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AkzoNobel

Tomorrow's Answers Today

Washington Utilities and Transportation Commission
1300 S. Evergreen Park Dr. S.W.
Olympia, WA 98504-7250

February 12, 2010

Dear: Mr. Joe Subsits

This letter is written to address the letter from the WUTC dated January 21, 2010 regarding the Alcohol Misuse and Anti Drug plan.

You had requested to review the revised Alcohol Misuse and Anti Drug Plan. Enclosed is the plan Eka Chemicals has established. As noted on the plan it became effective January 20, 2010. Although the plan is currently in effect as it stands today should you find exception to the plan those changes will be made immediately.

If you have any questions or concerns I can be reached at 509-764-1502 or by email at Lind.Bingham@akzonobel.com

Sincerely,

Lind Bingham
HSE / Q Manager

eka

EKA CHEMICALS

**Anti-Drug
and Alcohol Misuse Prevention Plan
to Comply with 49 CFR Parts 40 and 199**

Effective 3/11/2010

Rev 3/11/2010

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EKA CHEMICALS
Anti-Drug and Alcohol Misuse Prevention Plan
to Comply with 49 CFR Parts 40 and 199

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Effective 3/11/2010

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EKA CHEMICALS

**Anti-Drug
and
Alcohol Misuse Prevention Plan**

to Comply with 49 CFR Parts 40 and 199

INTRODUCTION

Purpose and Policy Statement

Employees' unauthorized use of controlled substances or misuse of alcohol is incompatible with maintaining high standards of workplace safety and health. This Anti-Drug and Alcohol Misuse Prevention Plan ("ADAMPP" or "Plan") is intended to reduce accidents that result from substance abuse or misuse, thereby reducing fatalities, injuries, and property damage. The Plan specifies prohibitions against substance misuse and abuse and the means by which these prohibitions will be enforced.

The purpose of the program of testing described by the Plan is to enhance safety in our workplace and to comply with federal requirements. Federal drug and alcohol testing regulations, which apply to certain employees of EKA Chemicals (or "the Company"), are promulgated by the U.S. Department of Transportation (DOT). The applicable DOT administrations and regulations are:

- 49 CFR Part 199, "Drug and Alcohol Testing" from the Pipeline & Hazardous Materials Safety Administration (PHMSA) of the DOT, and
- 49 CFR Part 40, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs," which applies to all DOT administrations.

The ADAMPP will be administered jointly by a representative of the Company termed "the Designated Employer Representative" (DER) and a professional drug and alcohol testing service agent termed "Consortium/Third-Party Administrator" (C/TPA) (see Appendix F). The DER and C/TPA will be responsible for implementing and overseeing the execution of policies and procedures of the Plan.

This Plan is intended to comply with DOT regulations, changes in which will supersede specific policy provisions. In addition, federal alcohol testing regulations (49 CFR Part 199) will preempt any state or local law, rule, regulation or order to the extent that:

1. Compliance with both the state or local requirement and the federal regulation is not possible;
2. Compliance with the state or local requirement is an obstacle to the accomplishment and execution of any requirement as set forth in 49 CFR Part 199; or
3. The state or local requirement is a pipeline safety standard applicable to interstate pipeline facilities.

EKA Chemicals retains the sole and exclusive right to administer and interpret this Plan.

Implementation of Plan

The effective date of the Company's original Drug and Alcohol Screening Policy was 1/1/1990. A policy to comply with DOT regulations was implemented on January 20, 2010.

Authority and Occasions for Testing

NOTE: Provisions of this Plan which are based on *Company authority*, as opposed to federal regulations, are printed in **bold, underlined** typeface.

Title 49 of the Code of Federal Regulations (CFR), Part 199, requires employers subject to 49 CFR Parts 192, 193 and 195 and their contractors to test their employees for prohibited drugs on the following occasions:

Pre-employment	Probable cause/reasonable suspicion
Post-accident	Return to duty
Random	Follow-up

The same employees must be tested for alcohol on the following occasions:

Post-accident	Return to duty
Reasonable suspicion	Follow-up

The term "accident" has specific meanings under the federal regulations. Please see Appendix A, Glossary of Terms, for definitions of this and other terms to be used throughout this Plan.

Employees Subject to Testing

Any applicant/employee who would perform on a pipeline an operating, maintenance, or emergency response function regulated by Parts 192, 193 or 195 is subject to drug and alcohol testing under this Plan. Such individuals are employed by the Company in its function as a pipeline operator, and are termed "covered employees"¹ under the PHMSA regulations.

The specific jobs which qualify as "covered" under this Plan are listed in Appendix B.

When Testing Can Occur

Covered employees may be tested for drugs or alcohol whenever they are **on duty**. **For the purposes of this Plan, "on duty" is defined as any time on the job**, since covered employees are expected to be ready to perform safety-sensitive functions on short notice. Conversely, time spent in association with drug testing specimen collection and/or alcohol testing is considered "on-duty" time.

DER Responsibilities

The Company DER is responsible for:

- determining job functions of employees who will be covered by this ADAMPP;
- giving each covered employee a copy of this Plan, explaining the alcohol and drug testing requirements, as well as related educational materials (see Employee Assistance Program, page 15), prior to the commencement of testing ;
- retaining signed acknowledgments of receipt of the Plan and related educational materials for the term of each employee's employment;
- communicating the disciplinary sections of this ADAMPP, specifically the consequences of a verified positive drug test, violation of the alcohol prohibitions of this Plan, or a refusal to take a required drug or alcohol test;

¹ Terms used throughout this Plan are defined in Appendix A (page 20).

- scheduling pre-employment drug testing;
- ensuring that a report of a negative drug test is received before allowing an employee to perform functions covered by 49 CFR Parts 192, 193, or 195;
- notifying the C/TPA promptly when an individual is to be added to or removed from the random selection "pool";
- ensuring that employees who have been notified of random selection for drug testing proceed directly to a specimen collection site/qualified collector;
- assisting trained Company management personnel in resolving any "reasonable suspicion" or "probable cause" incident in which an employee is suspected of violating the alcohol provisions of this Plan or of having used controlled substances such that a drug or alcohol test may be needed under DOT regulations;
- determining whether post-accident drug and alcohol testing is required because an employee's performance cannot be completely discounted as a contributing factor to a pipeline accident;
- referring employees or applicants who are found to have violated the alcohol prohibitions or who have had verified positive drug tests to a qualified Substance Abuse Professional;
- ensuring that any pipeline subcontractors used for functions covered by PHMSA regulations have drug abuse and alcohol misuse prevention programs, including education and training, which meet PHMSA requirements;
- interacting in a timely manner with the C/TPA on issues regarding compliance with DOT drug and alcohol testing regulations;
- maintaining records as required by this Plan, including retention of periodic statistical reports prepared for review by DOT or other authorized agencies.

The Company shall not falsely represent that a drug or alcohol test is being conducted under the provisions of 49 CFR Part 199.

C/TPA Responsibilities

Appendix F contains the name, address, and telephone number of the C/TPA. The C/TPA is responsible for:

- preparation of this ADAMPP, which is intended to comply with DOT regulations as set forth in 49 CFR Parts 40 and 199, for the DER's review and approval;
- performing selections for random testing and communicating them to the DER in a confidential manner;
- assisting the DER in determining whether post-accident drug and alcohol testing is required;
- monitoring the performance of urine drug screen specimen collectors to ensure compliance with DOT standards (49 CFR Part 40);
- interacting in a timely manner with the DER and his or her representatives on issues regarding compliance with DOT drug and alcohol testing regulations;
- preparation of periodic statistical reports as directed by the DER; and
- maintaining records in compliance with this ADAMPP.

Employee Responsibilities

Each employee is responsible for reading this Plan, for asking questions about any element which is unclear, and for cooperating in the preparation for and performance of drug and alcohol testing required under the Plan. A copy of the complete Plan is available at the Company's primary place of business, and will be made available to any employee upon request. Each employee will sign an acknowledgment of

receipt of the Plan and educational materials, and of notification of his/her responsibilities. Signed acknowledgment must be obtained before any alcohol testing is conducted under this Plan.

ALCOHOL AND DRUG PROHIBITIONS

Under Company authority, the use or possession of alcoholic beverages or prohibited drugs (without a valid prescription) while on Company property or in any Company vehicle is strictly prohibited.

Under this ADAMPP, employees are prohibited from using controlled substances without authorization (i.e. a valid prescription from a licensed health care practitioner). Employees are also prohibited from using alcohol for four (4) hours prior to reporting for duty, from using alcohol on duty, and from reporting for duty or remaining on duty while having an alcohol concentration of 0.04² or greater. If an employee is called to duty to respond to a pipeline emergency, he/she is prohibited from using alcohol within the time period after he/she has been notified to report for duty. If a representative of the Company knows that any employee has used alcohol within four hours prior to duty, after being called to duty to respond to a pipeline emergency, or while on duty, that employee will not be allowed to perform covered functions.

Covered employee are prohibited from refusing to submit a urine or breath specimen when required by federal regulations. Such refusal will have the same consequences as a test result of 0.04 or greater (see **Disciplinary Action** section, page 14), and result in the immediate removal of the employee from duty.

Finally, employees are prohibited from using alcohol after an accident (see Appendix A for definition) for eight (8) hours, unless and until one of the following occurs:

1. A designated Company representative has determined that testing was not required because the employee's performance of covered functions has been discounted as a contributing factor to the accident, OR
2. The employee has been tested for alcohol using procedures required by 49 CFR Part 40.

DOT regulations prohibit an employee with an alcohol level of 0.02 or greater from performing covered functions. Under this Plan, an employee with an alcohol level of 0.02 or greater will be removed from his or her job **pending investigation of the circumstances of the alcohol test. The employee will not be returned to covered duties until at least twenty-four (24) hours have elapsed.**

Any covered employee who engages in conduct prohibited under this ADAMPP will be advised of available resources to evaluate and resolve problems associated with abuse of drugs or misuse of alcohol. A Substance Abuse Professional qualified as of the revision date of this policy is identified in Appendix F.

PRESCRIPTION MEDICATIONS

Prescription medications can present a danger to employees and their co-workers due to their effects on alertness and job performance. All employees should ask their physicians for specific instructions as to how much medication they should take and when they should take it to ensure safe use relative to work. Non-compliance with the recommended dosage of prescription medications which result in an incident or accident will be considered a violation of this Plan.

² Alcohol concentration is expressed in grams of alcohol per 210 liters of breath (g/210 L).

