



Liquid Pipelines/Major Projects
United States DOT
Contractor
Drug and Alcohol Policy

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1.0 PURPOSE

Enbridge is committed to providing workplaces that protect people, property and the environment from harm. It recognizes that the use of illicit drugs and the inappropriate use of alcohol, medications (prescribed or over-the-counter) and other substances can adversely affect work performance and the health, safety and well-being of employees, contractors, consultants, worksite visitors and the public.

The United States Department of Transportation (“DOT”) requires pipeline operators subject to 49 CFR Part 199 and Part 40 to have an anti-drug and alcohol program that test for the presence of prohibited drug and alcohol in employees performing “covered” functions including those performed by Contractors, Subcontractors and their employees.

In support of this commitment, and given the engagement of contractors, Enbridge has developed this DOT Contractor Drug and Alcohol Policy (the “**Policy**”).

2.0 SCOPE / APPLICATION

This Policy applies to all individuals who are “covered employees” under U.S. Department of Transportation requirements and to entities engaged directly or indirectly to an Enbridge company as a contractor, subcontractor or consultant to perform Covered Work, as defined in Section 3.0 below, or provide any services at or in relation to an Enbridge Pipeline or Pipeline Facility (a “**Contractor**”). Enbridge employee obligations are addressed under separate policy.

For the purposes of this Policy, “**Pipeline**” means all parts of a pipeline facility through which hazardous liquids move in transportation, including, but not limited to, line pipe, valves and other appurtenances connected to pipe, pumping units, fabricated assemblies, metering and delivery stations, and break out tanks.

“**Pipeline Facility**” means new and existing pipelines, right-of-ways, and any equipment facility or building used in the transportation of a hazardous liquid, including but not limited to the following:

Switchgear, Uninterruptible Power Systems, Switchgear MCC, PLC/TRU, Motor Operated Valves, VFD, Pumps and Motors, Metering Systems, Unit Ventilation, Segmental Wedges, Pressure Protection, Booster Pumps and Motors, Sump Pump and Tank, Pressure Control Valves, Control and Bypass Valves, Automatic Samplers, Gas Protection, Tank Mixers, Densitometers, Temperature Transmitters, Cathodic Rectifiers, Tank Gauging and Surveying.

3.0 COVERED WORK

“Covered Work” refers to any operating, maintenance, repair or new installation to existing pipelines or facilities as described below. In order to perform Covered Work, Contractors, Subcontractors and their employees must comply with the requirement of 49 CFR Part 199, including implementing an anti-drug and alcohol program.

The following covered activities, whether performed separately or in conjunction with other work, require persons engaged in these activities to be covered under a 49 CFR Part 199 anti-drug and alcohol program.

- Excavation to expose an existing pipeline for maintenance
- Any excavation or earthwork that may threaten or infringe upon active piping (generally interpreted as follows: for station excavations, within ten feet horizontally and/or three feet vertically; for pipeline right-of-way all excavations without exception)
- Boring under/over existing pipeline facilities
- Crane operation when installing or removing components on a pipeline
- Welding repairs on active pipelines
- Weld inspection (x-ray, mag particle, p-scan) on an active pipeline

- Lowering an active pipeline (side boom operator and all others directly involved)
- Removal of or abandonment of pipeline facilities
- Monitoring or installing cathodic protection systems or devices
- Recoating existing pipeline facilities
- Monitoring internal corrosion through coupons or other means
- Painting pipeline facilities to prevent atmospheric corrosion
- Installing, maintaining or operating valves on a pipeline
- Emergency response to a pipeline leak, including hydrotesting leaks on existing line
- In-place pump repair or maintenance
- Monitoring, calibrating, commissioning or installing overpressure safety devices
- Hydrotesting on existing pipeline
- Launching, tracking or receiving a pig or inspection tool in a pipeline
- Aerial patrol of the pipeline right-of-way
- Inspection of underwater navigable water crossing
- Tank cleaning
- Tank repair, leveling, modification, etc.
- Final tie-ins for newly constructed pipelines
- Painting of in-service pumps, piping and tanks

Note: Because the scopes and tasks are not a one-to-one match, always verify the current OQ Task List in Appendix E.07 Contractors OQ Covered Task List [Appendices](#).

