


<p>Petroleum</p>	<p>Health, Safety & Environment Management System</p> <p>Drug and Alcohol Procedure for Workers Regulated by the DOT</p>	
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PETROLEUM CSG


HSE MANAGEMENT SYSTEM PROCEDURE

<p>DRUG AND ALCOHOL PROCEDURE FOR WORKERS REGULATED BY THE DOT</p>

<p>Petroleum HSE Procedure No: PHSE-13-P09</p>	
<p>Date: June 1, 2011</p>	<p>Revision: 0.1</p>
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1.0 PURPOSE


This Procedure (the "DOT Procedure") supplements BHP Billiton Petroleum (the "Company")'s Drug and Alcohol Procedure (the "Drug and Alcohol Procedure") with the requirements of the U.S. Coast Guard ("USCG") regulations (46 C.F.R. Part 16 and 46 C.F.R. Part 4), the Pipeline and Hazardous Material Safety Administration ("the PHMSA") regulations (49 C.F.R. Part 199), the Federal Motor Carrier Safety Administration ("FMCSA") regulations (49 C.F.R. Part 382 and 383) and the U.S. Department of Transportation's ("DOT") drug and alcohol testing regulations (49 C.F.R. Part 40). In addition to this DOT Procedure, DOT Workers are also subject to the Company's Drug and Alcohol Procedure. If at any time, this DOT Procedure conflicts with federal, state, or local laws or regulations, the laws and regulations will control.

1.1 Prohibited Activities

In addition to the Prohibited Activities listed in the Drug and Alcohol Procedure, the following activities are also prohibited for DOT Workers. DOT Workers engaging in the following activities will be subject to discipline up to, and including, termination of employment for employees and removal from the site for all other DOT Workers.

- Reporting for duty in a Safety-Sensitive Position or remaining on duty in a Safety-Sensitive Position while possessing, using, or Under the Influence of Unlawful or Unauthorized Substances.
- Reporting for duty in a Safety-Sensitive Position or remaining on duty in a Safety-Sensitive Position, while using any Unauthorized Substance except when instructed by a licensed medical practitioner who advises the DOT Worker that the substance does not adversely affect his or her ability to perform the job safely, including the performance of duties in a Safety-Sensitive Position.
- Using alcohol during the four (4) hour period before reporting for duty in a Safety-Sensitive Position;
- Using any alcohol for eight (8) hours following a Pipeline Accident, a Serious Marine Incident, a Vehicle Accident, or until the individual undergoes a Post-Accident Test, whichever occurs first, unless the Company has determined that the DOT Worker's performance could not have contributed to the Pipeline Accident, the Serious Marine Incident or the Vehicle Accident.
- A DOT Worker or an applicant for a Safety-Sensitive Position who refuses to release test results from a previous DOT-employer to the Company.

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1.2 Contractors

Contractors shall implement and enforce a DOT drug and alcohol program that meets or exceeds the requirements of all applicable DOT regulations, including, but not limited to, the USCG, the PHMSA and the FMCSA, as well as the Company's DOT Procedure. Contractors may be subject to this DOT Procedure when the Contractor is on a Company Site or conducting Company Business.

2.0 SCOPE (COVERED PERSONS)


This DOT Procedure applies to BHP Billiton Petroleum employees, contractors or applicants serving in Safety-Sensitive Positions on Company Sites or conducting Company Business who (1) hold positions on vessels that affect the safety of a vessel's navigation or operation as regulated by the USCG; (2) perform operational, maintenance or emergency-response functions regulated by the PHMSA; or (3) engage in positions that require a Commercial Drivers License ("CDL") in order to operate a Commercial Motor Vehicle ("CDL Vehicle"), as regulated by the FMCSA. All workers subject to this DOT Procedure will be referred to as "DOT Worker" or "DOT Workers." The terms of this DOT Procedure are conditions of employment for all individuals employed by the Company and are conditions of a continued working relationship for Contractors who are performing work for the Company. The terms of this DOT Procedure that govern Pre-Employment testing apply to applicants after they have been given a conditional offer of employment and prior to employment with the Company.

3.0 REFERENCES

This Procedure is used in conjunction with:

- [BHP Billiton Petroleum Drug and Alcohol Procedure](#)
- [Prior Testing History Release of Information \(FMCSA\)](#)
- [Prior Testing History Release of Information \(PHMSA and USCG\)](#)
- [DOT Worker Consent Form](#)
- [Drug and Alcohol Officials, Representatives and Agents of the Company](#)
- [Drug and Alcohol Facts](#)
- [Drug and Alcohol Available Intervention Sources](#)

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4.0 DEFINITIONS

The definitions from the Drug and Alcohol Procedure are incorporated by reference into this DOT Procedure. In addition, for the purposes of this DOT Procedure, the following terms shall have the following meanings:

Adulterated Specimen or Adulterated – 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.

CDL Driver – All persons who are applicants for, entered into a contract with, or are employed by, the Company, in positions that require a CDL to operate a CDL Vehicle, as regulated by the FMCSA, or similar license issued by Canada or Mexico, and can be expected to operate a CDL Vehicle that is owned, operated or leased by the Company.

CDL Safety-Sensitive Function – All time from when a CDL Driver begins work or is required to be ready to work until the time the CDL Driver is relieved from work and all of his or her job responsibilities. CDL Safety-Sensitive Functions include the following:

- (i.) The time spent at the driving controls of a CDL Vehicle;
- (ii.) The time spent waiting to be dispatched;
- (iii.) Inspecting, servicing or conditioning equipment;
- (iv.) Being in or on a CDL Vehicle (except resting in the sleeper berth);
- (v.) Loading or unloading a CDL Vehicle (including supervising or assisting in loading or unloading), attending a CDL Vehicle being loaded or unloaded, remaining in readiness to operate the CDL Vehicle or giving or receiving receipts for shipments loaded or unloaded; and,
- (vi.) Repairing, obtaining assistance, or attending a disabled CDL Vehicle.

