of states allow medical use of marijuana, federal laws and policy do not recognize any legitimate medical use of marijuana. Even if marijuana is legally prescribed in a state, DOT regulations treat its use as the same as the use of any other illicit drug.

⁶ Not every DOT agency requires a pre-employment alcohol test.

Reasonable Suspicion/Cause

You are required to submit to any test (whether drug, alcohol or both) that a supervisor requests based on reasonable suspicion. Reasonable suspicion means that one or more trained supervisors reasonably believes or suspects that you are under the influence of drugs or alcohol. They cannot require testing based on a hunch or guess alone; their suspicion must be based on observations concerning your appearance, behavior, speech and smell that are usually associated with drug or alcohol use.

Random


You are subject to unannounced random drug & alcohol testing. Alcohol testing is administered just prior to, during or just after performing safety-sensitive functions. Depending on the industry specific regulations, you may only be subject to random drug testing.⁷

No manager, supervisor, official or agent may select you for testing just because they want to. Under DOT regulations, employers must use a truly random selection process. Each employee must have an equal chance to be selected and tested.

Just prior to the testing event, you will be notified of your selection and provided enough time to stop performing your safety sensitive function and report to the testing location. Failure to show for a test or interfering with the testing process can be considered a refusal.

Post-Accident

If you are involved in an event (accident, crash, etc.) meeting certain criteria of the DOT agency, a post-accident test will be required. You will then have to take a drug test and an alcohol test.⁸ You are required to remain available for this testing and are not permitted to refuse testing.

 **Remember:** Safety-sensitive employees are obligated by law to submit to and cooperate in drug & alcohol testing mandated by DOT regulations.

Return to Duty

If you have violated the prohibited drug & alcohol rules, you are required to take a drug and/or alcohol test before returning to safety-sensitive functions for any DOT regulated employer. You are subject to unannounced follow-up testing at least 6 times in the first 12 months following your return to active safety-sensitive service. Return-to-duty tests must be conducted under direct observation.

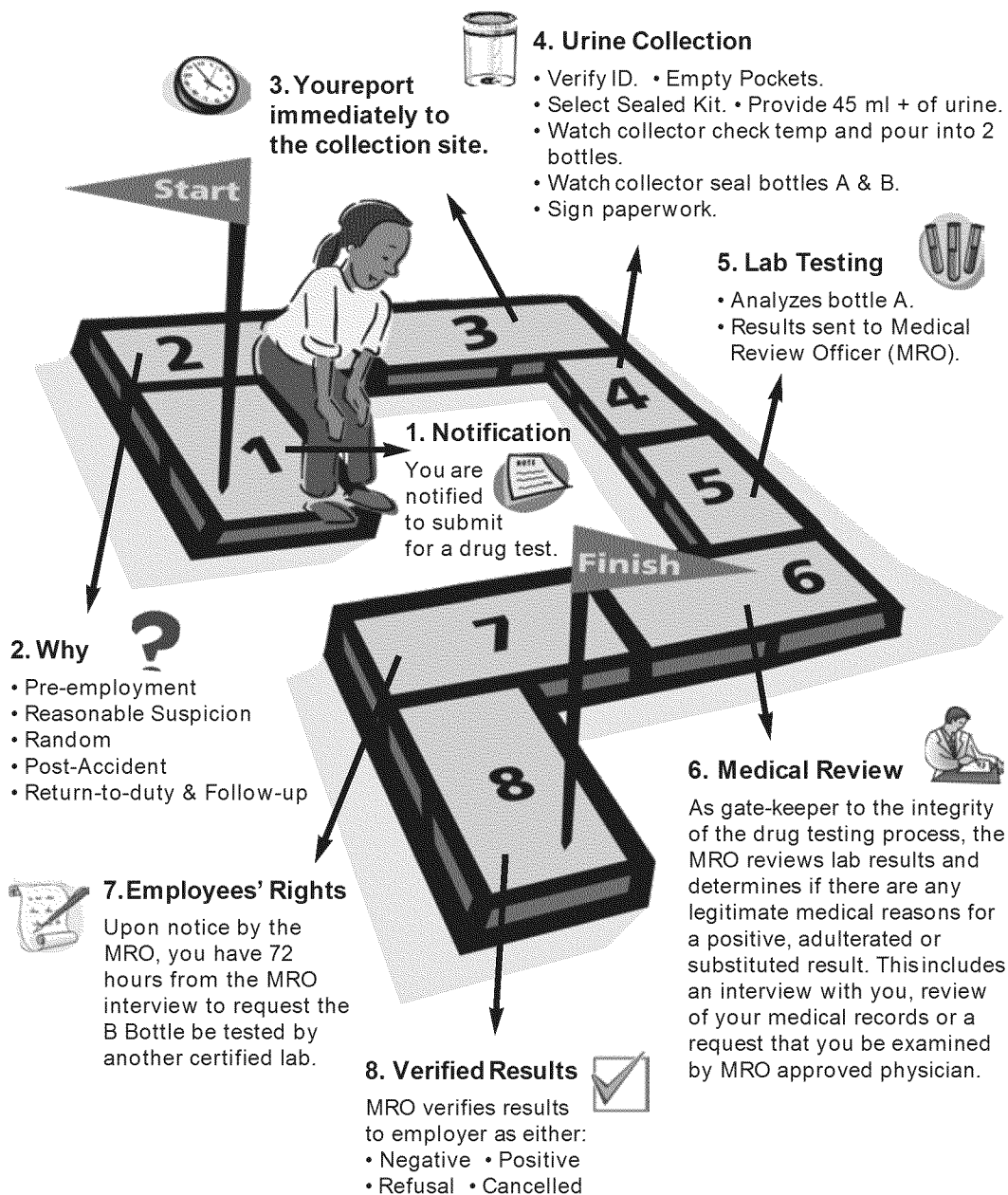
Follow-up

The amount of follow-up testing you receive is determined by a Substance Abuse Professional (SAP) and may continue for up to 5 years. This means the SAP will determine how many times you will be tested (at least 6 times in the first year), for how long, and for what substance (i.e. drugs, alcohol, or both). Your employer is responsible for ensuring that follow-up testing is conducted and completed. Follow-up testing is in addition to all other DOT required testing. All follow-up tests will be observed.

⁷ USCG & PHMSA do not perform random alcohol tests.

⁸ In post-accident testing, the FRA requires a blood specimen for drug testing.

Overview of DOT Drug Testing



How is a urine drug test administered?

Regardless of the DOT agency requiring the drug test, the drug testing process always consists of three components:

- The Collection. (49 CFR Part 40, Subparts C, D, E)
- Testing at the Laboratory. (49 CFR Part 40, Subpart F)
- Review by the Medical Review Officer. (49 CFR Part 40, Subpart G)

What follows is a summary of the procedures for each step. For a more detailed account, please visit 49 CFR Part 40, which can be found in its entirety at www.dot.gov/ost/dapc.

The Collection

During the collection process, a urine specimen collector will:

- Verify your identity using a current valid photo ID, such as driver's license, passport, employer issued picture ID, etc.
- Create a secure collection site by:
 - Restricting access to the site to only those being tested.
 - Securing all water sources and placing blue dye in any standing water.
 - Removing or securing all cleaning products/fluids at the collection site.
- Afford you privacy to provide a urine specimen.
 - Exceptions to the rule generally surround issues of attempted adulteration or substitution of a specimen or any situation where general questions of validity arise, like an unusual temperature.
- Ask you to remove any unnecessary garments and empty your pockets (you may retain your wallet).
- Instruct you to wash and dry your hands.
- Select or have you select a sealed collection kit and open it in your presence.
- Request you to provide a specimen (a minimum of 45 mL) of your urine into a collection container.
- Check the temperature and color of the urine.
- In your presence, pour the urine into two separate bottles (A or primary and B or split), seal them with tamper-evident tape, and then ask you to sign the seals after they have been placed on the bottles.

Remember: Neither you nor the collector should let the specimen out of your sight until it has been poured into two separate bottles and sealed.

- Ask you to provide your name, date of birth, and daytime and evening phone numbers on the Medical Review Officer Copy (Copy #2) of the Federal Drug Testing Custody and Control Form (CCF).
 - This is so the Medical Review Officer (MRO) can contact you directly if there are any questions about your test.
- Complete necessary documentation on the Laboratory Copy (Copy #1) of the CCF to demonstrate the chain of custody (i.e. handling) of the specimen.
- Give you the Employee Copy (Copy # 5) of the CCF and may suggest you list any prescription and over-the-counter medications you may be taking on the back of your copy of the CCF (this may serve as a reminder for you in the event the MRO calls you to discuss your test results).
- Package and ship both sealed bottles and completed CCF to a U.S. Health and Human Services (HHS) certified testing laboratory as quickly as possible.

If you are unable to provide 45 mL of urine on the first attempt, the time will be noted, and you will be:

- Required to remain in the testing area under the supervision of the collection site personnel, their supervisor, or a representative from your company,
 - Leaving the testing area without authorization may be considered a refusal to test
- Urged to drink up to 40 oz. of fluid, distributed reasonably over a period of up to three hours,
- Asked to provide a new specimen (into a new collection container).
- If you do not provide a sufficient specimen within three hours, you must obtain a medical evaluation⁹ within five days to determine if there is an acceptable medical reason for not being able to provide a specimen. If it is determined that there is no legitimate physiological or pre-existing psychological reason for not providing a urine specimen, it will be considered a refusal to test.

How do you know if you are taking a federal or a private company drug test?

All DOT drug tests are completed using the *Federal Drug Testing Custody and Control Form*. Those words appear at the top of each form.

Testing at the Laboratory

At the laboratory, the staff will:

- Determine if flaws exist. If flaws exist, the specimen is rejected for testing.
- Open only the A bottle and conduct a screening test. Specimens that screen positive will be analyzed again using a completely different testing methodology.
 - If the specimen tests negative in either test, the result will be reported as a negative.
 - Only if the specimen tests positive under both methods will the specimen be reported to the medical review officer as a positive test.
- Report the findings of the analysis of the A bottle to the Medical Review Officer (MRO).
- Store the A and B bottles for any reported positive, adulterated, or substituted result for at least 12 months.

Remember: The Lab will conduct specimen validity tests (SVTs) to determine if the specimen was adulterated or substituted. Tests found to be adulterated or substituted are also reported to the MRO and may be considered a refusal to test.

Review by the Medical Review Officer (MRO)

Upon receipt of the test result from the laboratory, the MRO will:

- Review paperwork for accuracy.

⁹ The physical exam is scheduled after the designated employer representative consults with the medical review officer. The physician chosen to complete the evaluation must have expertise in the medical issues raised and be acceptable to the Medical Review Officer.

- Report a negative result to the Designated Employer Representative (DER).
- If the result is positive, conduct an interview with you to determine if there is a legitimate medical reason for the result. If a legitimate medical reason is established, the MRO will report the result to the DER as negative. If not, the MRO will report the result to the DER as positive.
- If the result is an adulterated or substituted test, conduct an interview with you to determine if there is a legitimate medical reason for the result. If a legitimate medical reason is established, the MRO will report the result to the DER as cancelled. If not, the MRO will report the result to the DER as a refusal.
- Report a non-negative test result to the DER if:
 - You refused to discuss the results with the MRO;
 - You did not provide the MRO with acceptable medical documentation to explain the non-negative test result.
- Inform you that you have 72 hours from the time of the verified result to request to have your B “split” bottle sent to another certified lab for analysis for the same substance or condition that was found in the A “primary” bottle.

What are Medical Review Officers (MRO)?

Under DOT regulations, MROs are licensed physicians with knowledge and clinical experience in substance abuse disorders. They must also complete qualification training courses and fulfill obligations for continuing education courses. They serve as independent, impartial gatekeepers to the accuracy and integrity of the DOT drug testing program. All laboratory results are sent to an MRO for verification before a company is informed of the result. As a safeguard to quality and accuracy, the MRO reviews each test and rules out any other legitimate medical explanation before verifying the results as positive, adulterated or substituted.

How is an alcohol test administered?

The DOT performs alcohol testing in a manner to ensure the validity of the testing as well as provide confidentiality of the employee’s testing information.

How do you know if you are taking a federal or a private company alcohol test?

All DOT alcohol tests are documented with a form with the words *Department of Transportation* at the top.

At the start of the test, a Screening Test Technician (STT) or a Breath Alcohol Technician (BAT), *using only a DOT-approved device*, will:

- Establish a private testing area to prevent unauthorized people from hearing or seeing your test result.
- Require you to sign Step #2 of the Alcohol Testing Form (ATF).
- Perform a screening test and show you the test result. If the screening test result is an alcohol concentration of less than 0.02, no further testing is authorized, and there is no DOT action to be taken. The technician will document the result on the ATF, provide you a copy and provide your employer a copy.

If the screening test result is 0.02 or greater, you will be required to take a confirmation test, which can only be administered by BAT using an Evidential Breath Testing (EBT) device. The BAT will:

- Wait at least 15 minutes, but not more than 30 minutes, before conducting

the confirmation test. During that time, you are not be allowed to eat, drink, smoke, belch, put anything in you mouth or leave the testing area.

Remember: Leaving the testing area without authorization may be considered a refusal to test.

- Perform an “air blank” (which must read 0.00) on the EBT device to ensure that there is no residual alcohol in the EBT or in the air around it.
- Perform a confirmation test using a new mouthpiece.
- Display the test result to you on the EBT and on the printout from the EBT.
- Document the confirmation test result on the ATF,provide you a copy and provide your employer a copy.
- Report any result of 0.02 or greater immediately to the employer.

If after several attempts you are unable to provide an adequate amount of breath, the testing will be stopped. You will be instructed to take a medical evaluation to determine if there is an acceptable medical reason for not providing a sample. If it is determined that there is no legitimate physiological or psychological reason, the test will be treated as a refusal to test.

Confirmation test results are the final outcome of the test.

Result	Action
Less than 0.02	No action required under 49 CFR Part 40.
0.02 - 0.039	Varies among DOT agencies. For example, FMCSA requires that you not resume safety-sensitive functions for 24 hours [382.505], while the FRA requires 8 hours [219.101(a)(4)]. TheFTA & PHMSA require only that you test below 0.02 or cannot work until the next scheduled duty period but not less than 8 hours from the time of the test [655.35 & 199.237 respectively]. And, the FAA requires only that you test below 0.02, if the employer wants to put you back to work within 8 hours [14 CFR Part 120, Subpart F, 120.217(g)]. Also, be sure to check other agency specific regulations for their restrictions.
0.04 or greater	Immediate removal from safety-sensitive functions. You may not resume safety-sensitive functions until you successfully complete the return-to-duty process.

Should I refuse a test if I believe I was unfairly selected for testing?

Rule of Thumb: Comply then make a timely complaint.

If you are instructed to submit to a DOT drug or alcohol test and you don't agree with the reason or rationale for the test, take the test anyway. Don't interfere with the testing process or refuse the test.

After the test, express your concerns to your employer through a letter to your company's dispute resolution office, by following an agreed upon labor grievance or other company procedures. You can also express your concerns to

the appropriate DOT agency drug & alcohol program office. (See contact numbers listed in the Appendix.) Whomever you decide to contact, please contact them as soon as possible after the test.

What is considered a refusal to test?

DOT regulations prohibit you from refusing a test. The following are some examples of conduct that the regulations define as *refusing* a test (See 49 CFR Part 40 Subpart I & Subpart N):

- Failure to appear for any test after being directed to do so by your employer.
- Failure to remain at the testing site until the testing process is complete.
- Failure to provide a urine or breath sample for any test required by federal regulations.
- Failure to permit the observation or monitoring of you providing a urine sample (Please note tests conducted under direct observation or monitoring occur in limited situations. The majority of specimens are provided in private).
- Failure to provide a sufficient urine or breath sample when directed, and it has been determined, through a required medical evaluation, that there was not adequate medical explanation for the failure.
- Failure to take a second test when directed to do so.
- Failure to cooperate with any part of the testing process.
- Failure to undergo a medical evaluation as part of “shy bladder” or “shy lung” procedures.
- Failure to sign Step #2 of the ATF.
- Providing a specimen that is verified as adulterated or substituted.
- 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).
- Failure to follow the observer’s instructions [during a direct observation collection] 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.
- Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
- Admit to the collector or MRO that you adulterated or substituted the specimen.