INQUIRIES INTO DRUG/ALCOHOL TESTING HISTORIES

DOT regulations require the Company to obtain information concerning an applicant's past drug and alcohol tests from all of the DOT employers for which the applicant worked during the two years preceding the date of application for a covered position. As a condition of employment with the Company, applicants for covered positions are required to complete and sign a form which authorizes the applicant's former employers during the preceding two years (from the date of application) to release to the Company information concerning the applicant's:

1. Alcohol test results of 0.04 or greater;
2. Verified positive drug test results;
3. Refusals to be drug or alcohol tested (including verified adulterated or substituted drug test results); and
4. Other violations of DOT drug and alcohol testing regulations.

This information will be obtained in a confidential manner. The Company will maintain a written confidential record with respect to each former employer contacted. The information from a previous employer may contain any alcohol and drug information the previous employer obtained from other previous DOT employers after January 1, 1995.

DRUG AND ALCOHOL TESTING REQUIREMENTS

Procedure for Notifying Employees

The DER will notify each covered employee that a paper or electronic copy of this ADAMPP is available and request that s/he read it, along with educational materials concerning drug use and alcohol misuse; have him or her sign an acknowledgment that the ADAMPP and educational materials have been made available; and retain the original of this acknowledgment in a secure location. A copy of the acknowledgment will also be maintained separately from the original (e.g. in the employee's personnel file).

Substances for Which Testing Must Be Conducted

Each employee will be tested for evidence of the following prohibited drugs:

Amphetamines	Opiates
Cocaine	Phencyclidine (PCP)
Marijuana	

In addition, employees are subject to testing for alcohol under certain circumstances (see below).

Required Testing

Pre-employment Drug Testing

A pre-employment drug test must be conducted before an individual is hired and when an individual is transferred/promoted from a non-covered to a covered position. This also applies to employees returning from a leave of absence or lay-off who have not been participating in the random selection process **for 30 days or more**. A negative test is required prior to performing covered functions.

Random Drug Testing

The primary purpose of random testing is to deter prohibited drug use and to ensure a drug-free workplace. DOT regulations require that covered employees shall be subject to drug testing on an unannounced and random basis.

An objective, outside party, the Company's C/TPA, will conduct random selections for the Company. DOT-covered employees will be in a random "pool" (computer database) with federally-regulated employees from other companies (**consortium**). The C/TPA will perform random selections on a quarterly basis, using methods which comply with DOT requirements. Each person in the pool will have the same chance of being selected every time a selection occurs. As a result, individuals are subject to testing at any time, and may be randomly tested more than once in a calendar year.

The Consortium manager shall conduct a number of drug tests equal to at least 25 percent of the number of covered employees in the selection "pool" each calendar year, spread reasonably over the 12-month period. The selection rate is subject to change by PHMSA based on the reported positive rate for the pipeline industry.

The C/TPA will notify the DER of the individuals selected for random testing. The DER shall maintain the security of the selection until just before the employee is sent to a specimen collection site for the drug test collection. The DER or his/her alternate will notify each selected individual in person or by telephone and instruct him or her to report to the designated specimen collection/breath testing site or to the qualified collector, if testing is conducted on the Company's premises. The date and time of notification will be documented.

Reasonable Suspicion/Probable Cause Drug and Alcohol Testing

Reasonable suspicion/probable cause testing provides Company management with a tool (in conjunction with supervisor training on the signs and symptoms of drug use and/or alcohol misuse) to identify drug- and/or alcohol-affected employees who may pose a danger to themselves and others in their job performance. Employees may be at work in a condition that raises concern regarding their safety or productivity. Supervisors must then make a decision as to whether there is reason to believe an employee is using or has used a prohibited drug or alcohol in violation of this Plan.

The decision to test for drugs or alcohol must be based on a reasonable and articulable belief that the employee is using a prohibited drug, or has used alcohol in violation of the prohibitions stated above, on the basis of specific, contemporaneous physical, behavioral, or performance indicators of probable drug use and/or alcohol misuse. Observations indicating possible alcohol misuse must be made just before, while, or just after the employee performs a covered function, and must be documented. Two of the employee's supervisors shall substantiate and concur in the decision to test the employee. The DER may serve as the second "supervisor" if needed, and the consultation may be by telephone.

Employees **MUST BE ACCOMPANIED** to the alcohol testing/specimen collection site(s). Drug or alcohol testing must take place **AS SOON AS POSSIBLE** after the observations leading to testing. Specimen collection for drug testing must take place within 32 hours. Alcohol testing must take place within eight (8) hours of the decision to test. Company supervisors will not be permitted to conduct alcohol testing under this ADAMPP. **Under Company authority, employees who are required to undergo reasonable suspicion testing will be suspended pending receipt of the test results (not fewer than 8 hours following decision to test). The employee will be paid for the time off if the test results are negative. The employee may use sick leave or personal leave for the time off if the test results are positive or the employee refuses to test.**

If required alcohol testing is not performed within two (2) hours of the decision to test, the DER will document the reason for the delay. If required alcohol testing is not performed within eight (8) hours of the decision to test, the DER will cease attempts to have the employee tested for alcohol and document the reason for failure to test.

If an alcohol test cannot be performed, but an employer or supervisor believes that an employee is under the influence of or impaired by alcohol, as shown by behavioral, speech or performance indicators of alcohol misuse, he/she must remove the employee from covered functions until an alcohol test is administered and the employee's alcohol concentration measures less than 0.02, or until the next scheduled work shift, not fewer than eight (8) hours after the reasonable suspicion determination. **Any time lost under these circumstances will be paid.**

Supervisors who may need to make reasonable suspicion/probable cause determinations under this Plan will undergo at least two (2) hours of training on specific physical, behavioral, and performance indicators of probable drug use and of alcohol misuse (see Appendix B).

Post-accident Drug and Alcohol Testing

1. Determination of Need to Test

A Company representative, who will ordinarily be the DER, is responsible for determining whether an employee's performance may be completely discounted as a contributing factor to an accident, as defined in federal pipeline safety regulations (see Appendix A). Medical treatment or emergency response will not be delayed, but a decision regarding post-accident testing should be made as soon as practicable following the accident or incident.

Each surviving covered employee shall be drug and alcohol tested if the employee's performance either contributed to the accident or cannot be completely discounted as having contributed to the accident. This determination shall be based on the best available information at the time of the accident. The Company may decide NOT to test if the time between the employee's performance and the accident is such that it is unlikely that a drug test would reveal whether performance was affected by drug use.

2. Time Requirements

If the employee's performance CANNOT be completely discounted as a contributing factor to the accident (pipeline), he or she must be tested for alcohol and drugs as soon as possible. Alcohol testing should take place within two hours, but in no case later than eight (8) hours following the decision to test. If required alcohol testing is not performed within two (2) hours of the decision to test, the DER will document the reason for the delay. If required alcohol testing is not performed within eight (8) hours of the decision to test, the DER will cease attempts to have the employee tested for alcohol and document the reason for failure to test.

Drug testing must take place no later than 32 hours after the determination to test.

3. Employee Responsibilities

Under this ADAMPP, employees are prohibited from using alcohol after an accident for eight (8) hours, unless and until one of the following occurs:

- a. The designated Company representative has decided that testing was not required because the employee's performance of covered functions has been discounted as a contributing factor to the accident, OR
- b. The employee has been tested for alcohol using procedures required by 49 CFR Part 40.

Covered employees may leave the scene of the accident for the period of time necessary to obtain assistance in responding to the accident or to obtain necessary emergency medical care. Otherwise, employees must remain readily available for alcohol testing and urine specimen collection until a decision NOT to test has been made or the alcohol testing and urine specimen collection have been completed. If an employee is not readily available, it will be considered a refusal to test.

4. Hospitalized Employee

The Company will take all reasonable steps to obtain a urine sample from a covered employee following an accident when testing is determined to be required. In the case of a conscious, but hospitalized employee, the Company shall request that the hospital or medical facility obtain the sample from the employee.

- a. The employee must give consent for the test. If the employee is injured, unconscious (e.g. unable to communicate), or otherwise unable to give his or her consent (e.g. unable to sign drug test custody and control form), no urine sample will be collected. It is permissible to collect a urine sample from a catheterized employee with his or her consent.
- b. If the employee is conscious (e.g. can communicate), is able to give consent (e.g. able to sign drug test custody and control form), and is able to void normally (without the aid of a catheter), a specimen must be collected.
- c. If an employee who is subject to post-accident testing is conscious, able to urinate normally (in the opinion of a medical professional), and refuses to be tested, the employee must be removed from duty in accordance with DOT regulations.

Return to Duty Drug and/or Alcohol Testing

Under DOT regulations, if an employee violates alcohol prohibitions, tests positive for drugs, submits an adulterated or substituted specimen, or refuses or fails to take a required drug or alcohol test, there are specific requirements he/she must fulfill prior to performing covered functions again. The employee must:

1. Be evaluated by a Substance Abuse Professional (SAP) to determine the level of assistance needed to address his/her drug and/or alcohol problem;
2. Initiate the education and/or treatment plan prescribed by the SAP;
3. Undergo a follow-up evaluation by the SAP to determine whether he/she has successfully complied with the prescribed education and/or treatment plan; and
4. Undergo return-to-duty drug and/or alcohol testing with a negative drug test result and/or an alcohol test less than 0.02. All return-to-duty drug tests must be conducted under direct observation.

The employee must have a negative drug test result or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety-sensitive duties.

Under Company authority, an employee who violates the prohibitions of this Plan will be promptly suspended pending investigation of the circumstances of the incident, and will be subject to disciplinary action up to and including termination of employment. See also **Disciplinary Action** section, page 14.

Follow-up Drug and/or Alcohol Testing

A covered employee who returns to duty following a violation of the prohibitions of this Plan shall be subject to a program of follow-up testing, without prior notice, for up to 60 months after his or her return to duty as determined by the Substance Abuse Professional. The program must include at least six (6) unannounced follow-up drug and/or alcohol tests during the twelve (12) months after the employee's return to duty. All follow-up drug tests must be conducted under direct observation.

The Substance Abuse Professional who determines the program of follow-up testing may terminate the testing requirement at any time after the first year of testing.

USE OF AN EMPLOYEE WHO FAILS OR REFUSES A DRUG OR ALCOHOL TEST

Compliance with this ADAMPP is required as a condition of employment for covered employees.

