

Exhibit A to Amendment No. 1**Attachment 1**

XTO Energy Inc.
Contractor Attachment for Alcohol and Drug Requirements
(For Safety Sensitive and Low Exposure Services)

1. Purpose and General Requirements

- a. Contractor shall comply, and shall ensure that its subcontractors performing Covered Services as defined below are complying, with this Attachment.
- b. All testing requirements identified in this Attachment must comply with U.S. Department of Transportation (“DOT”) specimen collection, security, and testing procedures, unless otherwise agreed. Additionally, blood tests may be used for confirmation test of positive results. The panel for substances and levels to be tested is described in Section 11 and Supplement 2.
- c. Local laws and regulations take precedence over this Attachment. Local laws and regulations may require a more stringent or less stringent approach and may limit certain components of this Attachment.

2. Definitions

- a. *Buyer* - May be used interchangeably with XTO, Purchaser, User, or Company (but only when Company is the purchasing entity).
- b. *Buyer Premises* – locations and property, owned (or leased or chartered from others or accessed through rights secured by the Buyer or its affiliates), operated, and/or controlled by the Buyer or its affiliates, whether fixed or mobile.
- c. *Contraband* -
 - i. any drug or alcohol-related paraphernalia
 - ii. any substance used or designed for use to obstruct the Alcohol or Drug testing process, or
 - iii. firearms, ammunition, explosives, and weapons.
- d. *Contractor Personnel* - Contractor's employees, agents, subcontractors or subcontractors' employees who perform Covered Services or whom Contractor, its agent, or subcontractor, plans to return to Covered Services.
- e. *Covered Services* – Performance of services on Buyer Premises.
- f. *Designated Contractor Representative (DCR)* - Contractor Personnel with oversight of the Contractor Drug and Alcohol program and authorized by the Contractor to receive test results and make required decisions regarding test results.
- g. *Laboratory Negative Result* - The result reported by a certified laboratory when a specimen is a valid specimen and contains no drug or the concentration of the drug is less than the cutoff concentration for the drug or drug class.
- h. *Laboratory Positive Result* - The result reported by a certified laboratory when a specimen contains a drug or drug metabolite equal to or greater than the cutoff concentration.
- i. *Medical Review Officer (MRO)* - A licensed or certified physician designated by Contractor responsible for the review and verification of the integrity of drug testing results and for final interpretation and reporting of drug test results.
- j. *MRO Negative* – Final classification of a drug test as negative after MRO review of all relevant data (e.g., certified laboratory test result, donor interview, legitimate medical explanation for use of medication).
- k. *MRO Positive* - Final classification of a drug test as positive after MRO review of all relevant data (e.g., certified laboratory test result, donor interview, legitimate medical explanation for use of medication).

- l. *Prescription Drug* - A regulated pharmaceutical medicine that requires physician or other qualified healthcare professional authorization before it can be obtained in the jurisdiction where Contractor Personnel are performing Covered Services.
- m. *Prohibited Substances* –
 - i. Marijuana in any form, even if legal in the local jurisdiction.
 - ii. Potentially impairing medications (e.g., may be Prescription Drug or over-the-counter medication or herbal medicine):
 1. Used without a prescription, or
 2. Used in a manner inconsistent with the prescription or directions for usage, or
 3. Used without disclosure to Contractor per Section 7 – Medication Disclosure (Safety Sensitive Contractor Personnel only)
 - iii. Alcohol, which means any consumable liquid containing ethanol (e.g., beer, wine, spirits) and powdered alcohol that can be reconstituted into an alcoholic drink.
 - iv. Illicit drugs that are not or cannot be prescribed, or mind-altering substances including all forms of naturally occurring and synthetic drugs, e.g., synthetic cannabinoids, stimulants and hallucinogens that would inhibit the ability of Contractor Personnel to perform work safely.
- n. *Random Pool* - The pool or grouping consisting of Safety Sensitive (SS) Contractor Personnel designated for random testing.
- o. *Screening Test (also referred to as Initial Test)* - The test used to differentiate a negative specimen from one that requires further testing (i.e., a Confirmation Test) for alcohol, drugs, or drug metabolites.
- p. *Serious Injury* - Injuries or illnesses causing significant physical body damage with potential for days away from work.
- q. *Stand Down* - Requires immediate removal of Contractor Personnel from Covered Services.
- r. *Under the Influence* – is a condition in which the mental or physical faculties are impaired by the use of Prohibited Substances that can be observed through appearance, behavior, speech, body odor, etc. or through a confirmed positive alcohol or drug test.