What happens if I test positive, refuse a test, or violate an agency specific drug & alcohol rule?

If you test positive, refuse a test, or violate DOT drug & alcohol rules:


- A supervisor or company official will immediately remove you from DOT-regulated safety-sensitive functions.
- You will not be permitted to return to performing DOT regulated safety-sensitive duties until you have:
 - Undergone an evaluation by a Substance Abuse Professional (SAP);
 - Successfully completed any education, counseling or treatment prescribed by the SAP prior to returning to service; and
 - Provided a negative test result for drugs and/or a test result of less than 0.02 for alcohol. (Return to duty testing).

- Upon return to a safety-sensitive job, you will be subject to unannounced testing for drugs and/or alcohol no less than 6 times during the first 12 months of active service with the possibility of unannounced testing for up to 60 months (as prescribed by the SAP). These tests (including the return-to-duty test) will be directly observed.

What are SAPs?

Under DOT regulations, SAPs are *Substance Abuse Professionals*. They play a critical role in the work place testing program by professionally evaluating employees who have violated DOT drug & alcohol rules. SAPs recommend appropriate education, treatment, follow-up tests, and aftercare. They are the gate-keepers to the re-entry program by determining when a safety-sensitive employee can be returned to duty.

SAPs are required to have a certain background and credentials, which include clinical experience in diagnosis and treatment of substance abuse-related disorders. They must also complete qualification training and fulfill obligations for continuing education courses. While SAPs do make recommendations to the employer about an employee's readiness to perform safety-sensitive duties, SAPs are neither an advocate for the employee or the employer, and they make return-to-duty recommendations according to their professional and ethical standards as well as DOT's regulations.

 **Remember:** Even if a SAP believes that you are ready to return to work, an employer is under no obligation to return you to work. Under the regulations, hiring and reinstatement decisions are left to the employer. Also, under FAA regulations, SAPs cannot return a pilot to duty without the prior approval of the FAA's Federal Air Surgeon.

How do I find a SAP?

If you violate a DOT drug or alcohol rule, your employer is required to provide you with a list of SAPs' names, addresses, and phone numbers that are available to you and acceptable to them.¹⁰ This is true even if your employer terminates your employment.

Will I lose my job if I violate drug & alcohol regulations?

DOT regulations do not address employment actions such as hiring, firing or granting leaves of absence. All employment decisions are the responsibility of the employers. Under Federal regulations, the main requirement for employers is to immediately remove employees from performing DOT safety-sensitive jobs. Be aware that a positive or refused DOT drug or alcohol test may trigger additional consequences based on company policy or employment agreement.

While you may not lose your job, you may lose your certification or license to perform that job. Be sure to check industry specific regulations. For example, someone operating a commercial motor vehicle may not lose their state-issued CDL, but they will lose their ability to perform any DOT regulated safety-sensitive tasks.

¹⁰ Employers cannot charge employees for the SAP list.

Will my results be confidential?

Your test results are confidential. An employer or service agent (e.g. testing laboratory, MRO or SAP) is not permitted to disclose your test results to outside parties without your written consent. But, your test information may be released (without your consent) in certain situations, such as: legal proceedings, grievances, or administrative proceedings brought by you or on your behalf, which resulted from a positive or refusal. When the information is released, the employer must notify you in writing of any information they released.

Will the results follow me to different employers?

Yes, your drug & alcohol testing history will follow you to your new employer, if that employer is regulated by a DOT agency. Employers are required by law to provide records of your drug & alcohol testing history to your new employer. This is to ensure that you have completed the return-to-duty process and are being tested according to your follow-up testing plan.

What should I do if I have a drug or alcohol abuse problem?


Seek help. Jobs performed by safety-sensitive transportation employees keep America's people and economy moving. Your work is a vital part of everyday life. Yet, by abusing drugs or alcohol, you risk your own life, your co-workers lives and the lives of the public.

Most every community in the country has resources available to confidentially assist you through the evaluation and treatment of your problem. If you would like to find a treatment facility close to you, check with your local yellow pages, local health department or visit the U.S. Department of Health and Human Services treatment facility locator at <http://findtreatment.samhsa.gov/>. This site provides contact information for substance abuse treatment programs by state, city and U.S. Territory.

Also, many work-place programs are in place to assist employees and family members with substance abuse, mental health and other problems that affect their job performance. While they may vary by industry, here is an overview of programs that may be available to you:

Employee Assistance Programs (EAPs)

While not required by DOT agency regulations, EAPs may be available to employees as a matter of company policy. EAPs are generally provided by employers or unions.


 **Note:** Many employees believe they only need to contact an EAP counselor if they have a positive drug and/or alcohol test. Not true!

EAP programs vary considerably in design and scope. Some focus only on substance abuse problems; others undertake a broad brush approach to a range of employee and family problems. Some include prevention, health and wellness activities. Some are linked to the employee health benefit structures. These programs offer nearly full privacy and confidentiality, unless someone's life is in danger.

Do you know what programs are available at your job? Be sure to ask your employer!

Voluntary Referral Programs

Often sponsored by employers or unions, referral programs provide an opportunity to self-report to your employer a substance abuse problem *before* you violate testing rules. This gives you an opportunity for evaluation and treatment, while at times guaranteeing your job. Be sure to check your company to see if there is a voluntary referral program.

 **Remember:** Self-reporting just after being notified of a test does not release you from your responsibility of taking the test, and it also does not qualify as a voluntary referral.

Peer Reporting Programs

Generally sponsored by employers or unions, you are encouraged or required to identify co-workers with substance abuse problems. The safety of everyone depends on it. Using peers to convince troubled friends and co-workers with a problem is one of the strengths of the program, often guaranteeing the co-worker struggling with substance abuse issues the same benefits as if he had self-reported.


Education and Training Programs (required by all Agencies)

Topics may include the effects of drugs & alcohol use, company testing policies, DOT testing regulations and the consequences of a positive test. Materials may also contain information on how employees can get in touch with their Employee Assistance Programs and community service hot-lines.

In addition, supervisors sometimes receive additional training in the identification and documentation of signs and symptoms of employee's drug and/or alcohol use that trigger a reasonable suspicion drug or alcohol test.

Did you know?

Did you know that 6 out of 10 people suffering from substance abuse problems also suffer from mental conditions like depression?¹¹ Research has long documented that people suffering from depression try to self-medicate themselves through alcohol and other drugs. Typically, many of these individuals fail to remain clean and sober after rehabilitation because their underlying medical problem is not addressed and the cycle of self-medication begins again.

 **Remember:** If you have substance abuse issues, there is a 60% chance that you are also suffering from an underlying mental condition like depression.

Increase your chances of rehabilitation. Be sure to ask your doctor or other mental health professionals about depression as it relates to substance abuse issues.

¹¹ *The Dual Challenge of Substance Abuse and Mental Disorders*, NIDA Director Nora D. Volkow, M.D., *NIDA Notes*, Vol. 18, No. 5.

But, I have more questions?

ODAPC is available to help answer anyone's questions regarding DOT drug & alcohol testing regulations. Please contact us at 202-366-DRUG (3784) or visit our website at www.dot.gov/ost/dapc for frequently asked questions, official interpretations of the regulations and regulatory guidelines.

If you have questions regarding DOT agency regulations on a specific industry, contact the agencies drug & alcohol abatement offices listed in the Appendix.

Appendix

Drug & Alcohol Program Manager Contact Information

U.S. Department of Transportation

· FAA	Aviation	(202) 267-8442	www.faa.gov
· FMCSA	Motor Carrier	(202) 366-2096	www.fmcsa.dot.gov
· FTA	Public Transportation	(617) 494-2395	www.fta.dot.gov
· FRA	Railroads	(202) 493-6313	www.fra.dot.gov
· PHMSA	Pipeline	(202) 550-0629	www.phmsa.dot.gov

U.S. Department of Homeland Security

· USCG	Maritime	(202) 372-1033	http://marineinvestigations.us
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NOTES

U.S. Department of Transportation
Office of the Secretary

Office of Drug & Alcohol Policy & Compliance
1200 New Jersey Avenue, SE
Room W62-300
Washington, DC 20590

202.366.DRUG (3784)
202.366.3897 fax
odapcwebmail@dot.gov
www.dot.gov/ost/dapc



U.S. Department
of Transportation

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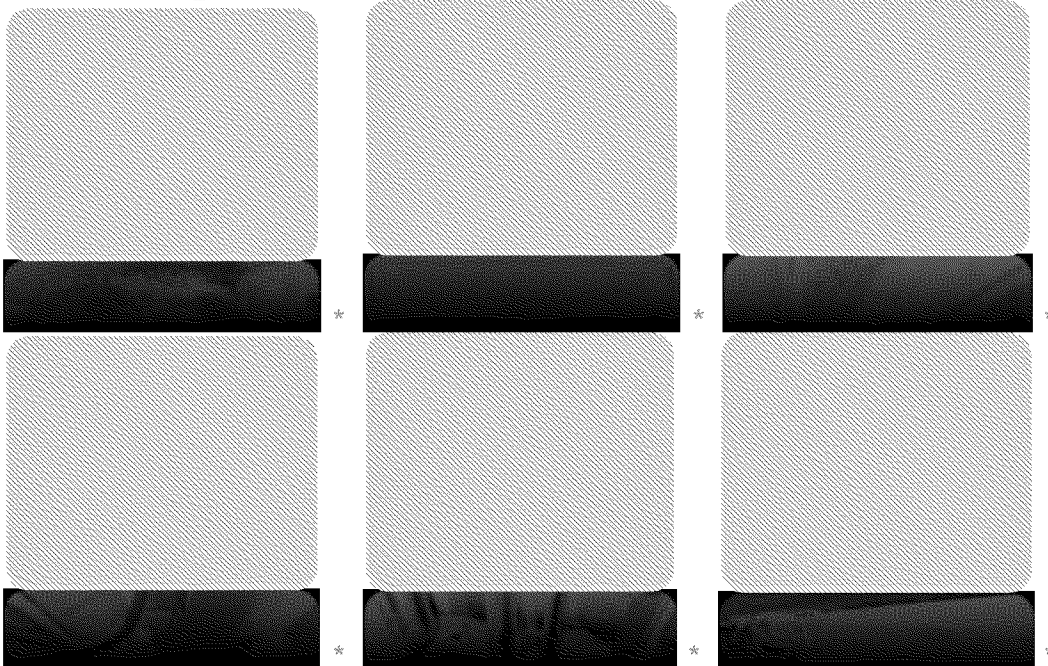
**U.S. Department of Transportation
Office of the Secretary**



Office of Drug and Alcohol Policy and Compliance



**What Employers Need
To Know About
DOT Drug and Alcohol Testing**
[Guidance and Best Practices]



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U.S. Department of Transportation
Office of the Secretary



Office of Drug and Alcohol Policy and Compliance

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What Employers Need To Know About DOT Drug and Alcohol Testing *[Guidance and Best Practices]*

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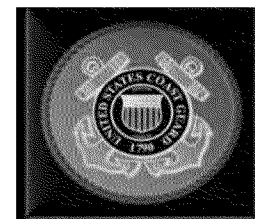
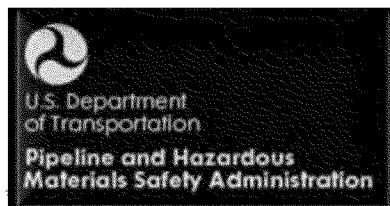
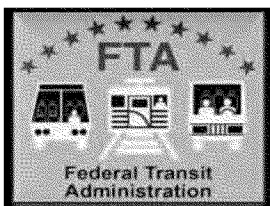
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What Employers Need To Know About DOT Drug and Alcohol Testing *[Guidance and Best Practices]*

U.S. Department of Transportation
Office of the Secretary
Office of Drug and Alcohol Policy and Compliance

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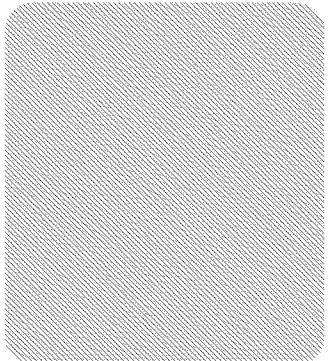
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5	<u>Overview</u>	DOT Guidance and Best Practices Overview
6	<u>Section I.</u>	DOT Program Implementation and Regulations
8	<u>Section II.</u>	Identifying Employees Needing To Be Tested
9	<u>Section III.</u>	Program Policies and Assigning Responsibilities
11	<u>Section IV.</u>	Selecting Service Agents and Their Roles
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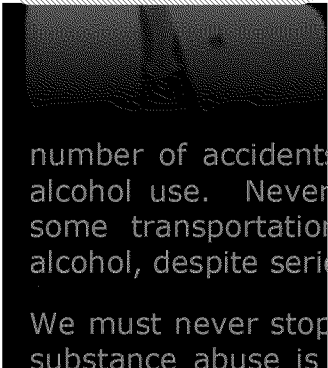




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Safety is our no. 1 priority at the U.S. Department of Transportation. And a cornerstone of our safety policy is ensuring that transportation providers across all modes – on roads, rails, water, or in the air, over land and underground – employ operators who are 100 percent drug- and alcohol-free. We want – and we insist upon – safety-conscious employees at all times and under all circumstances.

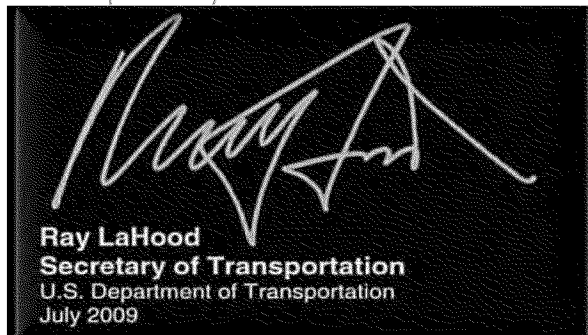


Fortunately, the transportation industry over time has worked hard to reduce the number of accidents and crashes directly related to drug and alcohol use. Nevertheless, human risk factors remain – and some transportation workers do use illicit drugs, or abuse alcohol, despite serious efforts to deter them.

We must never stop trying to improve our safety record where substance abuse is concerned. We can start by making sure that employees are properly educated on the personal and professional consequences of drug use and alcohol misuse. Supervisors must be appropriately trained to identify signs and symptoms of drug and alcohol use.

Employers must also have strong drug and alcohol testing programs. And employees must be removed from safety-sensitive duties immediately after they violate drug and alcohol testing rules. It is very important that employees are not returned to safety-sensitive duty until they are referred for evaluation and have successfully complied with treatment recommendations.

I know you will support these important measures, so that we can assure the traveling public that our transportation system is the safest it can possibly be.



*

DOT Guidance and Best Practices Overview



Section II. Identifying Employees Needing To Be Tested

Section I. DOT Program Implementation and Regulation

Section III. Program Policies and Assigning Responsibilities

Section IV. Selecting Service Providers and Their Roles

- *Collectors
- *Breath Alcohol Technicians
- *Screening Unit Technicians
- *Laboratory Technicians
- *Medical Review Officers
- *Substance Abuse Professionals
- *Consent and Party Administrators

Section V. Employee and Supervisor Education and Training

Section VI. Drug and Alcohol Testing Requirements

Section VII. Employer Actions When Employees Violate the Rules

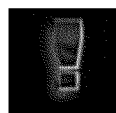
Section VIII. Record Keeping and Data Collection Requirements

Section IX. Program Compliance and Inspection / Audits

Section I. DOT Program Implementation and Regulations

As an employer, do I have to do DOT testing?