Refusal to take a required drug or alcohol test, including adulteration or substitution, a verified positive drug test, or violation of the alcohol provisions of this Plan shall result in removal from performing covered functions **and disciplinary action, up to and including termination of employment.**

DRUG TEST SPECIMEN COLLECTION PROCEDURES

Urine specimen collection for drug testing will be performed with respect for the privacy and dignity of the person giving the specimen, by trained collectors, and in conformance with chain of custody procedures and standards specified by DOT regulations (49 CFR Part 40). Drug test specimens will consist of at least 30 mL of urine in a "primary specimen" shipping bottle and at least 15 mL of urine in a "split specimen" shipping bottle, as described in Appendix C.

Each specimen collection site shall have all the necessary personnel, materials, equipment, facilities, and supervision to provide for the collection, security, temporary storage, and shipping or transportation of urine specimens to a certified laboratory (see below).

A designated collection site shall be any suitable location where a specimen can be collected under conditions set forth in Appendix C; a properly equipped mobile facility may serve as a site. A designated collection site shall have an enclosure within which private urination can occur, a toilet for completion of urination, and a suitable clean surface for writing. The site must also have a source of water for washing hands that can be secured while the applicant or employee is giving the specimen.

Designated collection sites for Company drug screens are listed in Appendix E. Other collection sites that meet the criteria described above may be used for operations or personnel that are geographically distant from the Company's main location at the DER's discretion.

DRUG TESTING LABORATORIES

The Company shall use drug testing laboratories certified by the Substance Abuse and Mental Health Services Administration (SAMHSA) under Department of Health and Human Services' (DHHS) Mandatory Guidelines for Federal Workplace Drug Testing Programs (53 FR 11970, April 11, 1988 and subsequent amendments). Each laboratory shall provide services in accordance with 49 CFR Part 40.

The certified laboratories used by the Company will maintain employee test records in confidence, as required by DOT regulations. The laboratory shall disclose information related to an employee's drug test to the Company upon written request in connection with certain legal proceedings. The laboratory shall immediately notify the employee in writing of release of the information that has been released. The laboratory will also provide, within 10 business days of receiving a written request from an employee, and made through the MRO, records relating to the results of the employee's drug test.

The certified laboratories used by the Company will permit inspections by the DER, the C/TPA, the Pipeline & Hazardous Materials Safety (PHMSA) Administrator, or if the Company is subject to the jurisdiction of a state agency, a representative of the state agency.

Every six months, the laboratory will send a Company representative a statistical summary of drug testing of the Company's employees without any personal identifying information. Confirmation data will be included from DOT/PHMSA test results reported within that quarter, including number of specimens received for confirmation and number of specimens confirmed positive for amphetamine, codeine, methamphetamine, morphine, phencyclidine, and metabolites of marijuana and cocaine. Normally, this summary will be forwarded by mail not more than 14 calendar days after the end of the period covered by the summary. The summary will not include data from which it is reasonably likely that information about individuals' tests can be readily inferred. If necessary, in order to prevent disclosure of such data, the laboratory will not send a report until data are sufficiently aggregated to make such an inference unlikely.

The names and addresses of the primary laboratories to be used by the Company are contained in Appendix F.

Retention of Specimens

SAMHSA-certified laboratories which perform testing for the Company will retain urine specimens which have been confirmed positive in secure, long-term, frozen storage for at least one year. Within this period, the employee or designated representative, the employer, PHMSA, or state agencies with jurisdiction may request in writing that the specimen be retained longer. If the laboratory does not receive such a request within one year, the specimen may be discarded.

ALCOHOL TESTING PROCEDURES AND SITES

The Company will notify employees that alcohol testing is required by DOT regulations by providing a test request form indicating the need for a DOT test. The employee will also receive a copy of the Alcohol Testing Form, which indicates that testing has been conducted according to DOT regulations. **The test request form and non-DOT alcohol testing form will also specify when alcohol testing is to be conducted under the Company's independent authority.**

Sites used for alcohol testing shall have all necessary personnel, materials, equipment, facilities and supervision to provide for the testing and processing of alcohol test results according to DOT requirements.

Designated alcohol testing sites shall provide privacy during the testing period and during completion of the necessary documentation to the extent feasible under the circumstances.

Alcohol screening may be performed using saliva or breath. Confirmation testing will use Evidential Breath Testing (EBT) devices. All alcohol testing devices used by the Company shall be approved by the National Highway Transportation Safety Administration (NHTSA), as listed on a Conforming Products List.

Screening test technicians (STTs) and breath alcohol technicians (BATs) technicians will be trained according to the requirements of 49 CFR Part 40 and be certified to proficiency in the specific operation of the devices they use. The Company or its designated agent will maintain documentation regarding the training and proficiency testing of each technician used to test employees. **Alcohol testing will not be conducted by Company supervisors.**

Designated breath alcohol testing sites are listed in Appendix E. The C/TPA will determine qualified testing facilities upon request by the DER (e.g. for a post-accident test outside the Company's normal geographic area).

BLIND PERFORMANCE TEST PROCEDURES

The DER shall ensure that blind performance specimens are submitted by its service agents if required by 49 CFR Part 40. Currently, submission is not required, since the Company has an aggregate of fewer than 2000 DOT-covered employees.

If submitted, approximately 75% of the blind specimens would be negative (i.e., containing no drugs, nor adulterated or substituted). Approximately 15 percent would be positive for one or more of the five drugs involved in DOT tests, and approximately 10 percent would either be adulterated with a substance cited in HHS guidance or substituted, as defined in 49 CFR Part 40.

If the Company or its service agent submits a blind specimen and the result reported to the MRO is different from the result expected, the Company or the service agent will investigate the discrepancy. If the unexpected result is a false negative, the Company or its agent will provide the laboratory with the expected results (obtained from the supplier of the blind specimen), and direct the laboratory to determine the reason for the discrepancy. If the unexpected result is a false positive, adulterated, or substituted result, the Company or its agent will provide the laboratory with the expected results, direct the laboratory to determine the reason for the discrepancy, and will also notify ODAPC of the discrepancy by telephone or e-mail.

REVIEW OF DRUG TESTING RESULTS

Duties of the Medical Review Officer (MRO)

The Company will use the services of a licensed physician with knowledge of drug abuse disorders as its Medical Review Officer (MRO). The MRO acts as an independent and impartial "gatekeeper" and advocate for the accuracy and integrity of the drug testing process, performing all functions in compliance with 49 CFR Part 40 and other DOT regulations. The MRO shall not be an employee of the laboratory conducting the drug test.

A confirmed positive test (see Appendix A for definition) from a certified laboratory does not automatically identify an employee/applicant as having used drugs in violation of a DOT regulation. The MRO brings

detailed knowledge of possible alternate medical explanations to his or her review of the test results. This review shall be performed by the MRO prior to the transmission of results to the Company.

The MRO shall receive and review all drug test results and interview individuals with positive, adulterated, substituted or invalid tests to verify the result before reporting the results to the DER. If there is a legitimate medical reason for a confirmed positive drug test, the MRO shall declare the test to be "verified negative" and will take no action other than reporting the negative test result. The review of negative tests will be administrative to ensure that proper chain of custody procedures were used.

The MRO is a licensed physician knowledgeable in the medical use of prescription drugs and the pharmacology and toxicology of illicit drugs. The MRO is responsible for:

1. Receipt of test results from the SAMHSA-certified laboratory and administrative disposition of negative test results, including the timely flow of test results and other information to the Company.
2. Review of the custody and control form and any other information (e.g. inspection reports, quality control data) necessary for each test.
3. Investigation and correction of problems, and provision of feedback, to the Company, collection sites and laboratories regarding performance issues where necessary.
4. Reporting to and consulting with agencies of the DOT when assistance is needed to resolve a program issue.
5. Review and interpretation of confirmed positive test results to determine whether there is an acceptable medical explanation for the result. As part of this duty, the MRO will:
 - a. Provide an opportunity for the employee to discuss the positive result. The initial contact may occur by a designated staff person under the MRO's supervision.
 - b. Review the employee's medical history and any relevant biomedical factors. In the case of a confirmed positive test result for opiates, the MRO shall determine that there is clinical evidence of unauthorized use of an opiate, that 6-monoacetylmorphine is present in the specimen, or that the level of morphine and/or codeine is 15,000 ng/mL or above before verifying the test result as positive.
 - c. Review all medical records made available by the employee to determine whether a positive test resulted from legally prescribed medication.
 - d. Notify the employee of the right to split specimen testing and direct the laboratory to ship the split specimen to a second certified laboratory, if the employee requests this within 72 hours of notification of a positive, adulterated or substituted result. **Split specimen testing will be at the Company's expense.**
 - e. Verify the test result as NEGATIVE, POSITIVE, TEST CANCELLED, or REFUSAL TO TEST after review of available data.

NOTE: If the MRO is unable to contact an employee directly, after making at least three attempts during the 24 hours following receipt of the test result and documenting them, the MRO or his designated representative shall contact the DER, who shall direct the employee to contact the MRO as soon as possible. The DER shall employ procedures that, to the maximum extent practicable, keep the MRO's request in confidence. If the DER cannot contact the employee, he may place the employee on temporary medically unqualified status.

- f. The MRO may verify a test as positive or refusal to test without having communicated directly with the employee in three circumstances:
- (1) The employee expressly declines the opportunity to discuss the test;
 - (2) The DER or his/her alternate has made and documented a contact with the employee and instructed the employee to contact the MRO, and more than 72 hours have passed since the time the employee was contacted; or
 - (3) Neither the MRO nor the DER, after making all reasonable efforts, has been able to contact the employee within 10 days of the date on which the MRO receives the confirmed test result from the laboratory.

NOTE: If a test is verified positive under the circumstances specified above, the employee may present to the MRO, within 60 days, information documenting that serious illness, injury, or other circumstances unavoidably prevented the employee from contacting the MRO and/or the DER. On the basis of this information, the MRO may re-open the verification, allowing the employee to present information concerning a legitimate explanation for the positive test.

6. Reporting verified negative and positive test results to the DER in a manner consistent with DOT requirements (49 CFR 40.163).

MRO Disclosure of Information

The MRO shall not disclose to any third party medical information provided by the individual to the MRO as part of the test result verification process. The MRO must disclose such information to the Company, the DOT or another federal safety agency, a SAP evaluating the employee as part of the return to duty process, a state safety agency as required by state law, or a physician or other health care provider responsible for determining the medical qualification of the employee under the appropriate DOT regulation, as applicable, if in the MRO's reasonable medical judgment:

1. The information could result in the employee being determined to be medically unqualified under an applicable DOT rule; or
2. The information indicates that continued performance by the employee of his or her covered function could pose a significant safety risk.

Before obtaining medical information from the employee as part of the medical review process, the MRO shall inform the employee that information must be disclosed to third parties as described above and the identity of any parties to whom information may be disclosed.