Commercial Driver's License or "CDL" – A driver's license required to operate a CDL Vehicle.


Commercial Motor Vehicle or "CDL Vehicle" – A vehicle (i) with a gross weight of 26,001 pounds or more; or (ii) with the capacity to carry 16 or more passengers (including the driver); or (iii) of any size and is used to transport hazardous materials which require the vehicle to have placards under the Hazardous Materials Regulations.

Confirmed Negative Alcohol Test – An alcohol test result, which has been confirmed negative by the EBT or a blood test.

Confirmed Positive Alcohol Test – An alcohol test result, which has been confirmed positive by the EBT or a blood test.

Confirmed Positive Drug Test – A Confirmation Drug Test result received by an MRO from a laboratory.

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Covered Pipeline Function – An operational, maintenance, or emergency-response function regulated by 49 C.F.R. Parts 192, 193, or 195 that is performed on a pipeline or on an LNG Facility.

Covered Pipeline Worker – Any person who performs a Covered Pipeline Function, including persons employed by an Operator, contractors engaged by an Operator, and persons employed by such contractors.

Crewmember – As defined by 46 C.F.R. Part 16.105, includes an individual who is engaged or employed in a safety-sensitive function on board a vessel owned in the United States that is required by law or regulation to engage, employ, or be operated by an individual holding a license, certificate of registry, or merchant mariner's document issued under applicable USCG regulations, whether or not the individual is a member of the vessel's crew. Simply stated, if the vessel is required by law to be operated by a USCG licensed or documented mariner, personnel who assist with the operation or navigation of the vessel are subject to drug-testing.

Directly Involved in a Serious Marine Incident – The Company is responsible for determining which DOT Worker(s) were directly involved in a Serious Marine Incident. This determination should be based on the Operation being performed at the time of the accident, and which DOT Worker(s) could have or should have had a role in that Operation. The Company will test any DOT Worker whose negligence cannot be discounted as contributing to the Serious Marine Incident.

DOT Worker – Persons who engage in Company Business, including the Company's employees, agency contractors, service contractors and consultants and who are also regulated by the DOT and/or satisfy the definition of "Crewmember," "Covered Pipeline Worker" and/or "CDL Driver" and/or engage in Safety-Sensitive Positions.


HHS – The Department of Health and Human Services ("HHS") or any designee of the Secretary of the Department of Health and Human Services.

Incident – Pursuant to 49 C.F.R. Part 191.3, this term means any of the following events:

- (1) An event that involves a release of gas from a pipeline or of liquefied natural gas or gas from a LNG Facility
 - a. A death, or personal injury necessitating in-patient hospitalization; or
 - b. Estimated property damage, including cost of gas lost, of the Operator or others, or both, of \$50,000.00 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 (1) or (2).

LNG Facility – A pipeline facility that is used for liquefying natural gas or synthetic gas or transferring, storing, or vaporizing liquefied natural gas.

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Medical Review Officer ("MRO") – A person who is a licensed physician who has the qualifications required by the DOT Procedures and who is responsible for receiving and reviewing laboratory results generated by the Company's DOT Procedure and evaluating medical explanations for certain drug test results. The MRO must perform functions for the Company as required by the DOT regulations. To qualify as an MRO, the individual must satisfy all requirements under 49 C.F.R. Part 40.121.

Operation – Operation includes any of the following functions:

- (1) Navigate, pilot, steer, direct, manage, or sail a vessel;
- (2) Control, monitor, or maintain the vessel's main or auxiliary equipment or systems;
- (3) Determine the vessel's position;
- (4) Direct the vessel along a desired trackline
- (5) Keep account of the vessel's progress through the water
- (6) Order or execute changes in course, rudder position or speed;
- (7) Monitor a lookout;
- (8) Control, operate, monitor, maintain, or test the vessel's:
 - a. Propulsion and steering systems;
 - b. Electric Power generators;
 - c. Bilge, ballast fire and cargo pumps;
 - d. Deck machinery including winches, windlasses, and lifting equipment;
 - e. Life-saving equipment and appliances;
 - f. Firefighting systems and equipment; or,
 - g. Navigation and communication equipment;
- (9) Moor, anchor, or handle lines;
- (10) Load or discharge cargo or fuel;
- (11) Assemble or disassemble tows; or
- (12) Maintain the vessel's stability and watertight integrity


Operator – An owner or operator of pipeline facilities subject to 49 C.F.R. Part 192, 193, or 195.

Performs a Covered Pipeline Function – Includes actually performing, ready to perform, or immediately available to perform a Covered Pipeline Function.

Pipeline Accident – An Incident reportable under 49 C.F.R. Part 191, which is required for each failure in a pipeline system subject to this part in which there is a release of the hazardous liquid or carbon dioxide transported resulting in any of the following:

- (1) Explosion of fire not intentionally set by the Operator;

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- (2) Release of 5 gallons (19 liters) or more of hazardous liquid or carbon dioxide except that no report is required for a release of less than 5 barrels (0.8 cubic meters) resulting from a pipeline maintenance activity if the release is:
 - a. Not otherwise reportable under Part 191;
 - b. Not one described in 49 C.F.R. Part 195.52(a)(4) (resulted in pollution of any stream, river, lake reservoir, or other similar body of water that violated applicable water quality standards, caused a discoloration of the surface of the water or adjoining shoreline, or deposited a sludge or emulsion beneath the surface of the water or upon adjoining shorelines);
 - c. Confined to Company property or pipeline right-of-way; and
 - d. Cleaned up promptly;
- (3) Death of any person;
- (4) Personal injury necessitating hospitalization; or,
- (5) Estimated property damage, including cost of clean-up and recovery, value of lost product, and damage to the property of the Operator or others, or both, exceeding \$50,000.00.

Primary Specimen – With respect to drug testing, the urine specimen bottle that is opened and tested by a first laboratory to determine whether the DOT Worker contains Unauthorized or Unlawful Substances in his or her system; and for the purpose of validity testing. The Primary Specimen is distinguished from the Split Specimen.