	DOT Agency	Regulation	Industry
FMCSA	***** ***** *	* * * * * *	* *****
FAA	***** ***** *	* * * * * * *	* ***** ***** ***** *
FRA	***** ***** *	* * * * * *	* *****
FTA	***** ***** *	* * * * * *	* ***** *
PHMSA	***** ***** *	* * * * * *	* ***** ***** ***** ***** *
USCG	***** ***** *	* * * * * *	* *****



You can find these regulations at: <http://www.dot.gov/ost/dapc/oamanagers.html>.

What is 49 CFR Part 40 and how is it different from the DOT Agency and USCG regulations?

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* * * * * 40 * * * * *
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Where can I get a copy of Part 40?

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Is there a website that gives me easy access to all the DOT's program requirements? *

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Section III. Program Policies and Assigning Responsibilities

*Do I need to have written policies that explain my program? **

*



You can find DOT Agency and USCG policy requirements at [Appendix A](#).

*What is a DER and what does a DER do? **

*



*

*What are my options in administering my DOT drug and alcohol testing program? **

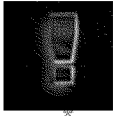
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Option 1 *

Option 2 *

Option 3

for

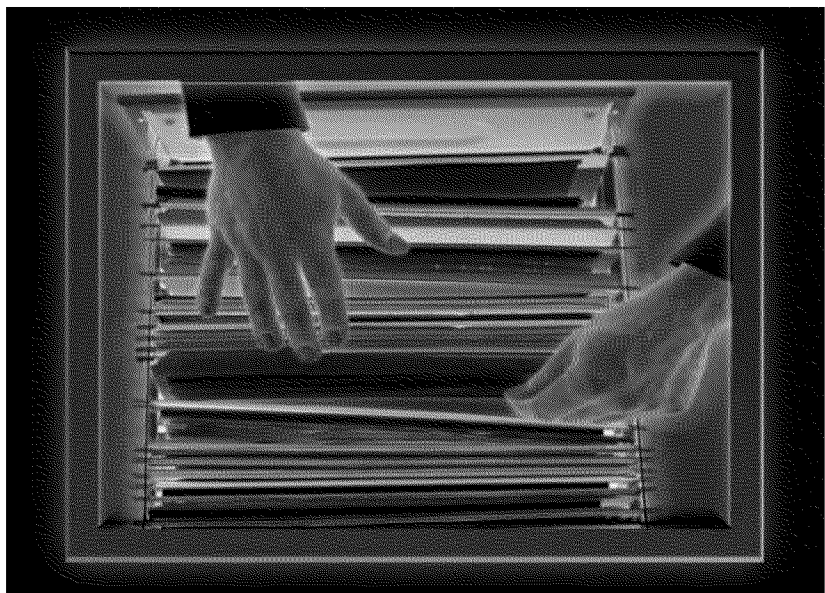


NOTE: As an owner-operator in the motor carrier industry, FMCSA regulations require you to belong to a C/TPA to ensure your compliance with random testing.

Can I have my own company testing program in addition to my DOT testing program?

1. In your company's alcohol testing policy, you must be clear about which requirements are under DOT authority and which are under your company authority.

2. You must keep DOT test records separated from your company-authority test records.



Section IV. Selecting Service Agents and Their Roles

What is a service agent and how can a service agent assist me?

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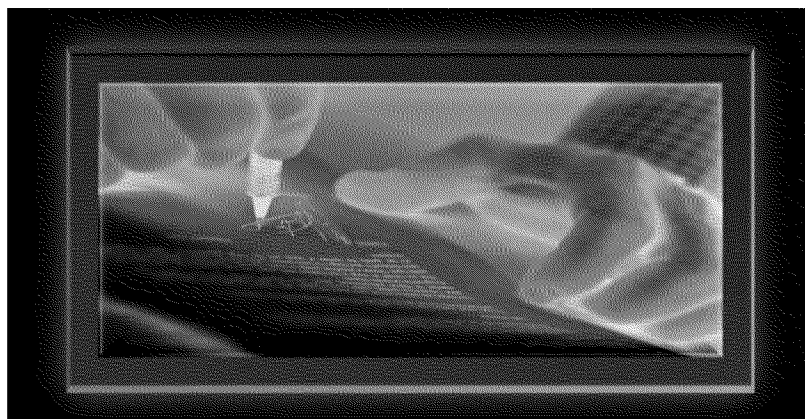
Are your service agents qualified? When was the last time you checked their training records and the quality of work they do?

Should I enter into a contract with a service agent?



*

*



Section VI. Drug and Alcohol Testing Requirements

What specimens are collected for DOT drug and alcohol tests?

*



In addition to urine testing for drugs, the FRA also requires blood specimens for its Post-Accident testing.



The USCG permits collection of blood specimens for its Serious Marine Incident (SMI) testing.

Where must I have DOT urine specimens analyzed?

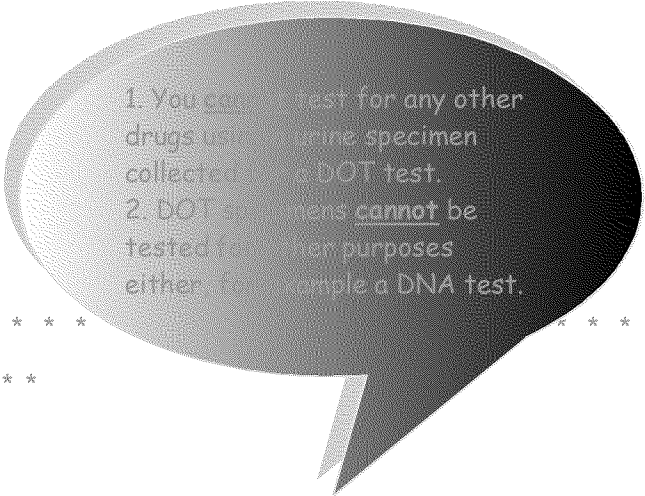


You can find the current HHS laboratory listing at:
http://workplace.samhsa.gov/DrugTesting/Level_1_Pages/CertifiedLabs.html

For what drugs does DOT require me to test?

*

- ◆ *****
- ◆ *****
- ◆ *****
- ◆ *****
- ◆ *****
- ◆ *****



What types of DOT tests must I conduct?

*

*
◆ *****
◆ *****
◆ *****
◆ *****
◆ *****
◆ *****
◆ *****
*

PRE-EMPLOYMENT

Drug Tests * * * * *

* * * * *

Alcohol Tests * * * * *

* *



The FAA has specific "prior-to-hire" and "transfer into safety-sensitive function" requirements. They also require employers to receive MRO written confirmation of negative pre-employment drug test results. Check FAA regulations for details.



The FRA has a one-time pre-employment drug test requirement for each employee subject to the "Hours of Service" laws. Check FRA regulations for details.



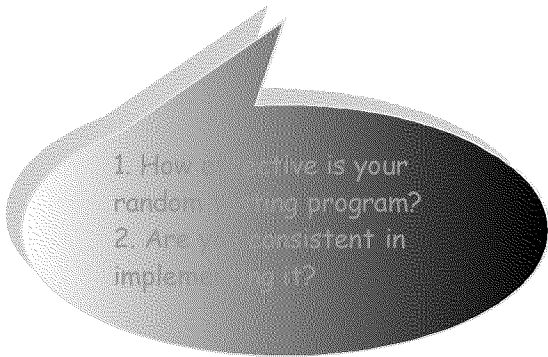
The FTA requires employees who have been removed from the random testing pool and out of work for 90 or more days to have pre-employment tests upon return.



The USCG requires employees who have not been subject to random drug testing for at least 60 days of the last 185 days to be pre-employment tested.

*

RANDOM





You can find the current DOT Agency and USCG random testing rates at:
<http://www.dot.gov/ost/dapc/rates.html>.



Check out "Best Practices for DOT Random Drug and Alcohol Testing" at:
http://www.dot.gov/ost/dapc/testingpubs/random_testing_brochure.pdf.

REASONABLE SUSPICION / REASONABLE CAUSE

*



The reasonable suspicion / reasonable cause observations of the supervisor or company official must be documented.



The FRA requires two supervisors - at least one of whom is trained and on site - to make the testing determination. FAA does not require the determination to be face-to-face. *

*

POST-ACCIDENT

DOT Agency	Specimen Type	Time Frame for Collection
FMCSA, FAA, FTA, PHMSA, USCG	***** *****	***** *****
FMCSA, FAA, FTA, PHMSA	***** ***** *****	***** *****
FRA	***** ***** *****	***** ***** *****
USCG	***** *****	***** *****

*



You can find the DOT Agency and USCG post-accident testing criteria at Appendix D.

*



Railroads must provide FRA the results of any breath alcohol tests that were accomplished.

*



FRA also requires collection of identified tissue and blood specimens from all employees who die as a result of the qualifying event.



FAA does not require a supervisor to be on-scene.

RETURN-TO-DUTY AND FOLLOW-UP

*

**** * return-to-duty test *
**** * negative * *
*

follow-up testing * * * * *

* * * * *
*

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*
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*

1. Don't forget that these tests are the employer's responsibility to conduct.
2. Follow-up testing must be unannounced.
3. You cannot let the employee know anything about your SIAP's plan for follow-up testing.
4. You cannot institute other tests (such as random testing) for follow-up testing.
5. Return-to-duty and follow-up drug testing must be under direct observation.



Under FRA regulations, locomotive engineers are subject to both drug and alcohol follow-up tests in the first 12 months. * *

How do I notify employees they have been selected for testing?

*

*

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*

*

After I notify the employees of their selection, how long do I give them to get to the collection site?

*

*



Have best practice procedures in place to make sure the employee reports directly to the collection site without a chance to prepare to cheat on the test:

1. If possible, accompany employees to collection sites.
2. Do not allow employees to be escorted to their lockers, personal vehicles, or work stations after notification.
3. When possible, arrange for collectors and BATs to come to the work site to collect specimens without alerting employees to their presence.
4. If collections are done off-site and unescorted, establish an expected time of arrival.



Make it clear to your employees that there are consequences for failing to appear for any test within a reasonable time.

What are "blind specimens" and am I required to submit them?

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- ◆ *****
- ◆ *****
- ◆ *****
- ◆ *****
- ◆ *****
- ◆ *****
- ◆ *****
- ◆ *****

*



You can find makers of blind specimens on the HHS website:
<http://workplace.samhsa.gov/DrugTesting/pdf/BlindSampleSuppliers081409.pdf>



Section VII. Employer Actions When Employees Violate the Rules

What must I do when an employee tests positive, or refuses a test, or has some other violation of DOT Agency or USCG regulations?



Double-check to make sure your SAP meets all the DOT's Part 40 qualification requirements. These include checking for credentials, training, and examination.



NOTE: When an applicant fails or refuses a pre-employment DOT test, you cannot let the applicant perform safety-sensitive duties for you, and you must provide a SAP listing to the applicant.



You cannot charge an applicant or an employee for the SAP list, and you may have your TPA or another service agent provide the list.

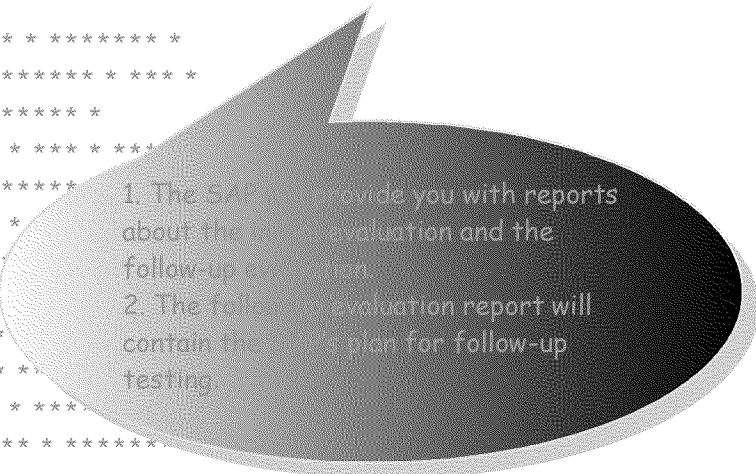
Can I fire an employee who tests positive or refuses a test?

no one who violates a rule can perform safety-sensitive functions again until successfully completing the SAP return-to-duty process

Other than giving the SAP listing, am I required to provide SAP and treatment services to employees?

What is involved in an employee's SAP return-to-duty process?

*



1. The SAP will provide you with reports about the initial evaluation and the follow-up evaluation
2. The follow-up evaluation report will contain the SAP's plan for follow-up testing.



You can find the DOT's SAP Guidelines at:
http://www.dot.gov/ost/dapc/testingpubs/SAP_Guide_Aug09.doc.

Can I confer with a SAP about the employee's testing without having the employee's permission?

Do I need to verify an employee's prior drug and alcohol testing history?

1. Blank releases are not permitted.
 2. The release must be employee, employer, and time-period specific.



The requirements for these releases are in Part 40, at Section 40.25. For a sample employee 40.25 consent form, see [Appendix E](#).

Can I use a service agent to help obtain or provide an employee's prior drug and alcohol testing history?



Service agents maintaining testing information for DOT regulated employers cannot disclose employee test information to other parties unless the employee provides a specific written consent to do so, unless DOT says otherwise in Part 40 [at 40.331].



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*

Event	Decision Maker	DOT Instructions
Fail to undergo a medical examination or evaluation the MRO or employer has directed	* MRO	* ** * ** * ** * ** * ** * ** * ** * ** * ** * ** * * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** * * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** * *
Fail to cooperate with any part of the urine collection process *	* Employer / DER * * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** * * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** *	* * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** * * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** * * * * ** * ** * ** * ** * ** * ** * ** * ** * ** * * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** * * * * ** * ** * ** * ** * ** * ** * ** * ** * ** * * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** * * * * ** * ** * ** * ** * ** * ** * ** * ** * ** * * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** *
For an observed collection, fail to follow the instructions to raise and lower clothing and turn around	* Employer / DER * * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** * * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** *	* * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** * * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** * * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** * * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** * * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** * * * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** *
Possess or wear a prosthetic or other device that could be used to interfere with the collection process	* Employer / DER * * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** * * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** *	* * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** * * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** * * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** * * * * ** * ** * ** * ** * ** * ** * ** * ** * ** *
Admit to the collector to having adulterated or substituted the specimen *	* Employer / DER * * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** * * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** *	* * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** * * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** * * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** * * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** *
Adulterate or substitute a urine specimen	* MRO	* * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** * * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** * * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** * * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** * * ** * ** * ** * ** * ** * ** * ** * ** * ** * ** * *

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Schedule	Type of Records
Three Years	<p>* ***** * ***** * * *Pipeline operators * ***** * ***** * ***** *</p>
Two Years	<p>* ***** * * ***** * ***** * ***** * ***** * * * * *Motor carriers * ***** * * *Railroads * ***** * ***** * ***** * * *Pipeline operators * ***** *</p>
One Year	<p>* ***** * ***** * * *Railroads * ***** *</p>

Where and how should I keep my drug and alcohol testing records?

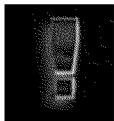
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For most DOT Agencies and USCG, you must keep original copies of CCFs and ATFs even if you store them electronically. *



If your records are maintained by a service agent who goes out of business, you must request that they send the records to another service agent of your choosing or to you - and they must do so.

What are the requirements for sending annual data reports to DOT?