3. Program Management

Prior to starting Covered Services, Contractor must:

- a. Submit for Buyer approval Contractor's list of all Safety Sensitive (SS) positions on Supplement 1. Such list may be attached to Work Order.
- b. Identify a Designated Contractor Representative.
- c. Provide training to Contractor supervisors on the requirements of this Attachment.
- d. Follow any specific site requirements established by Buyer under this Attachment, as well as any local legal requirements applicable to alcohol and drug testing.

4. Prohibitions

Contractor Personnel are disqualified from Covered Services if they fail to comply with the Prohibitions below.

- a. Unless specifically authorized in writing by Buyer, while on Buyer Premises (including off-duty time), Contractor Personnel are prohibited from:
 - i. Using, possessing, selling, manufacturing, distributing, concealing, or transporting any Prohibited Substance or Contraband;
 - ii. Being Under the Influence of any Prohibited Substance; and
 - iii. Having a confirmed positive for alcohol or a MRO Positive for drugs.
- b. Contractor Personnel are prohibited from switching or adulterating any urine, blood, or any other specimen, participating in any attempt to adulterate or substitute a specimen, obstructing the collection or testing process, failing to promptly proceed to a collection site and provide specimens when told to do so, refusing

to test, refusing to sign required forms, and failing to cooperate with refusing to submit to an inspection.

- c. Contractor Personnel are prohibited from operating a vehicle on behalf of the Buyer while Under the Influence.

5. Requirements for Disqualified Contractor Personnel

When Contractor Personnel are disqualified from Covered Services:

- a. Contractor shall immediately notify Buyer that Contractor Personnel are disqualified from Covered Services. Contractor need not disclose to Buyer that disqualification is the result of a Positive Alcohol or Drug test.
- b. Contractor must not assign or reassign disqualified Contractor Personnel to Covered Services at any Buyer Premises.
- c. Contractor shall immediately or as soon as practicable remove from Buyer Premises Contractor Personnel that are disqualified.
- d. At Buyer's request Contractor shall verify the quality of all Covered Services in which disqualified Contractor Personnel may have participated, and submit a written report to Buyer that documents the verification, any findings, and the actions taken to assure all deficiencies have been corrected.

6. Inspection

- a. At any time on Buyer Premises, Buyer may conduct or require Contractor to conduct an unannounced inspection of Contractor Personnel and their property for Prohibited Substances or Contraband. Inspections may include, but are not limited to: clothing, wallets, purses, baggage, lockers, work areas, desks, tool boxes, and vehicles.
- b. Buyer or Contractor may authorize inspection specialists, including scent-trained animals to conduct an inspection.
- c. If discovery of Prohibited Substances or Contraband cannot be directly associated with individual Contractor Personnel, but can be reasonably associated with a defined group of Contractor Personnel (e.g., people who use one change room):
 - i. Buyer may conduct or require Contractor to conduct an inspection of Contractor Personnel group's clothing, wallets, purses, baggage, lockers, work areas, desks, tool boxes, vehicles and any other designations by Buyer; and/or
 - ii. Buyer may require Contractor to conduct Group Suspicion-based Testing of Contractor Personnel within this group.

7. Medication Disclosure

Contractor Personnel in Safety Sensitive positions may only use potentially impairing medication (e.g., Prescription Drug, over-the-counter medication, herbal medicine) under the following conditions:

- a. Medication(s) have been obtained in a manner consistent with applicable laws and regulations.
- b. Contractor Personnel have notified Contractor that they will be in possession of, or using, potentially impairing medication(s).
- c. Contractor's health professional has assessed the capability or fitness of Contractor Personnel to perform Safety Sensitive duties.

8. Position Categories and Testing Requirements

a. Position Categories

All Contractor Personnel providing Covered Services on Buyer Premises shall be assigned to one of the categories below.

Safety Sensitive (SS)

Any position with principal job responsibilities such that a lapse by an individual in that position could increase the probability of Serious Injury, significant environmental or community impacts, or significant damage to Buyer assets.

All Safety Sensitive positions must be listed in Supplement 1. The list must be kept current if additional Safety Sensitive positions are identified.