The designated MRO(s) for the Company are listed in Appendix F.

DISCIPLINARY ACTION

1. A covered employee who demonstrates conduct prohibited under this ADAMPP will be immediately removed from duty. **Under Company authority, such employees will be promptly suspended pending investigation of the circumstances of the incident, and will be subject to disciplinary action up to and including termination of employment.** Violations include:
 - a. On-duty use of prohibited drugs or alcohol.

- b. Refusal to submit a specimen for or to cooperate in the process of collection/provision of specimens for drug or alcohol tests.
 - c. Verified positive drug test.
 - d. Alcohol test 0.04 or greater.
2. **Under Company authority, an employee who has an alcohol test result of 0.02 or greater, but less than 0.04, will be immediately removed from performance of safety-sensitive duties. Company management will investigate the circumstances of the incident. The employee may be re-tested if the apparent violation occurred due to consumption of alcohol on non-work time and the employee was called to work in response to an emergency. Otherwise, the employee will be subject to disciplinary action, up to and including termination of employment.**

ALCOHOL RETESTING, DILUTE SPECIMENS AND "SPLIT" SPECIMEN TESTING

"Alcohol retesting" means undergoing another breath alcohol test after a confirmed test result of 0.02 or greater, but less than 0.04, as allowed under PHMSA regulations. Company management may elect to retest if a covered employee is called to work for an emergency after having consumed alcohol at home and the nature of the emergency and need for the employee's skills merit retesting.

When a drug test result indicates that the employee's specimen is dilute, an employer is permitted to take certain actions by DOT regulations (49 CFR 40.197): **EKA Chemicals will require prompt recollection in the case of negative dilute results for pre-employment and reasonable suspicion tests only.**

Employees and applicants may request testing of "split" specimens within 72 hours of being notified of a positive test or a determination of a refusal to test by the MRO. DOT-approved chain of custody procedures will be used for the transfer of the "split" to a second SAMHSA-certified laboratory (see Appendix E). Because some analytes deteriorate or are lost during freezing and/or storage, the test of the "split" of a verified positive specimen will consist of GS-MS confirmation of a drug or metabolite, without regard to a specific cutoff requirement.

Split specimen testing will be at the Company's expense.

EMPLOYEE ASSISTANCE PROGRAM

The DER is responsible for ensuring that all covered employees receive educational materials and information on drug use and alcohol misuse. This shall include:

- 1. Informational material distributed to employees and/or available at the Company's central place of business to include:
 - a. Identity of persons to provide answers about the Company's drug and alcohol testing program (page 19 of this Plan);
 - b. A list of covered employee job categories (page 27);
 - c. Guidance on period of coverage during the work day that an employee is subject to testing provisions (page 2);
 - d. Procedures to be used to test for the presence of alcohol (pages 11, 34);
 - e. Explanation of what constitutes refusal to test and the consequences of refusals (pages 8, 9, 14, 23);

- f. Consequences of employee violation of the prohibitions of the Plan and removal from performing covered functions (pages 4, 5, 9, 15);
 - g. Consequences of an alcohol test result of 0.02 or greater but less than 0.04 (page 15); and
 - h. Information on alcohol effects on an individual's health, work and personal life, signs and symptoms of alcohol problems, evaluating and resolving problems, and referral to a substance abuse counselor for evaluation via the Company's DER (distributed with this Plan).
2. A community service hot-line telephone number for employee assistance distributed to employees and displayed at the Company's central place of business.
 3. Distribution of a summary of this ADAMPP to all employees, with a copy of the complete Plan available at 3251 Old Salem Road, Albany, OR 97321.

Supervisory personnel responsible for those employees covered under 49 CFR Part 199 will receive at least two hours of training on the specific, contemporaneous physical, behavioral, or performance indicators of probable drug use and/or alcohol misuse. This training shall be for individuals who may determine whether an employee must be tested for drugs or alcohol for reasonable suspicion/probable cause.

RECORDKEEPING PROCEDURES

Record Retention

The DER shall maintain a confidential, secure file system for drug and alcohol test results. In addition, the DER, the C/TPA and their agents will be responsible for ensuring record retention as follows.

Records to Be Kept for at Least Five (5) Years

- Records of positive drug tests and alcohol test results above 0.02, including occasion for test (pre-employment, random, etc.), prohibited drugs used, if applicable, and disposition of employee (e.g. suspension, termination)
- Documentation of refusals to take required alcohol or drug tests, including records of adulterated or substituted tests
- Documents presented by a covered employee to dispute the result of an alcohol test administered under this Plan
- Records related to other violations covered by this ADAMPP
- All SAP reports
- Schedules and records of follow-up tests
- Records of the inspection, maintenance and calibration of each EBT used in employee testing
- MIS annual report data, including documentation of failure(s) to conduct breath alcohol testing within 8 hours of a decision to test due to reasonable suspicion or an accident

Records to Be Kept for at Least Three (3) Years

- Records that demonstrate that the urine drug screen collection process conforms to 49 CFR Part 40
- Records related to training
 - Copy of materials on alcohol misuse awareness distributed to employees and acknowledgment of receipt of this information, including a copy of the Company policy on controlled substance/alcohol use and testing

- Copies of training materials and attendance sheets with certification that supervisors' and employees' training was conducted in compliance with the requirements of 49 CFR Parts 40 and 199
- Records obtained from previous employers under 49 CFR 40.25 concerning drug and alcohol test results of employees.

Records to be Kept for at Least Two (2) Years

- Documentation of the Company's compliance with the Quality Assurance Plan (QAP) for each EBT it uses for alcohol testing under the ADAMPP
- Documents generated in connection with decisions to administer post accident tests
- Copies of any materials generated demonstrating compliance with PHMSA requirements for access to facilities and records (49 CFR 199.231)

Records to be Kept for at Least One (1) Year

- Records related to negative drug test results
- Records related to alcohol test results less than 0.02, including the employer copy of the alcohol test form with the results of the test

Alcohol Technicians will be responsible for maintaining alcohol testing, calibration and maintenance, and quality assurance records for each breath testing device for a two-year period following a test of a Company employee. A company representative will verify adherence to these standards.

Company Disclosure of Information/Records

The DER will maintain drug and alcohol testing records in a secure filing system, with information available only on a "need to know" basis. The Company will release information regarding an employee's records as directed by the specific, written consent of the employee authorizing release of the information to an identified person, including a subsequent employer.

Information regarding an individual's drug or alcohol test results or rehabilitation may be released only upon written consent of the individual, except:

- Post-accident test results must be released to the National Transportation Safety Board if requested as part of an accident investigation;
- Such information may be disclosed if requested by a Federal, state or local safety agency with regulatory authority over the Company or the employee; and
- Such information may be disclosed in certain legal proceedings, including a lawsuit, grievance, or administrative proceeding brought by, or on behalf of, an employee and resulting from a positive DOT drug or alcohol test or a refusal to test (including, but not limited to, adulterated or substituted test results). In such proceedings, the Company may release the information to the decisionmaker in the proceeding with a binding stipulation that the decisionmaker to whom it is released will make it available only to parties to the proceeding.

The Company will permit access to all facilities involved in its compliance with 49 CFR Parts 40 and 199 to the Secretary of Transportation and any DOT or state agency with regulatory authority over the Company. The Company will also provide alcohol test results and any other information pertaining to the administration of its ADAMPP when requested by the Secretary or DOT or state agency; such information will include name-specific alcohol records and reports when specified by the agency. Training records and

statistical data related to drug and alcohol testing and rehabilitation which do not show names may be released to PHMSA and other government agencies upon request.

A covered employee may obtain copies of any records associated with his or her drug or alcohol tests upon written request to the Company and/or the MRO. Payment of a reasonable administrative charge may be required only for the copies which were specifically requested.

MIS Reporting

Upon written notice from PHMSA, the Company shall submit some or all of the following information, as required, as part of a calendar year Management Information System (MIS) report:

1. Number of covered employees.
2. Number of covered employees subject to the drug and alcohol testing regulations of more than one DOT agency.
3. Number of screening and confirmation alcohol tests by type of test; number of urine specimens collected by type of test.
4. Number of alcohol confirmation tests indicating an alcohol concentration of 0.02 or greater but less than 0.04, by type of test.
5. Number of alcohol confirmation tests indicating an alcohol concentration of 0.04 or greater, by type of test; number of verified positive drug tests by type of test and type of controlled substance detected.
6. Number of covered employees with a confirmation test indicating an alcohol concentration of 0.04 or greater or who have violations of other alcohol misuse prohibitions and who were returned to duty in covered positions (having complied with the recommendations of a substance abuse professional).
7. Number of covered employees who were administered alcohol and drug tests at the same time, with both a positive drug test and an alcohol test indicating an alcohol concentration of 0.04 or greater.
8. Number of covered employees who were found to have violated other provisions of the PHMSA alcohol misuse prevention regulations, and any action taken in response to the violation.
9. Number of covered employees who refused to submit to an alcohol test required under the PHMSA misuse prevention regulations, and any action taken in response to the refusal.
10. Number of supervisors who have received required training during the reporting period in determining the existence of reasonable suspicion of alcohol misuse.

The Company DER will be responsible for signing and submitting this report, the information for parts of which may be gathered by the C/TPA.

COMPLIANCE MONITORING: PIPELINE CONTRACTORS/SUBCONTRACTORS

General

The Company shall include a clause in any pipeline contracts that drug/alcohol testing, education and training shall be addressed by contractors/subcontractors in accordance with 49 CFR Parts 199 and 40.

Contractor/Subcontractor Records and Access

Any contractors/subcontractors shall retain copies of appropriate records required by Part 199 and Part 40. These records shall be readily accessible for inspection by Company officials, PHMSA officials and representatives of those state agencies under the jurisdiction of which the Company operates.

Contractor/Subcontractor Coverage

The Company can, as an alternative to the above, provide coverage for the contractor's/subcontractor's employees by including them in the Company's drug testing program and random pool for the duration of the contract.

Procedures for Determining Compliance

1. Qualifying potential contractor/sub-contractor: Qualifications of the prospective contractor/sub-contractor with regard to drug testing policies and procedures will be determined by requesting the contractor/subcontractor to submit a copy of its anti-drug and alcohol misuse prevention plan(s) for review, using criteria and inspection forms established and used by PHMSA. Written correspondence to the contractor/subcontractor will advise it whether it appears to comply with PHMSA/DOT regulations. When the plan(s) appear(s) to meet PHMSA criteria, the sub-contractor will be eligible to bid on Company work that would be covered under Part 199 and Part 40.
2. Monitoring contractor's/subcontractor's compliance: The Company may require contractors/sub-contractors to provide information on their employees who will perform covered work for the Company. This information may include the name and job title of such employees. A list of each contractor's/sub-contractor's covered employees may be distributed to appropriate Company field management personnel and job sites.
3. Submission of statistics: The Company will require contractors/subcontractors who conduct their own drug/alcohol programs to submit statistical information on testing which has occurred during the time period of the contract.

