



## **SOUTHERN GLOBAL SAFETY SERVICES INC.**

### **ANTI DRUG PLAN**

#### **SECTION I INTRODUCTION**

##### **A. PROHIBITED DRUG POLICY**

1. Southern Global Safety Services Inc. hereinafter referred to as (SGSS) has a commitment to maintain the highest standards for employee safety, health, and the use of controlled substances is contrary to these high standards.
2. This policy is also to bring the SGSS into compliance with federal law. The purpose of the anti-drug plan is to reduce accidents that result from the use of controlled substances, thereby reducing fatalities, injuries, and property damage.
3. The presence in the body of prohibited substances is not condoned.

##### **B. IMPLEMENTATION OF ANTI-DRUG PLAN**

1. SGSS has implemented the Research and Special Programs Administration (RSPA), Drug Testing Regulations as set forth in 49 CFR Part 199 and the Department of Transportation, Procedures for Transportation Workplace Drug Testing Programs as set forth in 49 CFR Part 40.
2. Implementation of the anti-drug plan was effective on July 1, 1997.

##### **C. BACKGROUND**

1. The catalyst for the anti-drug plan is Title 49 Code of Federal Regulations (CFR) Part 199 which requires the pipeline operators subject to 49 CFR Parts 192, 193, and 195, and their contractors to test their employees for prohibited drugs under the following work-related conditions.
  - a. Pre-Employment
  - b. Post-Accident

- c. Random
- d. Reasonable Cause
- e. Return-to-Duty

- 2. Title 49 CFR Part 40 specifies procedures which must be followed by SGSS when conducting drug testing pursuant to regulations, issued by agencies of the Department of Transportation (DOT).

**D. DEFINITIONS**

For purposes of this anti-drug plan the following definitions apply:

- 1. Accident — an incident reportable under Part 191 involving gas pipeline facilities or LNG facilities or an accident reportable under Part 195 involving hazardous liquid or carbon dioxide pipeline facilities.
- 2. Accident §191.3 — An accident on a gas pipeline or LNG facility is defined as an “incident,” as follows:
  - a. An event that involves a release of gas from a pipeline or of liquefied natural gas or gas from an LNG facility and:
  - b. A death, or personal injury necessitating inpatient hospitalization; or
  - c. Estimated property damage, including cost of gas lost, to the operator or others, or both, of \$50,000 or more.
  - d. An event that results in an emergency shutdown of a LNG facility.
  - e. An event that is significant, in the judgment of the operator, even though it did not meet the criteria of paragraphs (1) or (2).
- 1. Accident Reporting Requirements - §195.50— An accident report is required for each failure in a pipeline system in which there is a release of the hazardous liquid or carbon dioxide transported resulting in any of the following:
  - a. Explosion or fire not intentionally set by the operator.
  - b. Loss of 50 or more barrels of hazardous liquid or carbon dioxide.
  - c. Escape into the atmosphere of more than five barrels a day of highly volatile liquids.
  - d. Death of any person.

- 2. Bodily harm to any person resulting in one or more of the following:

- a. Loss of consciousness.
  - b. Necessity to carry the person from the scene.
  - c. Necessity for medical treatment.
  - d. Disability which prevents the discharge of normal duties or the pursuit of normal activities beyond the day of the accident.
  - e. Estimated property damage, including cost of clean-up and recovery, value of lost product, and damage to the property of the operator or others, or both, exceeding \$50,000.
3. Blind Sample — a urine specimen submitted to a laboratory for quality control testing purposes, with a fictitious identifier, so that the laboratory cannot distinguish it from employee specimens, and which is spiked with known quantities of specific drugs or which is blank, containing no drugs.
  4. Chain-of-Custody — procedures to account for the integrity of each urine specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. These procedures shall require that an appropriate drug testing custody form from a Department of Health and Human Services (DHHS) certified laboratory be used from time of collection to receipt by the laboratory.
  5. Collection Site — a designated clinic/facility where applicants or employees of SGSS may present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs.
  6. Collection Site Person — a person who instructs and assists applicants and employees through the specimen collection process.
  7. Company — Southern Global Safety Services Inc., SGSS or its subsidiaries.
  9. Confirmation 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. Gas chromatography/mass spectrometry (GC/MS) is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine (PCP).
  10. Covered employee — any person who performs on a pipeline or LNG facility an operating, maintenance, or emergency response function regulated by Parts 192, 193, or 195. Such person may be employed directly by the operator, or by a contractor engaged by the operator. As applied in the regulations, “employee” and “applicant for employment” have the same meaning for the purpose of these requirements. Clerical, truck driving, accounting, or other job functions not covered by Parts 192, 193, and 195 are not subject to the regulations.

