

MINIMALLY ACCEPTABLE DRUG AND ALCOHOL TESTING

There are many methods presently available to test urine samples for drugs and to test for alcohol. It is not the intention of DuPont to dictate the methods by which employers of visitors conduct drug testing or alcohol testing. Nevertheless, in order to protect its interests, DuPont has determined certain minimally acceptable elements that must be present in any drug testing program or alcohol testing program whose results it will accept.

To the extent a contractor is required by regulations issued by the U.S. Department of Transportation to institute programs for its employees that include "pre-employment testing", "reasonable cause testing", and "random testing" requirements, compliance with such requirements will be regarded as compliance with the relevant DuPont provisions regarding testing. As such, testing regimens that comply with such regulations, including the drugs tested for and appropriate cutoffs for drugs and alcohol, shall be regarded as in compliance with DuPont requirements.

Any contractor not subject to, or not in compliance with, the U.S. Department of Transportation regulations noted above, must meet the following minimally acceptable criteria for drug testing:

1. All specimens will be initially tested (screened) by an immunoassay test as that term is used in the U.S. Department of Transportation, "Procedures for Transportation Workplace Drug Testing Programs," 49 CFR Part 40 (hereinafter "Federal Procedures"). It is also recommended that any positive initial tests (screens) be subjected to confirmatory testing by gas chromatography/mass spectrometry (GC/MS) as that term is used in the Federal Procedures.
2. The contractor shall refer to the following website to determine the drugs, metabolites, and cutoff levels to be used:

<https://www.transportation.gov/odapc/part40/40-87>

As the Federal procedures change, the contractor shall alter its testing procedures accordingly within 60 days of the effective date of the change.

3. All specimens will be initially tested (screened) for at least the following five drugs or their metabolites at initial test cutoff levels not greater than those specified at the DOT website listed above in item 2.:

Drug/Drug Metabolite
Marijuana metabolites
Cocaine metabolites
Opiate metabolites
Phencyclidine (PCP)
Amphetamines

Initial tests (screens) will be considered negative if immunoassay tests performed at cutoff levels equal to or less than those specified above yield a negative result. If, as recommended, initial tests which are positive are confirmed by GC/MS, the results will be considered negative if they cannot be confirmed by GC/MS;

provided that the confirmatory testing by GC/MS proves negative using cutoff levels not greater than the confirmatory cutoff levels on the DOT website listed above in item 2.

4. A test result determined to be positive under the above criteria may be regarded as negative if the drug or metabolite detected results solely from the individual's consumption of prescribed medication in accordance with a physician's instructions. The contractor must, however, ensure that any employee taking prescribed medication in accordance with a physician's instructions is capable of safely performing his/her duties on DuPont property or the worksite.
5. DuPont reserves the right to refuse to accept results from laboratories that do not follow the above criteria. By either suggesting laboratories meet these criteria or accepting results from a particular laboratory, DuPont makes no warranties, express or otherwise, as to the accuracy and reliability of those laboratories. It is the contractor's sole responsibility to initially select a laboratory and to determine the accuracy and reliability of any laboratory it selects and continues to use.
6. To the extent that DuPont requires a capacity to test for alcohol in connection with its requirements that individuals not have alcohol in the body while in a DuPont workplace, it will only accept results that conform to Federal Procedures appearing 49 CFR Part 40, Subparts C & D. In order to conform to this requirement, individuals must test below the lowest level specified at 49 CFR Section 382.505(a) for the performance of safety-sensitive functions, as of January 2001 that level was set at an alcohol concentration of 0.02.
7. Nothing appearing in paragraph 6 or the agreement to which this document relates shall be construed as suggesting or requiring pre-employment alcohol testing.

The sole purpose of DuPont communicating substance abuse related provisions in its contracts is the protection of its interests. There is no intention to communicate to the contractor a multifaceted substance abuse program which will meet its particular needs. It is the sole responsibility of the contractor to develop whatever additional programs and procedures it deems necessary to prevent drug and alcohol use from affecting its operations.

Revised 1/2017