

Dear Contractor:

The Southeast Texas Plant Manager's Forum approved the "Golden Triangle Contractor Substance and Alcohol Abuse Program", February 2003 Edition, for use in their plants as an alternative to their site specific contractor substance abuse programs. Acceptance of the "Golden Triangle Contractor Substance and Alcohol Abuse Program" by your company will permit movement of your employees between plants without additional drug testing and will reduce the burden of obtaining compliance with most plants in the Golden Triangle specific contractor drug program.

If your company desires to participate and adopt the "Golden Triangle Contractor Substance and Alcohol Abuse Program", please certify compliance with the requirements of the Program by completing the attached Certificate of Compliance. Please furnish a copy of the letter to the Contract Department of the specific plant in which you are working.

**CERTIFICATE OF COMPLIANCE
OF**

Name of Contractor Company

**GOLDEN TRIANGLE CONTRACTOR
SUBSTANCE AND ALCOHOL ABUSE PROGRAM**

February 2003 Edition

Adopted and implemented by _____ [Name of Contractor Company] ("Company"), effective ____ day of _____, _____. Company hereby certifies that it is in compliance with this Program.

Laboratory analysis will be in compliance with this Program and will be performed by _____ [Name of Laboratory, address and telephone number], an independent Substance Abuse and Mental Health Services Administration (SAMHSA) certified laboratory (formerly NIDA).

Company hereby authorizes the Owner for which Company is performing services, or its agents, to conduct audits to determine compliance with this Program, including but not limited to:

- 1) an examination of the implementation directives and procedures;
- 2) an examination of the consent forms;
- 3) a determination of whether the tests are being conducted to the Program's standards;
- 4) an examination of chain of custody procedures; and
- 5) an evaluation of drug testing laboratory services.

This Program does not comply with D.O.T. rules and regulations.

Name of Contractor Company

By: _____

Title: _____

Date: _____

THE GOLDEN TRIANGLE SUBSTANCE AND ALCOHOL ABUSE PROGRAM

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**GOLDEN TRIANGLE CONTRACTOR
SUBSTANCE AND ALCOHOL ABUSE PROGRAM**

Contractor, _____

[Name and Address]

hereafter referred to as “Company”, adopts the following Golden Triangle Contractor Substance and Alcohol Abuse Program, hereafter referred to as “Program”, or hereby signifies that their current program meets or exceeds this Program effective ____ day of _____, _____.

Program Overview

The Company disapproves of the use of any illegal drug and/or the abuse of legal drugs or alcohol by its employees. The unlawful manufacture, distribution, dispensing, possession or use of an illegal drug or a controlled substance in the workplace is prohibited.

The Company has a vital interest in maintaining safe, healthful and efficient working conditions for its employees. Being under the influence of a drug or alcohol on the job may pose serious safety and health risks not only to the user but to all those who work with the user. The possession, use or distribution of an illegal drug or alcohol in the workplace may also pose unacceptable risks for safe, healthful and efficient operations. The Company recognizes that its own health and future are dependent upon the physical and psychological health of its employees. Accordingly, it is the right, obligation and intent of the Company to maintain a safe, healthful and efficient working environment for all its employees and to protect Company property, equipment, vehicles, operations, other employees, the surrounding community and environment. With these basic objectives in mind, the Company has established the following Program with regard to use, possession, distribution or manufacture of alcohol or drugs.

ARTICLE 1 – DEFINITIONS:

- 1.1 “Company property/premises” shall include, without limitation the company buildings, structures, land, vehicles, equipment and all other property owned or leased by Company. The term shall also include all and any locations on which Company conducts its business including, without limitation, industrial sites owned by third parties.
- 1.2 “Working hours” shall include all time during which an employee is scheduled to work, is performing work for the benefit of Company, or is called in to work. This time shall include breaks and meal periods, as well as personal time use of Company equipment and/or vehicles.
- 1.3 “Prohibited drug” means any drug which is not legally obtainable; any drug which is legally obtainable but has not been legally obtained; any prescribed drug not legally obtained; any prescribed drug not being used for the prescribed purpose; any over-the-counter drug being used at a dosage level different than recommended by the manufacturer or being used for a purpose other than intended by the manufacturer; any drug being used for a purpose not in accordance with bona fide medical therapy; any inhalant or other intoxicant; any drug or controlled substance that may affect the safety of the employee, coworkers or members of the public, the employee’s job performance or the safe or efficient operation of Company; and consumption of alcohol on Company property/premises or consumption to the extent that such use or influence may affect the safety of the employee, coworkers or members of the public, the employee’s job performance or the safe or efficient operation of the Company.
- 1.4 “Near-miss accident” means any incident, which, if it had proceeded to a reasonable possible and more serious level of development, would have had the potential for personal injuries, extensive property damage, and/or liability claims.
- 1.5 “Possession” includes, but is not limited to, the presence of prohibited drugs including alcohol on or in the body.
- 1.6 “Under the influence of alcohol” is defined as a blood alcohol content of 0.04% or greater, measured by any acceptable method.
- 1.7 “Presumptive positive result” means a laboratory conclusion that a specimen was found to contain the presence of a drug based on one or more analytical procedures which did not include gas chromatography/mass spectrometry (GC/MS).
- 1.8 “Negative test result” means a laboratory conclusion that a specimen was found not to contain the presence of a drug.

- 1.9 “Representative/Supervisor” means any supervisor, manager, officer, director or owner of Company and/or client.
- 1.10 “Reasonable cause” means a belief that the actions or appearance or conduct of a person is indicative of the use of a prohibited drug, including alcohol. A reasonable cause situation is any situation in which an employee’s job performance is in conflict with established job standards relating to safety and efficiency. The term includes, but not limited to, accidents, near-miss accidents, erratic conduct suggestive of drug or alcohol use, any unsafe performance behaviors, and unexplained deviations from normal behavior and/or productivity.
- 1.11 “Adulteration” means the attempt to affect the accuracy of the sample whether by adding substances, substituting, changing the temperature, etc.

ARTICLE 2 – PARTICIPANTS

2.1 Applicants

- 2.1.1 All offers of employment shall be made expressly contingent upon the applicant satisfactorily passing the drug testing procedures contained herein. Applicants for employment shall, upon written or oral request, submit to at least one urinalysis test for the purpose of determining whether the applicant has any detectable levels of prohibited drugs as listed in

Article 3, subject to the notice provisions of Article 4 and according to the requirements and procedures of Article 5. Applicants seeking positions subject to D.O.T. regulations shall also be subject to drug testing under D.O.T. regulations and guidelines.

- 2.1.2 No applicant will be regarded as being in violation of the Program regarding the use of any prohibited drug if, at or before the time of testing, the applicant advises the Company that he/she is taking a specific drug and, further, provides evidence from a duly-licensed physician that (a) a duly-licensed physician has prescribed the drug to the applicant for an existing and specifically identified medical condition, (b) the applicant has taken, or is taking, the drug at the time and in the manner prescribed by the duly licensed physician and (c) the applicant is physically and mentally capable of performing the duties of the job sought while taking the drug.
- 2.1.3 Any decision to waive testing shall be in writing by and at the sole discretion of the Substance Abuse Program Coordinator of Company.

2.2 Employees

- 2.2.1 **Physician Prescribed Drugs** – No employee will be regarded as being in violation of the program regarding the use of any prohibited drug if, at or before the time of testing, the employee advises the Company that he/she is taking a specific drug and, further, provides evidence from a duly-licensed

physician that (a) a duly-licensed physician has prescribed the drug to the employee for an existing and specifically identified medical condition (b) the employee has taken, or is taking, the drug at the time and in the manner prescribed by the duly licensed physician and (c) the employee is physically and mentally capable of performing the duties of the job held while taking the drug.

2.2.2 Pre-Assignment Testing – Any employee, regardless of designated status, who may be assigned and therefore subject to the testing requirements of a contract, shall, upon written or oral request and as condition of assignment, submit to not less than one urinalysis test for the purpose of determining whether the employee has detectable levels of prohibited drugs as listed in Article 3, subject to the notice provisions of Article 4 and according to the requirements and procedures of Article 5.