The DER shall be responsible for overseeing the compliance of contractors/subcontractors with PHMSA drug and alcohol testing program requirements. As part of this monitoring, the DER may direct the C/TPA to review contractor/subcontractor records associated with compliance.

INFORMATIONAL RESOURCES

Questions regarding this Plan or the procedures used to implement it may be addressed to:

DER: Sandi Lybbert, Human Resources Administrator (509) 764-1507

EKA Chemicals

C/TPA: Wolfgang Associates, Inc. (503) 297-4113
7220 SW Sylvan Ct Toll-free (866) 538-4788
Portland, OR 97225-3742

APPENDIX A

GLOSSARY OF TERMS

For the purposes of this Plan, the following definitions apply.

Accident: Incident reportable under 49 CFR Part 191 involving gas pipeline facilities or LNG facilities.

191.3 An accident on a gas pipeline facility is defined as an incident as follows:

1. An event that involves a release of natural gas from a pipeline or of liquefied natural gas or gas from an LNG facility and:
 - a. A death, personal injury necessitating inpatient hospitalization; or
 - b. Estimated property damage, including cost of gas lost, to the operator or others, or both, of \$50,000 or more.
2. An event that results in an emergency shutdown of an LNG facility.
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, above.

The DER is responsible for determining whether post-accident testing is required. The decision not to administer a test shall be based on the DER's determination, using the best available information at the time of the determination, that the covered employee's performance could not have contributed to the accident. When directed to do so, employees must undergo drug and alcohol testing within 32 hours after the reportable pipeline incident/accident.

ADAMPP: This Anti-Drug Plan

Adulterated specimen: A urine specimen containing a substance that is not a normal constituent or containing an endogenous substance at a concentration that is not a normal physiological concentration.

Air blank: A reading by an evidential breath testing device (EBT) 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 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 concentration: The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test conducted under the federal regulations.

Alcohol retesting: Undergoing another breath alcohol test after a confirmed test result of 0.02 or greater, but less than 0.04.

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 testing technician: A screening test technician (STT) or breath alcohol technician (BAT).

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

Blind specimen or blind performance test specimen: A urine 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): An individual who instructs and assists individuals in the alcohol testing process and operates an EBT.

Cancelled test. A drug or alcohol test that has a problem identified that cannot be or has not been corrected, or which 49 CFR 40 otherwise requires to be cancelled. A cancelled test is neither a positive nor a negative test.

CCF: The Federal Drug Testing Custody and Control Form (CCF).

CFR: United States Code of Federal Regulations. 49 CFR Part 40 is "Procedures for Transportation Workplace Drug And Alcohol Testing Programs," which gives instructions to employers and its service agents (collectors, laboratories, MROs, SAPs, etc.) for conducting drug and alcohol testing.

Chain of custody: Procedures 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 site: A place selected by the Company where applicants or employees present themselves for the purpose of providing a urine specimen for a drug test.

Collector: A person who instructs and assists applicants and 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.

Company: EKA Chemicals.

Confirmation drug test: A second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the initial test and which uses a different technique and chemical principle from that of the initial test in order to ensure reliability and accuracy.

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 one or more drug and/or alcohol testing services to DOT-regulated employers. C/TPAs typically provide or coordinate the provision of a number of services and perform administrative tasks concerning the operation of the employers' drug and alcohol testing programs.

Controlled substances: A term used interchangeably with drugs in this policy to mean marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP) or their metabolites. Controlled substances include illicit drugs and drugs which may be authorized for use by a physician or dentist for certain medical uses, but which are subject to misuse or abuse.

Covered employee: Any person who performs on a pipeline or LNG facility an operating, maintenance, or emergency response function regulated by 49 CFR Parts 192, 193 or 195. Such person may be employed directly by the Company, or by a contractor engaged by the Company. As applied in the regulations, employee and applicant for employment have the same meaning.

Covered function: An operating, maintenance, or emergency response function regulated by 49 CFR Parts 192, 193 or 195, or functions associated with the operation of a commercial motor vehicle.

Custody and Control Form (CCF): Document used to track the handling of the urine specimen from the time the employee gives the specimen to the collector through the time of the report to the DER.

Designated Employer Representative (DER): Designated employer representative is an individual identified by the Company as able to receive communications and test results from service agents and who is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. The individual is an employee of the company.

DHHS: US Department of Health and Human Services.

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

DOT: United States Department of Transportation.

EBT (Evidential Breath Testing device): A device approved by NHTSA for the evidential testing of breath at the 0.02 and 0.04 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.

Employee: See covered employee.

Initial (screening) drug test: An immunoassay test to eliminate "negative" urine specimens from further consideration and to identify the presumptively positive specimens that require confirmation or further testing.

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

Invalid drug test result: The result of a drug test for a urine specimen that contains an unidentified adulterant or an unidentified interfering substance, has abnormal physical characteristics, or has an endogenous substance at an abnormal concentration that prevents the laboratory from completing or obtaining a valid drug test result.

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

Negative drug test: A test in which initial or confirmation testing under DOT procedures did not show evidence of a prohibited drug in an employee's or applicant's system above established levels; OR, a test which is verified as negative by the MRO (e.g. review showed positive test was due to prescription medication or other authorized use of controlled substance).

NHTSA: National Highway Traffic Safety Administration of the US DOT

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 the DOT drug and alcohol testing regulations.

Operator: An owner or operator of pipeline facilities.

Pass a drug test: A drug test which has screened, or has been verified by the MRO, as negative using DOT procedures and does not show evidence of the presence of a prohibited drug in the employee's or applicant's system.

Performing (a covered function): An employee is considered to be performing a covered function (safety-sensitive function) during any period in which he/she is actually performing, ready to perform, or immediately available to perform such covered functions.

Pipeline: All parts of the physical facilities through which product moves in transportation. This includes pipes, valves, and other appurtenances attached to pipe, compressor units, metering stations, delivery stations, holders, and fabricated assemblies.

Pipeline Facilities: Includes new and existing pipeline, rights-of-way, and any equipment, facility, or building used in the transportation of product.

Positive drug test: A urine drug test result which indicates the presence of controlled substances beyond the cut-off levels specified by SAMHSA.

Confirmed positive drug test: A positive drug test which has undergone an initial screening test AND a confirmation test which validates the first result. Drug tests are confirmed by the SAMHSA-certified laboratory that performs the analyses.

Verified positive drug test: A confirmed positive drug test (see above) after investigation by the MRO, who has determined that no legitimate explanation exists for the presence of the controlled substance that was detected.

Prohibited drugs: Marijuana, cocaine, opiates, phencyclidine (PCP), and amphetamines.

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.

Reasonable cause: An observation or observations of an employee's condition or performance that indicate(s) possible drug use. Examples include deteriorating work performance, poor attendance, tardiness, or specific, contemporaneous physical, behavioral, or performance indicators of possible drug use.

Random testing: Computerized random selection and testing for drugs in which each person in the computer data base has an equal chance of selection each time a selection occurs, in accordance with regulatory requirements.

Refusal to submit (refuse to test): A covered employee engages in conduct specified in 49 CFR 40.191. This includes:

1. Failure to appear for any test within a reasonable time, as determined by EKA Chemicals, after being directed to do so;
2. Failure to remain at the testing site until the testing process is complete;
3. Failure to provide a urine specimen for any drug test required under this Plan;

4. In the case of a directly observed or monitored collection in a drug test, failure to permit the observation or monitoring of provision of a specimen;
5. Failure to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure;
6. Failure or refusal to take a second test the company or a collector has directed;
7. Failure to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER;
8. Failure to cooperate with any part of the testing process;
9. For an observed collection, fail to follow the observer's instructions to raise your clothing above the waist, lower clothing and underpants, and to turn around to permit the observer to determine if you have any type of prosthetic or other device that could be used to interfere with the collection process.
10. Possess or wear a prosthetic or other device that could be used to interfere with the collection process.
11. Admit to the collector or MRO that you adulterated or substituted the specimen.

PHMSA: Pipeline & Hazardous Materials Safety Administration of the U.S. Department of Transportation; federal agency responsible for overseeing natural gas pipeline safety.

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.

SAMHSA: Substance Abuse and Mental Health Services Administration, a division of the DHHS which is responsible for certifying laboratories to perform federal workplace drug testing.

Screening test (or initial test): In drug testing, a test to eliminate negative urine specimens from further analysis or to identify a specimen that requires additional testing for the presence of drugs. In alcohol testing, an analytical procedure to determine whether an employee may have a prohibited concentration of alcohol in a breath or saliva specimen.

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

Service agent. Any person or entity, other than an employee of the employer, who provides services specified under DOT regulations 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 the regulations.

Split specimen: A urine specimen which has been divided into two portions, a primary specimen with a volume of at least 30 mL and a split specimen with at least 15 mL. Both specimens are shipped to the testing laboratory. If the test of the primary specimen is verified as positive, adulterated, or substituted by the MRO, the person who gave the specimen has an opportunity to have the split shipped to a second laboratory and tested. Testing of a split specimen is performed upon an employee or applicant's specific request, which must be received by the MRO within 72 hours of

the MRO's notification to the employee or applicant of the verified test result. Split specimen testing uses GC-MS analysis without regard to cutoff level.

State agency: An agency of any of the several states, the District of Columbia, or Puerto Rico that participates under section 5 of the Natural Gas Pipeline Safety Act of 1968 (49 App. U.S.C. 1674) or section 205 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 App. U.S.C. 2009).

Supervisor: Individual responsible for observing the performance and behavior of employees and documenting events or behavior indicating possible drug use. A supervisor who observes such events or behavior must confer with a second supervisor or the DER before making arrangements for a reasonable cause drug test.

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

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.

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

APPENDIX B

COVERED POSITIONS

Pipeline Employees

The job categories which are considered covered positions and therefore subject to alcohol and drug testing under federal pipeline safety/drug and alcohol testing regulations (49 CFR Parts 40 and 199, Pipeline & Hazardous Materials Safety Administration [PHMSA], U.S. Department of Transportation [DOT]) are:

- Manager SHE/Q & Logistics
- Distribution Loading Supervisor
- Maintenance Supervisor
- Selected Maintenance Mechanical Technician

Supervisors

The Company Employee Relations Manager, who serves as the DER, and other designated management officials/supervisors will be trained in recognizing specific, contemporaneous physical, behavioral, or performance indicators of probable drug use and/or alcohol misuse which may lead to a decision to test under the "reasonable suspicion" provisions of this ADAMPP.