Reasonable Suspicion – A determination by a manger or supervisor that he or she has a reasonable suspicion to believe that an individual is Under the Influence of Unlawful or Unauthorized Substances or has otherwise violated the DOT Procedure. The determination of a need for Reasonable Suspicion testing is based on the reasonable, specific observation by at least one trained supervisor.

Safety-Sensitive Duties – Safety-Sensitive Duties include, but are not limited to: (1) Directing and mustering passengers in emergencies; (2) Passing out lifejackets; (3) Controlling and operating lifesaving equipment; and (4) Controlling and operating firefighting equipment.

Safety-Sensitive Position – Any person engaging in a Safety-Sensitive Position is subject to USCG, PHMSA and/or FMCSA drug and alcohol testing. The term Safety-Sensitive Position includes any of the following:

- (1) Any position (billet) aboard a vessel operated by a USCG licensed operator that requires the person filling that position to perform one or more Safety-Sensitive Duties or Operation of a vessel on either a routine or emergency-only basis. For purposes of this DOT Procedure, individuals who satisfy the definition of "Crewmember" are considered to serve in Safety-Sensitive Positions.
- (2) Any position involved in the operation, maintenance, or emergency-response function regulated by 49 C.F.R. Parts 192, 193 or 195. For purposes of this DOT Procedure, individuals who satisfy the definition of "Covered Pipeline

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Worker" or individuals who Perform a Covered Pipeline Function serve in Safety-Sensitive Positions.

- (3) Any position that requires a CDL in order to operate a CDL Vehicle. For purposes of this DOT Procedure, individuals who satisfy the definition of "CDL Driver" or individuals who engage in a CDL Safety-Sensitive Function serve in Safety-Sensitive Positions.

Serious Marine Incident – Any marine accident as defined in 49 C.F.R. Part 4.03-1 and 46 C.F.R. Part 4.05-1, which is required to be reported to the USCG, which results in any of the following:

- (1) One or more deaths;
- (2) An injury to a Crewmember, passenger, or other person, which requires professional medical treatment beyond first aid or which renders the individual unfit to perform routine vessel duties;
- (3) Damage to property in excess of \$100,000;
- (4) Actual or constructive total loss of any vessel subject to inspection under 46 U.S.C. 3301;
- (5) Actual or constructive total loss of any self-propelled vessel, not subject to inspection under 46 U.S.C. 3301, of 100 gross tons or more;
- (6) A discharge of oil of 10,000 gallons or more into navigable waters; or
- (7) A discharge of reportable quantity of hazardous substance into navigable waters or the environment, whether or not resulting from a marine accident.


Service Agent – Any person or entity, other than an employee of the Company, who provides services specified under this DOT Procedure or any person or entity that provides services in connection with DOT drug and alcohol testing requirements. Service Agents are not employers for purposes of 49 C.F.R. Part 40. A Service Agent cannot serve as the DER.

Split Specimen – A part of the urine specimen that is sent to a first laboratory for drug testing and retained unopened, and which is transported to a second laboratory in the event that the DOT Worker requests that it be tested following a Verified Positive test of the Primary Specimen or a verified Adulterated or Substituted Test Result.

Substance Abuse Professional ("SAP") – A person who evaluates a DOT Worker who violated a DOT drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare. To qualify as a SAP, the individual must satisfy all requirements under 49 C.F.R. Part 40.281.

Substituted Specimen, Substituted Test Result, or Substituted – A urine specimen with creatine and specific gravity values that are so diminished or so divergent that they are not consistent with normal human urine.

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Testing Site – A place designated by the Company where the DOT Worker presents him or herself for the purpose of providing a breath or saliva for an alcohol test or a urine specimen for a test for Unlawful or Unauthorized Substances.

Vehicle Accident – Any accident involving


- a. bodily injury to any person, who as a result of the injury, immediately receives medical treatment away from the scene of the accident, and/or
- b. one or more motor vehicles incurring disabling damage, as a result of the accident, requiring the motor vehicle to be transported away from the scene by a tow truck or other motor vehicle.

Verified Negative Drug Test Result or Verified Negative Result – A confirmed negative test from an HHS-certified laboratory that has undergone review and final determination by the MRO pursuant to 49 C.F.R. Part 40.121, 123, and 127.

Verified Positive Drug Test Result, Verified Positive Test Result or Verified Positive Result – A Confirmed Positive Test Result from an HHS-certified laboratory that has undergone review and final determination by the MRO pursuant to 49 C.F.R. Part 40.121 to 169, which requires the MRO to assume to responsibility undertaking the DOT-mandated process to verify a Confirmed Positive Test Result.

Verification or Verification Process – The process undertaken by the MRO after receiving a confirmed test from an HHS-certified laboratory pursuant to 49 C.F.R. Part 40.121 to 169. This review process, may include a medical interview, review of the applicant's or the DOT Worker's medical history or review of any other relevant biomedical factors and all medical records made available by the tested individuals.

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5.0 PROCEDURE(S)

5.1 Therapeutic Drug Use [CDL Drivers Only]

CDL Drivers must inform the Site Medical Professional, Human Resources or, if unavailable, the Supervisor prior to commencing scheduled work of any therapeutic drug use. Failure to disclose this information, upon request, may result in disciplinary action, up to and including, termination of employment for employees and termination of the relationship for contractors.

5.2 Drug and Alcohol Tests

5.2.1 Pre-Employment Test


5.2.1.1 All DOT Workers [Pre-Employment Drug Test]

All applicants who have received a conditional offer of employment, and all existing employees who have been conditionally approved to transfer to a Safety-Sensitive Position are required to submit to a Pre-Employment drug test and must receive a Verified Negative Test Result as a condition of employment or transfer ("Pre-Employment Drug" testing). For purposes of this type of testing procedure, applicants and existing employees who are transferring to a Safety-Sensitive Position will be referred to collectively as "applicants." Applicants who Refuse to Submit to, or who fail, a Pre-Employment Drug test, are not eligible for employment. The Pre-Employment Drug test will be conducted prior to the time the applicant is hired or transferred.