2.2.3 Reasonable Cause Testing – Notwithstanding any other provision of this Program, when there is reasonable cause to believe that an employee has committed a violation of this Program, the employee shall, upon written or oral request by a Company representative, submit to not less than one breath or blood alcohol test to determine whether the employee is, or has recently been under the influence of alcohol and shall submit to not less than one urinalysis test for the purpose of determining whether the employee

is affected by the use of any prohibited drug, as listed in Article 3 and subject to the notice of provisions of Article 4 and according to the requirements and procedures of Article 5. When such request for testing is based upon any of the following circumstances, each and all such circumstances are conclusively deemed to constitute reasonable cause to suspect an employee of use of a prohibited drug which impairs or prevents safe and efficient conduct and completion of job-related tasks:

2.2.3.1 personal observation by a Company/client representative of the sale, use or possession of a prohibited drug by the employee while on Company property/premises, in Company vehicles or during working hours:

2.2.3.2 personal observation by a Company representative of physical conditions or actions of an employee indicating use or being under the influence of a prohibited drug or exhibiting behavioral and/or clinical manifestations of the use of prohibited drugs by the employee on Company property/premises, in Company vehicles or during working hours.

2.2.4 Random Testing – All employees are hereby designated as being in critical assignment status and are therefore subject to random screening. Each employee's job includes tasks which, if improperly performed, may contribute to

substantial injury or harm to Company property, equipment, vehicles, operations, other employees, the surrounding community and the environment. Therefore, each employee shall, upon written or oral request by a Company representative submit to not less than one blood, breath or urinalysis test or any other accepted method for the purpose of determining whether the employee is, or recently has been under the influence of alcohol or has any detectable levels of prohibited drugs as listed in Article 3, subject to the notice provisions of Article 4 and according to the requirements and procedures of Article 5. Random selection shall be on a quarterly basis at an annualized rate of at least 25%.

2.2.5 Post Accident Testing – Any employee who is the cause of, involved in, or injured in any accident or whose actions could have resulted in a near-miss accident on working time, which includes personal time use of Company equipment or vehicles, shall, upon written or oral request by a Company representative, submit to not less than one blood, breath, urinalysis, or any other accepted testing method for the purpose of determining whether such employee is, or has recently been under the influence of alcohol or affected by the use of prohibited drugs as listed in Article 3, subject to the notice provisions of Article 4 and according to the requirements and procedures of Article 5.

2.2.6 Periodic Testing – Employees shall submit to not less than one urinalysis test per year for the purpose of determining whether the employee is, or has recently been, affected by the use of prohibited drugs as listed in Article 3, subject to the notice provisions of Article 4 and according to the requirements/ procedures of Article 5.

2.2.7 D.O.T. Applicability – Employees holding positions subject to D.O.T. regulations shall also be subject to drug testing in compliance with D.O.T. regulations and guidelines.

2.2.8 Violations – A violation consisting of testing positive (as defined in Article 5.4.2) on a drug or alcohol test will subject the offending employee to permanent denial of entry to Company’s premises, except that access privileges may be restored upon presentation of proof that the employee has successfully completed a recognized rehabilitation program and is currently in good standing in a program that maintains abstinence.

ARTICLE 3 – SCOPE OF URINALYSIS/MEDICAL TESTING

3.1 The urinalysis shall at least include screening for the following substances: Marijuana (THC), Cocaine, Opiates, Phencyclidine (PCP), Amphetamines, Barbiturates, Methadone, Methaqualone,

Benzodiazepines, Propoxyphene and when ordered, Alcohol.

- 3.2 The urinalysis may, at the sole option of Company representatives, include screening for any drug or controlled substance in Schedule I or Schedule II of the Controlled Substances Act, 21 U.S.C. *812, as amended.
- 3.3 The analysis of blood specimens, when required shall include testing for the presence of alcohol using qualitative and quantitative laboratory procedures.

ARTICLE 4 – PROGRAM GUIDELINES

4.1 Notice Requirements and Time Limits

4.1.1 Applicants for Employment.

Each and every applicant for employment shall be notified of Company requirements (Exhibit A) of such testing by a written statement to that effect on the application form. In addition, each and any applicant for employment, upon submission of his/her application for employment shall be notified verbally of the regulations contained in this Program. If requested by the applicant, a written copy of the Program may be reviewed by the applicant while on Company premises.