4.0 GENERAL GUIDELINE

A Contractor is, except as expressly outlined elsewhere within this Policy, solely responsible for providing training to, and oversight of:

- a) its employed and contracted personnel, and
- b) its subcontractors and their employed or contracted personnel

(collectively, “**Contractor Personnel**”) in accordance with this Policy. This Policy includes requirements for, among other things, drug and alcohol testing in the following circumstances: pre-employment, random, testing based on reasonable cause, post-accident, return to duty and follow-up testing.

A Contractor will follow this Policy and conform its own policies and procedures with the US Department of Transportation (“**DOT**”) regulations contained in 49 C.F.R *Part 40- Procedures for Transportation Workplace Drug and Alcohol Testing Programs* and the regulations of the relevant agency applicable to the nature of the work performed by the particular Contractor Personnel, including, where relevant, the drug and alcohol regulations of the Pipeline and Hazardous Materials Safety Administration at *49 C.F.R. Part 199- Drug and Alcohol Testing* as it may be amended from time to time, the “**US DOT Requirements**” (see Appendix A).

For the purpose of this Policy, “US DOT Requirements”, encompasses the rules and regulations of all relevant transportation-related agencies, including, but not limited to, the United States Coast Guard (“**USCG**”), the Federal Aviation Administration (“**FAA**”), the Federal Railroad Administration (“**FRA**”), the Federal Motor Carrier Safety Administration (“**FMCA**”), the Pipeline and Hazardous Materials Safety Administration (“**PHMSA**”), and the Office of the Secretary.

All Contractors subject to this Policy, as set forth in Sections 2.0 and 3.0 above, shall have a DOT Drug and Alcohol Policy (a “**Proposed Contractor Policy**”) that has been approved by the National Compliance Management Service Inc. (“**NCMS**”) and reported as satisfactory in ISNetworld (a “**Contractor Policy**”) for ISNetworld subscribed contractors or reported as satisfactory in the NCMS database, for those contractors approved as not requiring an ISNetworld subscription.

A Contractor will diligently exercise its authorities and perform its obligations pursuant to its Contractor Policy.

Enbridge may require that a Contractor exercise any of its authorities or perform any of its duties under a Contractor Policy.

If Enbridge determines, in its sole discretion, that it is appropriate to do so, Enbridge may elect to step into the shoes of a Contractor with regard to the administration of this Policy and of the Contractor's Policy. This would generally be appropriate in circumstances in which a Contractor does not (or may be perceived by Enbridge to not) have sufficient organizational capacity to provide for independent oversight of its Contractor Personnel as required by this Policy.

Having a current and effective Contractor Policy approved by Enbridge shall be a condition precedent for any Contractor being permitted to perform work for any Enbridge entity.

5.0 ROLES & RESPONSIBILITIES

Successful implementation of this Policy requires the coordination of several persons. Key responsibilities are listed below.

5.1 National Compliance Management Service Inc. (NCMS) and ISNetworld

- NCMS will receive (from the Contractor) and review a Contractor's Proposed Anti-Drug and Alcohol Program and statistical information for adherence to the requirements of this Policy and of US DOT Requirements. NCMS will communicate with the Contractor to obtain the necessary information to complete its review. Said information may include:
 - Contractor's Part 199 Anti-Drug and Alcohol Program
 - Completed Statistical Data Report- Drug and Alcohol
 - Copy (blank) of the Laboratory Custody & Control Form (Federal Drug Testing form)
 - List of Covered Employees
 - Verification of Supervisor Drug and Alcohol Training
 - Completed Background Check Affidavit Form
 - Copy (blank) of Company Background Check Form (drug/alcohol background check is not a criminal background check.)
- If NCMS determines that a Proposed Contractor Policy adheres to the requirements of this Policy and of US DOT Requirements, it will register this in the NCMS database and so notify ISNetworld where applicable. ISNetworld will record this within its system (as satisfactory).
- If NCMS determines that a Proposed Contractor Policy does not meet the requirements of this Policy and of US DOT Requirements, it will advise the Contractor of the necessary information to bring the program to compliance and notify ISNetworld. ISNetworld will record this within its system (as non-satisfactory) until satisfactorily corrected.
- Will request the necessary drug and alcohol testing data on Contractor's employees, number and kinds of tests performed and their results.

- Will perform audits of the Contractor's anti-drug and alcohol plans and statistical data.