*

DOT Agency	MIS Submission Requirements
FMCSA	* ***** * * * * * *
FAA	* ***** ***** * ***** ***** * * * * * * * * * * * * * * * *
FRA	* ***** ***** * * * * * *

*

DOT Agency	MIS Submission Requirements
FTA	* ***** * * * * * *
PHMSA	* ***** ***** * ***** ***** * * * * *
USCG	* ***** * * * * * * * * * * * *

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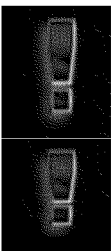


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You can find the MIS form, instructions, and Internet links for submitting it at: <http://www.dot.gov/ost/dapc/mis.html>.

If you are covered under the FTA rules, you must complete and maintain MIS reports every year even if you don't have to send it in.

What should I do with the semi-annual statistical summaries I receive from my laboratory or my C/TPA?

*

 *

 *

Example	Action
<p>Your laboratory report shows 480 random tests but your random selection records show that you made 500 selections.</p>	<p>* ***** ***** *****</p>
<p>Your laboratory report shows that you had 100 tests but your payment records indicate that your collector billed you for 110 tests.</p>	<p>* ***** *****</p>
<p>Your laboratory report shows one test positive for PCP, but your MRO did not report a verified PCP positive test result for any employee.</p>	<p>* * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * *</p>

Example	Action
<p>* Your laboratory report shows 25 cancelled tests because of "fatal flaws" but you were not made aware of any. * *</p>	<p>* * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * *</p>
<p>* Your laboratory report shows 10 negative specimens that were also dilute.</p> <ol style="list-style-type: none"> 1. Your policy is to have employees with negative dilute results return to collection sites for another collection; and 2. For low level negative dilutes, the DOT requires immediate recollection under direct observation. <p>But neither of these recollections occurred. *</p>	<p>* * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * * *</p>



Section IX. Program Compliance and Inspections / Audits

Who must make sure my program meets DOT requirements?

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What can happen to service agents who don't comply with DOT rules?

*

How do I report a service agent who is not complying with Part 40?

*



For a list of DOT Agency and USCG program managers, see **Appendix F** or check out this website: <http://www.dot.gov/ost/dapc/oamanagers.html>

What can I expect during a DOT Agency or USCG audit, inspection, investigation, or compliance review?

- ◆ *****
- ◆ *****
- ◆ *****
- ◆ *****
- ◆ *****
- ◆ *****
- ◆ *****
- ◆ *****
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Check out Appendix G. It highlights most - but not all - the records the DOT Agencies and USCG will likely request and review.

But, I have more questions?

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DOT Agency	Policy Requirements *
<p>FRA [2 of 5 sections] 219.401</p>	<p>* 219.401 Requirement for policies. ***** * * * * * * ***** * * * * * * ***** * * * * * * ***** * * * * * * ***** * * * * * * ***** * * * * * * ***** * * * * * * ***** * * * * * * ***** * * * * * * ***** * * * * * *</p>

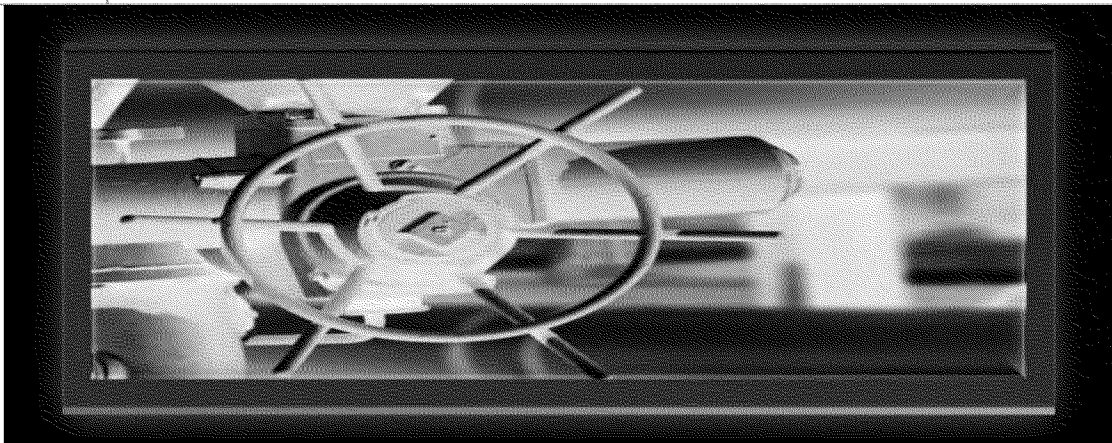
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DOT Agency	Policy Requirements *
PHMSA	<p>49 CFR Part 199 * * * * *</p> <p>199.101 Anti-Drug Plan</p> <p>199.239 Misuse of Alcohol Policy</p>



Appendix B – Collection Site Security and Integrity

DOT's 10 Steps to Collection Site Security and Integrity

Office of Drug and Alcohol Policy and Compliance

U.S. Department of Transportation



1. Pay careful attention to employees throughout the collection process.
2. Ensure that there is no unauthorized access into the collection areas and that undetected access (e.g., through a door not in view) is not possible.
3. Make sure that employees show proper picture ID.
4. Make sure employees empty pockets; remove outer garments (e.g., coveralls, jacket, coat, hat); leave briefcases, purses, and bags behind; and wash their hands.
5. Maintain personal control of the specimen and CCF at all times during the collection.
6. Secure any water sources or otherwise make them unavailable to employees (e.g., turn off water inlet, tape handles to prevent opening faucets, secure tank lids).
7. Ensure that the water in the toilet and tank (if applicable) has bluing (coloring) agent in it. Tape or otherwise secure shut any movable toilet tank top, or put bluing in the tank.
8. Ensure that no soap, disinfectants, cleaning agents, or other possible adulterants are present.
9. Inspect the site to ensure that no foreign or unauthorized substances are present.
10. Secure areas and items (e.g., ledges, trash receptacles, paper towel holders, under-sink areas, ceiling tiles) that appear suitable for concealing contaminants.

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DHHS-CERTIFIED DRUG TESTING LABORATORIES

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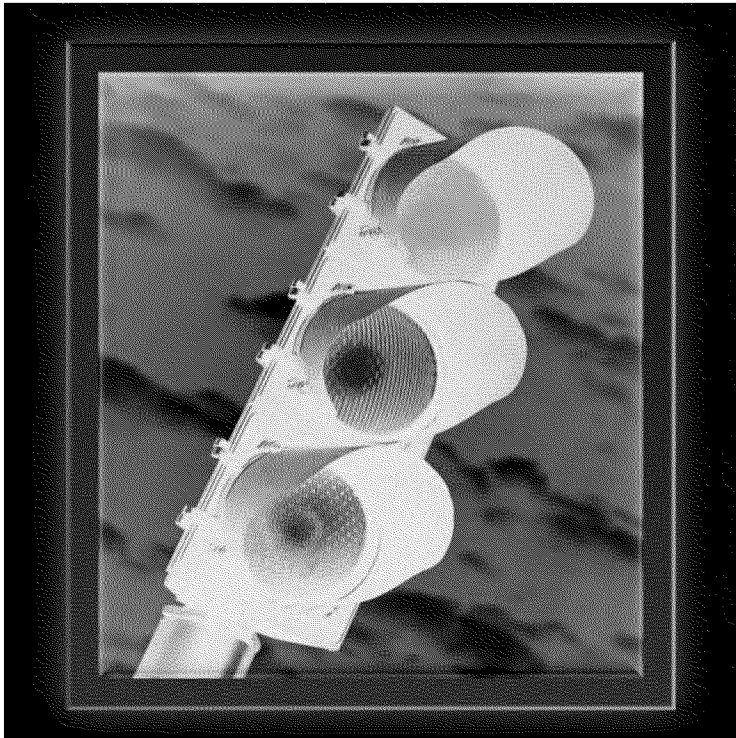
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Appendix D – Post Accident Testing Criteria

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DOT Agency	Regulation	Testing Criteria	Who Is Tested
FMCSA	<p style="text-align: center;">*</p> <p>* * * * *</p> <p>* * * * *</p>	<p style="text-align: center;">*</p> <p>* *</p> <p>* *</p> <p>***** * * * * * * * * * * *</p> <p>* * ***** * * * * * * * * * * * * * * * * *</p> <p>***** * * * * * *</p> <p>* *</p> <p>***** * * * * * * * * * * * * * * * * *</p> <p style="text-align: center;">*</p>	<p style="text-align: center;">*</p> <p>***** * * * * * * * * * * * * * * * * *</p> <p>* * * * * * * *</p> <p>***** * * * * * * * * * * * * * * * * *</p> <p>***** * * * * * * * * * * * * * * * * *</p> <p style="text-align: center;">*</p> <p style="text-align: center;">*</p> <p style="text-align: center;">*</p>
FAA	<p style="text-align: center;">*</p> <p>* * * * * * * * *</p> <p>* * * * *</p> <p>* * * * *</p>	<p style="text-align: center;">*</p> <p>* *</p> <p>***** * * * * * * * * * * * * * * * * *</p> <p>***** * * * * * * * * * * * * * * * * *</p> <p>***** * * * * * * * * * * * * * * * * *</p> <p>***** * * * * * * * * * * * * * * * * *</p> <p>***** * * * * * * * * * * * * * * * * *</p> <p>***** * * * * * * * * * * * * * * * * *</p> <p>***** * * * * * * * * * * * * * * * * *</p> <p>***** * * * * * * * * * * * * * * * * *</p> <p style="text-align: center;">*</p>	<p style="text-align: center;">*</p> <p>***** * * * * * * * * * * * * * * * * *</p> <p>***** * * * * * * * * * * * * * * * * *</p> <p>***** * * * * * * * * * * * * * * * * *</p> <p>***** * * * * * * * * * * * * * * * * *</p> <p>***** * * * * * * * * * * * * * * * * *</p>

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Appendix F – DOT & USCG Drug and Alcohol Program Manager Contact Information

DOT Agency *	Program Manager Information *	Drug and Alcohol Testing Regulations *
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This information and manager email addresses are available at:

<http://www.dot.gov/ost/dapc/oamanagers.html>

Appendix G – Audit/Inspection/Investigation/Compliance Records Review

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POLICIES, PLANS, AND REPORTS

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EMPLOYEE AND SUPERVISOR TRAINING RECORDS

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RANDOM TESTING RECORDS

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DRUG TESTING CUSTODY AND CONTROL FORMS FOR ALL DOT TESTS

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ALCOHOL TESTING FORMS FOR ALL DOT TESTS

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EMPLOYEE RETURN TO DUTY RECORDS

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SERVICE AGENT DOCUMENTATION

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Instructions for Completing the PHMSA Plan

Page 1 – Cover Page

1. Type company name, company address and company phone number.
2. Implementation Date: The date that your company implemented the DOT alcohol and drug testing program.
3. Effective Date: The date that this plan became effective for your company.

Page 36 – Appendix B – Designated Personnel and Service Agents

Complete all sections.

Page 37 – Appendix C – Covered Positions

List your company's employee positions/titles. Check the check box for which the title falls under (e.g. employee or supervisor). Supervisor positions/titles would need to meet the DOT required training for reasonable cause/suspicion testing of employees. If you need to add additional pages to this Appendix, at the bottom of the page, click on "PHMSA Drug/Alcohol Plan" and additional pages will be added.

Page 38 – Appendix D – Company Disciplinary Actions and Additional Procedures

This section is populated with standard terms. You can replace this text with your own company policy of you wish. Page 39 has been left blank if you should need additional space. If you need to add additional pages to this Appendix, at the bottom of the page, click on "PHMSA Drug/Alcohol Plan" and additional pages will be added.

**Niska Gas Storage
Incident Reporting
and
Investigation Guideline**



Incident Reporting and Investigation Guideline

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Version Date: 29/03/2007
Print Date: 24/05/2013



Incident Reporting and Investigation Guideline

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1.0 SCOPE

Niska Gas Storage (Niska) is committed to preventing loss due to incidents that result in, or could have resulted in harm; to workers, equipment, materials or the environment and ensuring that incidents are reported and investigated to minimize the recurrence of similar events. The Niska Incident Reporting and Investigation Guideline (the "Guideline") identifies: the evaluation of loss potential, what type of incident must be reported either externally or internally, immediate and basic causes, who will be involved in the incident investigation, and corrective measures.

In order to minimize loss, incidents must be reported, an appropriate level of investigation must follow, and corrective action(s) set into motion to prevent or mitigate the chance of recurrence.

Niska has a responsibility to its employees, contracted workers and Stakeholders to plan and take proactive measures to mitigate and prevent loss. The investigation findings must be as objective, candid and conclusive as possible in reporting all underlying causes.

This Guideline applies to all incidents associated with any Niska work site involving its employees or contracted workers. This Guideline relies on the Det Norske Veritas (DNV) Systematic Cause Analysis Technique (SCAT®) chart to determine the risk and causes of loss, and the subsequent corrective actions.

2.0 OBJECTIVE

The objective of this guideline is to:

- Identify incident reporting expectations for all Niska employees and contractors
- Establish the make up of the investigation team
- Provide guidance for the investigation team with respect to the planning and conducting of the investigation to ensure that immediate causes, basic causes and subsequent corrective actions are identified
- Develop a system for the sharing of incidents, and
- Minimize loss through the prevention or mitigation of incidents.

This guideline does not:

- Provide detailed incident investigation technique,
- Address the proper emergency response procedures as outlined in Niska's Emergency Response Manual, nor
- Address abnormal operational-related events or control centre alarms.



3.0 RESPONSIBILITIES

3.1 Workers

All workers, whether Niska employees or contracted, are responsible for:

- a) Protecting themselves and all others from injury or harm
- b) Immediately responding to an incident, only if it is safe to do so, (e.g. tend to injured workers, isolate or shut down the process, secure the area, etc.)
- c) Notifying their immediate supervisor or a Niska representative of an incident as soon as possible regardless of the magnitude of the incident
- d) Assisting with emergency response actions if directed, and
- e) Assisting Niska in the incident investigation, if they are involved or witness to the incident, by providing complete and factual information to the best of their knowledge (i.e. at the initial interview and subsequently should new information be recalled).

3.2 Supervisor

The Supervisor or their designate is responsible for:

- a) Classifying incidents as either a Major – Level 3, Serious – Level 2 or Low - Level 1
- b) Conducting incident investigations for Level 1 incidents
- c) Securing the incident scene, preserving evidence and gathering information related to the incident
- d) Contacting their respective Superintendent of Operations when any level of incident has occurred
- e) Communicating to Operations Management if additional resources are necessary to complete the investigation
- f) Gathering information, including written statements from persons involved in the incident, evaluation of loss potential, and forwarding the Preliminary Announcement Incident Report for Level 2 or 3 incidents and/or incident investigation form to the Accident/Incident distribution list on Outlook
- g) Being part of the incident investigation team
- h) Assigning persons to implement the corrective actions derived from the incident investigation findings and monitoring the progress to completion, and
- i) Providing updates to the incident report as new information is acquired or as corrective action steps are completed.

3.3 Superintendent of Operations

The Superintendent of Operations or their designate is responsible for:

- a) Ensuring adequate resources are in place to complete the incident investigation

- b) Being part of the incident investigation team, if necessary
- c) Initiating the Emergency Response Plan for Level 2 or Level 3 incidents, and
- d) Reviewing all incident reports under their authorization to ensure that appropriate corrective actions have been identified and who will be responsible for implementing those corrective actions.

3.4 Environmental Health Safety & Security Coordinator

The Environmental Health Safety & Security Coordinator or their designate is responsible for:

- a) Contacting the appropriate authorities whenever a reportable incident occurs
- b) Selecting the Investigation Team for Level 2 or Level 3 incidents
- c) Appointing an Investigation Lead for the Investigation Team
- d) Providing feedback on immediate and root cause determination(s) and the corrective action plan(s)
- e) Monitoring the progress of action steps as identified in the corrective action plan, and
- f) Establishing the reporting structure, frequency, distribution, and review of the investigation report.