4.1.2 Employees Exhibiting “Reasonable Cause” Behavior. Notwithstanding any other

provision, an employee who has received a written or oral request as provided in Article 2.2.3 shall be immediately escorted to the collection site by a Company representative.

4.1.3 Post Accident. Notwithstanding any other provision, an employee not regulated by the Department of Transportation, who has received a written or oral request as provided in Article 2.2.5 shall: (a) be immediately escorted to the collection site by a Company representative, or (b) if an employee is injured, unconscious, or otherwise unable to evidence consent to a drug/alcohol test or submit a urine specimen for analysis, the attending medical personnel shall make all reasonable efforts to obtain specimens pursuant to Article 2.2.5.

4.1.4 All Other Occasions. Each and every employee, upon receipt of a written or oral request as provided in Article 2, shall make himself/herself present at the collection site, as designated by a Company representative in Article 5 for the purpose of providing a urine and/or a blood specimen for chemical analysis. An additional time may be granted, in exceptional and unusual circumstances only, and only as approved by the Substance Abuse Program Coordinator or an officer of the Company, where extraordinary circumstances prevent the employee from complying with the paragraph.

4.2 Positive Test Results

4.2.1 Applicants

4.2.1.1 When the test results of any applicant for employment indicate use of alcohol or prohibited drugs or controlled substances by the applicant, the positive test results shall be grounds for immediate rejection of the applicant except as otherwise provided in Article 2.1.

4.2.1.2 Any person rejected as an applicant under 4.2.1.1 above, may, upon the presentation of a positive proof of successful completion of a certified drug and/or alcohol rehabilitation program, completed to the satisfaction of a medical review officer and/or qualified substance abuse counselor, may reapply for employment. Such person will be considered, for the purpose of this Program, as an initial applicant for employment, subject to all program requirements in the same manner and degree as other applicants.

4.2.2 **Employees.** When the test results of any employee, requested to submit to drug and/or alcohol testing pursuant to the provisions of Article 2.2 indicate use of prohibited drugs, the positive test result is grounds for immediate removal from Company property/premises and grounds for immediate discharge.

4.3 Refusal to Execute Waiver/ Consent or Submit to Analysis

4.3.1 In the event that any employee, regardless of designated status, refuses to submit to analysis under any provision of the Program such refusal shall be cause for immediate discharge.

4.3.2 In the event that any employee, regardless of designated status, refuses to execute a waiver/consent/release (Exhibit B) as provided, the employee will be deemed to have refused to submit to analysis and as such, will be subject to immediate discharge.

4.4 **Inconclusive results and lost, rejected or destroyed specimens.** In the event that any urine or blood specimen, obtained pursuant to any provision of this Program, is lost, destroyed or in such condition as to be rejected by the testing laboratory, or where the analysis or any specimen obtained pursuant to the provisions of this Program is found to be inconclusive for any reason, the employee providing such specimen shall make himself/herself present at the specimen collection site upon notification of the inconclusive result, lost, rejected or destroyed specimen in order to provide a replacement specimen for testing.

4.5 Specimens indicating evidence of adulteration.

4.5.1 In the event that any urine or blood specimen, obtained pursuant to any provision of this Program, is deemed by the testing facility to indicate evidence of adulteration, the employee providing the specimen shall be immediately

escorted to the collection site by a Company representative and a witnessed re-sample taken.

- 4.5.2 Company may, at the sole discretion of the Substance Abuse Program Coordinator of Company, place any employee suspected of adulterating a specimen on suspension, without pay or benefits, until test results are received.

ARTICLE 5 – TESTING PROCEDURES

- 5.1 **Collection Facilities.** The Collection Facility shall be designated by a Company representative. The collection site shall be staffed by qualified individuals who shall be trained in proper procedures to ensure the dignity and accuracy of the collection and analysis process.
- 5.2 **Collection Procedures.** The following is an example of a collection procedure which would ensure both individual privacy and accurate analysis. (At the collection site the employee may be provided with additional instruction, which may vary from this procedure, but employee is required to comply with that instruction.) This information will assist Company in selecting a collection site:
- 5.2.1 Bluing agents shall be placed in the toilet tanks and reservoirs, wherever possible, so that the water in the toilet bowl and tank remains blue. There should be no other source of water in the

enclosure where the urine sample is collected.