5.2.1.2 CDL Drivers [Pre-Employment Alcohol Test]

In addition to submitting to the Pre-Employment Drug test, all applicants for a CDL Safety-Sensitive Position who have received a conditional offer of employment, and all existing employees who have been conditionally approved to transfer to a CDL Safety-Sensitive Position are required to submit to a Pre-Employment alcohol test and must receive a Confirmed Negative Alcohol Test result as a condition of employment or transfer ("Pre-Employment Alcohol" testing). For purposes of this type of testing procedure, applicants and existing employees who are transferring to a CDL safety-sensitive position will be referred to collectively as "applicants." Applicants who Refuse to Submit to, or who fail a Pre-Employment Alcohol test, are not eligible for employment. The Pre-Employment Alcohol test will be conducted prior to the time the applicant is hired or transferred.

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The Company may waive a Pre-Employment test if:

- (1) The CDL Driver has participated in a drug and alcohol testing program that satisfies the requirements of 49 C.F.R. Part 382.301 within the previous thirty (30) days; and
- (2) While participating in that program, either:
 - a. Was tested for drugs within the previous six (6) months from the date of the application with the Company; or
 - b. Participated in the random drug testing program for the previous twelve (12) months from the date of the application with the Company; and
- (3) The Company ensures that no prior employer of the CDL Driver of whom the Company has knowledge has records of a violation of the DOT drug and alcohol testing procedures within the previous six (6) months.


5.2.1.3 Previous Alcohol and Drug Test Results for all DOT Workers

In addition to a Pre-Employment test, the USCG and the PHMSA regulations require the Company to obtain information concerning a DOT applicant's past drug and alcohol tests from an applicant's former employer(s) during the previous two (2) years. The applicant is expected to sign a [Prior Testing History Release of Information form \(PHMSA and USCG\)](#). Further, the FMCSA regulations require the Company to obtain information concerning a DOT applicant's past drug and alcohol tests from an applicant's former employer(s) during the previous three (3) years. The applicant is expected to sign a [Prior Testing History Release of Information form \(FMCSA\)](#). *A separate release for each prior employer must be signed by the applicant.*

The Company will, after obtaining the applicant's written consent, use its "good faith" best efforts to request the information from all previous DOT employers, about the individual, before thirty (30) days have passed from the date that the individual first started performing duties in a Safety-Sensitive Position. The date of the request should be documented. DOT Workers must not engage in Safety-Sensitive Positions after thirty (30) days from the date on which the DOT Worker first began performing in the Safety-Sensitive Position, unless the Company has obtained or made and documented a good faith effort to obtain drug and alcohol testing from previous DOT-regulated employers.

All information obtained pursuant to Pre-Employment testing will be obtained in a confidential manner and the Company will maintain a written confidential record for each former employer contacted. A Verified Positive Test Result must be kept on file for five (5) years, whether or not the applicant was hired. If a Crewmember holds a license or merchant mariner's document, the positive test result must be reported to the USCG.

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5.2.2 Random Drug Tests

5.2.2.1 CDL Drivers and Covered Pipeline Workers [Random Drug Test]

All CDL Drivers and Covered Pipeline Workers are required to be enrolled in a Random drug testing program that meets the requirements of 49 C.F.R. Part 199.105(c) or 49 C.F.R. Part 382.305 ("Random Drug" testing). Any individual in a CDL Driver or a Covered Pipeline Worker position on Company Sites or conducting Company Business, as defined in this DOT Procedure, is required to be enrolled in the Company's DOT-required Random Drug-testing program.


The Company will randomly select a sufficient number of DOT Workers equal to an annual rate not less than the minimum annual percentage rate of fifty percent (50%) of all CDL Drivers and twenty-five percent (25%) for Covered Pipeline Workers for Random Drug testing. The minimum percentage of DOT Workers subject to Random Drug testing is determined by the Administrator of the PHMSA and/or the FMCSA, and is subject to change. To the extent the minimum percentage rate issued by the PHMSA and/or the FMCSA for Drug testing are different, the Company may, at its option, select the highest annual percentage testing rate.

5.2.2.2 Crewmembers [Random Drug Test]

All Crewmembers, as defined in this DOT Procedure, who perform work on a vessel that is owned, operated, or directed by the Company, are required to be enrolled in the Company's DOT-required random drug testing program ("Random Drug Testing Program for Crewmembers").

The Company will randomly select a sufficient number of Crewmembers equal to an annual rate not less than the minimum annual percentage rate of fifty percent (50%) for Crewmembers. The minimum percentage of Crewmembers subject to the Random Drug Testing Program for Crewmembers is determined by the Administrator of the USCG, and is subject to change. To the extent the minimum percentage rate issued by the USCG for Drug testing are different, the Company may, at its option, select the highest annual percentage testing rate.

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5.2.2.3 CDL Drivers [Random Alcohol Test]

All CDL Drivers, including Contractors who engage in a CDL Safety-Sensitive Function, are required to be enrolled in a Random alcohol-testing program that satisfies the requirements of 49 C.F.R. Part 382.305 ("Random Alcohol" testing). Any individual that engages in a CDL Safety-Sensitive Position, as defined in this DOT Procedure, is required to be enrolled in the Company's DOT-required Random Alcohol-testing program.

The Company will randomly select a sufficient number of CDL Drivers equal to an annual rate not less than the minimum annual percentage rate of ten percent (10%) of all CDL Drivers. The minimum percentage of CDL Drivers subject to Random Alcohol-testing is determined by the Administrator of the FMCSA and is subject to change.

5.2.2.4 Random Testing Procedures for Contractors

Any Contractor in a position covered by the USCG regulations will be enrolled in the Company's DOT Random Drug Testing program if the Contractor works on a vessel that is owned, operated or directed by the Company.