Individuals who fill the following supervisory positions will undergo at least two (2) hours of training on specific physical, behavioral, and performance indicators of probable drug use and of alcohol misuse:

- Plant Manager
- HR Administrator
- Manager SHE/Q & Logistics
- Maintenance Manager
- Distribution Loading Supervisor
- Maintenance Supervisor
- Senior Production Engineer
- Selected Maintenance Mechanical Technician

APPENDIX C

URINE SPECIMEN COLLECTION PROCEDURES

The following is an outline summary of specimen collection procedures required under 49 CFR Part 40. The summary is based on the Model Anti-Drug Plan of the Pipeline & Hazardous Materials Safety Administration, Department of Transportation, with modifications to reflect recent regulatory changes and the Company's procedures.

A. Scope

1. The Federal drug testing custody and control form (CCF) is to be used as a permanent record on which identifying data on the employee and the specimen collection and transfer process are retained. The ADAMPP requires testing for marijuana, cocaine, amphetamines, opiates and phencyclidine.
2. Urine specimens collected under this ADAMPP may be used only to test for controlled substances designated or approved for testing as described in the DOT regulations, and shall not be used to conduct any other analysis or test.
3. This Plan does not prohibit procedures reasonably incident to analysis of the specimen for controlled substances (e.g. determination of pH or tests for specific gravity, creatinine concentration, or presence of adulterants).

B. Procedures

1. Specimen collectors ("collectors") shall be trained with regard to knowledge of DOT regulations, technical information about the collection process, and documentation requirements. Collectors shall demonstrate initial proficiency, and undergo error correction and refresher training when required to do so under DOT regulations.
2. The collector shall use the Federal drug testing custody and control form (CCF) to document every urine collection conducted under this ADAMPP. The form will include specific information about the Company and its service agents, as well as identifying the collector. The CCF may include such additional information as may be required for billing or other legitimate purposes necessary to the collection.
3. The CCF will not include personal identifying information on the donor (other than social security number or employee identification number).

C. Security

1. The collector is responsible for securing the collection site, inspecting it for materials which could be used to adulterate, and preventing unauthorized access which could compromise the integrity of the specimen or the collection process.
2. A facility normally used for other purposes, such as a public rest room or hospital examining room, may be secured by visual inspection to ensure other persons are not present and undetected access (e.g. through a rear door not in view of the collector) is not possible. Security during collection may be maintained by effective restriction of access to collection materials and specimens. In the case of a public rest room, the facility must be posted against access during the entire collection procedure to ensure privacy for the employee and avoid distraction of the collector.

3. The collector is responsible for maintaining continuous physical security of a collection site from the time the specimen is presented until the leak-resistant plastic bag holding the plastic specimen bottles is sealed:
4. Specimens shall be maintained in secure storage until shipped to the testing laboratory.

D. Chain of custody

1. The chain of custody block of the drug testing CCF form shall be properly executed by authorized collectors upon receipt of specimens.
2. Handling the transportation of urine specimens from one authorized individual or place to another shall always be accomplished through chain of custody procedures. Every effort shall be made to minimize the number of persons handling specimens.

E. Access to authorized personnel only

1. No unauthorized personnel shall be permitted in any part of the designated collection site when urine specimens are collected or stored. Only the collector may handle specimens prior to their being secured in the shipping container.
2. To promote security of specimens, avoid distraction of the collector, and ensure against any confusion in the identification of specimens, the collector shall have only one donor under supervision at any time.
3. For this purpose, a collection procedure is complete when the plastic specimen bottles have been sealed and initialed, the drug testing custody and control form has been completed, and the employee has departed the site.

F. Privacy.

1. Procedures for collecting urine specimens shall allow individual privacy unless there is a reason to believe that a particular individual may alter or substitute the specimen to be provided, as further described below.
2. For purposes of this ADAMPP, the following circumstances are the exclusive grounds constituting a reason to believe that the individual may alter or substitute the specimen:
 - a. The employee has presented a urine specimen that falls outside the normal temperature range (32 - 38 deg C/90 - 100 deg F), or
 - b. The last urine specimen provided by the employee (i.e., on a previous occasion) was determined by the laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below 0.2 g/L; or
 - c. The collector observes materials brought to the collection site, or conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample (e.g., substitute urine in plain view, blue dye in specimen presented); or
 - d. The employee has previously had an invalid, or a verified positive, adulterated or substituted, test result.

G. Integrity and Identity of Specimen. The collector shall take precautions to ensure that a urine specimen is not adulterated or diluted during the collection procedure and that information on the specimen bottles and on the custody and control form can identify the individual from whom the

specimen was collected. The following minimum precautions shall be taken to ensure that unadulterated specimens are obtained and correctly identified.

1. To deter the dilution of specimens at the collection site, toilet bluing agents shall be placed in toilet tanks wherever possible, so that reservoir of water in the toilet bowl always remains blue. Where practicable, there shall be no other source of water (e.g., no shower or sink) in the enclosure where urination occurs. If there is another source of water in the enclosure, it shall be effectively secured or monitored to ensure it is not used as a source for diluting the specimen.
2. When an individual arrives at the collection site, the collector shall ensure that the individual is positively identified as the employee selected for testing (e.g., through presentation of photo identification issued by the employer or Federal, state or local government, or identification by the employer's representative). If the individual's identity cannot be established, the collector shall not proceed with the collection. If the employee requests, the collector shall show proper identification to the employee.
3. If the individual fails to arrive at the assigned time, the collector shall contact the appropriate authority to obtain guidance on the action to be taken. Failure to appear for a scheduled test within a reasonable time constitutes refusal to test.
4. The collector shall ask the individual to remove any unnecessary outer garments such as a coat or jacket that might conceal items or substances that could be used to tamper with or adulterate the individual's urine specimen. The collector shall instruct the individual to empty the contents of his/her pockets and display the items in them. The collector shall ensure that all personal belongings such as a purse or briefcase remain with the outer garments. The individual may retain his or her wallet. If the employee requests it, the collector shall provide the employee a receipt for any personal belongings.
5. The individual shall be instructed to wash and dry his or her hands prior to urination.
6. After washing hands, the individual shall remain in the presence of the collector and shall not have access to any water fountain, faucet, soap dispenser, cleaning agent, or any other materials which could be used to adulterate the specimen.
7. The individual may provide his or her specimen in the privacy of a stall or otherwise partitioned area that allows for individual privacy. The collector shall provide the individual with a collection container for this purpose.
8. The collector shall note any conduct that clearly indicates an attempt to tamper with the specimen. If this occurs, a second specimen must be collected under direct observation.
9. In the exceptional event that an employer-designated collection site is not accessible and there is an immediate requirement for specimen collection (e.g., circumstances require a post-accident test), a public rest room may be used according to the following procedures: A collector who is the same gender as the individual, or who is a licensed medical professional, shall accompany the individual into the public rest room which shall be made secure during the collection procedure. If possible, a toilet bluing agent shall be placed in the bowl and any accessible toilet tank. The collector shall remain in the rest room, but outside the stall, until the specimen is collected. If no bluing agent is available to deter specimen dilution, the collector shall instruct the individual not to flush the toilet until the specimen is delivered to the collector.

10. Collection Methodology
 - a. The Company will use the "split specimen" method of specimen collection for all covered employees.
 - b. Upon receiving the specimen from the individual, the collector shall determine if it has at least 45 mL of urine. If the individual is unable to provide such a quantity of urine, the collector shall instruct the individual to drink not more than 40 ounces of fluids and, after a period of up to three (3) hours, again attempt to provide a complete sample using a fresh collection container. The original insufficient specimen shall be discarded. If the employee is still unable to provide an adequate specimen, the insufficient specimen shall be discarded, testing discontinued, and the Company notified. The MRO shall refer the individual for a medical evaluation to determine whether a medical condition has, or with a high degree of probability could have, precluded the employee from providing a sufficient amount of urine, or the inability to provide a specimen constitutes a refusal to test. Upon completion of the examination, the MRO shall report his or her conclusions to the MRO in writing.
11. Immediately after the specimen is collected, the collector shall measure the temperature of the specimen. The temperature measuring device used must accurately reflect the temperature of the specimen and not contaminate the specimen. The time from urination to temperature measure is critical. The collector must measure the temperature within 4 minutes after the employee has given the collector the specimen.
12. A specimen temperature outside the range of 32 deg C - 38 deg C/90 deg F - 100 deg F, constitutes a reason to believe that the individual has altered or substituted the specimen (See Section F.2.a.). In such cases, the collector will immediately initiate a directly observed collection.
13. Immediately after the specimen is collected, the collector shall also inspect the specimen to determine its color and look for any signs of contaminants. Any unusual findings shall be noted on the urine custody and control form.
14. All specimens suspected of being adulterated shall be forwarded to the laboratory for testing.
15. Whenever there is reason to believe that a particular individual has altered or substituted the specimen as described in Section F.2.a. and c., a second specimen shall be obtained as soon as possible under the direct observation of a same gender collector.
16. Both the individual being tested and the collector shall keep the specimen in view at all times from the time of presentation to the collector until the specimen has been split into two portions, sealed, and labeled. The specimen bottles shall be sealed by placement of tamper-evident identification seals over the bottle caps and down the sides of the bottles. The collector shall date the bottles, and the employee shall initial the seals to acknowledge that the bottles contain his/her specimen..
17. The collector shall direct the employee to read and sign a statement on the custody and control form that he/she provided a urine specimen to the collector; that he/she has not adulterated it in any manner; that each specimen bottle used was sealed with a tamper-evident seal in his/her presence; and that the information provided on the CCF and the label

affixed to each specimen bottle is correct. The collector will also direct the employee to provide date of birth, printed name, and day and evening contact telephone numbers.

18. The collector shall complete the chain of custody portion of the custody and control form to indicate receipt of the specimen from the employee and proper completion of the collection.

19. The collector shall place the specimen bottles and Copy 1 of the CCF in a tamper-evident plastic bag and seal the bag. If the specimen is not immediately prepared for shipment, the collector shall ensure that it is appropriately safeguarded during temporary storage.