3.5 Incident Investigation Team

The Incident Investigation Team is responsible for:

- a) Developing the investigation plan (i.e. scaled to the investigation level of the incident and who on the incident investigation team is going to conduct what particular function during the investigation process)
- b) Communicating to the Operations Superintendent if additional resources are necessary to complete the investigation
- c) Identifying investigation activities for the collection of facts (e.g. interviews, samples, photos, etc.)
- d) Conducting the incident investigation
- e) Establishing and documenting the incident timeline
- f) Determining immediate and basic cause(s) and the justification for that assessment
- g) Participating in the development of a corrective action plan
- h) Report preparation, and
- i) Presenting the investigation report to Operations Management.

4.0 PROCEDURES and KEY ELEMENTS

4.1 Background

Incident investigations are conducted to prevent future incidents from occurring and mitigating the potential loss of human life, loss of production, loss of company reputation, loss of property damage and impact to the environment. They are also conducted to meet compliance requirements with regulatory

legislation or to make a realistic assessment of loss costs incurred as the result of an incident. Incident investigations, conducted correctly, identify what happened, why it happened and the appropriate corrective actions to prevent recurrence of a similar incident from happening.

Thorough incident investigations:

- Help raise awareness of existing or potential hazards in the workplace
- Demonstrate Niska's concerns for its employees and contracted workers well being
- Serve as a review of the adequacy of existing controls
- Identify potential hazards- whether or not these were directly involved with the incident being investigated – and can prevent future incidents
- Identify corrective actions, which can improve efficiency and prevent future loss
- Can help ensure legal requirements are being met
- Produce investigation reports covering a period of time, which provide research data that can be analysed to pinpoint particular or recurring problems
- Can be used to determine accurate loss cost analysis
- Learn the cause of the incident so that similar accidents are prevented
- Determine if any deviation from accepted work practices resulted in the incident, and
- Educate employees and supervisors on a particular hazard and direct their attention to incident prevention in the workplace.

4.2 Incident Investigation Report

An incident investigation is not considered complete until a detailed written report has been submitted, reviewed and approved by Niska management. Information contained in the incident investigation report should include:

1. Background information (i.e. the date and time the incident occurred, what happened, who and what was involved, what led up to the incident, and when and where the incident occurred)
2. Description of incident, such as:
 - Injury or illness to either an employee or contracted worker
 - Property damage, including vehicle damage
 - Environmental release – reportable or not reportable, and
 - Operations & Maintenance abnormal event
3. Evaluation of loss potential if not controlled, which includes: Loss Severity Potential (actual or estimated loss), Probability of Recurrence and Frequency of Exposure
4. Determination of the Immediate or Direct Causes including Substandard Acts or Substandard Conditions

5. Basic or Root Causes including Personal Factors or Job/System Factors
6. Recommended corrective actions
7. Supporting records (example; training, test or consultant) photographs, and/or statements from victims, witnesses or bystanders.

Comprehensive documentation and record keeping of all incidents can be a valuable tool in the investigation and incident prevention process. The ultimate goal is to prevent a similar or perhaps a more disastrous sequence of events from occurring in the future.

There are three levels of incident investigation and all incidents, regardless of severity, must be reported to a Niska representative as soon as possible. The process for reporting incidents are as such:

- A Low - Level 1 incident must be reported, at least verbally, to a Niska representative as soon as practical on the same day the incident took place and no later than 24-hours after its occurrence.
- For Serious (Level 2) or Critical (Level 3) incidents, work must stop, Safe Work Permits suspended and the incident reported immediately to the Supervisor who in turn will contact the Superintendent of Operations.

Note: Any incident where the Level of Severity Potential lands in a 'Major' category, regardless of the Probability of Recurrence or the Frequency of Exposure, will constitute a Major Risk Level resulting in the cancellation of Safe Work Permits and automatic notification to the EHS&S Coordinator.

4.3 Notification and Reporting Requirements

The following sections describe incidents that require immediate notification to a Niska representative and subsequent reporting to external regulatory agencies.

4.4 Reporting Requirements in Alberta

These sections are regarded as at least a Level 2 investigation:

a. Reporting Requirements to Alberta Workplace Health & Safety (WHS)

According to Section 18(2) of the Alberta OHS Act, injuries and incidents have to be reported to Alberta WHS if they:

- Result in a death
- Cause a worker to be admitted to hospital for more than two days
- Involve an unplanned or uncontrolled explosion, fire or flood that causes or has the potential to cause a serious injury
- Involve the collapse or upset of a crane, derrick or hoist, or
- Involve the collapse or failure of any component of a building or structure necessary for the structural integrity of the building or structure.

b. Reporting of Electrical incidents

The following electrical incidents must be reported to an Electrical Safety Codes Officer or the WHS in Alberta.

- An accident to a person, a fatal accident to livestock or a power line contact involving an electrical installation or electrical equipment, or
- A fire of electrical origin or suspected electrical origin.

b) Reporting of Environmental Incidents

When reporting on environmental incidents consult the Emergency Response Plan for your facility and contact the EHS&S Coordinator for further instruction.

c) Motor Vehicle Accidents

Alberta provincial law stipulates that accidents resulting in injury, death, or damages exceeding \$1000 must be reported to the police immediately. The \$1000 figure is the combined damage total to all vehicles, property, etc.

d) Reporting to the Alberta Energy and Utilities Board (AEUB)

- An Incident Investigation report must be submitted to the AEUB within 30 days of the end of a Serious or Major level incident as outlined in Appendix 5 Operator Incident Summary of the AEUB Directive 71. After reviewing the operator incident summary report, the AEUB may require Niska to attend a meeting to further discuss the incident.
- For information on pipeline hits due to contact by mechanical excavation equipment or any other property damage, contact the EHS&S Coordinator.

e) Alberta Energy and Utilities Board (AEUB) Reporting Requirements

Product	Circumstances	Reportable Quantity	Agency to Report to
Unrefined Products (crude oil, crude emulsions, condensate, oilfield wastes, salt water, LPG, synthetic crude, other produced fluids)	<ul style="list-style-type: none"> ▪ on lease ▪ off lease ▪ release from a pipeline ▪ 3rd party impact ▪ Potential for off-site odour complaint. ▪ Potential to contaminate surface or groundwater ▪ Cumulative Releases 	<ul style="list-style-type: none"> ▪ Greater than 2 m³ ▪ Any amount ▪ Any amount ▪ Any amount ▪ None specified, but potential For adverse effect. ▪ None specified, but potential for adverse effect. 	<p>In all cases:</p> <ol style="list-style-type: none"> 1. Immediate oral notification to EUB Field Centre (each has a 24 Hour Hot-line). EUB will notify AENV. 2. Written Report to AENV Pollution Control Division (PCD) within 7 days of oral report unless release is fully contained on site and no adverse effect results.
Unrefined Products (same as above)	<ul style="list-style-type: none"> ▪ During transport on roads (TDG Regulations for Class 3) 	<ul style="list-style-type: none"> ▪ EUB considers any amount = "off-lease". ▪ 200 litres 	<ul style="list-style-type: none"> ▪ EUB Field Centre. ▪ Local police (will notify Transport Cda). ▪ Complete Transport Canada "<i>Dangerous Occurrence Report</i>".
Refined Products (diesel, gasoline, solvents, lube oils)	<ul style="list-style-type: none"> ▪ During transport. ▪ On or off lease. 	<p>Quantities listed in TDGR:</p> <ul style="list-style-type: none"> ▪ Diesel – 200 L ▪ Gasoline – 200 L ▪ Lub. Oil – 5 L or 5 kg ▪ No quantity specified. If it has caused, may cause or is causing an adverse effect. 	<ul style="list-style-type: none"> ▪ Immediate oral notification to PCD at (403) 422-4505 or ▪ 1-800-222-6514 (24 hr). ▪ Local police & complete Transport Canada "<i>Dangerous Occurrence Report</i>". ▪ Immediate oral notification to PCD + Written Report to AENV Pollution Control Division (PCD) within 7 days of oral report.
Hazardous Chemicals	<ul style="list-style-type: none"> ▪ Corrosion Inhibitor during transport ▪ On or off lease 	<ul style="list-style-type: none"> ▪ L or kg ▪ Report release that has or may have an adverse effect. 	<ul style="list-style-type: none"> ▪ TDGR as above. ▪ PCD (oral and written as above).

Regulatory Notification and Reporting Requirements for Reportable Releases in Alberta

4.5 Reporting Requirements in the United States of America

Reporting Requirements to Occupational Health and Safety Administration (OSHA)

a) Basic requirement



Incident Reporting and Investigation Guideline

Within eight (8) hours after the death of any employee from a work-related incident or the in-patient hospitalization of three or more employees as a result of a work-related incident, you must orally report the fatality/multiple hospitalization by telephone or in person to the Area Office of the Occupational Safety and Health Administration (OSHA), U.S. Department of Labour, that is nearest to the site of the incident. You may also use the OSHA toll-free central telephone number, 1-800-321-OSHA (1-800-321-6742).

b) Reporting of Environmental Incidents

When reporting on environmental incidents, consult the EHS&S Coordinator for further information.

c) Property Damage – Pipeline hits etc.

For information on pipeline hits due to contact by mechanical excavation equipment or any other property damage, contact the EHS&S Coordinator.

d) Incident Reporting in California.

Telephonic Report.

At the earliest practical moment following discovery (within two hours), any event that involves a release of gas from a pipeline which:

- caused a death or any personal injury requiring hospitalization;
- caused estimated damage to the property of the operator, or others, or both (including gas loss), totaling \$50,000 or more;
- could reasonably be judged as significant;
- resulted in evacuation of 50 or more people from a normally occupied public building; or
- resulted in the closure of a public street or highway;

shall be reported to the California Public Utilities Commission at (800) 235-1076.

The information to be reported is as follows:

- name of operator and person making report
- telephone number of Company and person making report
- the location of the incident
- the time of the incident
- the number of fatalities and personal injuries, if any
- all other significant facts that are known by the operator that are relevant to the cause of the incident or extent of the damages, and
- the National Response Center Control number when applicable.

Written Report

A U.S. Department of Transportation form RSPA 7100.2 shall be submitted to the Commission within 30 days after detection of a reportable incident (Section S). The form shall be sent to:



Incident Reporting and Investigation Guideline

Consumer Protection and Safety Division
Safety and Reliability Branch
Utilities Safety Section
515 L Street, Suite 1119
Sacramento, CA 95814

Excavation Damage

Damage caused by excavation to all pipelines in California must be reported according to the above procedure.

Documentation

The following documents must be retained:

- record of telephonic report, and
- U.S. Department of Transportation Form *RSPAF 7100.2*.

e) **Incident Reporting to the Department of Transportation (DOT)**

At the earliest practical moment following discovery, any event that involves a release of gas from a pipeline and results in:

- a death, or personal injury necessitating in-patient hospitalization, or
- estimated property damage, including cost of gas lost, of the operator or others, or both, of \$50,000 or more, or
- is significant, in the judgment of the operator shall be reported to the National Response Center at (800) 424-8802.

The information to be reported is as follows:

- name of operator and person making report
- telephone number of company and person making report
- the location of the incident
- the time of the incident
- the number of fatalities and personal injuries, if any, and
- all other significant facts that are known by the operator that are relevant to the cause of the incident or extent of the damages.

Written Report

A U.S. Department of Transportation form *RSPAF7100.2* shall be submitted within 30 days after detection of a reportable incident (Section S). The form shall be sent to:

Information Resources Manager
Office of Pipeline Safety
Research and Special Programs Administration



Incident Reporting and Investigation Guideline

U.S. Department of Transportation
Room 8417
400 Seventh Street, SW
Washington, DC 20590
and
Consumer Protection and Safety Division
Safety and Reliability Branch
Utilities Safety Section
515L Street, Suite 1119
Sacramento, CA 95814

Where additional related information is obtained after a report is submitted, the Company shall submit a supplemental report as soon as practicable.

Documentation

The following documents must be retained:

- record of telephonic report, and
- U.S. Department of Transportation form RSPAF 7100.2

f) Department of Transportation (DOT) Reportable Pipeline Incidents

All DOT reportable pipeline incidents must be analyzed for the following:

- Data Examination

All information regarding the incident should be compiled to determine if the incident was a result of failed equipment, policy, or procedure. This can include pressure charts, controller activity reports, equipment inspection reports, one-call information, right-of-way inspection reports, etc.

- Procedure Review

All procedures relating to the cause and response to the incident must be reviewed to determine their effectiveness.

- Metallurgical Examination

The damaged section of line or equipment should be analyzed to determine the actual cause of the failure, if deemed necessary.

- Personnel Error

Based on the results of examining the data, a determination should be made whether the incident was a result of operator error or inadequate training. Measures must be taken to correct the problem. Update training of person or remove person from task, if necessary.

- Drug and Alcohol

Refer to drug and alcohol testing.

If the analysis reveals that corrective action is needed to mitigate future incidents the corrective action must be implemented as soon as practical.

Documentation

All pipeline incident analyses must be documented. Documentation must include:

- date of the analysis
- name of the person performing the analysis
- results of the analysis, and
- type and date of corrective action taken.

4.6 Environmental Health & Safety (EH&S) Incident Reporting

An Incident Investigation Process Flow chart for reporting EH&S incidents and conducting the investigation is presented in Appendix 'B' of this Guideline.

4.6.1 EH&S Preliminary Incident Announcement Report Form

The Preliminary Announcement Report (*See Appendix A*) provides prompt information to company personnel with facts, instead of rumours, negates speculation on what happened (thereby reducing work efficiency), assures them that management is considering their interests, and prevents the spread of incident information. It can also be utilized by the Niska Media Spokesperson if required, to inform the media regarding an incident.

- a) A Preliminary Incident Announcement Report, (*See Appendix A*) must be completed and submitted to the Accident/Incident distribution list for Level 2 or 3 incidents. Initial incident reporting for Level 1 incidents can be achieved by populating the Incident Report Form.
- b) Regardless of the level of incident that you are reporting, when issuing a preliminary announcement, submit the following information:
 1. The type of incident (personal injury, property damage, process/operation or environmental release;
 2. The location of the incident; (Countess, Suffield, Wild Goose, Salt Plains)
 3. Facility (piece of equipment being worked on etc.)
 4. The date and time of the incident;
 5. Apparent nature and extent of injury or other loss to: persons, property, process/operation or the environment;
 6. A brief description of the event; and
 7. Apparent causes.

If physically able, the person(s) involved or those that witnessed the incident can be added to the Preliminary Incident Announcement Report, but is not critical at this time.

Important:

Even though there may be few known facts of the incident at this early stage, document the best available information about the incident events on the form.

- c) Parties that witnessed the incident should be requested to provide all factual information in a written statement and avoid speculating or providing opinions as to the cause or effects of the incident.

Important:

Due to Privacy Act legislation, names of injured workers are to be written down on the First Aid Report Form only and must not be documented on the Preliminary Incident Announcement Form.

- d) Non-Niska workers are required to report incidents that occur on a Niska work site as well, and may be required to assist with the completing of the Incident Investigation Report Form.

4.6.2 Near Miss Reporting

In addition to reporting and investigating incidents where harm occurred to a worker, property, process/operations or the environment, near miss incidents must also be reported and investigated. The value in capturing these in a report is to allow for shared communication so others can take the necessary precautions or modify their activities to prevent similar reoccurrences.

A near miss is an incident that, under slightly different circumstances, could have resulted in personal harm, property damage, process or environmental loss.

Reporting near miss incidents is an excellent opportunity to improve safety and reduce losses gained from observing a condition or event that has the potential for more serious consequences.

Like any incident investigation, reporting near miss incidents is not conducted to lay blame or for fault-finding. Reporting near miss incidents is strongly encouraged by Niska management and there is no disciplinary action when you submit a report.