Any Contractor in a position covered by the FMCSA regulations will be enrolled in the Company's DOT Random Drug and Alcohol Testing Program if the Contractor engages in a CDL Driver function and is directed by the Company or subject to the Company's authority.

Any Contractor in a position covered by the PHMSA regulations will be enrolled in the Company's DOT Random Drug Testing Program if the Contractor engages in a Covered Pipeline Function, unless the Company and the Contractor's employer have entered into a written agreement in which the Company has delegated drug and alcohol testing responsibility to the Contractor's employer.

5.2.2.5 Random Testing Procedures for all DOT Workers

The fact that a DOT Worker was selected for Random Drug- or Random Alcohol-testing on a prior occasion will have no impact on the likelihood that the DOT worker will be selected for current Random Drug or Random Alcohol testing. The selection for DOT Workers for Random Drug and Alcohol testing shall be made by a scientifically valid method, whereby all DOT Workers have an equal chance of being tested each time selections are made.

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If the DOT Worker is randomly selected to be tested and is performing duties in a Safety-Sensitive Position, the individual will cease engaging in the Safety-Sensitive Position and must immediately proceed to the Testing Site. DOT Workers who do not proceed to the Testing Site immediately upon notification of the Random test will be considered to have Refused to Submit to the test.

5.2.3 Post-Accident Testing [Drugs and Alcohol]

5.2.3.1 Availability for Post-Accident Testing

DOT Workers subject to Post-Accident testing must remain readily available for such testing or else will be deemed to have Refused to Submit to such testing. However, this "readily available" requirement does not require the delay of necessary medical attention if an individual is injured, or prohibit an individual from leaving the scene of the accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary emergency care.

5.2.3.2 Crewmembers Involved in a Serious Marine Incident

At the time or occurrence of a marine accident, the Company shall make a timely and good-faith determination as to whether the occurrence currently is, or is likely to become, a Serious Marine Incident. When the Company determines that a marine accident is, or is likely to become a Serious Marine Incident, embarked DOT Workers and Crewmembers Directly Involved in a Serious Marine Incident shall submit to a test for drugs and alcohol. This determination should be based on the Operation being performed at the time of the Serious Marine Incident, and which DOT Workers could have or should have had a role in that Operation.

For alcohol testing: **As soon as possible**, but no later than **two (2) hours** following the Serious Marine Incident, each Crewmember Directly Involved in a Serious Marine Incident will be tested for alcohol. The only acceptable test methods are a breath test, saliva, or blood test. Only qualified medical personnel may collect blood specimens. A urine test for alcohol is not acceptable. Crewmembers Directly Involved in a Serious Marine Incident are prohibited from consuming alcohol for a period of eight (8) hours following the Serious Marine Incident.

For drug testing: **As soon as possible**, but no later than **thirty-two (32) hours** following the Serious Marine Incident, each Crewmember Directly Involved in a Serious Marine Incident will be tested for drugs. Only a DOT test of a DOT Worker's urine specimen is acceptable. A blood test for drugs is not acceptable.

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5.2.3.3 Covered Pipeline Workers Involved in a Pipeline Accident

All Covered Pipeline Workers involved in a Pipeline Accident or incidents which are "near misses," which result or could result in personal injuries, or which result or could result in property damage shall be required to submit to a test for drugs and alcohol.

For alcohol testing: **As soon as possible** following a Pipeline Accident, each Covered Pipeline Worker will be tested for alcohol if that individual's performance of a Covered Pipeline Function either contributed to the Pipeline Accident or cannot be completely discounted as a contributing factor to the Pipeline Accident. Every attempt should be made to have an alcohol test conducted within 8 hours of the Pipeline Accident.

For drug testing: **As soon as possible**, but not later than **thirty-two (32) hours** after a Pipeline Accident, any Covered Pipeline Worker whose performance contributed to the Pipeline Accident or cannot be completely discounted as a contributing factor to the Pipeline Accident will be tested for drug use.

5.2.3.4 CDL Drivers Involved in a Vehicle Accident.

All CDL Drivers who are performing a CDL Driver Safety-Sensitive Function and are involved in a Vehicle Accident shall be required to submit to a test for drugs and alcohol after the Vehicle Accident.

For alcohol testing: **As soon as possible**, but no later than **two (2) hours** following the Vehicle Accident, each CDL Driver involved in the Vehicle Accident will be tested for alcohol. CDL Drivers involved in a Vehicle Accident are prohibited from consuming alcohol for a period of eight (8) hours following the Vehicle Accident.

For drug testing: **As soon as possible**, but not later than **thirty-two (32) hours** after a Vehicle Accident, each CDL Driver involved in the Vehicle Accident will be tested for drugs.

A CDL Driver may be directed to submit to a drug and/or alcohol test at the scene of the Vehicle Accident by a federal, state, or local law enforcement officer. The results of a breath or blood test, conducted by a federal, state, or local law enforcement officer having independent authority for the test, will be considered to meet the requirements for Post-Accident testing, provided that the results of the test are obtained by the Company.

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5.2.4 Reasonable Suspicion Testing [Drugs and Alcohol]

All DOT Workers must submit to Reasonable Suspicion testing for Unlawful or Unauthorized Substances whenever a manager or supervisor has reasonable suspicion to believe that the individual is Under the Influence of Unlawful or Unauthorized Substances or has otherwise violated the DOT Procedure ("Reasonable Suspicion" testing). The determination of a need for Reasonable Suspicion testing is based on the reasonable, specific observation by at least one trained supervisor.

Whenever possible, the physical, behavioural, or performance indicators should be based on the observation of the individual by two persons in supervisory positions. The individual's behaviour will be documented on the [Documentation for Reasonable Suspicion](#) form.


A DOT Worker who is directed to take a Reasonable Suspicion test for Unlawful or Unauthorized Substances must proceed to the Testing Site as soon as possible and must submit to the test as directed or will be deemed to have Refused to Submit to the test. The Company will arrange transportation for the suspected DOT Worker to and from the Testing Site.