- 5.2.2 If other sources of water (example; sink) are in the enclosure in which specimen collection occurs, tamper evident tape shall be placed over the faucet handles.
- 5.2.3 The enclosure in which specimen collection occurs shall contain no cleansers, liquids or chemicals of any type that could be used to adulterate the specimen.
- 5.2.4 Upon arrival at the collection site, the test subject shall be required to present some item of photo identification or shall be identified by a Company representative.
- 5.2.5 Upon arrival at the collection site, the test subject shall sign all appropriate documents and waivers necessary to effect the collection procedure and sample analysis.
- 5.2.6 The test subject shall remove and leave outside the collection enclosure, any unnecessary outer garments (such as coats, jackets, sweatshirts), contents of pockets, purses, briefcases or any other article which might conceal items or substances which could be used to alter or dilute the urine specimen.
- 5.2.7 A chain-of-custody form shall be signed by the test subject, the collection technician and any and all persons thereafter who come into possession of the specimen, whether such person be at the

- collection site or the laboratory which performs the analysis.
- 5.2.8 Before the test subject shall submit the specimen, he/she shall wash and dry his/her hands in the presence of the collection person.
- 5.2.9 The test subject may provide his/her specimen in the privacy of a collection enclosure or stall, but any “unusual or suspicious behavior” by the test subject shall be noted by the collection technician and upon Company representative notification, another specimen may be required to be collected.
- 5.2.10 The test subject will be provided a sealed collection container, the seal upon which shall be broken in the presence of both the test subject and the collection technician.
- 5.2.11 The sample must contain a sufficient amount of urine to ensure accurate test results. If the test subject is unable to supply a sufficient amount of urine for testing, then at the discretion of the Substance Abuse Program Coordinator, the test subject may be required to remain at the collection facility until specimen of sufficient quantity can be collected or instructed to return for retesting.
- 5.2.12 Within four (4) minutes of collection, the temperature of the sample must be taken by the collection technician. If the temperature of the sample is less than 90.5 degrees Fahrenheit or greater than 99.8 degrees Fahrenheit, another specimen must be obtained. Both specimens shall be forwarded to the testing facility for analysis.
- 5.2.13 The collection technician shall, in addition to taking the temperature of the sample, examine the specimen and collection container for any sign of tampering or alteration. Any unusual finding must be noted on the chain-of-custody form.
- 5.2.14 The collection technician can require a second specimen and can require that it be taken under direct observation.
- 5.2.15 Following collection of the sample, the test subject shall observe the collection technician, who shall place a seal over the bottle cap as well as an identification label to the side of the bottle. This identification label shall contain the date, the specimen number and any other identifying information. The collection technician shall initial both the seal and the label. The test subject may be required to initial as well.
- 5.2.16 At no time before the specimen is packaged for delivery to the laboratory for analysis should the collection technician or the test subject leave the presence of the other or the presence of the specimen.
- 5.2.17 The sealed specimen bottle and the chain-of-custody form shall be placed into an appropriate

container for delivery of the specimen to the laboratory for analysis.

5.3 Delivery to Laboratory.

Specimens may be delivered to the testing laboratory using US Postal Service, commercial air freight, air express or may be hand-carried. All movement of the specimen shall be recorded.

5.4 Laboratory Procedures and Guidelines

5.4.1 Initial Test. The initial analysis of the urine specimen shall be the Enzyme Multiplied Immunoassay Technique (EMIT) or any other method acceptable to the Company or the laboratory at a Substance Abuse and Mental Health Services Administration (SAMHSA) certified laboratory (formerly NIDA). Where the following levels are determined to be in accordance with the corresponding drug or class of drug the initial test will be a “presumptive positive result”:
Cannabinoid (marijuana) 50 ng/ml
Cocaine & metabolites 300 ng/ml
Opiates 2000 ng/ml
Phencyclidine (PCP) 25 ng/ml
Amphetamines 1000 ng/ml
Barbiturate 300 ng/ml
Methadone 300 ng/ml
Methaqualone 300 ng/ml
Benzodiazepines 300 ng/ml
Propoxyphene 300 ng/ml

5.4.1.1 Where any presumptive positive result is indicated from this initial analysis, a second confirmatory analysis shall be

performed at a Substance Abuse and Mental Health Services Administration (SAMHSA) certified laboratory (formerly NIDA).