Near miss incidents include, for example:

- Unsafe conditions (e.g. tripping hazard or a bull plug was left out of a drain valve of a toxic chemical)
- Unsafe behaviour (e.g. not wearing the specified PPE as required in the Niska EH&S Handbook)
- Events where injury or damage could have occurred but did not (e.g. while backing up your truck you failed to see someone walking by)
- Events where a safety barrier was challenged or alarm was sounded. (e.g. gas detector alarm on H₂S)



Incident Reporting and Investigation Guideline

4.7 Risk Matrix

Investigations are critical to incident prevention and control of potential loss. Every incident should undergo some level of investigation to determine that the facts surrounding the cause of the incident have been accurately identified. The level of the investigation effort should be scaled to fit the potential seriousness or risk level of the incident.

The level of investigation and follow-up corrective actions will depend on the determined risk level of the incident. This is completed by examining the basic or root cause(s) of an incident and gearing the corrective actions toward preventing similar types of incidents from recurring.

Determining the level of risk of any incident is a subjective exercise and provides an evaluation of an incident based on the combination of three criteria; 1) the level of severity, 2) probability of recurrence and 3) frequency of exposure. The Supervisor or their designate must determine the level of risk of the incident, and assign a numerical value to the incident using the criteria and Niska Gas Storage Risk Matrix

The 3 Risk Levels are:

1. Level 1 - Minor
2. Level 2 - Serious
3. Level 3 – Major

Note: *With regard to the Risk Matrix, any incident where the Level of Severity lands in the 'Major' category, regardless of the Probability of Recurrence or the Frequency of Exposure, will constitute a Major Risk Level resulting in the cancellation of Safe Work Permits and automatic notification to the EHS&S Coordinator.*

Defining the level of risk of an incident is an exercise that must be conducted to ensure that the appropriate level of investigation, urgency and resources are dedicated to helping determine why an incident occurred and what can be done to ensure it doesn't happen again. In addition, trend analysis may be accomplished, versus simply reporting the number of incidents.

4.7.1 Assigning a Risk Level Ranking to an Incident

- a) As stated previously, every incident must undergo a risk level evaluation and assessed one of the three risk levels.
- b) When assessing the risk avoid the tendency to cite an absolute worst case scenario, otherwise every incident would be classified as 'high' thereby negating the reason of assigning a risk level.
- c) When assessing the level of risk (loss severity potential, probability of recurrence and frequency of exposure), think of the realistic worst-case scenario.

Example:

A worker, while descending a set of stairs from a process facility on a rainy day slips on the 2nd step from the ground, but manages to catch them self and sustains no injury. This incident should be classed as a 'near miss'. Using the DNV Systematic Cause Analysis Technique (SCAT®) the loss severity potential might be a sprained ankle resulting in medical aid (minor) the probability of recurrence of slipping on stairs happens a couple of times a year (low) and the frequency of exposure might be considered as (moderate).

Using the Loss Severity Potential Index in Table 1, you could assign the following numbers to determine the risk ranking.

- Loss severity potential – (1) at worst, a sprained ankle may be sustained.
- Probability of recurrence – (1) this plant may have been in operation for 10 years and this type of incident has happened or been reported only twice before.
- Frequency of exposure – (2) workers access these stairs 3 times a day so the frequency is moderate.

The total for this incident is determined by adding the numerical values of each category. In this particular case the sum equals (4) which and is classed as a (low) risk ranking and subsequent Level 1 incident investigation.

Not using a realistic approach to determining the level of risk, the tendency might be to assign a *Loss Severity Potential* of 'serious - 2' as the Worker could have broken his leg or rendered himself unconscious. However, historical data both from the company and industry experience indicate this is highly unlikely so in reality it should be assessed as a 'minor' risk. The *Probability or Recurrence* of this happening again could be classed as 'moderate - 2' as the task of climbing down a set of stairs may be considered hazardous as the steps are wet with rain. The *Frequency of Exposure* could be considered 'moderate - 2' as workers are required to use these stairs at least three times a day. The total sum using the worst-cases scenario would be calculated as a (6) and would constitute a Level 2 incident investigation and would require the time and resources not warranted had a person utilized a more realistic approach to the incident.

4.7.2 Incident Investigation Level Determination

Loss Severity Potential

To aid in the calculation of a numerical value with regard to loss potential severity, the Loss Severity Potential Index must be used, keeping in mind that the highest value is a Major - (3) being considered of greatest concern.

- a. **Major (3)** - Massive direct impact to people, property, process/operations or the environment. Keep in mind that loss of company reputation and financial impact can also be utilized to determine loss potential.
- b. **Serious (2)** – moderate direct impact to people, property, process/operations or the environment
- c. **Minor (1)** - Insignificant impact to people, process, property/operations or the environment.

Probability of Recurrence Index

The probability of an incident recurring depends on three factors:

1. How dangerous are the hazards?
2. The difficulty of the task and how subjected to quality of workmanship, production or other issues?
3. Complexity of the task or situation

Keep in mind that the three factors described above should not be evaluated separately but instead as a whole. The big question is "How likely is it that something will go wrong as a result of this situation"? Like the Loss Severity Potential, only the probability of that particular loss is to be considered.

The Probability of Recurrence Index describes the likelihood that the potential consequence may occur. Like the Loss Severity Potential Index, #3 is considered of greatest probability.

1. High (3): The probability of recurrence is > than once per year
2. Moderate (2): The probability of recurrence is < than once per year
3. Low (1): The probability of recurrence is < than once in 10 years.

Frequency of Exposure Index

For obtaining the Frequency of Exposure and narrowing it down, consider all of the four subsystems (people, equipment, materials and the environment) that could potentially be affected by the incident. Questions such as; could a worker be struck by, fall in, onto or from? What hazards are presented by machinery, equipment, tools or vehicles? What kind of harmful chemicals are worker exposed to? How might environmental (example weather, poor lighting, or respiratory) factors cause loss of safety, productivity or quality?

1. Extensive (3): The frequency of exposure is > than once per day.
2. Moderate (2): The frequency of exposure is < than once per day but no > once per week.
3. Low (1): The frequency of exposure is > once per week

Risk Matrix

The Risk Matrix indicates the priority that should be given to the incident, what level of investigation is to be conducted and who is to be involved in the investigation. It is a calculated index consisting of adding the Loss Severity Potential, Probability of Recurrence and Frequency of Exposure. The results of this calculation for each possible combination are shown in the Niska Gas Storage Risk Matrix.

4.8 Incident Investigation

4.8.1 Objectives of an Incident Investigation

- a) The objective of any incident investigation is to determine the basic/ root cause(s) of the incident in order to develop effective corrective actions for each finding and to eliminate or reduce the possibility of a similar recurrence.
- b) More formal investigations of major incidents, such as those that trigger the Niska Emergency Response Plan, have an expanded objective in addition to the determination of basic/root cause(s). The expanded objective would include the preparation of an investigation report for regulatory

agencies, other affected Stakeholders, insurance investigators and senior management. Such investigations may include external resources (i.e. technical specialists, laboratory assessments etc.) to aid in the investigation and preparing the investigation report.

4.8.2 Incident Investigation Team

The composition of the Investigation Team will depend on the Risk Level assigned to the incident. For further information refer to Appendix B – Incident Investigation Flowchart

Once an incident has been reported, an Incident Investigation Team must be established to ensure the investigation is completed in a timely and thorough manner.

The Incident Investigation Team Leader should collect and establish the facts as soon as possible to properly determine the scope and identify the resources necessary to complete the investigation.

In some cases an Investigation Team, in addition to the supervisor, may be formed to collect facts from different sources.

The Investigation Team may include operations personnel, EHS&S staff, consultants or other technical experts, or Operations Management that were or were not directly involved with the incident or Near Miss. An Investigation Team may also be comprised of a single Niska employee.

4.8.3 Incident Investigation Planning

Incident investigation planning activities should include the following:

- a) Identifying the Incident Investigation Team;
- b) Preserving evidence at the incident scene to prevent alteration, mishandling, or removal of vital information which can either make or break an incident investigation;
- c) Identifying and obtaining tools, equipment, PPE, and other technical services for effectively conducting the investigation (e.g. camera, site plans, MSDS, backhoe, sample bottles, etc.);
- d) Identifying who will conduct a site-specific orientation for the Incident Investigation Team to protect their health and safety at the incident scene;
- e) Identifying special procedures that may need to be implemented when conducting the investigation (e.g. energy isolation, ground disturbance, etc.);
- f) Identifying investigation activities for the collection of facts such as:
 - Interviewing workers directly or indirectly involved with the incident;
 - Collecting facts (e.g. safe work permits, training records, photographs, logs, samples, etc.);
 - Establishing an incident timeline; and
- g) Setting a tentative schedule for the reporting of investigation findings.

4.8.4 Conducting the Investigation for Immediate/Direct Causes and Basic/Root Cause(s)

The key objective of any incident investigation is not to find fault or lay blame, but to determine the immediate/direct and basic/root cause(s) that ultimately leads to the development of appropriate corrective actions to prevent recurrence of similar incidents. The activities and effort involved in carrying out an incident investigation will depend on the nature and potential risk of the incident.

The Incident Investigation Team must remember that the incident investigation must be based on facts only, never on opinion or assumption.

Regardless of the incident risk level, the investigation for basic/root cause(s) should consist of the following:

- a) Understanding the circumstances leading up to and during the incident event;
- b) Clarifying and filling in any gaps in the incident timeline;
- c) Gathering information, as appropriate, on the incident event, such as;
 - Position – sketches, diagrams, maps, photographs
 - People – witnesses and interviews
 - Physical evidence – parts, samples, testing
 - Records – permits, chart recorders, other reports, logs, checklists, training of workers etc.
- d) Documenting facts gathered from the investigation into the Incident Investigation Report Form or similar management approved document and when required for a Level 2 or 3 incident, coupled with the 'Preliminary Incident Report' to complete the documentation process.

Immediate/Direct Causes

The immediate/direct causes of an incident are the circumstances that immediately precede the contact which can be usually seen or sensed. Immediate/direct causes are broken down into two categories; Substandard Acts, (behaviours which could or did permit the occurrence of an incident) and Substandard Conditions, (circumstances which could or did permit the occurrence of an incident). Each is further broken down into 8 subcategories.

Some examples of Substandard Acts are:

- Operating equipment without authority
- Failure to warn
- Failure to secure
- Operating at an improper speed
- Making safety devices inoperable
- Removing safety devices

- Using defective equipment
- Using equipment improperly

Some examples of Substandard Conditions are:

- Inadequate guards or barriers
- Defective tools, equipment or materials
- Congestion or restricted action
- Poor housekeeping; disorderly workplace
- Noise exposures
- High or low temperature extremes

Consult the SCAT® chart for further information concerning Substandard Acts or Substandard Conditions.

Basic Root Cause Analysis

In order to obtain the true basic/root cause of any incident, a good 'Rule of Thumb' is to ask the question "Why?" five times.

With the example of the worker who slipped on the stairs while descending two-stairs at a time it was identified that the immediate direct cause Failure to Follow Procedure or Policy. As an investigator start asking the question "Why?"

Q: Why did the worker not follow procedure?

A: *The worker believed it was alright to climb up and down the stairs, two steps at a time and was never told differently.*

Q: Why was the worker not informed of company safety expectations?

A: *The worker was a recent new-hire and was put to work without attending the mandatory company safety orientation.*

Q: Why did the worker not attend the mandatory safety orientation?

A: *As a result of labour demands to clean up the plant before the Board of Directors arrived for a site tour he was put to work without attending the company safety orientation.*

Q: Who authorized this person to go to work before attending the company safety orientation?

A: *The Plant Superintendent made the decision.*

Q: Who in the company is allowed to make these decisions?

A: *Only the EH&S department or the Plant Manager.*

As you can see, following this questioning technique allows the investigator to obtain the real basic/root cause of the incident which will lead to identifying the appropriate corrective action(s).

With the information collected from the incident investigation, the Investigation Team can proceed with the following:

- a) Identify all contributing factors under the appropriate basic/root cause categories that most likely contributed to the incident;
- b) Avoid trying to determine one single, main basic/root cause at this time and identify all potential factors based on the information gathered during the investigation;
- c) Refer to the SCAT® chart and in particular the basic/root cause factors, 'Personal Factors and Job/System Factors'. These will serve to trigger further questions to better understand the circumstances leading up to the incident;
- d) Determine which relevant basic/root cause category is believed to have contributed to the incident. This may be done by observing which category has the most number of contributing factors checked off, but should be based on the Investigation Team's best judgment;

Example: From the example presented, the basic/root cause may be determined to be "Lack of Knowledge". However, stating this on the form makes it difficult to develop effective preventative action. The basic/root cause could be stated in more direct terms such as, "Worker failed to use hand railing while descending stairs, and was taking two stair treads at a time".

In this example, it would be impractical to have procedures or training on how to properly use stairs; the best fit in this example is "Improper Motivation" as the worker failed to follow basic safety expectations thinking that they could get to where they wanted to be quicker by taking two steps at a time.

Corrective Action Plan

The Corrective Action Plan should identify the corrective action steps, who will be responsible for fulfilling or completing the action steps, and the target dates for completing the corrective actions.

- a) For each of the basic/root cause identified, assign a corrective action step. The corrective action step should address the basic/root cause and not the immediate/direct cause. The immediate/direct cause why the worker tripped on the step was a result of not Following Policy or Procedure, the basic/root cause is Improper Motivation (taking two steps at a time). The next goal is to attempt to discover why this worker felt that he had to take the path of an unsafe act in the first place. The corrective action would come out of the findings of the basic/root cause determination. In this example, the worker may have been improperly motivated thinking that this was an accepted practice. The corrective action for this case may be to address this near miss at the next safety meeting and to relay what company expectations are regarding stair safety. Once the corrective actions were identified, the Supervisor is responsible for assigning tasks to individuals and seeing them through to fruition.

In our case scenario the corrective action is to ensure that all workers follow environmental health and safety expectations and not to circumvent them for any reason unless approved by the appropriate authorization.

- b) List the action step in the 'Action Plan' section of the Incident Investigation form. Information should be simple, yet specific enough to achieve the desired results.



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- c) The corrective action should look at longer-term preventative measures in addition to mitigation steps;
- d) The Supervisor is responsible for assigning each corrective action step to a responsible party, set a target date to have that action step completed by, and identify the actual completion date. The responsible parties may be Niska employees or contracted workers.
- e) The Supervisor or their designate will be responsible for extracting the recommended actions from the final incident investigation report and issuing a work order to the correct parties for completion.

Note: If all immediate/direct causes and basic/root causes have been identified and the corrective actions have been assigned via a work order by the Supervisor, the Incident Investigation Report can be considered "closed".

4.8.5 Incident Investigation Report Update

- a) If dealing with a Level 2 or 3 Level incident the Preliminary Announcement Report must be followed by an Incident Investigation Report which must be updated whenever new information related to the incident is discovered.
- b) When updating an Incident Investigation Report, send out the notification to the Accident/Incident distribution list on Outlook indicating that the report is a "Follow-up Report".
- c) All "Follow-up Reports" must be forwarded in a timely manner for management review.
- d) An incident may have more than one "Follow-up Report" due to the discovery of new information, reclassification of the incident type, or a revision of corrective action steps.

4.8.6 Incident Information Sharing and EH&S Scorecards

- a) Incidents will be tabulated and shared with all operations on a monthly basis by way of a monthly EH&S scorecard. This table will summarize the following:
 - Incident types;
 - Severity;
 - Locations;
 - Basic/root cause and corrective action steps, and;
 - Comparisons of year-to-date performance against the previous month/year.

Important: The Corrective Action Plan may include several sub-action items to assist the parties responsible for executing the action step to completion; however, these detailed sub-action items do not need to be recorded on the Incident Report Form.