11. Covered Function (safety-sensitive function) — an operation, maintenance, or emergency-response function that is performed on a pipeline or LNG facility and the function is regulated by Parts 192, 193, or 195.
12. Fail a Drug Test or Test Positive — the confirmation test result shows positive evidence of the presence under DOT procedures of a prohibited drug in the employee's or applicant's system.
13. Initial Test — an immunoassay screen to eliminate 'negative urine specimens from further consideration.
14. Operator — an owner or operator of pipeline facilities.
15. Pass a Drug Test or Test Negative — that initial testing or confirmation testing under DOT procedures does not show evidence of the presence of a prohibited drug in the employee's or applicant's system.
15. Pipeline — all parts of the physical facilities through which product moves in transportation. This includes pipe, valves, and other appurtenances attached to pipe, compressor units, metering stations, delivery stations, holders, and fabricated assemblies.
16. Pipeline Facilities — includes new and existing pipeline, rights-of-way, and any equipment, facility, or building used in the transportation of products.
17. Prohibited Drug — marijuana, cocaine, opiates, phencyclidine, amphetamines, and inhalants.
18. Refusal to Submit — refusal by an individual to provide a urine sample after receiving notice of the requirement to be tested in accordance with the Company's anti-drug program.
19. SAMHSA — Substance Abuse and Mental Health Services Administration, formerly National Institute on Drug Abuse (NIDA), was established by the Department of Health and Human Services in 1986 to regulate laboratories performing analytical tests (drug tests) on human body fluids for employment purposes in the public sector.

**E. SGSS RESPONSIBILITIES**

1. Drug Program Manager (DPM): The SGSS Safety Director shall act as the Corporate Drug Program Manager. However, the SGSS Tennessee Operations Managers shall designate, at his/her discretion, a representative in each operating location which is subject to the provisions of this anti-drug plan to act as a Drug Program Manager. Appendix A contains the name, address, and phone number of the responsible individual(s) selected as the Drug Program Manager in each operating location operating under this anti-drug program. The SGSS Safety Director or Tennessee Operations manager shall be responsible for the preparation of a drug testing anti-drug plan which complies with requirements of the Department of Transportation regulations as set forth in 49 CFR Parts 199 and 40. The DPM shall be responsible for providing oversight and evaluation on the plan; providing guidance and counseling; reviewing of all discipline applied under this plan for consistency and

conformance to human resources policies and procedures, scheduling random drug testing and return-to-duty testing; maintaining a locked file system on drug testing results; and overseeing the employee assistance program (EAP) as it is defined in 49 CFR Part 199.19. SGSS shall ensure that all covered employees are aware of the provisions and coverage of the company's anti-drug plan.

2. Supervisors: SGSS supervisors are responsible for observing the performance and behavior of employees; observation/documentation of events suggestive of reasonable cause; responsible for requests of second supervisor for substantiation and concurrence for reasonable cause testing, if applicable.
3. Employees: Each SGSS employee has the responsibility to be knowledgeable of the requirements of the company's anti-drug plan and to fully comply with the provisions of the plan.

## **SECTION II DRUG TESTING REQUIREMENTS**

1. Individuals Subject to Drug Testing: Any applicant employee who performs on a pipeline, in an operating, maintenance, or emergency response function regulated by Part 192, 193, or 195, would be subject to drug testing under this program. This does not include clerical, accounting, or other functions not subject to Part 192, 193 or 195. Individuals are subject to the requirements of this plan if SGSS is directly engaged by the operator as a contractor, or if SGSS is retained or employed by such a contractor. Refer to Appendix B for specific employee titles subject to testing under this program.
2. Procedure for Notifying Employees: A summary of this anti-drug testing plan is included in the company safety manual. Upon receipt of SGSS's anti-drug plan, each manager shall post the plan in a prominent location that is readily accessible to all covered employees. All covered employees will be provided a condensed/summarized version of the plan. Any employee may review a complete, unabridged copy of the SGSS anti-drug document by contacting the appropriate Drug Program Manager (DPM) in the employees' operating location.

