ANTI-DRUG PROGRAM

DOT-REQUIRED DRUG TESTS

E & B Oilfield Services Inc. 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:** 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 of more than 30 days who have not been participating in the Company's drug program or 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 if circumstances require it.

- **Post-Accident Testing**: E & B Oilfield Services Inc. 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 or not to test any employee will be based on the Company's determination that the covered employee's performance could or could not have contributed to the accident. E & B Oilfield Services Inc. 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 to conduct a post-accident test. Refer to the Post Accident or Reasonable Cause/Suspicion Supervisor Written Record.

  A post-accident drug test will be conducted on each employee as soon as possible but no later than 32 hours after the accident. The Company will decide whether or not to test if the time between the employee's performance and the accident, it is not likely that a drug test would reveal whether the performance was affected by drug use.

E & B Oilfield Services Inc. 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 authorizes 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 travel alone to or from the collection site. An employee who is subject to post-accident testing and fails to remain readily available for such testing, including notifying E & B Oilfield Services Inc. or David Abegglen of their location if they leave the scene of the accident prior to submission to such test, may be deemed 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:** E & B Oilfield Services Inc. 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 will 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. All covered employees will have an equal chance of being selected for testing.

Random testing will occur on a quarterly basis. Prior to selection, the DER must ensure that the random testing pool has been updated to include all current covered employees. 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, will use the random selection procedures to compile a list of employees to be tested in each testing cycle. The number of employees selected must be sufficient to meet the minimum number of required tests. The selected employee list will be will be kept 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 only 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**: E & B Oilfield Services Inc. will conduct reasonable-suspicion testing, also known as reasonable cause testing, based on the Company's observation of "signs and symptoms" 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, must concur in the decision to test an employee. The concurrence between the two supervisors may be by telephone. If a 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 will 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 must 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 Company will ensure that no action is taken against en employee based on their behavior or appearance in the absence of a DOT alcohol test.

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.

The employee may 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:** 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, that 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 evaluation/treatment processes. The results of a return-to-duty drug test must be negative in order to allow the employee to return to work. A canceled 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:** 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 must 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 days and times of the tests, and the tests will be unannounced. Follow-up testing may 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.

DRUG TESTS REQUIRING DIRECT OBSERVATION

E & B Oilfield Services Inc. 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 direct observation procedures become necessary, the Company will instruct 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
- The specimen appears to have been tampered with
- A previous specimen has been reported as invalid, adulterated, substituted, or contains a 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.
- The Company will require the collector to ensure the employee is not wearing a prosthetic device capable of introducing an adulterated or substitute test sample. This verification may require the raising or lowering of the employees clothing for visual inspection, but must also ensure that the employee is permitted to reposition his or her clothing following the inspection.
- E & B Oilfield Services Inc. 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").

DOT COLLECTION SITES

E & B Oilfield Services Inc. will ensure that the collection sites used 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
- 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 may not serve as a collector in conducting any required drug test unless it is otherwise impracticable.
- E & B Oilfield Services Inc. 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.
- E & B Oilfield Services Inc. will inform all employees 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, such as an unusual specimen temperature.

- Once 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 psychological reason for not providing a urine specimen, it will be considered a refusal to test.

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.

PHMSA INSPECTION OF SPECIMEN COLLECTION SITES

PHMSA's Substance Abuse Program requires a separate inspection protocol for Specimen Collection Sites. The PHMSA Inspection Form (Form No. 3.1.11) is available from the PHMSA website, and should be used to audit collection sites. E & B Oilfield Services Inc. will ensure that all DOT drug tests comply with Part 40 requirements.

E & B Oilfield Services Inc. 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. 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.

The Company will use designated collection sites that meet DOT requirements. 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. 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. The current CCF, and a collection kit that meets the requirements of Appendix A to Part 40, will be used for DOT collections.

Collectors will explain the basic collection procedure to the employee, including showing the employee the instructions on the back of the CCF. In most all collections, E & B Oilfield Services Inc. 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. Precautions will be taken to ensure that unadulterated specimens are obtained and correctly identified.

Specimen integrity must be maintained by:

- Bluing agents being added in the toilet tank
- Securing all water sources
- 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 before collection
- Having the collector keep an employee's collection container within view of both the collector and employee from the time the employee has urinated and until the specimen is sealed
- Noting any unusual behavior on the CCF

Following the collection, the specimen will be checked: for sufficient volume (i.e., 45 mL), for acceptable temperature range (i.e., between 90-100 degrees F), and for the absence of tampering (e.g., color, odor). If there are issues with specimen volume, the collector will follow DOT's "shy bladder" procedures; problems with temperature or tampering will result in the collector conducting a second collection under direct observation.

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, or substituted 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. 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.

DRUG TESTING LABORATORY

E & B Oilfield Services Inc. will employ a laboratory that follows 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").

E & B Oilfield Services Inc. will 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 E & B Oilfield Services Inc. 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.

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.

The laboratory will ensure that, on each DOT test, each specimen is tested for marijuana, cocaine, amphetamines, opiates, and phencyclidine (PCP) using the established cutoff limits listed in the following table. 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.

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	Benzoylecgonine	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

[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.

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.

When the laboratory receives a DOT specimen, it 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:

- Specimen ID numbers on the CCF and the bottles do not match
- Not enough urine and the bottles cannot be re-designated
- Signs of tampering and the bottles cannot be re-designated
- 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. These results are also referred to as "non-negative" results.

LABORATORY RETENTION PERIODS AND REPORTS

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.

All laboratory records pertaining to any test for E & B Oilfield Services Inc. 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.

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.

LABORATORY QUALITY CONTROL

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 behalf of the companies that are clients of the C/TPA.

If the Company, or any C/TPA employed by the Company, has 2,000 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 E & B Oilfield Services Inc., or any C/TPA employed by the Company, reaches the 2,000-employee threshold, quality control specimens 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.

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.

MRO REVIEW OF DRUG TEST RESULTS

E & B Oilfield Services Inc. will have, on staff or contract for the services of, an MRO who is a licensed physician with knowledge of drug abuse, and who 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).

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

The MRO will use staff under his or her 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 canceled 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 canceled 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 canceled and order an immediate re-collection under direct observation.

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.

SPLIT SPECIMEN TESTING

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 conducted only at the request of the employee, and then only after using the MRO as the requesting agent for the employee.

E & B Oilfield Services Inc. 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 request for a test of the split specimen (e.g., by establishing appropriate accounts with laboratories for testing split specimens).

The Company must not require the employee to make direct payment to the MRO or laboratory or agree to reimburse the Company for the costs of testing. If the Company 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.

Any payment, direct or indirect, required from the employee will be reimbursed if the results of the split testing are negative. 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 are released appropriately.

The testing of the split specimen will be conducted at another HHS-certified laboratory, different from the original laboratory. E & B Oilfield Services Inc. will select the second laboratory. The Company will ensure that delivery of the split sample to the second testing laboratory complies with all chain of custody requirements.

The split specimen will be tested for the same substance or condition that was found in the primary specimen. The MRO will notify 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 canceled as if they never occurred.

Since some analytes may deteriorate during storage, the results of a retest are to be reported as confirmation of the original test results if the detected level of the drug are below the DOT established limits and, equal to or greater than the sensitivity of the test.

MEDICAL MARIJUANA

The DOT and E & B Oilfield Services Inc. do not accommodate the use of medical marijuana by DOT-covered employees.