20. Control of Specimen

- a. While any part of the above procedures is being performed, it is essential that the urine specimen and custody documents be under the control of the involved collector.
- b. If the involved collector leaves his or her work station momentarily, the collector shall take the sealed specimen bottles and CCF with him/her or shall secure them.
- c. The collector shall not leave the collection site in the interval between presentation of the specimen by the employee and securing of the specimen bottles with identifying seals bearing specimen identification numbers and initialed by the employee. If it becomes necessary for the collector to leave the site during this interval, the collection shall be nullified and at the election of the Company, a new collection may be begun.

H. Collection control. The collector is responsible for opening an individually wrapped or sealed collection container in the employee's presence prior to urination, and for opening sealed or wrapped shipping bottles in the employee's presence after receiving the specimen from the employee. After the specimen is collected, it shall be properly sealed and labeled.

I. Transportation to the laboratory. Collectors shall prepare the sealed plastic bag with the shipping bottles and CCF for shipment to the drug testing laboratory. The specimens shall be placed in shipping containers designed to minimize the possibility of damage during shipment (e.g. specimen boxes and/or padded mailers) and sealed appropriately. If a laboratory courier hand-delivers the specimens from the collection site to the laboratory, the collector shall prepare the plastic bag for shipment as directed by the courier service.

J. Failure to Cooperate. If the employee refuses to cooperate with the collection process, the collector shall inform the designated Company representative and shall document the non-cooperation on the drug testing custody and control form.

K. Employee Requiring Medical Attention. If the sample is being collected from an employee in need of medical attention as part of a post-accident test given in an emergency medical facility, necessary medical attention shall not be delayed in order to collect the specimen.

APPENDIX D

ALCOHOL TESTING PROCEDURES

As stated previously in this ADAMPP, alcohol testing will comply with the procedures set forth in 49 CFR Part 40, "Procedures for Transportation Workplace Drug and Alcohol Testing Programs," as revised. The following is a summary of those procedures.

- A. Scope. The alcohol testing procedures set forth in this appendix address the regulatory requirements as set forth in 49 CFR Part 40 and specify the required steps and documentation of alcohol testing.
- B. Alcohol Testing Personnel. The only people who are authorized to perform alcohol testing for the Company are screening test technicians (STTs) and breath alcohol technicians (BATs) who:
 - 1. Are knowledgeable about DOT alcohol testing procedures and
 - 2. Have been trained to proficiency in operation of the alcohol testing devices they use.
- C. Breath Testing Locations.
 - 1. The Company shall ensure that there are sufficient breath testing sites and available alcohol testing personnel located within a reasonable proximity to each of the Company's work locations.
 - 2. The Company shall ensure that testing is conducted in a location that affords visual and aural privacy to the employee being tested. The location shall prevent unauthorized personnel from seeing or hearing test results. All necessary equipment, personnel, and materials for conducting the alcohol testing shall be provided at the testing site.
 - 3. A mobile collection facility, such as a van that is equipped for alcohol testing and that meets the requirements set forth in the AMPP may be utilized.
 - 4. No unauthorized persons shall be permitted access to the testing site when the alcohol testing equipment or supplies remain unsecured.
 - 5. In rare circumstances the Company may have to conduct post-accident or reasonable suspicion alcohol testing at a site that does not meet all the visual and aural privacy requirements described above. In such cases, the alcohol testing technician shall provide visual and aural privacy to the employee to the greatest extent practicable.
 - 6. The alcohol testing technician shall supervise only one employee's test at a time. The alcohol testing technician shall not leave the alcohol testing site while testing is in progress.
- D. Alcohol Testing Form.
 - 1. The alcohol testing technician shall utilize the Alcohol Testing Form (ATF) which complies with 49 CFR 40.225 with regard to the information that must be contained on the form. Neither the Company nor the alcohol testing technician may modify or revise the form except as permitted by this regulation.
 - 2. The Company may use a form that is directly generated by an evidential breath testing device (EBT) and may omit the space for affixing a separate printed result to the ATF. The

form shall provide triplicate or three consecutive identical copies with copy 1 being retained by the Company, copy 2 provided to the employee, and copy 3 retained by the alcohol testing technician.

3. The ATF may include such additional information as may be required for billing in the area outside the boundaries of the form.

E. Alcohol Testing Devices.

1. The only devices which shall be used to perform screening alcohol tests under this AMPP are ASDs and EBTs Which are listed on the National Highway Traffic Safety Administration (NHTSA) conforming products list (CPL).
2. The only devices which shall be used to perform confirmation alcohol tests under this AMPP are evidential breath testing devices (EBTs) on NHTSA's CPL, with the following capabilities:
 - a. Provides a printed triplicate result (or three consecutive identical copies of a result) of each breath test;
 - b. Assigns a unique number to each completed test, which the BAT and employee can read before each test and which is printed on each copy of the result;
 - c. Prints, on each copy of the result, the manufacturer's name for the device, its serial number, and the time of the test;
 - d. Distinguishes alcohol from acetone at the 0.02 alcohol concentration level;
 - e. Tests an air blank; and
 - f. Performs an external calibration check.
3. ASDs shall be stored and used according to their NHTSA-approved quality assurance plans (QAPs), which specify:
 - a. Temperature and environmental considerations,
 - b. The methods used for quality control checks, and
 - c. Shelf life.
4. EBTs shall be maintained, calibrated and used according to their NHTSA-approved quality assurance plans (QAPs), which specify:
 - a. Inspection, maintenance and calibration requirements and intervals,
 - b. Methods used to perform external calibration checks, and
 - c. Tolerances within which the EBT is regarded as being in proper calibration.

F. Initial Steps in Alcohol Screening Tests.

1. When an employee arrives at the alcohol testing site, the alcohol testing technician shall ensure that the individual is positively identified as the employee selected for alcohol testing (e.g. through presentation of photo identification or identification by the Company's representative). If the employee's identity cannot be established, the alcohol testing

technician shall not proceed with the alcohol test. If the employee requests, the alcohol testing technician shall show proper identification to the employee.

2. If the employee fails to arrive at the assigned time, the alcohol testing technician should report the failure to the DER. Failure to appear for any test within a reasonable time, as determined by the Company, after being directed to do so constitutes a refusal to test.
3. If both alcohol and drug tests are required, the technician shall perform the alcohol test first to the greatest extent practicable.
4. The alcohol testing technician shall explain the testing process to the employee, including showing the employee the instructions on the back of the ATF.
5. The alcohol testing technician shall complete Step 1 of the ATF.
6. The employee shall complete Step 2 of the ATF and sign the certification. Refusal to sign the certification constitutes a refusal to test.

G. Screening Test Procedures.

1. Screening tests using breath testing devices are conducted as follows. The BAT shall:
 - a. Select an individually-sealed mouthpiece, open it in full view of the employee, and attach it to the alcohol testing device in accordance with the manufacturer's instructions.
 - b. Instruct the employee to blow forcefully into the mouthpiece for at least 6 seconds or until the device indicates that an adequate amount of breath has been obtained.
 - c. Show the employee the result displayed on the device.
 - d. Record the result, test number, testing device name, serial number of the testing device, and time in Step 3 of the form. If the EBT prints the test result directly onto the ATF, the BAT shall check to ensure that the information printed correctly on the ATF. If the EBT provides a printed result but does not print the results directly onto the form, the BAT shall affix the test result printout to the breath alcohol test form in the designated space. The result shall be secured in such a manner that will provide clear evidence of removal such as the use of tamper-evident tape.
 - e. Date and sign the certification in Step 3 of the form if the result of the screening test is an alcohol concentration of less than 0.02.
 - f. Transmit the result to the DER in a confidential manner. The Company shall receive and store the information so as to ensure that confidentiality is maintained as required in the ADAMPP.
2. Screening tests using a saliva ASD are conducted as follows. The STT shall:
 - a. Check the expiration date on the device and show it to the employee. The STT shall not use the device after its expiration date.
 - b. Open an individually wrapped or sealed package containing the device in the presence of the employee.
 - c. Offer the employee the opportunity to use the device.

- (1) If the employee uses it, the STT shall instruct the employee to insert it into his or her mouth and use it in a manner described by the device's manufacturer.
 - (2) If the employee chooses not to use the device, the STT shall insert the device into the employee's mouth and gather saliva in the manner described by the device's manufacturer.
- d. Follow the manufacturer's instructions regarding necessary next steps in ensuring that the device has activated.
 - e. Read the result displayed on the device no sooner than the manufacturer instructs, and in no case later than 15 minutes after the test.
 - f. Show the device and its reading to the employee.
 - g. Enter the result and the fact that a saliva ASD was used on the ATF.
 - h. Date and sign the certification in Step 3 of the form if the result of the screening test is an alcohol concentration of less than 0.02.
 - i. Transmit the result to the DER in a confidential manner. The Company shall receive and store the information so as to ensure that confidentiality is maintained as required in the AMPP.

H. Preparation for Confirmation Testing.

1. If the result of the screening test is an alcohol concentration of 0.02 or greater, then a confirmation test shall be performed.
2. If the confirmation test will be conducted by the BAT that performed the screening test, the BAT shall:
 - a. Instruct the employee not to eat, drink, put any object or substance in his/her mouth and, to the extent possible, not belch during the waiting period just prior to the confirmation test being conducted.
 - b. Explain to the employee that the reason for this is to prevent any accumulation of mouth alcohol leading to an artificially high reading and that it is for the benefit of the employee to comply with these instructions.
 - c. Explain that the test will be conducted at the end of the required waiting period, even if the employee has disregarded the instructions.
 - d. Note on the "Remarks" line that these instructions were provided.
 - e. Ensure that he/she, another BAT, or a Company representative observes the employee during the waiting period, which shall begin with the completion of the screening test. The waiting period shall be at least 15 minutes and no longer than 30 minutes.
 - f. Note his/her observations on the ATF if he/she becomes aware that the employee has not followed instructions.

2. If the employee must be transported to a different facility to undergo alcohol confirmation testing, the BAT shall:
 - a. Instruct the employee not to eat, drink, put any object or substance in his/her mouth and, to the extent possible, not belch during the waiting period just prior to the confirmation test being conducted.
 - b. Explain to the employee that the reason for this is to prevent any accumulation of mouth alcohol leading to an artificially high reading and that it is for the benefit of the employee to comply with these instructions.
 - c. Explain that the test will be conducted at the end of the required waiting period, even if the employee has disregarded the instructions.
 - d. Note on the "Remarks" line that these instructions were provided.
 - e. Instruct the employee not to attempt to drive a motor vehicle to the confirmation testing site.
 - f. Ensure that the employee is accompanied by a BAT, an STT, or an employer representative, who shall observe the employee during transport to the confirmation testing site. This waiting period shall begin with the completion of the screening test and shall not be less than 15 minutes, but should not be longer than 30 minutes following the completion of the screening test. The BAT shall instruct the person accompanying the employee to carry a copy of the ATF to the BAT who will be performing the confirmation test.
 - g. Complete and sign Step 3 of the ATG and give the employee Copy 2 of the form.