- b) When warranted, as a result of the risk level assessment of the investigation, some incidents may be shared before the monthly scorecard is distributed to alert all employees of an event and its cause(s). This is to increase learning, solicit the best knowledge of corrective action step development, and to prevent similar occurrences at other Niska locations.
- c) Niska employees are encouraged to question and offer solutions to any incident if it will improve its mitigation and prevention.

4.8.7 Incident Investigation Corrective Action Closure

- a) As part of the corrective action plan, completion of action steps will be recorded in the work order system.
- b) After all action steps have been successfully completed, the Supervisor shall ensure that there are no outstanding items to resolve the incident.
- c) Once the Supervisor has verified that all action steps have been addressed and a work order has been issued, the Incident Investigation Report will be marked as 'Closed' and forwarded to Accident/Incident distribution list for updating in the incident database. This 'Closed' report then serves as a record of the incident and its corresponding corrective action and resolution.
- d) Documentation and records serving as evidence of the resolution of action steps will be maintained with the Incident Investigation Report file in the field office.
- e) It is imperative that all Incident Investigation Report Form records contain factual information specific to the incident, demonstrate responsible care and attention, and provide the complete resolution of the assigned corrective action steps.

5.0 Procedure Assessment Criteria

Assessment of this Guideline will consist of a review by a team of EH&S and/or Operations Management staff on a periodic basis. The assessment criteria will include:

- a) Analysis of all Incident Investigation Reports over a defined time;
- b) Review of the Incident Investigation Reports for completeness; and
- c) Review of the corrective action steps for completeness and resolution as indicated in the report.



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An Assessment Report will be prepared to communicate the findings and recommendations to Operations Management. Based on the formal review and recommendations, this Guideline will be revised and changes will be communicated to affected workers using the Management of Change (MOC) process.

6.0 Training and Qualification Requirements

Training on this Guideline will consist of:

- a) A formal presentation to all Niska operations employees and selected contractors/inspectors working for Niska;
- b) Training on the DNV SCAT® chart for all Lead Operators, Supervisors, Operations Superintendents, Managers and Officers; and
- c) Completion of a group exercise in completing an Incident Investigation Report using a hypothetical incident.

Training on this Guideline will be conducted by the EHS&S Coordinator or their designate.

7.0 REFERENCES AND RESOURCES

1. Niska Gas Storage Emergency Response Manual
2. Accident Investigation in the Workplace – A Practical Guide, by Dilys Robertson
3. Professional Accident Investigation – by Raymond Kuhlman
4. Systematic Cause Analysis Technique (SCAT®) – Det Norske Veritas
5. Accident Investigation – Det Norske Veritas

8.0 VERSION LOG

Version Number	Version Date	Reviewed by
1	Mar/29/2007	<ul style="list-style-type: none"> • Kelly Baltimore, EHS&S Coordinator • Simon Dupere, Chief Operating Officer • Stephen Howell, Manager Engineering & Operations • Wayne Mardian, Superintendent of Operations • Steve MacNeil, Superintendent of Operations • Gary Theberge, Manager Engineering & Operations •



Incident Reporting and Investigation Guideline

Signed _____ Simon Dupere COO

Dated: _____

9.0 GLOSSARY OF TERMS

Basic/ root cause: An analysis of facts and best available information related to an incident to establish the main underlying cause(s) of an incident.

Corrective action: A task assigned to an individual to address the cause of an incident, prevent its recurrence or mitigate any adverse effects.

Corrective action plan: The combined corrective action steps, the responsible Workers and the target dates for completing the corrective actions.

Emergency: A serious, unexpected and potentially dangerous situation requiring immediate action.

ERP: The current version of Niska's Emergency Response Plan.

Incident: An event which could or does result in unintended harm or damage to people, equipment, materials or the environment, including Near Misses and minor loss events.

Incident timeline: A log of events in chronological order leading up to, during, and following an incident. Such events include phone calls, inspections, investigations, meetings, internal/external notifications, site activities, and other response actions undertaken, on or off site, related to the incident.

Investigation level: incidents are classed in three levels from highest to lowest based on the Risk Level of the incident, High - Level III, Medium – Level II or Low - Level I

Investigation Team: A team assembled to collect and analyze evidence and facts related to an incident, and to develop corrective actions to address each causal factor. The Investigation Team could be comprised of individuals exclusively from Niska, or could include consultants, or could be a single individual.

Loss: Avoidable waste of any resource.

Near miss: An undesired event that, under slightly different circumstances, could have resulted in personal injury, equipment and/or material damage or harm to the environment.

Operations Management: A Niska team comprised of one or more of the Manager of Operations, Manager of Engineering, Manager of EH&S, and the COO.

Risk level: A subjective assessment of the Loss potential of an incident by combining; the loss severity potential, probability of occurrence and frequency of exposure.

Stakeholders: Niska employees, contractors, regulators, communities and customers.

Supervisor: A Niska Supervisor, EI&C Coordinator or Superintendent of Operations

Worker: A Niska employee, contracted employer, contracted employee, or consultant who is engaged in an occupation on behalf of Niska or works at a Niska work site.



10.0 APPENDICES

Appendix A – Preliminary Announcement Report Form

Appendix B – Incident Investigation Report Form

Appendix C – Incident Investigation Risk Matrix

Appendix D - Incident Investigation Reporting Flow Chart

Appendix A – Preliminary Announcement Report Form

TYPE OF INCIDENT		LOCATION	
<input type="checkbox"/> Personal Injury	<input type="checkbox"/> Property Damage	<input type="checkbox"/> Countess	<input type="checkbox"/> Salt Plains
<input type="checkbox"/> Process/Operation Loss	<input type="checkbox"/> Environmental Release	<input type="checkbox"/> Suffield	<input type="checkbox"/> Wild Goose
		FACILITY	DATE: DD/MMM/YYYY
NATURE OF LOSS	Apparent nature and extent of injury, property damage, process/operational loss or impact to the environment		
DESCRIPTION OF INCIDENT	Information available at this time		
APPARENT CAUSE	Apparent causes at this time		

* To be used for Levels II & III Incidents

Appendix B – Incident Investigation Report Form

		INCIDENT LEVEL		
		LEVEL 1	LEVEL 2	LEVEL 3
TYPE OF INCIDENT	PEOPLE	PROPERTY	PROCESS OPERATION	ENVIRONMENT
	<input type="checkbox"/> FIRST AID <input type="checkbox"/> MEDICAL AID <input type="checkbox"/> LTA <input type="checkbox"/> FATALITY <input type="checkbox"/> RESTRICTED DUTY <input type="checkbox"/> OTHER	<input type="checkbox"/> FIRE EXPLOSION <input type="checkbox"/> GROUND DISTURBANCE <input type="checkbox"/> ELECTRICAL <input type="checkbox"/> MOTOR VEHICLE <input type="checkbox"/> SECURITY <input type="checkbox"/> OTHER	<input type="checkbox"/> APPROVAL VIOLATION <input type="checkbox"/> MATERIAL LOSS <input type="checkbox"/> MECHANICAL FAILURE <input type="checkbox"/> PRESSURE VESSEL <input type="checkbox"/> PRODUCTION LOSS <input type="checkbox"/> OTHER	<input type="checkbox"/> SPILL <input type="checkbox"/> GAS RELEASE <input type="checkbox"/> PUBLIC COMPLAINT <input type="checkbox"/> ODOR <input type="checkbox"/> OTHER
	FACILITY	DATE OF INCIDENT: DD/MM/YYYY	TIME	
	<input type="checkbox"/> COUNTESS <input type="checkbox"/> SALT PLAINS <input type="checkbox"/> SUFIELD <input type="checkbox"/> WILD GOOSE	LOCATION OF INCIDENT AT THE FACILITY:		
WEATHER CONDITIONS	TEMPERATURE	PARTIES INVOLVED		
<input type="checkbox"/> CLEAR <input type="checkbox"/> OVERCAST <input type="checkbox"/> FOGGY <input type="checkbox"/> RAINING <input type="checkbox"/> SNOWING <input type="checkbox"/> OTHER	CELSIUS _____ FAHRENHEIT _____	<input type="checkbox"/> EMPLOYEE <input type="checkbox"/> CONTRACTOR		
IDENTIFYING INFORMATION	PEOPLE	PROPERTY DAMAGE	PROCESS OPERATION	ENVIRONMENTAL
	INJURED WORKERS NAME	PROPERTY DAMAGED	TYPE OF EQUIPMENT	MATERIAL INVOLVED
	OCCUPATION	CAUSE OF DAMAGE	CAUSE OF DAMAGE	RELEASE SOURCE
	PART OF BODY INJURED	NATURE OF LOSS	NATURE OF LOSS	RECEPTOR
	NATURE OF INJURY	OBJECT INFLECTING DAMAGE	OBJECT RELATED	AMOUNT RELEASED
	OBJECT INFLECTING HARM	ESTIMATED COST	ESTIMATED COST	CONTAINMENT EFFORTS
	DISPOSITION OF INJURY. CHECK ONE BOX TO THE RIGHT IF APPLICABLE	ACTUAL COST	ACTUAL COST	AREA IMPACTED
	NAME OF PERSON(S) INVOLVED IN THE INCIDENT	ACTUAL COST	ACTUAL COST	ESTIMATED COST
	1	1	1	ACTUAL COST
	2	2	2	ACTUAL COST
3	3	3	ACTUAL COST	
RISK	EVALUATION OF LOSS POTENTIAL USING THE NISKA RISK MATRIX:			
	LOSS SEVERITY POTENTIAL	PROBABILITY OF OCCURRENCE	FREQUENCY OF EXPOSURE	RISK RANKING
	<input type="checkbox"/> MAJOR <input type="checkbox"/> SERIOUS <input type="checkbox"/> MINOR	<input type="checkbox"/> HIGH <input type="checkbox"/> MODERATE <input type="checkbox"/> LOW	<input type="checkbox"/> EXTENSIVE <input type="checkbox"/> MODERATE <input type="checkbox"/> LOW	<input type="checkbox"/> MAJOR <input type="checkbox"/> SERIOUS <input type="checkbox"/> MINOR
DESCRIPTION	DESCRIBE HOW THE EVENT OCCURRED			
	TYPE OF EVENT <input type="checkbox"/> STRUCK AGAINST (RUNNING OR BUMPING INTO) <input type="checkbox"/> STRUCK BY (HIT BY MOVING OBJECT) <input type="checkbox"/> FALL TO BELOW <input type="checkbox"/> FALL ON SAME LEVEL (SLIP AND FALL, TRIP) <input type="checkbox"/> CAUGHT IN (PINCH OR NIP POINTS) <input type="checkbox"/> CAUGHT ON (SNAGGED, HUNG) <input type="checkbox"/> CAUGHT BETWEEN OR UNDER (CRUSHED) <input type="checkbox"/> CONTACT WITH ELECTRICITY, HEAT, COLD, TOXICS, BIOLOGICAL, NOISE <input type="checkbox"/> OVERSTRESS (OVEREXERTION, OVERLOAD, OVEREXPOSURE) <input type="checkbox"/> EQUIPMENT FAILURE <input type="checkbox"/> ENVIRONMENTAL RELEASE			
IMMEDIATE CAUSE	IMMEDIATE CAUSES: WHAT SUBSTANDARD ACTIONS OR CONDITIONS CAUSED OR MAY HAVE CAUSED THE EVENT?			
	SUBSTANDARD ACTS		SUBSTANDARD CONDITIONS	
	<input type="checkbox"/> OPERATING EQUIPMENT WITHOUT AUTHORITY <input type="checkbox"/> FAILURE TO WARN <input type="checkbox"/> FAILURE TO SECURE <input type="checkbox"/> OPERATING AT IMPROPER SPEED <input type="checkbox"/> MAKING SAFETY DEVICES INOPERATIVE <input type="checkbox"/> USING DEFECTIVE EQUIPMENT <input type="checkbox"/> FAILING TO USE PPE PROPERLY <input type="checkbox"/> IMPROPER LOADING <input type="checkbox"/> IMPROPER PLACEMENT <input type="checkbox"/> IMPROPER LIFTING <input type="checkbox"/> IMPROPER POSITION FOR TASK <input type="checkbox"/> SERVICING EQUIPMENT IN OPERATION <input type="checkbox"/> HORSEPLAY <input type="checkbox"/> UNDER INFLUENCE OF ALCOHOL AND/OR OTHER DRUGS <input type="checkbox"/> USING EQUIPMENT IMPROPERLY <input type="checkbox"/> FAILURE TO FOLLOW PROCEDURE		<input type="checkbox"/> INADEQUATE GUARDS OR BARRIERS <input type="checkbox"/> INADEQUATE OR IMPROPER PROTECTIVE EQUIPMENT <input type="checkbox"/> DEFECTIVE TOOLS, EQUIPMENT OR MATERIALS <input type="checkbox"/> CONGESTION OR RESTRICTED ACTION <input type="checkbox"/> INADEQUATE WARNING SYSTEM <input type="checkbox"/> FIRE AND EXPLOSION HAZARDS <input type="checkbox"/> POOR HOUSEKEEPING (DISORDER) <input type="checkbox"/> NOISE EXPOSURES <input type="checkbox"/> RADIATION EXPOSURES <input type="checkbox"/> TEMPERATURE EXTREMES <input type="checkbox"/> INADEQUATE OR EXCESS ILLUMINATION <input type="checkbox"/> INADEQUATE VENTILATION <input type="checkbox"/> HAZARDOUS ENVIRONMENTAL CONDITIONS	

BASIC CAUSE	BASIC CAUSES: WHAT PERSONAL OR JOB FACTORS CAUSED OR COULD CAUSE THIS EVENT?	
	PERSONAL FACTORS	JOB FACTORS
	<input type="checkbox"/> INADEQUATE PHYSICAL / PHYSIOLOGICAL CAPABILITY <input type="checkbox"/> INADEQUATE MENTAL / PSYCHOLOGICAL CAPABILITY <input type="checkbox"/> PHYSICAL OR PHYSIOLOGICAL STRESS <input type="checkbox"/> MENTAL OR PSYCHOLOGICAL STRESS <input type="checkbox"/> LACK OF KNOWLEDGE <input type="checkbox"/> LACK OF SKILL <input type="checkbox"/> IMPROPER MOTIVATION	<input type="checkbox"/> INADEQUATE LEADERSHIP AND OR SUPERVISION <input type="checkbox"/> INADEQUATE ENGINEERING <input type="checkbox"/> INADEQUATE PURCHASING <input type="checkbox"/> INADEQUATE MAINTENANCE <input type="checkbox"/> INADEQUATE TOOLS AND EQUIPMENT <input type="checkbox"/> INADEQUATE WORK STANDARDS <input type="checkbox"/> EXCESSIVE WEAR AND TEAR <input type="checkbox"/> ABUSE OR MISUSE
ACTION PLAN	REMEDIAL ACTIONS: WHAT HAS AND OR SHOULD BE DONE TO CONTROL THE CAUSES LISTED?	
REVIEW	SUPERVISOR	
	SIGNATURE: Please type your name	
	DATE: DD/MM/YYYY	