Should the DOT Worker refuse to submit to Reasonable Suspicion testing, this refusal should be documented and reported to the USCG, the PHMSA or the FMCSA, as appropriate. All DOT Workers suspected of being Under the Influence of an Unlawful or Unauthorized Substance or otherwise in violation of the DOT Procedure should immediately be removed from Safety Sensitive Positions. A DOT Worker will not be permitted to return to work until results of the test for Unlawful or Unauthorized Substances are known.

5.3 Criminal Convictions

DOT Workers must report any conviction, guilty plea, or alternative sentencing program (such as, for example, probation, deferred adjudicating, or pre-trial diversion) to the Human Resources Department for: (i) criminal offenses involving the illegal use, possession, distribution, delivery or sale of Unlawful Substances or drug-related paraphernalia, and/or (ii) driving offenses, including, but not limited to, DWI or DUI, within five (5) business days following such actions. The failure to do so will be deemed a violation of this DOT Procedure, which may result in disciplinary action, up to and including, termination of employment.

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5.4 Confirmation and Verification Drug Test Results

All Confirmed Positive Drug Test Results are reported to the MRO. If the MRO receives a Confirmed Positive Drug Test Result, or an Adulterated, Substituted, or invalid test result from the laboratory, the MRO will begin and complete a Verification Process to verify the laboratory's Confirmed Positive Test Result.

As part of the Verification Process, the MRO will contact the DOT Worker directly (i.e., actually talk to the DOT Worker), on a confidential basis, to determine whether the DOT Worker wants to discuss the test results or provide any legitimate explanation for the Confirmed Positive Test Result. If, after speaking with the DOT Worker, the MRO determines that there is a legitimate medical explanation for the Confirmed Positive Test Result, the MRO will report the test result as "Verified Negative" to the DER. If the MRO determines that there is no legitimate explanation for the Confirmed Positive Test Result, the MRO will report the test result as "Verified Positive" to the DER.


If further medical evaluation is needed for the Verification Process, the DOT Worker must comply with the request for this evaluation. A failure to comply with a request for more medical information is equivalent of refusing to discuss the test results.

In addition, the DOT Worker is on notice that the MRO will be required to disclose to third parties (including subsequent DOT-regulated employers or the USCG, PHMSA or FMCSA, as applicable) both the DOT Worker's drug and alcohol test results, and medical information that the DOT Worker provides to the MRO during the Verification Process.

The DOT Worker is on notice that if he or she declines to discuss the results with the MRO, the MRO will verify the test as Positive or as a Refusal to test. The MRO may verify a test result as a Verified Positive Test Result or Refusal, as applicable, if the DER has successfully made and documented contact with the DOT Worker and instructed the DOT Worker to contact the MRO but more than seventy-two (72) hours have passed since the time the DER contacted the DOT Worker.

The MRO may verify a test result as a Verified Positive Test Result or Refusal to test, as applicable, if neither the MRO nor the DER, after making and documenting all reasonable efforts, has been able to contact the DOT Worker within ten (10) days of the date on which the MRO receives the Confirmed Positive Test Result from the laboratory.

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5.5 Substances Tested and Thresholds

Type of Drug or Metabolite (Urine Test)	Initial Test (EMIT) (ng/mL*) EMIT = Enzyme Multiplied Immunoassay Techniques	Confirmation Test (GC/MS) - (ng/mL*) GC/MS = Gas Chromatography / Mass Spectrometry
Marijuana metabolites / THC	50	15
Cocaine metabolites	150	100
Phencyclidine (PCP)	25	25
Amphetamines Methamphetamine, and MDMA, MDA, MDEA	500	250
Opiate metabolites		
Codeine / Morphine	2000	2000
6-Acetylmorphine	10	10
Alcohol	Initial Test Level	Confirmation Test Level
Breath Alcohol	0.02% or greater BrAC ¹	0.04% BrAC
* ng/mL = nanogram per milliliter BrAC = Breath Alcohol Content is the amount of alcohol in a volume of breath and is expressed in terms of grams of alcohol per 210 liters of exhaled air as indicated by a breath test ng/mg = nanogram per milligram		

The values in the chart represent the prevailing DOT testing thresholds and list of substances tested on the date that this DOT Procedure was approved. Notwithstanding the values stated above, the Company will always abide by the most-current DOT testing thresholds and list of substances tested. Please be aware that the Administrator of any applicable DOT agency could approve threshold levels and substances tested that deviate from this chart. Please refer to the DOT (www.dot.gov) for the most recent thresholds and list of substances tested.

5.6 Direct Observation

Procedures for collecting urine samples allow the DOT Worker privacy unless there is a reason to believe that a particular individual has Altered or Substituted, or attempted to Alter or Substitute, the sample, as defined in 49 C.F.R. Part 40. In such cases, a second sample shall be obtained as soon as possible under the direct observation of a same gender observer.

¹ For Other Test Results, see Section 5.1.16

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5.7 Requests for Independent Testing

All DOT Workers whose primary urine sample is Verified Positive may request, at their own cost and through the MRO, to have their Split Specimen re-evaluated by an independent certified laboratory nominated by the MRO. A request by a DOT Worker to have his or her sample re-evaluated by one of these laboratories will not prevent the Company from taking disciplinary action up to, and including, termination of employment or removing the individual from Safety-Sensitive Positions or Company Sites.

The request must be made to the MRO within seventy two (72) hours of being notified by the MRO of a Verified Positive Test Result. All Split Specimen tests are performed using "Level of Detection (LOD)" testing procedures, as required by the DOT regulations. The purpose of the Split Specimen test is to determine any presence of the drug without regard to the "cut-off" levels used during routine testing.