I. Confirmation Test Procedures.

1. If the confirmation test will be conducted by the BAT that performed the screening test, the BAT shall:
 - a. Note his/her observations on the ATF if he/she becomes aware that the employee has not followed instructions.
 - b. Conduct an air blank on the EBT he/she is using and show the reading to the employee.
 - (1) If the reading is 0.00, the test may proceed.
 - (2) If the reading is greater than 0.00, the BAT shall conduct another air blank. If the second reading is 0.00, the test may proceed; if it is greater than 0.00, the EBT shall be taken out of service and another EBT used for the confirmation test.
 - c. Select an individually-sealed mouthpiece, open it in full view of the employee, and attach it to the alcohol testing device in accordance with the manufacturer's instructions.
 - d. Show the employee the unique test number displayed on the EBT.
 - e. Instruct the employee to blow forcefully into the mouthpiece for at least 6 seconds or until the device indicates that an adequate amount of breath has been obtained.

- f. Show the employee the result displayed on the device.
 - g. Show the employee the result and unique test number that the EBT prints out either directly on the ATF or onto a separate printout.
 - h. Affix the test result, if separate from the ATF, to the form in the designated space with tamper-evident tape or a self-adhesive label that is tamper-evident.
 - i. Sign and date Step 3 of the ATF.
 - j. If the alcohol test result is lower than 0.02, give the employee Copy 2 of the form and transmit the result to the DER in a confidential manner.
 - k. If the alcohol test result is 0.02 or higher, direct the employee to sign and date Step 4 of the ATF, then immediately transmit the result directly to the DER in a confidential manner. If the employee refuses to sign and date the ATF, the BAT shall note this on the "Remarks" line of the ATF.
2. If the confirmation test will be conducted by a BAT other than the one who conducted the screening test, the second BAT shall:
- a. Require the employee to provide positive identification such as a government or Company photo ID, or identification by a Company representative. The BAT shall also provide his or her identification upon request of the employee being tested.
 - b. Initiate a new ATF, complete Step 1, and direct the employee to complete Step 2 by signing the certification.
 - (1) The BAT shall note in the "Remarks" section that a different BAT conducted the screening test.
 - (2) The BAT shall note his/her observations on the ATF if he/she becomes aware that the employee has not followed the instructions of the first BAT during the waiting period.
 - (3) If the employee refuses to sign the certification, the BAT shall make an appropriate notation in the "Remarks" section indicating the employee's refusal to take the alcohol test.
 - c. Ensure that a waiting period of at least 15 minutes has elapsed since completion of the screening test, as documented on the first ATF. The time of transit between sites counts toward the waiting time.
 - d. Document the time elapsed between the screening and confirmation tests on the ATF.
 - e. Conduct an air blank on the EBT he/she is using and show the reading to the employee.
 - (1) If the reading is 0.00, the test may proceed.
 - (2) If the reading is greater than 0.00, the BAT shall conduct another air blank. If the second reading is 0.00, the test may proceed; if it is greater than 0.00, the EBT shall be taken out of service and another EBT used for the confirmation test.

- f. Select an individually-sealed mouthpiece, open it in full view of the employee, and attach it to the alcohol testing device in accordance with the manufacturer's instructions.
- g. Show the employee the unique test number displayed on the EBT.
- h. Instruct the employee to blow forcefully into the mouthpiece for at least 6 seconds or until the device indicates that an adequate amount of breath has been obtained.
- i. Show the employee the result displayed on the device.
- j. Show the employee the result and unique test number that the EBT prints out either directly on the ATF or onto a separate printout.
- k. Affix the test result, if separate from the ATF, to the form in the designated space with tamper-evident tape or a self-adhesive label that is tamper-evident.
- l. Sign and date Step 3 of the ATF.
- m. If the alcohol test result is lower than 0.02, give the employee Copy 2 of the form and transmit the result to the DER in a confidential manner.
- n. If the alcohol test result is 0.02 or higher, direct the employee to sign and date Step 4 of the ATF, then immediately transmit the result directly to the DER in a confidential manner. If the employee refuses to sign and date the ATF, the BAT shall note this on the "Remarks" line of the ATF.

J. Communication of Alcohol Test Results.

- 1. All communications by BATs shall be to the DER or designee only and may be provided in writing, in person, or by telephone or electronic means. The BAT shall ensure immediate, direct transmission of test results above 0.02 to the Company in order for the Company to prevent the employee from returning to the performance of safety-sensitive duties.
- 2. Should the initial transmission not be accomplished in writing, but via telephone notification, the DER or designee shall establish a mechanism to verify the identity of the BAT providing the information. The BAT shall follow the initial transmission by providing to the DER or designee the Company's copy of the breath alcohol testing form.
- 3. Alcohol test results shall be stored in a way that protects confidentiality.

K. Problems in Alcohol Testing.

- 1. Problems Requiring Test Cancellation. The alcohol test technician shall cancel an alcohol test if any of the following problems occur:
 - a. A screening test using a saliva ASD in which:
 - (1) The STT reads the result sooner or later than the time allotted by the manufacturer.
 - (2) The device does not activate.
 - (3) The device is used for a test after the expiration date printed on its package.

- b. A screening or confirmatino test using an EBT in which 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.
 - c. A confirmation test in which:
 - (1) The BAT conducts the test before the end of the 15-minute waiting period.
 - (2) The BAT does not conduct an air blank before the test or the air blank does not have a result of 0.00.
 - (3) The EBT does not print the result.
 - (4) The next external calibration check of the EBT produces a result that differs by more than the tolerance stated in the QAP from the know value of the test standard; in this case, every result of 0.02 or above since the last valid external calibration check is cancelled.
2. Problems Which Can Be Corrected. The alcohol test technician shall correct the following problems with alcohol tests by repeating the testing process or by written statements correcting the error:
- a. The technician does not sign the ATF.
 - b. The technician fails to note on the "Remarks" line of the ATF that the employee has not signed the ATF after the result is obtained.
 - c. The technician uses a non-DOT form for the test.
3. Inadequate Specimen.
- a. Inadequate Amount of Saliva. If an employee is unable to provide sufficient saliva to activate an ASD, the STT shall conduct a new screening test with a new device. If the employee does not provide sufficient saliva on the second attempt, the STT shall immediately notify the DER, who shall immediately arrange for a breath alcohol test.
 - b. Inadequate Amount of Breath.
 - (1) If an employee does not provide a sufficient amount of breath to permit a valid breath test, the BAT shall instruct the employee to attempt again and the proper way to do so.
 - (a) The BAT may attempt the test to conduct a breath test in manual mode if the EBT has the capability.
 - (b) If the employee does not provide a sufficient amount of breath on a second or third attempt, the BAT shall note the fact on the ATF and immediately notify the DER.
 - (2) If the alcohol test technician is qualified to use a saliva ASD and the test is a screening test, he or she may conduct a saliva test to complete the screening test.
 - (3) If the BAT notifies the DER that the employee has not provided a sufficient amount of breath, the Company shall obtain, within five days, an evaluation

from a licensed physician with expertise in the medical issues raised by the employee's failure to provide a sufficient specimen.

- (4) The physician will determine whether, with a high degree of probability, a medical condition could have precluded the employee from providing a sufficient amount of breath. If this is the case, the test shall be cancelled. If there is not an adequate basis for determining that such a medical condition caused the failure to provide a sufficient specimen, the Company shall take action on the basis of a refusal to test.

5. Resolution of Alcohol Test Problems.

- a. If a correctable problem with an alcohol test is not corrected per 49 CFR 40.271, the test shall be cancelled. Alcohol test technicians who cancel tests must inform the DER within 48 hours of the cancellation.
- b. Cancelled tests are neither positive nor negative. They do not count toward compliance with DOT requirements. They should not be recollected unless the employee needs a test under 0.02 (return-to-duty or follow-up).

APPENDIX E

URINE SPECIMEN COLLECTION AND ALCOHOL TESTING SITES

The following are designated as the Company's primary sites for specimen collection for urine drug screen collections and alcohol testing:

Moses Lake Clinic/Occupational Medicine
840 E Hill Ave
Moses Lake WA 98837-2238
509-764-6400

Mid-Columbia Mobile Drug Testing
On-site at EKA Chemicals
2701 Rd N NE
Moses Lake WA 98837
509-989-2582

The C/TPA will locate additional qualified specimen collection and alcohol testing facilities upon request by the DER (e.g. for a post-accident test outside the Company's normal geographic area).

APPENDIX F

SERVICE PROVIDERS

C/TPA

The Consortium/Third-Party Administrator (C/TPA) for the Company Anti-Drug and Alcohol Misuse Prevention Plan to Comply with 49 CFR Parts 40 and 199 is:

Wolfgang Associates, Inc.	(503) 297-4113
7220 SW Sylvan Ct	Toll-free (866) 538-4788
Portland OR 97225-3742	

The TPA will communicate with the DER with regard to current employee lists, completion of required testing, post-accident testing determinations, and contractor compliance. It will assist the Company in recordkeeping and other aspects of complying with federal regulations and current standards of drug and alcohol testing.

Medical Review Officers (MROs)

Medical Review Officer services are provided by:

C. Kirby Griffin, MD, MRO	(503) 977-3225
Paragon MRO	Toll-free (877) 977-3225
9370 SW Greenburg Rd Suite 200	
Portland OR 97223-1430	

Other qualified physicians may act as alternates under Dr. Griffin's direction.

SAMHSA-Certified Laboratory

The Company's primary laboratory for drug testing is:

Providence Associates Medical Lab	Toll-free (800) 541-7891
110 W Cliff Ave	
Spokane WA 99204-3638	

Other laboratories certified by the Substance Abuse and Mental Health Services (SAMHSA) will be identified by the Company's C/TPA for split specimen testing or if drug testing is required in remote geographic locations.

Substance Abuse Professionals

The Company will use the services of Substance Abuse Professionals (SAPs) who meet U.S. Department of Transportation requirements for education/certification and absence of financial benefit from referral for treatment. The following SAP is qualified to evaluate an employee following a verified positive drug test, an alcohol test result of 0.04 or greater, or other conduct prohibited under this ADAMPP.

Gregory Wonnacott	(509) 534-6820 ext.109
Occupational Health Solutions	Toll-free (800) 698-1808 ext.109
407 E 2 nd Ave Suite 200	
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