In addition, a summary of the plan will be posted on all SGSS safety bulletin boards locations subject to the requirements of this plan. The summarized version shall have instructions as to how to obtain or review the complete program in its entirety. At the time of receipt each employee shall sign an acknowledgment/receipt form which indicates that the individual has been provided with a complete or summarized version and understands its contents and requirements.

3. Substances for Which Testing Must Be Conducted  
SGSS shall test each employee who performs a function listed in Appendix B for evidence of the following substances:  
MARIJUANA  
COCAINE  
OPIATES  
PHENCYCLIDINE

## AMPHETAMINES

### A DRUG TESTS REQUIRED

#### 1. PRE-EMPLOYMENT TESTING

A pre-employment drug test must be conducted before an individual is hired or contracted 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 who have not been participating in the anti-drug plan and subject to the random selection process. A negative test result is required prior to performing covered functions

#### 2. POST-ACCIDENT TESTING

A. SGSS shall promptly determine if the employee's performance contributed to the accident'' or cannot be completely discounted as a contributing factor to the accident. Each of these employees shall be drug tested as soon as possible but no later than 32 hours after the accident. SGSS shall take all reasonable steps to obtain a urine specimen from an employee after an accident, as defined above, but any injury should be treated first.

B. SGSS will take all reasonable steps to obtain a urine sample from an employee following an accident.

1. In the case of a conscious, but hospitalized employee, SGSS shall request that the hospital or medical facility obtain the sample from the employee.

2. If an employee is injured, unconscious (employee is unable to communicate), or otherwise unable to evidence consent (employee is unable to sign custody and control form) to the drug test, all reasonable steps must be taken to obtain a urine sample from the employee.

3. If an employee is conscious (employee can communicate) and he/she is able to evidence consent (employee is able to sign custody and control form) to the drug test, all reasonable steps shall be taken to obtain a urine sample from the employee.

4. 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 49 CFR Part 199.9.

5. SGSS shall develop written procedures/guidelines for employees and supervisors who are involved in accident situations which require post-accident testing.

6. SGSS may decide not to test under the post-accident provisions, but such a decision must be based, on the best information available immediately after the accident, that the employee's performance could not have contributed to the accident, or that because of the time between that performance and the accident, it is not likely

that a drug test would reveal whether the performance and the accident, would reveal whether the performance was affected by drug use.

- C. The following steps shall be used to guide the SGSS Supervisor to a satisfactory outcome in a post-accident situation.
1. Verify the post-accident decision. Does the definition of accident in Section I apply to the urgent situation? Does the possibility exist that the employee's performance contributed to the accident or cannot be completely discounted as a contributing factor to the accident? Anonymous tips must be taken seriously, but should not be the sole reason to initiate a request for a specimen. If witnesses saw a specific event or behavior, ask them to describe what they saw. How far away were they? Before proceeding further, obtain approval from the division Drug Program Manager or designee to proceed with post-accident testing.
  2. Isolate and inform the employee. Remove the employee from the covered position or work place. Explain that you have reason to believe their performance may have contributed to the accident or cannot be completely discounted as a contributing factor to the accident.
  3. Transport the employee. The potentially affected employee will not be allowed to proceed alone to or from the collection site. In addition to the safety concerns for the employee, accompanying the employee also assures that there is no opportunity en route to the collection site for the employee to ingest anything that could affect the test result or to acquire "clean" urine from another person.
  4. Document the events. Record the activity performed that supports the determination to conduct a post-accident test. This documentation of the employee's activity should be prepared and signed by the supervisor within 24 hours of the accident or before the results of the tests are released, whichever is earlier, if possible.
  5. Denial should be an expected reaction. If a person knows they will test positive, they may give many explanations and protestations, wanting to avoid drug testing. If they are not under the influence or affected by a prohibited drug, vehement denial also would be expected. Listen to the employee and carefully evaluate the employee's explanation. Remember, a request for urine specimen is not an accusation: it is merely a request for additional objective data. To the employee it may feel like an accusation; so it is important to stress that this is merely a request for additional data.
  6. Following collection. After returning from the collection site. The employee shall not be allowed to perform covered functions pending the results of the drug test.

### 3. RANDOM TESTING

1. The primary purposes of random testing are to deter prohibited drug use and to ensure a drug free workforce. DOT regulations require that covered employees shall be subject to drug testing on an unannounced and random basis. SGSS shall conduct a number of tests equal to at least 50 percent of all covered employees each calendar year, spread reasonably over a 12-month period. SGSS will conduct random selection and testing on a quarterly schedule.