5.8 Consequences of Testing – Positive Test Results


DOT Workers who undergo Reasonable Suspicion or Post-Accident testing will be relieved of duty pending the outcome of the test result. Any DOT Worker suspected of violating this DOT Procedure will be immediately suspended, without pay, pending completion of an investigation. A DOT Worker who is known to have engaged in prohibited behavior with regard to the use of Unlawful or Unauthorized Substances will be terminated. In the event of termination of employment for a violation of the DOT Procedure, the DOT Worker will be provided a list of substance abuse groups and/or other programs, and provided information on drug and alcohol abuse.

Automatic Removal from Safety-Sensitive Functions: DOT regulations require DOT Workers who violate the DOT Procedure in any way to be **immediately removed** from their Safety-Sensitive Positions. Such individuals are prohibited from performing, or being permitted to perform, in a Safety-Sensitive Position.

Notification of the USCG, PHMSA or FMCSA of a Refusal to Test: DOT Workers who Refuse to Submit to testing will be reported in writing to the USCG, the PHMSA or the FMCSA, as appropriate. In addition, DOT Workers who are not employed by the Company, but who Refuse to Submit to testing, will be reported in writing to the individual's employer.

Applicants: Applicants who refuse to submit to a test will not be hired.

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5.9 Substance Abuse Professional (“SAP”)

Each DOT Worker who engages in conduct prohibited by this DOT Procedure must be evaluated by a Substance Abuse Professional who will determine what assistance, if any, the DOT Worker needs in resolving problems associated with the use or misuse of Unauthorized or Unlawful Substances.

5.10 Supervisor Training


The Company or nominated Service Agent will provide training for supervisors who will be responsible for determining whether an employee must be tested for Reasonable Suspicion. For these supervisors, the education will include one sixty (60)-minute period of training on the contemporaneous physical, behavioural, and performance indicators of probable use of Unlawful or Unauthorized Substances. Each EAP will include or the Service Agent will provide education and training on drug and alcohol use. Supervisors of DOT Workers must participate in this training every two (2) years.

6.0 RESPONSIBILITIES

6.1 DOT Workers

- Are responsible for complying with this Procedure.
- Applicants must provide written consent on the applicable Prior Testing History Release of Information form after applying for a Safety-Sensitive Position with the Company.
- Shall participate in drug and alcohol education programs.
- Shall remain readily available for pre-employment, random, Reasonable Suspicion and/or post-accident testing.
- Shall submit to an alcohol test as soon as possible, but no later than two (2) hours after a Reasonable Suspicion determination, a Serious Marine Incident, Pipeline Accident or Vehicle Accident.
- Shall submit to a drug test as soon as possible, but no later than thirty-two (32) hours following a Serious Marine Incident, Pipeline Accident or Vehicle Accident.
- Shall report any conviction, guilty plea, or alternative sentencing program to Human Resources for criminal offenses involving Unlawful Substances and/or driving offenses.

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6.2 Supervisors / Managers

- Operations Manager shall maintain an accurate list of Safety-Sensitive Positions and classification, in conjunction with Human Resources.
- Shall participate in Reasonable Suspicion training every two (2) years.
- Shall document the DOT Worker's behavior and characteristics on the [Documentation for Reasonable Suspicion](#) form prior to testing the DOT Worker based on Reasonable Suspicion.
- Shall ensure post-accident testing is performed as soon as possible, but no later than the stipulated time frames after a Serious Marine Incident, Pipeline Accident or Vehicle Accident.
- Shall document any refusals to submit to Reasonable Suspicion testing or delays in administering post-accident testing within the required time frame.


6.3 HSE Analyst / Specialist

- Shall inform the Third Party Administrator of DOT Workers who are added or removed from the random testing pools.
- Shall provide an accurate list of DOT Workers to the Third Party Administrator for random testing each month, in consultation with Human Resources.
- Shall coordinate with the Third Party Administrator and approved collection facility regarding random testing procedures.
- Shall maintain drug and alcohol education and training records for DOT Workers and Supervisors for a minimum of three (3) years.
- Shall provide drug and alcohol educational and training materials for all DOT Workers, and shall explain the DOT requirements, Company's policies and procedures, [Drug and Alcohol Facts](#) and [Available Intervention Sources](#).
- Shall prepare and submit annual MIS reports to the USCG, PHMSA and FMCSA, as required.
- Shall maintain records of MIS report data for a minimum of five (5) years.

6.4 Manager – Health and Hygiene

- Shall identify and approve facilities for drug and alcohol testing.
- Shall be responsible for oversight of the DOT Procedure and management of the Third Party Administrator.
- Shall provide drug and alcohol education and training material for DOT Workers and Supervisors.

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6.5 Human Resources

- Shall maintain an accurate list of Safety-Sensitive Positions and agency classification (USCG, PHMSA, FMCSA) of DOT Workers, in conjunction with the Operations Manager.
- Shall ensure pre-employment testing is performed on all applicants for a Safety-Sensitive Position and existing employees who transfer to a Safety-Sensitive Position.
- Shall provide all applicants for a Safety-Sensitive Position with the [DOT Worker Consent form](#) and shall ensure each DOT Worker executes this required acknowledgement.
- Shall provide Prior Testing History Release of Information forms to applicants.
- Shall obtain previous drug and alcohol test results for DOT Workers within thirty (30) days of when the DOT Worker begins performing duties in a Safety-Sensitive Position.
- Shall maintain records obtained pursuant to Pre-Employment testing and maintain information from previous DOT-regulated employers for at least three (3) years.
- Shall inform the Third Party Administrator and HSE Analyst / Specialist of individuals who are added or removed from random testing pools.
- Shall ensure all DOT Workers, including newly hired employees, are enrolled in a random testing pool prior to performing duties in a Safety-Sensitive Position.
- Shall be the Designated Employer Representative of the Company.
- Shall be responsible for immediately removing any individuals with a Verified Positive Test Result from performing Safety-Sensitive Positions.
- Shall ensure that records pertaining to drug and alcohol testing are maintained in a confidential manner.
- Shall ensure that disciplinary procedures are imposed as required by this DOT Procedure.
- Human Resources shall report in writing to the USCG, the PHMSA or the FMCSA, as appropriate, if a DOT Worker refuses to submit to drug and/or alcohol testing pursuant to this DOT Procedure.
- Shall ensure that counseling and assistance programs are in place, effective and available to employees.
- Shall maintain records of employee evaluation and referrals to a Substance Abuse Professional for a minimum of five (5) years.