5.2 Enbridge

- Will monitor Contractors for adherence to this Policy and to other Enbridge Work Site requirements.
- Will monitor Contractors' exercise of their authorities and performance of their duties under their respective Contractor Policy including monitoring to ensure that Contractors provide training to their Contractor Personnel as required under US DOT Requirements.
- Will exercise discretion, in circumstances described in Section 4.0 herein where Enbridge has determined it is necessary to step into the shoes of a Contractor and administer the Contractor Policy (or a similar policy compliant with US DOT Requirements).
- Will verify that Enbridge receives all required records and reporting from Contractors.
- Will timely bring deficiencies in the exercise by Contractor of its responsibilities or performance of its duties under its Contractor Policy or under this Policy and monitor Contractor's actions to address these deficiencies.
- Will complete periodic spot checks and field inspections to verify Contractor drug and alcohol testing compliance with this Policy.

5.3 Enbridge Regional Safety Coordinator / Inspector

- Will liaise with all parties involved in any drug and alcohol testing process.

5.4 Contractor

- Prior to award of any work or contract, will provide NCMS with the information NCMS requests to complete its review, which may include the following:
 - A copy of the Contractor's Part 199 Anti-drug and Alcohol Program
 - Completed statistical data report- Drug and Alcohol
 - Copy (blank) of the Laboratory Custody & Control form (Federal Drug Testing form)
 - List of Covered Employees
 - Verification of Supervisor Drug & Alcohol Training
 - Completed Background Check Affidavit form
 - Copy (blank) of Company Background Check form
- Will remain responsible for ensuring that all applicable requirements under US DOT Requirements are carried out with respect to its Contractor Policy.
- Will develop and deliver alcohol and drug training that adheres to all applicable requirements of the Policy and US DOT Requirements for its Contractor Personnel.
- Will diligently exercise its rights and perform its obligations under its Contractor Policy.
- Will notify NCMS if the Contractor intends to use a subcontractor in order that NCMS may initiate audit of the subcontractor and grant viewable access to the contractor to

ensure subcontractor compliance to this Policy and US DOT Requirements, if applicable.

- Will provide information on the Contractor's employees who will perform covered functions for Enbridge. This information may include the name and job title of the Contractor's employees who will perform any work or functions covered by 49 CFR Part 199 and the names of Contractor Personnel who are or who have been prevented from providing services to Enbridge as a result non-compliance with this Policy, a Contractor Policy or the US DOT Requirements.
- Will ensure that Contractor supervisors are knowledgeable about and able to recognize the signs and symptoms of alcohol and drug use (i.e. reasonable suspicion training).
- Upon request by Enbridge, will provide Enbridge access to all records Enbridge deems necessary for verification of Contractor's compliance with this Policy. Enbridge also reserves the right to perform periodic or random on-site inspections of Work Sites and other locations to ensure compliance by Contractor with its drug and alcohol testing program and this Policy.
- Will provide access to property and records to the Administrator of PHMSA or other relevant DOT agency, and if Enbridge is subject to the jurisdiction of a state agency, a representative of the state agency for the purpose of monitoring Enbridge's compliance with the relevant DOT agency requirements.
- Will ensure that Contractor Personnel are made aware of resources available to them for treatment of drug and alcohol problems.

5.5 Subcontractor

- Must have all applicable DOT programs listed with NCMS and a current and effective Contractor Policy approved by NCMS and Enbridge.

5.6 Contractor Personnel

Contractor Personnel will:

- Read, understand and abide by this Policy and the relevant Contractor Policy.
- Be in a 'fit for duty' condition (i.e. able to perform their work safely and effectively) at all times and recognize that fitness for duty may be affected by, among other things, the use of alcohol, prescription or non-prescription medications and illicit drugs.
- Observe the 'fitness for duty' of others on or around Enbridge Work Sites and take appropriate action and notify a supervisor when health or safety issues are observed.
- Work with the Contractor and with Enbridge to ensure successful implementation of this Policy, of the Contractor Policy and of similar Enbridge policies.
- Notify their supervisor as soon as possible if taking prescription or over-the-counter medications which may cause drowsiness, dizziness or other side-effects that could affect the Contractor Personnel's ability to work or the health or safety of themselves or of others.

Contractor Personnel will not:

- Distribute, possess (including within a vehicle or piece of equipment accessible to, or under the control of, that person), consume or use alcohol or illegal drugs at or near

any Enbridge Work Site (including related parking lots), while directly or indirectly engaged in work of any kind for Enbridge, or while traveling to or from work of any kind for Enbridge.

- Report to work at an Enbridge Work Site while impaired in a manner (including under the influence of alcohol, drugs or any substance) that could reasonably be expected to affect their ability to perform their work safely and effectively.
- Accept an unplanned request to work (usually a request to perform emergency or specialty work) if there is a reasonable basis to believe that he or she would be unable to comply with this Policy.