2. The following is a discussion of the key aspects of the random testing selection process.
  - a. Employees shall remain in the random selection pool at all times, regardless of whether or not they have been previously selected for testing.
  - b. Employees shall be selected for testing by using a computer-based random number generator or equivalent random selection method that is matched with an employee's social security number or employee ID number.
  - c. The process will be unannounced as well as random Employees will be notified that they have been selected for testing after they have reported for duty on the day of collection.
  - d. Employees will be selected for random testing based on the number of covered employees at the time and the necessary testing rate.
  - e. Specimen collection will be conducted on different days of the week throughout the annual cycle to prevent employees from matching their drug use patterns to the schedule for collection.

#### **4. STEPS FOR RANDOM TESTING**

1. The DPM or branch designee, on a pre-determined date, shall use the random selection procedures to compile a list of covered employees selected for random testing during that testing cycle.
2. The DPM or branch designee shall ensure that the list of social security numbers or employee identification numbers will identify the correct employees who are to be randomly tested during the testing cycle.
3. It is the intent of this plan to notify employees of their selection for random testing after they have reported for duty.
4. The list of employees to be tested will be provided to the appropriate DPM or his/her delegate.
5. The list of employees selected will be retained by the DPM or branch designee in a secure location.

#### **5. NOTIFICATION OF EMPLOYEES**

1. The appropriate manager/supervisor will notify the employee to be tested to report to the supervisor's office or known field location at a specified time.
2. The employee will not be notified of the test until after reporting for duty.
3. Employees shall report immediately to the collection site or to the collection site within 30 minutes, plus travel time. once notified by the appropriate SGSS official.

## 6. REASONABLE CAUSE TESTING

1. Reasonable cause testing is designed to provide management with a tool (in conjunction with supervisor training on the signs and symptoms of drug use) to identify drug 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 reasonable cause to believe an employee is using or has used a prohibited drug.
2. The decision to test must be based on a reasonable and articulate belief that the employee is using a prohibited drug on the basis of specific, contemporaneous physical. Behavioral or performance indicators of probable drug use. At least two of the employee's supervisors, one of whom is trained in detection of the possible symptoms of drug use, shall substantiate and concur in the decision to test an employee. The concurrence by both supervisors can be accomplished by phone, by discussions a few hours later, or by having another supervisor travel to the job site, if only one supervisor is available at that particular job site. In cases where there are fewer than 50 employees subject to the provisions of this anti-drug plan, only one supervisor which has been trained in detecting possible drug use symptoms is required to substantiate the decision to test.
3. In making a determination of reasonable cause, the factors to be considered include, but are not limited to the following:
  - a. Adequately documented pattern of unsatisfactory work performance, for which no apparent non-impairment related reason exists, or a change in an employee's prior pattern of work performance, especially where there is some evidence of drug related behavior on or off the work site.
  - b. Physical signs and symptoms consistent with substance abuse.
  - c. Evidence of illegal substance use, possession, sale, or delivery while on duty.
  - d. Occurrence of a serious or potentially serious accident that may have been caused by human error, or flagrant violations of established safety, security, or other operational procedures.
4. The following steps will be used to guide the SGSS supervisor to a satisfactory outcome in a reasonable cause situation.
  - a. Verify the reasonable cause decision. Anonymous tips must be taken seriously, but should not be the sole reason to initiate a request for a specimen. Hearsay is not an acceptable basis for reasonable cause referral. If witnesses saw a specific event or behavior, ask them to describe what they saw. How far away were they? How long did they observe the person? What, if anything, caused them to believe it was substance abuse related? On what basis did they reach their conclusion? Before proceeding further, obtain approval from the Drug Program Manager or designee to proceed with reasonable cause testing.