6.6 Third Party Administrator

- Shall maintain records pertaining to DOT Worker drug and alcohol test results for a minimum of five (5) years.

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- Shall maintain records related to the collection process, evaluations and training for a minimum of two (2) years.
- Shall ensure approved laboratories retain samples that result in a Confirmed Positive Test for at least 365 days in accordance with HHS requirements.
- Shall maintain inspection, maintenance and calibration documentation for EBT devices for a minimum of two (2) years.
- Shall add and remove DOT Workers to and from the random testing pools as directed by the Company.
- Shall assist the Company in completing and submitting the MIS Report to the USCG, PHMSA and FMCSA.
- Shall maintain statistical data relating to drug and alcohol testing pursuant to the DOT Procedure.

6.7 Contractors

- Shall implement and enforce a DOT drug and alcohol program that meets or exceeds the requirements of all applicable DOT regulations, as well as the Company's DOT Procedure.
- Shall participate in the Company's DOT drug and alcohol testing program, as required by this DOT Procedure.

7.0 RECORDS AND RECORDKEEPING


All records pertaining to drug and/or alcohol testing of DOT Workers are kept confidential and will be released only in accordance with DOT USCG, PHMSA and/or FMCSA regulations. Written authorization from the DOT Worker is generally required to release records, but under certain circumstances, information may be released without written consent.

Unless otherwise provided in this DOT Procedure, the Company will maintain all records relating to DOT drug and alcohol testing and results for a minimum of five (5) years.

7.1 Recordkeeping of Drug Testing Results

The Company will maintain the following records for the periods specified and permit access to the records to appropriate individuals with a legitimate need:

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1. Information obtained from previous DOT-regulated employers concerning drug test results of DOT Workers will be maintained in a secure location with controlled access for at least three (3) years.
2. Records confirming that supervisors and DOT Workers have been trained as required by 49 C.F.R. Part 40 or 46 C.F.R. Part 16 will be maintained for a minimum of at least three (3) years.
3. Records that demonstrate the collection process conforms to this DOT Procedure and the applicable DOT regulations will be kept for at least three (3) years.
4. Records of DOT Worker drug test results that confirm DOT Workers passed a drug test (negative drug test results) will be maintained in a secure location with controlled access for at least one (1) year.


Information regarding an individual's drug testing results or rehabilitation will be released upon the written consent of the individual and as provided by DOT regulations. Statistical data related to drug testing and rehabilitation that is not name-specific and training records will be made available to the investigator or Administrator of the appropriate DOT agency or the representative of a state agency upon request.

7.2 Recordkeeping of Alcohol Testing Results

The Company will keep the following records for the periods specified and permit access to the records: Alcohol testing records will be maintained in a secure location with controlled access. The records will be maintained in accordance with the following schedule:

- (i.) Five (5) years. Records of DOT Worker alcohol test results with results indicating an alcohol concentration of 0.02 or greater, documentation of refusals to take required alcohol tests, calibration documentation, employee evaluation and referrals, and MIS Report data will be maintained for a minimum of five (5) years.
 - (ii.) Two (2) years. Records related to the collection process (except calibration of evidential breath testing devices), and training will be maintained for a minimum of two (2) years.
 - (iii.) One (1) year. Records of all test results below 0.02 (as defined in 49 C.F.R. Part 40) will be maintained for a minimum of one (1) year.
- (1) The following specific records will be maintained:
- (i.) Records related to the collection process.
 - (ii.) Records related to test results.
 - (iii.) Records related to other violations of 49 C.F.R. Part 40 or 46 C.F.R. Part 16.
 - (iv.) Records related to evaluations.
 - (v.) Record(s) related to the Company's MIS Report.
 - (vi.) Records related to education and training:

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- a) Materials on alcohol misuse awareness, including a copy of the Company's DOT Procedure on alcohol misuse.
- b) Documentation of compliance with the requirements of 49 C.F.R. Part 40 and 46 C.F.R. Part 16.
- c) Documentation of training provided to supervisors for the purpose of qualifying the supervisors to make a determination concerning the need for alcohol testing based on Reasonable Suspicion.
- d) Certification that any training conducted under 49 C.F.R. Part 40 or 46 C.F.R. Part 16 complies with the requirements for such training.

Information regarding an individual's alcohol testing results or rehabilitation will be released upon the written consent of the individual and as provided by DOT regulations. Statistical data related to drug testing and rehabilitation that is not name-specific and training records will be made available to the investigator or Administrator of the appropriate DOT agency or the representative of a state agency upon request.

8.0 VARIANCES

Any planned deviations from the requirements of this procedure shall be recorded on [Petroleum HSE Variance Form](#) and submitted to [Petroleum HSE Systems Support](#).


Variations to this Procedure must be approved by:

- 1. The Applicable Division President
- 2. Vice President HSE
- 3. Vice President Human Resources
- 4. BHP Billiton Petroleum Senior Legal Counsel

9.0 UPDATES TO THIS DOCUMENT

This is a Petroleum HSE Controlled Document. Requests for updates to Petroleum HSE Controlled Documents shall be documented on the [Petroleum HSE Document Proposal and Review Form](#) and sent to the [Petroleum HSE Systems Support](#) email in the GAL.

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<p>Petroleum</p>	<p>Health, Safety & Environment Management System</p> <p>Drug and Alcohol Procedure for Workers Regulated by the DOT</p>	
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10.0 CHANGES

10.1 From Rev 0 to Rev 0.1

Section 6.1-6.7 – Very minor, non-material changes to content for specificity; such as spelling out acronyms, wording tweaked for clarity, etc.

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