5.4.2. Confirmatory Analysis. The confirmatory analysis shall be performed by the use of gas chromatography, mass spectrometry (GC/MS) at a Substance Abuse and Mental Health Services Administration (SAMHSA) certified laboratory (formerly NIDA). Where any level listed below is found to exist with the corresponding drug or drug class, the test shall be considered “positive”.

- Cannabinoid (marijuana) 15 ng/ml
- Cocaine & metabolites 150 ng/ml
- Opiates 2000 ng/ml
- Phencyclidine (PCP) 25 ng/ml
- Amphetamines 500 ng/ml
- Barbiturate 200 ng/ml
- Methadone 200 ng/ml
- Methaqualone 200 ng/ml
- Benzodiazepines 300 ng/ml
- Propoxyphene 300 ng/ml

5.4.2.1 Alcohol testing will be conducted using any accepted method for blood alcohol level of 0.04%.

Alcohol	0.04% blood alcohol
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5.4.3 Laboratory Security and Procedures.

5.4.3.1 The laboratory shall be secure at all times, with no authorized person gaining access to the specimen storage or testing areas.

5.4.3.2 Samples which are determined to be “negative” shall be stored for ten (10) days following specimen analysis. All specimens determined to be “positive” shall be stored in long-term frozen storage for a period of not less than one (1) year.

5.4.3.3 An individual is considered qualified for collection if trained and/or certified by a recognized certification agency (i.e. NIDA, DOT)

**GOLDEN TRIANGLE CONTRACTOR
SUBSTANCE AND ALCOHOL ABUSE PROGRAM
TRANSMITTAL**

To all Employees:

[Name of Contractor Company] is committed to a drug and alcohol free workplace for your safety and the safety of others. Industrial owners and contractors for which we do work or submit bids require that our employees be drug free.

_____ [Name of Contractor Company] will implement the Golden Triangle Contractor Substance and Alcohol Abuse Program to meet the requirements of our clients, a copy of which is attached. Please read the attached Golden Triangle Contractor Substance and Alcohol Abuse, and acknowledge below that you have done so and agree to abide by this program in all respects. Thank you for your cooperation and feel free to ask any questions you may have.

ACKNOWLEDGED AND AGREED:

Employee Signature: _____

Employee Printed Name: _____

Date: _____

EXHIBIT "A"

**APPLICANT/EMPLOYEE AUTHORIZATION AND
CONSENT/RELEASE FOR ALCOHOL AND DRUG TESTING AND
ARBITRATION AGREEMENT**

I, _____[employee], do hereby give my permission and consent to _____[Name of Contractor Company], and/or any contractor of the Company, their doctors, employees or agents together with any clinic, hospital or laboratory or other agency designated by the Company and/or contractor to collect biological samples and perform appropriate test or examinations thereon as a condition of employment and/or continued employment to identify any presence of alcohol and/or drugs.

Further, I give my permission and consent to the designated testing facility, its doctors, employees or agents to release the results of these tests to _____ [Name of Contractor Company], Company’s clients, and/or their designated representative, contracting agent or medical review officer as appropriate.

I also authorize my Company and Company’s agents to have continued access to the specimens in case further analysis is required, to obtain the results of all tests made of the specimens, and to communicate concerning these results with the testing agency, governmental agencies having jurisdiction, and Company’s clients.

As an applicant, I understand that if the results of the test(s) are positive, I will be ineligible for employment with Company.

I hereby save and hold Company, Company’s clients, their designated representative, contracting agent and medical review officer harmless from and against any claims by me or on my behalf relating to the tests and to the use and disclosure of information pertaining thereto by Company, Company’s clients, their designated representatives, contracting agent and medical review officer. I agree to arbitrate before and under the rules of the American Arbitration Association all claims, disputes and causes of action I may have arising out of this drug test and the use and disclosure of information pertaining thereto.

Date Signature of Applicant/Employee

Date Signature of Witness

EXHIBIT “B”