

## ALCOHOL MISUSE PREVENTION PROGRAM

### DOT-REQUIRED ALCOHOL TESTS

E & B Oilfield Services Inc. 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**

PHMSA does not mandate a pre-employment alcohol test for covered employees in the pipeline industry. PHMSA does give operators and contractors 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**

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 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 can also decide that because of the amount of time that has passed following the accident that conduct a drug or alcohol test would not reveal the use of those substances. The Company will explain to each employee to be tested, that 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 will be conducted on each employee as soon as possible, but no later than eight hours after the accident. If the test is not completed within two 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 eight hours, the Company shall cease attempts to do so, and prepare a written record documenting why the test was not completed.

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 is to be construed as justification to 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**

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" of specific observations concerning the appearance, behavior, speech, or body odors of the employee. The supervisor who makes the determination of reasonable suspicion will not conduct the breath alcohol test on that employee. A supervisor, trained in detection of the possible signs and symptoms of alcohol use, will perform the test on the employee. The decision to test will be made only on an employee during, just before, or just after their performance of DOT functions.

The Company will prohibit any employee from performing his or her assigned duties when the Company has knowledge of alcohol use, or is required to respond to a reported emergency.

The supervisor making the determination to test must 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 two 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 eight 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 they 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**

E & B Oilfield Services Inc. 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 canceled 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**

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 days and times of the tests, and ensure 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.

## **ALCOHOL TEST**

E & B Oilfield Services Inc. 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

E & B Oilfield Services Inc. will use only qualified Screening Test Technicians (STT) or Breath Alcohol Technicians (BAT) for DOT alcohol tests. These technicians will conduct the test using only 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).

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 Specimens

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.

E & B Oilfield Services Inc. 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 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 be administered only 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 result 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.

## PHMSA INSPECTION PROTOCOL FOR ALCOHOL TESTING SITES

PHMSA's Substance Abuse Program requires a separate inspection protocol for Alcohol Testing Sites. This inspection protocol is included in the PHMSA form 3.1.11, which is also used for drug-testing sites.

### **Alcohol Testing Personnel**

E & B Oilfield Services Inc. 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. The Company will maintain records of the names, addresses, and certification status of all qualified SATs and BATs. This information will be reviewed and revised annually. (A copy of this form is included in appendix B of this document). 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.

### **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.

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. The QAP and associated manufacturer's instructions will be followed for all EBTs and ASDs used by the Company. It is the responsibility of the testing sites used by the Company to carry out this responsibility for the Company.

## Alcohol Screening Tests

Only the DOT-approved ATF form will be used for all Company alcohol tests. The employee will provide a positive identification through the use of photo ID or by employer representative prior to the test. The BAT or STT will explain the testing process to the employee, including showing the employee the instructions on the back of the ATF. 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, but 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.

## Alcohol Screening with an ASD

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 then changing 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

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 following the required 15 minute waiting period. The technician will also advise the employee not to eat, drink, put anything (e.g., cigarette, chewing gum) into his /her mouth, or belch, during the 15-minute waiting period until the test occurs.

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 employee will be directed not to attempt to drive a motor vehicle to the confirmation testing site. The employee will be observed by the technician or an employer representative on the way to the confirmation testing site. The time of transit between sites counts toward the waiting period.

## Alcohol Confirmation Test

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, but not more than 30 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 reason for the waiting period is to prevent an accumulation of mouth alcohol from leading to an artificially high reading). 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 (it must be 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

The Plan addresses the situations in which an employee has refused to take an alcohol test. (See the "DOT Alcohol Violations and Prohibited Conduct" section of this document). 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 E & B Oilfield Services Inc.. 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 E & B Oilfield Services Inc. with a signed statement of their conclusions. If it is the reasonable medical judgment of the physician, that a medical condition has, or could have, prevented 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 could have, prevented the employee from providing a sufficient amount of breath, this constitutes a refusal to test.

## Canceling an Alcohol Test

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 using 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

In the case of a screening 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 using an EBT:

- 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, or there is not a 0.00 result on the air blank conducted before the confirmation test
- The EBT does not print the result
- 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 occur if the BAT or STT:

- Does not sign the ATF
- Fails to note on the "Remarks" line of the ATF that the employee has not signed the ATF after the result is obtained
- Uses a non-DOT form for the test

### **Correcting Alcohol Problems**

E & B Oilfield Services Inc. 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 become 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 canceled. 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.