Low Exposure (LE)

Any position not included in the definition of Safety Sensitive is defined as Low Exposure.

b. Testing Requirements

Contractor is required to conduct the types of tests below.

Position Category	Test Types
Safety Sensitive	Pre-enrollment Individual Random Individual Reasonable Suspicion Post Incident Group Random* Group Suspicion-based*
Low Exposure	Individual Reasonable Suspicion Post Incident Group Suspicion-based*

* Can be initiated by Contractor or by Buyer

c. Timing Requirements

- i. Alcohol and drug testing specimen collection must be completed within two hours after the decision to test. If specimen collection is not completed within 2 hours, the reason for delay must be documented. Buyer may request to review reasons for delay and decide if they are acceptable.

d. Custody and Control Forms

- i. A Custody Control Form (CCF) is required for every drug test. A DOT CCF may only be used for DOT required tests.
- ii. Either a CCF or alcohol testing form may be used for alcohol screening tests.
- iii. A CCF is required for every blood alcohol confirmation test. If using a breath alcohol device for alcohol confirmation, the result and zero blank printouts must be attached to the CCF or testing form.

e. Pre-enrollment Testing

- i. A pre-enrollment test is only required for Safety Sensitive personnel not already in any random pool prior to commencing Covered Services

f. Individual Random Testing

Contractor random testing program must include the following features:

- i. A means of generating random selections using a scientifically valid method that precludes Contractor from pre-selecting particular Contractor Personnel for testing;
- ii. A random testing rate of at least 50% of the total Random Pool per calendar year;
- iii. Contractor Personnel who have not been tested in a two calendar year period must be selected for an unannounced test before the end of the second calendar year.
- iv. A minimum of 4 selections per year, with testing being evenly dispersed throughout the year but not

predictable.

- v. All Safety Sensitive Contractor Personnel must have an equal chance of being selected in each random selection period (i.e., all Safety Sensitive Contractor Personnel will participate in each random selection period, even if the Safety Sensitive Contractor Personnel were selected for testing in a prior period);
 - vi. If Contractor Personnel are not in the Random Pool when a random selection is made, they must complete another pre-enrollment test before being re-admitted to the Random Pool.
 - vii. Contractor Personnel must be equally subject to testing regardless of the work day or work shift, and the selection of days and shifts should vary so as to reduce the predictability of testing.
 - viii. If the person who normally announces tests is a member of the Random Pool, they must have no advance notice of their own test.
- g. Individual Reasonable Suspicion Testing
- i. Individual Reasonable Suspicion testing is conducted when there is suspicion of specific Contractor Personnel being Under the Influence.
 - ii. Contractor shall immediately Stand Down the Contractor Personnel.
- h. Post Incident Testing
- i. If the performance of Contractor Personnel contributed or may have contributed to an incident, Contractor shall immediately Stand Down Contractor Personnel
 - ii. For purposes of this part, "incident" includes, but is not limited to, an actual event that caused, or had potential to cause, significant safety, environmental, or property damage incidents such as:
 - 1) Medical treatment beyond first aid, or
 - 2) Reportable environmental release, or
 - 3) Disabling damage to a vehicle, or
 - 4) Significant property damage.

Note: Buyer may define more stringent criteria.

- i. Group Random Testing
- i. Contractor Safety Sensitive Personnel on Buyer Premises are subject to unannounced random selection for testing by group (*e.g.*, skill/trade, location, vehicle/vessel, or shift) for Drugs and Alcohol.
 - ii. A Contractor must maintain and generate Group Random selections using a scientifically valid method that precludes the identity of a group from being determined before selection.
 - iii. Each Contractor Safety Sensitive group must participate in each Group Random selection, even if the group has been previously randomly selected for testing.
 - iv. Contractor Personnel selected for Group Random testing can be counted towards the 50% annual random testing rate for Safety Sensitive personnel.
- j. Group Suspicion-based Testing
- i. Group Suspicion-based testing of Safety Sensitive and Low Exposure Contractor Personnel may be required without notice on Buyer Premises, based on evidence of Prohibited Substances or Contraband on Buyer Premises that cannot be identified to a specific individual. Group Suspicion-based testing must be limited to the likely affected work group or work area.
 - ii. Contractor shall immediately Stand Down the Contractor Personnel.