Incident Reporting and Investigation Guideline

Appendix C Incident Investigation Matrix

Loss Severity Potential					
	People (Public/Worker Safety)	Property	Process/Operation	Environment	Impact to Company
3 Major	<ul style="list-style-type: none"> A condition or practice likely to cause major non-fatal injury or fatality or loss of consciousness or temporary inability to perform normal work activities. A condition or practice likely to cause major non-fatal injury or fatality. A condition or practice likely to cause major non-fatal injury or fatality. 	<ul style="list-style-type: none"> A condition likely to cause property damage to a major structure, equipment, or major process loss and that could cause an excess of > \$25,000 but < \$1,000,000 in property damage, but is less severe than a Major. 	<ul style="list-style-type: none"> A condition that has or did cause > \$100,000 < \$1,000,000 in revenue loss due to a facility or system shutdown or suspension of operation or from regulatory authorities. Reportable non-compliance. Enforcement action issued, significant fines and investigation possible. Temporary closure or interruption of work or other not requiring Board of Directors or investor notice. Some control and/or relief systems not available. 	<ul style="list-style-type: none"> Potential impact to the environment requiring clean up and/or action by external management. Could be classified as severe loss, Major risk. The situation will likely not be confined to Niska controlled property. There exists a potential danger to the public and/or risk of adverse effect on the environment. Immediate control is likely, some control and/or relief not operational. External assistance required to mitigate the results of the situation. 	<ul style="list-style-type: none"> Significant, limited to people, process, property/operations or the environment. Moderate direct impact to people, property, process/operations or the environment. Immediate control of hazard is becoming progressively more difficult because of deteriorating conditions and/or control.
2 Serious	<ul style="list-style-type: none"> A condition or practice likely to cause major non-fatal injury or fatality or loss of consciousness or temporary inability to perform normal work activities. A condition or practice likely to cause major non-fatal injury or fatality. A condition or practice likely to cause major non-fatal injury or fatality. Procedural gap or required form not used that is in clear contravention of regulatory/internal standards. On-site, with possible impact off-site. 	<ul style="list-style-type: none"> A condition that has or did cause < \$500 - but < \$25,000 in property damage. 	<ul style="list-style-type: none"> A condition that has or did cause > \$500 but < \$100,000 in revenue loss, due to a facility or system shutdown. Non-reportable non-compliance. Control and relief systems functioning correctly. 	<ul style="list-style-type: none"> Minor issue with low risks. Manageable with internal resources or limited external help. Spill confined to site. 	<ul style="list-style-type: none"> Significant, limited to people, process, property/operations or the environment. Immediate control of hazard with progressive resolution of the situation.
1 Minor	<ul style="list-style-type: none"> A condition or practice likely to cause minor non-fatal injury or first aid case. Incomplete form or training requirement. Public safety is not threatened. On-site, with possible impact off-site. 	<ul style="list-style-type: none"> A condition that has or did cause < \$500 - but < \$25,000 in property damage. 	<ul style="list-style-type: none"> A condition that has or did cause > \$500 but < \$100,000 in revenue loss, due to a facility or system shutdown. Non-reportable non-compliance. Control and relief systems functioning correctly. 	<ul style="list-style-type: none"> Minor issue with low risks. Manageable with internal resources or limited external help. Spill confined to site. 	<ul style="list-style-type: none"> Significant, limited to people, process, property/operations or the environment. Immediate control of hazard with progressive resolution of the situation.



Incident Reporting and Investigation Guideline

Probability of Recurrence Index	Frequency of Exposure
Moderate (3): The probability of recurrence is 1-3 times per year.	Moderate (2): The frequency of exposure is 1-3 times per day but not once per week.
Low (1): The probability of recurrence is < 1 time in 10 years.	Low (1): The frequency of exposure is > once per week.

Loss Potential	Risk Level				
	5	5	7	8	9
3 Serious	4	5	5	7	8
1 Minor	3	4	5	6	7
Probability + Frequency	2	3	4	5	6

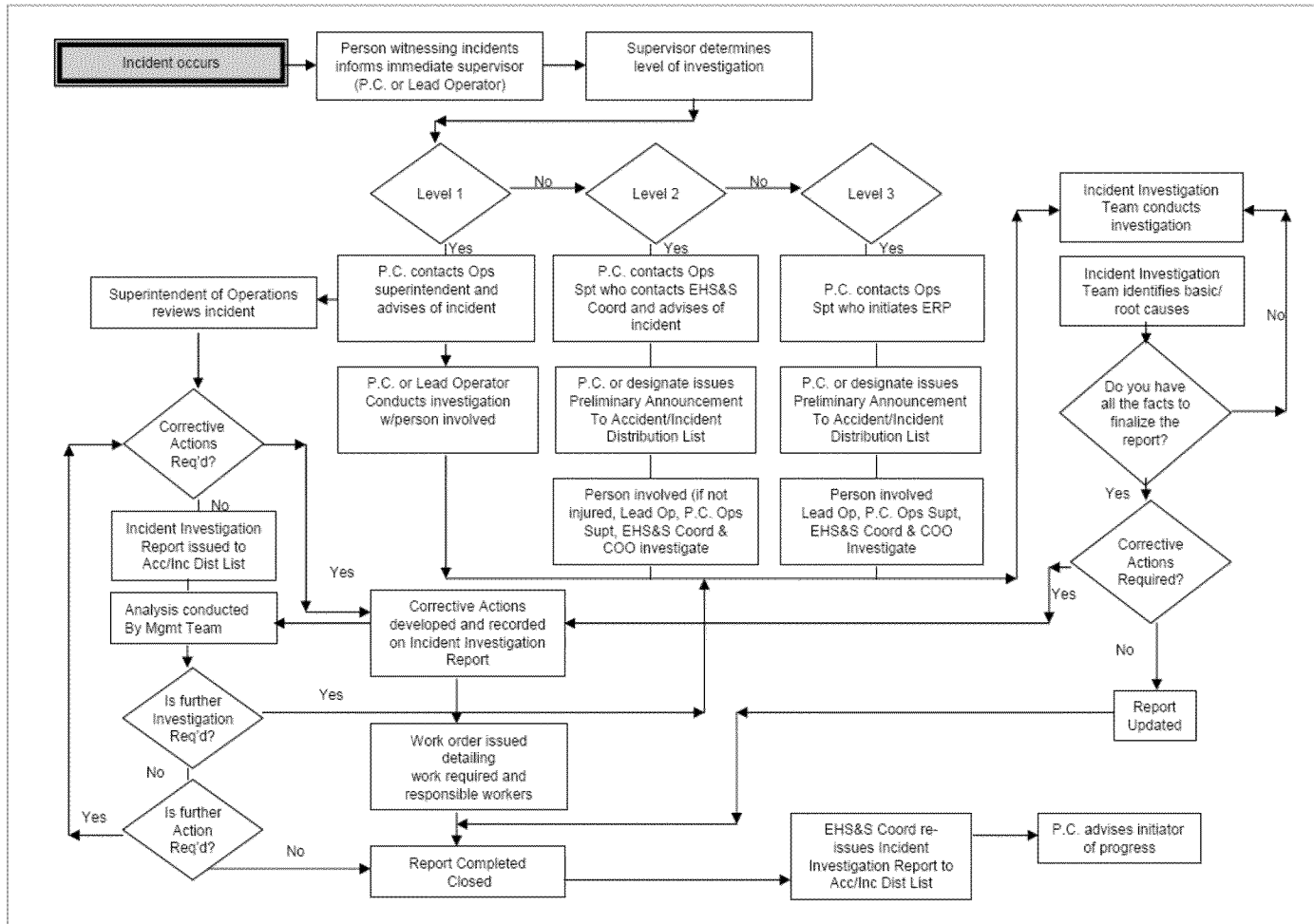
Level of Risk	Action Required
Serious (8-9)	<ul style="list-style-type: none"> <input type="checkbox"/> Incident investigated by COO, EHS&S Coordinator, Superintendent of Operations and Production Coordinator. <input type="checkbox"/> Incident investigated by COO, EHS&S Coordinator, Superintendent of Operations and Production Coordinator. <input type="checkbox"/> Incident investigated by COO, EHS&S Coordinator, Superintendent of Operations and Production Coordinator. <input type="checkbox"/> Incident investigated by COO, EHS&S Coordinator, Superintendent of Operations and Production Coordinator. <input type="checkbox"/> Incident investigated by COO, EHS&S Coordinator, Superintendent of Operations and Production Coordinator. <input type="checkbox"/> Incident investigated by COO, EHS&S Coordinator, Superintendent of Operations and Production Coordinator.
Serious (5-7)	<ul style="list-style-type: none"> <input type="checkbox"/> Cannot be rectified by site personnel. Local external aid must be obtained to control the incident. <input type="checkbox"/> Work activities related to Safe Work Permits are terminated. <input type="checkbox"/> Ensure the safety of all workers. <input type="checkbox"/> Safe Work Permits pertaining to the incident are cancelled. <input type="checkbox"/> Contact Safety Supervisor. <input type="checkbox"/> Extensive Risk controls must be immediately implemented. <input type="checkbox"/> Work activities can resume with approval from the Operations Superintendent. <input type="checkbox"/> Incident investigated by COO, EHS&S Coordinator, Superintendent of Operations and Production Coordinator.
Minor (3-4)	<ul style="list-style-type: none"> <input type="checkbox"/> Can be handled site by company personnel. <input type="checkbox"/> Ensure the safety of all workers. <input type="checkbox"/> Safe Work Permits are temporarily suspended but may resume with the Production Coordinator's approval. <input type="checkbox"/> Some risk controls are justified. <input type="checkbox"/> Incident investigated by site personnel - Superintendent of Operations, Production Coordinator, and Lead Operator.

* Add the Probability of Recurrence Index and the Frequency of Exposure together



Incident Reporting and Investigation Guideline

Appendix D Incident Investigation Flow Chart



Version: 1
 Version Date 29/03/2007
 Print Date: 24/05/2013

SB_GT&S_0361729



INCIDENT AND SERVICE INTERRUPTION REPORT

Reported By:		Reported To:		Time:		Date:			
Phone No:		Phone No:				Mo-Day-Yr			
Company:		District/Location:		Media Attention		Yes No			
Time/Location	Plant:		Pipeline Name:		<input type="checkbox"/> Rural <input type="checkbox"/> Non Rural				
	State:		County		Sec.-Twn-Range:		<input type="checkbox"/> Gas		
	Pipeline Data	<input type="checkbox"/> Transmission <input type="checkbox"/> Gathering	Gathering <input type="checkbox"/> D.O.T Juris <input type="checkbox"/> Non Juris		Size	Wall	Grade	MAOP	OP Press.
Incident	Release & Fatality		Employee Public	<input type="checkbox"/> Yes <input type="checkbox"/> No	Fire or Explosion		Yes	Yes	
	Release & Injury		Employee Public	<input type="checkbox"/> Yes <input type="checkbox"/> No	Other Significant Event		Yes	Yes	
	Gas Release & Property Damage > \$50,000			Yes	No	Total Estimated Property Damage To Company and Others \$ _____			
System Interruption	System Interruption <input type="checkbox"/> yes <input type="checkbox"/> no		Estimated Length of System Interruption			Hrs.		Min.	
	System or Customer Affected:								
					Date & Time Completed		Est. Act.		
Desc. & Cause	<input type="checkbox"/> Outside Force		<input type="checkbox"/> Corrosion		<input type="checkbox"/> Material Failure		<input type="checkbox"/> Construction Defect		<input type="checkbox"/> Other
	Description and Apparent Cause: _____								
Action Taken	Temporary measures to protect the public or maintain system:				Date & Time System Completed		Est. Act.		
	Repair:				Date & Time Completed		Est. Act.		
Report Activity	Telephone Report		To:		<input type="checkbox"/> DOT <input type="checkbox"/> State <input type="checkbox"/> CPUC <input type="checkbox"/> Others:				
			Reported By:		Date Reported:		Time Reported:		
	<input type="checkbox"/> Form PHMSA F 7100.2		Reported By:				Time Reported:		
Distribution:				Signatures:					
_____				Completed by: _____					
_____				Supervisor: _____					



NOTICE AND DISPOSITION OF REPORTED INCIDENT

A. Type: Line Leak _____ R.O.W. Encroachment _____
Other (describe fully) _____

B. Location: _____

C. Reported By: _____ Employed By: _____
Phone: _____ City: _____
To: _____ Time/Date: _____

D. Investigation Requested By: _____
Time/Date: _____
Requested of: _____
Made by: _____
Time/Date: _____

E. Description of Incident: _____

(Note: If drawing is required, use the back of this sheet)

F. Corrective Action Taken: _____

G. Further Action Recommended: _____

H. Completed: Time/Date: _____ By: _____

I. Approval: _____ Time/Date: _____

INSTRUCTIONS:

1. A-E data will be completed by person reporting the incident
2. When Required Action and Recommendation(s) have been completed and recorded (Section F-H), the Production Coordinator will review, approve (I) and retain the form in the pipeline file.
3. If pipeline is uncovered, the WGS Form 104 Pipeline Exposure and Inspection Report must also be submitted.



SAFETY RELATED CONDITION REPORT

WGS Form-108

Company: _____	Operating Location: _____	Date: _____ <small>Mo/Dav/Yr</small>
----------------	---------------------------	---

<p style="text-align: center;">Person Submitting Report:</p> <p>Name: _____</p> <p>Title: _____</p> <p>Telephone: _____</p> <p>Date Condition Discovered: _____</p>	<p style="text-align: center;">Person Who Determined Condition Exists:</p> <p>Name: _____</p> <p>Title: _____</p> <p>Telephone: _____</p> <p>Date Condition Determined: _____</p>
--	--

Location of Condition:

Condition on pipeline is within 220 yards of building intended for occupancy Rural

Condition on pipeline is within paved road ROW or Railroad ROW Non-Rural

Offshore

Pipeline Name & Number: _____ Class Location: (Gas) _____

Date(s) of Installation of all Affected Pipeline Segments: _____

O.D. _____ Station or Mile Post _____

Wall Thickness: _____ Grade: _____

Plant Field / Area: _____

State: _____ County: _____ Sec/Twns/Range: _____

Name of nearest street or road (when applicable) _____

Condition Description:

Corrective Action Taken:

Signatures:

Person Completing This Form: _____

Supervisor: _____



PIPELINE LEAK REPAIR REPORT

WGS Form 109

OWNER _____ DATE _____

LOCATION _____

Date Leak Detected: _____ Time: _____

Classification of Leak: Major _____ Medium _____ Minor _____

Source of Leak:

Pipe _____	Drip _____	Manhole _____
Valve _____	Regulator _____	Under Pavement _____
Fitting _____	Tap Connection _____	Other _____

Cause:

Corrosion _____	Construction Defect _____
Material Failure _____	Damage by Outside Force _____
Other _____	

Date Repaired: _____

Method Used: _____

Remarks: _____

Supervisor: _____ Date: _____

Manager: _____ Date: _____



LEAK INVESTIGATION REPORT

WGS FORM 115

System: _____ Date: _____

I. Location: _____

Beginning milepost or station number	Ending milepost or station numbers	Unique Number for Leak Identification

II. Form of Leak Detection:

Flame Ionization Combustible Gas Indicator

III. Pipe Data:

Size: _____ Operating Pressure: _____

Grade of Pipe: _____ Wall: _____

Type of Coating: _____

Pipe-to-Soil potential at leak site (Cu-SO4 Ref): _____

Condition of pipe and coating around leak site: _____

III. Cause of Leak:

A. External Corrosion

1. Results of 5% HCl Test: _____

2. Repairs made by: _____

B. Internal Corrosion

1. Type of corrosion and cause: _____

2. Repairs made by: _____

C. Damage by others

1. Type of damage and cause: _____

2. Repairs made by: _____

Completed By: _____ Date: _____

Production Coordinator: _____ Date: _____

Wild Goose Storage – Safety Plan Feedback Form

THE WGS SAFETY PLAN IS REVIEWED ANNUALLY AND WGS ENCOURAGES EMPLOYEES TO PROVIDE FEEDBACK AND PARTICIPATE IN THE SAFETY PLAN AT ALL TIMES.

PLEASE PROVIDE ANY FEEDBACK IN THE SPACE BELOW OR CONTACT GARY THEBERGE AT 403-513-8631 WITH ANY QUESTIONS, COMMENTS AND SUGGESTIONS

Date: _____ Name (optional): _____

Safety Plan Document: _____ (i.e. Integrity Management Plan, Operator Qualifications Program, EHS Handbook etc.)

Feedback:

Wild Goose Storage Safety Plan Feedback Log

Date Feedback Received	Feedback Received From	Summary of Feedback Given	Resolution (including rationale)	WGS Sign off / Date