- b. Isolate and inform the employee. Remove the employee from the work location. Explain that there is reasonable cause to believe the employee's performance is being affected by some substance. Ask the employee to explain the suspected behavior and to describe the events that took place from their perspective. Ask if there is any medication or physical condition that would explain the behavior. A persuasive explanation may or may not deter you from asking for a urine sample. If there is still a reasonable belief that drugs are a factor in the situation/incident, a request for testing should be made; if no reasonable belief is determined then no request for testing should be made. If the decision to test is made, inform the employee that they are being requested to accompany the appropriate SGSS official to the specimen collection site to provide a urine specimen. Inform the employee of the consequences of refusal to submit to testing.
- c. Review your findings. During the conversation, observe physical and mental symptoms. Be sure to document any characteristics that either support or contradict initial information. In all cases, a reasonable cause decision must be made by two of the employee's supervisors. This creates greater objectivity, provides additional observation, and generally strengthens the defensibility of the reasonable cause determination.
- d. Transport the employee. The potentially affected employee shall not be allowed to proceed alone to or from the collection site. In addition, to the safety concerns for the employee, accompanying the employee also assures that there is no opportunity en route to the collection site for the employee to ingest anything that could affect the test result or to acquire "clean" urine from another person.
- e. Document the events. Record the behavioral signs and symptoms that support the determination to conduct a reasonable cause test. This documentation of the employee's conduct should be prepared and signed by the witnesses within 24 hours of the observed behavior or before the results of the tests are released, whichever is earlier.
- f. Denial should be an expected reaction. If a person knows they will test positive, they may give many explanations and protestations, wanting to avoid drug testing. If they are not under the influence or affected by a prohibited drug, vehement denial also would be expected. Listen to the employee and carefully evaluate the employee's explanation. Remember, a request is merely a request for additional objective data. To the employee it may feel like an accusation; so it is important to stress that this is merely a request for additional data.
- g. Following collection. After returning from the collection site, the employee shall not perform duties pending the receipt of the drug test results. The employee should make arrangements to be transported home. The employee should be instructed not to drive any motor vehicle due to the reasonable cause belief that they may be under the influence of a drug. If the employee insists on driving, the proper local enforcement authority should be notified that an employee who we believe may be

under the influence of a drug is leaving the company premises driving a motor vehicle.

- h. Return-to-Duty Testing An employee who refuses to take or fails a drug test may not return to duty until the employee passes a drug test and the Medical Review Officer (MRO) and SGSS have determined that the employee may return to duty. An employee who returns to duty shall be subject to a reasonable program of follow-up drug testing, without prior notice, for up to 60 months after his or her return to duty. Return-To-Duty testing is not an option under this plan if SGSS terminates an employee who has tested positive or refuses to test.

### **SECTION III USE OF AN EMPLOYEE WHO FAILS OR REFUSES A DRUG TEST**

#### **A. GENERAL**

Compliance with this drug testing plan is a condition of employment. Refusal to take a required drug test or failure of a drug test shall result in removal from performing covered functions. Additional disciplinary action up to and including termination may result.

- B. Prohibitions On Use. SGSS shall not use, in a function covered by Part 199, anyone who:

- 1. Fails a drug test as verified by the MRO, or
- 2. refuses to take a drug test required by this plan.

- C. Options For Return-To-Duty. An employee will be given an opportunity to retain his or her employment, provided they first:

- 1. Have been recommended by the MRO for return to duty and
- 2. pass a DOT drug test, and
- 3. not failed a drug test required by Part 199 after returning to duty.
- 4. Enter into a SGSS approved evaluation/rehabilitation program and successfully completes the program. The affected employee shall bear any and all costs for rehabilitation.

### **SECTION IV SPECIMEN COLLECTION REQUIREMENTS**

#### **A. Scope**

- 1. The procedures contained herein, shall be complied with by the designated collection sites and all covered employees who report for drug testing. SGSS will ensure that collection sites utilized by its employees are aware of their responsibilities with regard to the specimen collection process. The collection site shall post or have readily available instructions, which explain the specimen collection process. If information on collector, donor, and SGSS representative's responsibilities are provided under separate cover by the company or the collection site, then the above requirement is not be required.

2. The procedures address the requirements contained in § 40.25.

**B. General**

1. The collection site shall have all 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 drug-testing laboratory designated by SGSS. An independent medical facility may also be utilized as a collection site provided the other applicable requirements are met.
2. A designated collection site shall be any suitable location where a specimen can be collected, including a properly equipped mobile facility. 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, which if practicable, should be external to the enclosure where urination occurs.
3. SGSS shall ensure that all collection site personnel have completed training on specimen collection procedures or are qualified as a licensed medical professional. If non-medical collection sites are utilized, then the company shall ensure that appropriate training requirements are documented.
4. The direct supervisor of a covered employee shall not serve as a collector in conducting any required drug test unless it is impracticable.

**END OF PROGRAM**