9. Testing of Government Regulated Positions

- a. Contractor Personnel in positions for which Alcohol and/or Drug testing is required by regulation will at a minimum be tested according to all aspects of the regulation.

10. Return to Covered Services

Note: Buyer may define more stringent criteria in writing.

- a. Alcohol Testing

- i. Following alcohol testing for any test type, Contractor Personnel shall immediately Stand Down if alcohol Screening Test result is at or over the screening cutoff level.
- ii. If Confirmation Test is negative Contractor Personnel must not return to Covered Services until 8 hours have elapsed.
- b. Individual Reasonable Suspicion and Post Incident Testing - Buyer in its sole discretion will consider Contractor request for Contractor Personnel to return to Covered Services only after negative alcohol and negative drug test results have been documented in writing to Buyer.
- c. Group Suspicion-based Testing - Buyer in its sole discretion may consider Contractor Personnel to return to Low Exposure Covered Services while awaiting alcohol and drug test results. Buyer in its sole discretion will consider Contractor request for Contractor Personnel to return to Safety Sensitive Covered Services only after negative alcohol and negative drug test results have been confirmed by Contractor Management and communicated to Buyer.
- d. Fitness for Work - After a fitness for work concern is identified, and before Contractor can return Contractor Personnel to Covered Services, Contractor's health professional must evaluate Contractor Personnel and clear them to return to work with or without restrictions as applicable.

11. Alcohol and Drug Test Panel and Cutoffs

- a. Contractor's Alcohol and Drug program will specify substances and screening and confirmation Cutoff levels that comply, at a minimum, with the drug test panel in Supplement 2. An alcohol test is to be done any time a drug test is done.
- b. Contractor will include this full Alcohol and Drug test panel in all test types, except for government regulated testing requirements, see Section 9 above.
- c. For agreements spanning multiple years, Buyer reserves the right to update the required drug test panel, and Contractor should confirm at least annually that its program complies with the latest Buyer Alcohol and Drug test panel.

12. Drug Test Review Process by MRO

Contractors or their agents must as a minimum use this process for review of relevant drug test results by a MRO.

- a. MRO review is required for:
 - i. All non-Negative certified laboratory results, including:
 - 1) Certified Laboratory Positive results for drug(s)/drug metabolite(s),
 - 2) Adulterated or substituted specimen
 - 3) Certified laboratory invalid result
 - ii. Alleged inability to provide a specimen.
- b. MRO review is not required for:
 - i. Certified Laboratory Negative drug test results.
 - ii. Certified Laboratory Negative dilute results.
 - iii. Specimens rejected for testing.
 - iv. A break in the chain of custody or collection.
 - v. Alcohol Test Results.
- c. MRO Qualifications:

An MRO must:

 - i. Be a physician with a license and/or certification to practice medicine, prescribe medications, and diagnose and treat medical conditions.
 - ii. Have a working knowledge of workplace drug testing, drug pharmacology and pharma-cokinetics.

- iii. Have participated in a formal educational program pertinent to workplace drug testing.

13. Third Party Administrator (TPA)

- a. Contractor may choose to utilize a TPA to administer their alcohol and drug testing program.
- b. If any TPA processes do not meet the requirements of this Attachment, the use of such TPA must be specifically approved by Buyer.
- c. Contractor remains responsible for compliance. Buyer reserves the right to audit TPA records to ensure Contractor compliance.

14. Membership in an Industry-based Consortium

- a. Contractor may choose to comply with this Attachment through membership in an Alcohol and Drug testing Consortium.
- b. If any Consortium processes do not meet all the requirements of this Attachment, the use of such Consortium must be specifically approved by Buyer.
- c. Contractor remains responsible for compliance. Buyer reserves the right to audit Consortium records to ensure Contractor compliance.

15. Monitoring and Review / Records to be Retained

- a. Buyer maintains the right, at its discretion, to perform periodic assessments of Contractor's compliance with this Attachment. This assessment includes Contractor Personnel and all tiers of subcontractor personnel performing Covered Services.
- b. Buyer requires Contractor to retain certain data, to be updated quarterly, and to have such data available for review during Buyer / Contractor interface discussions upon Buyer request.
 - i. This data to be retained includes documents that support compliance with this Attachment for current calendar year plus the previous three calendar years.
 - ii. This data also includes, on Buyer's request, documentation that shows subcontractors performing Covered Services are in compliance with this Attachment.