Contractor Personnel are also encouraged to voluntarily seek help with addiction issues, through the relevant Contractor or otherwise, and to follow the advice of any health care or substance abuse professional regarding appropriate treatment.

6.0 CONTRACTOR WORK POLICIES

A Contractor's policies and practices will conform to this Policy, with its own Contractor Policy, and with US DOT Requirements.

7.0 DRUG AND ALCOHOL TESTING

7.1 Testing Requirements

Drug and alcohol testing including pre-employment, reasonable cause and post-incident/near-miss testing will be done in accordance with the provisions set out by US DOT Requirements (see Appendix A).

7.2 Testing Records

All Contractors will be required to submit drug testing statistical information on a monthly basis. Enbridge may require a more frequent schedule for submission of data should it determine there is a need for such statistics.

8.0 REFUSAL TO TEST

If any Contractor Personnel refuses or fails to participate in an drug or alcohol test as required by a Contractor Policy, the Contractor will immediately notify Enbridge in writing.

9.0 CONTRACTOR RECORDS AND REPORTING

The Contractor will maintain confidential and secured records regarding all matters relating to administration of its Contractor Policy, including records relating to drug and alcohol testing and training and education program delivery. Contractors will retain these records until the later of **(a)** agreement with Enbridge, or **(b)** 2 years from the completion of work at a particular Work Site.

10.0 VIOLATION OF THIS POLICY – EFFECTS

Upon receiving notification of a drug or alcohol test returning a positive, tampered or inconclusive result (a **'Non-negative Result'**), upon the request of any Contractor Personnel to participate in a drug and alcohol test required by a Contractor Policy, or upon becoming aware of a breach of this Policy or of a Contractor policy by Contractor Personnel, a Contractor will:

- a) Ensure that the Contractor Personnel is escorted safely from the Work Site to their residence or other safe location (when it is reasonable to do so);
- b) Immediately notify Enbridge, in writing, about the event, including the Contractor Personnel's name and details of the breach (i.e. refusal to test, violation of this Policy or Contractor Policy, etc). If the breach involves a Non-negative Result, the Contractor will also provide the reason for the blood and alcohol test along with the nature of the blood and alcohol test result; and
- c) Not return the Contractor Personnel to service at an Enbridge Work Site unless directed otherwise by Enbridge in writing.

Contractor Personnel who return a Non-negative result, or who have otherwise violated this Policy or a relevant Contractor Policy, will automatically be excluded for an indefinite time from Enbridge Work Sites (an **"Indefinite Exclusion"**).

A Contractor or an individual subject to an Indefinite Exclusion may apply to Enbridge in writing (an **"Application"**) to request that Enbridge review the terms of the Indefinite Exclusion. Enbridge may rescind or revise the terms of an Indefinite Exclusion in its sole discretion, and as provided under applicable federal and state law. Without limiting the generality of the foregoing, for the purposes of reviewing an Application, Enbridge may require evidence sufficient to demonstrate that the Contractor Personnel has successfully completed a relevant drug or alcohol treatment program and/or would be subject to appropriate return to work controls with related procedures likely to minimize the risk of future similar policy violations, including applicable DOT regulations concerning substance abuse professionals and the return-to-duty process.

11.0 FIELD VERIFICATION/SPOT CHECKS

Periodic field verifications/spot checks may be performed by Enbridge to verify Contractor compliance with drug and alcohol testing requirements under this Policy.

12.0 ENBRIDGE SEARCHES AND INSPECTIONS

In enforcing aspects of this Policy, Enbridge may perform searches anytime for drugs or alcohol at and around Enbridge Work Sites. Such searches may include but need not be limited to searches of:

- Vehicles and their contents, at or upon entering a Work Site (including parking lots and related access roads).
- Property inspection including, offices, field areas, building equipment, packages, bags, containers, lockers, tool boxes, etc.

Cooperation with personnel performing searches is mandatory.

13.0 APPENDIX A

US Department of Transportation Part 40- Procedures for transportation Workplace Drug and Alcohol Testing Programs (Updated May 4, 2012)

- <http://www.dot.gov/odapc/part40>

Part 199- Drug and Alcohol Testing

- http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr199_main_02.tpl

What Employers Need to Know about DOT Drug and Alcohol Testing

- https://www.transportation.gov/sites/dot.gov/files/docs/ODAPC_Employer_Guidelines_%20June_1_2015_0.pdf