**Instructions to Contractors – Safety & Contractor Drug & Alcohol Overview**

**Contractors Acknowledgement of Receipt, Understanding and Agreement**

I have received a copy of Delaware City Refining Company LLC’s “Instruction to Contractors – Safety & Contractor Drug & Alcohol Overview” document which is effective January 1, 2019. I have read and am familiar with the contents and requirements as they apply to the work that my company performs. I agree to insure that all individuals that serve as employees representing my firm will abide by these requirements when working on refinery property.

I am certifying that my firm has satisfied contract employer obligations included in OSHA’s Process Safety Management Standard 29 CFR 1910.119 (h)(3). I agree to insure compliance with the refinery’s requirement for participation in the Delaware City Refining Company Contractor Drug and Alcohol Test Program in the Mandatory Annex in this document.

For any subcontractors that I may employ to work on refinery property I also agree to disclose those contractors to DCRC and provide a copy of this document to, and obtain a signed acknowledgement.

I understand that if I have any questions relating to the contents of the document, I may contact my Contract Sponsor for clarification.

*To be completed by company officer, owner, president or vice president and returned to the Delaware City Refinery.*

Printed Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Company Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Job Title: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. **Introduction**
   1. The Contractor Company is responsible for the safety of its employees while working in the Delaware City Refinery. Representatives from the Contractor Company will receive a copy of these instructions and must insure that their employees, subcontractors and visitors are aware of, and comply with, these instructions and all of the DCRC Standing Instructions. The Contractor must insure that subcontractor(s) receive copies of these instructions.
   2. The Contractor must comply with all federal, state and local regulations and Refinery policies and procedures, including these instructions. When national consensus standards (e.g. American Conference of Governmental and Industrial Hygienists (ACGIH), Compressed Gas Association (CGA), American National Standards Institute (ANSI), etc.) exist and are more current than federal or state regulations, the contractor must follow the requirements of those standards.
   3. The Contractor must select subcontractor(s) in accordance with the refinery Contractor Safety Qualification Standing Instruction 2.10.11Contractor Safety Qualifications.
   4. The Contractor Company Representative’s signature on a contract acknowledges: 1- receipt of these instructions, and 2 - that the Contractor and any subcontractor(s) will follow all requirements provided in these instructions.
2. **Violations**
   1. Violation of these instructions, government regulations or refinery policies and procedures may result in immediate expulsion of involved contractor employee(s). Poor safety performance while on site, unsatisfactory audit results, and serious, repeat, or blatant violations may result in the Contractor Company receiving written warnings, company suspensions, termination of contract, and/or removal from the refinery Approved Contractor List (ACL). Examples of safety violations are found below and are not all inclusive.
      1. Smoking in unauthorized areas.
      2. Violations of Refinery Drug and Alcohol Policy.
      3. Failure to wear personal protective equipment as required by these instructions or by law.
      4. Failure to follow 100% tie off requirement.
      5. Failure to obey refinery traffic regulations.
      6. Bringing firearms or weapons into the refinery.
      7. Theft.
      8. Fighting, horseplay or gambling.
      9. Connection to Refinery utilities without permission.
      10. Working without the required safe work permit.
      11. Failure to immediately report incidents/injuries to the PBF Representative.
3. **Orientations** 
   1. **General Safety Orientation**
      1. Contractor and subcontractor employees performing process related services must complete a Process Safety management Orientation. Orientation is provided by approved orientation agencies. The Contractor Company must insure that all management, craft persons, and employees of the contractor and subcontractor attend this orientation before entering the Refinery. Class registration information is obtained from your Contract Sponsor**.** Contractor employees completing the class receive a photo identification card or letter certifying completion. The wallet card must be presented to Security before a contractor employee is given a refinery access badge.

* + 1. The following training programs are accepted for general orientation at the Delaware City Refinery:

1. Delaware Valley Safety Council (DVSC) Basic Orientation Plus (BOP) Contact Number for scheduling 856-422-3872 or [www.dvsconline.org](http://www.dvsconline.org)
2. Any Association of Reciprocal Safety Councils Inc. (ARSC) BOP course listed at <http://www.arsc.net/images/pdf/ARSC_Members_Locations.pdf>
3. Built-Rite PSM Safety Training for the Petrochemical Industry Course offered through the Philadelphia Area Labor-Management Committee -<http://www.palmnet.org/> (Union Representation

Note: Process related services includes maintenance, construction, inspection, and demolition activities performed on or adjacent to a process unit, services that may impact the process, or any other potentially hazardous work. Examples of such work include, but are not limited to: confined space entry, elevated work, work on systems involving hazardous energy and most work that requires a hot work, safe work or confined space entry permit. A non-process related service includes other types of work performed by contractors. Examples of these services include, but are not limited to: security, janitorial, computer and business machine repair services and other “minimal” hazard activities. Contractors should contact the refinery Contract Sponsor to determine work classification and orientation requirements.

* 1. **Site Specific Orientation (Course Code 21DCRDE at ARSC Locations)**
     1. All contractors will receive Contractor Site Specific Safety Orientation before unescorted entry into the refinery is permitted. The site specific orientation is an interactive computer based eLearning presentation with associated test, completed at the Delaware Valley Safety Council or at the Refinery Contractor Processing Center. The Refinery Contractor Site Specific Program may also be available at ARSC Training Locations. When contacting the ARSC training locations, please reference 21DCRDE as the course code.
  2. **Pre-Job Safety Information Review Guidance Document** 
     1. Prior to the start of work, the Refinery Contract Sponsor must insure that relevant job safety information and Refinery policies and procedures are reviewed with the Contractor. Safety Data Sheets, emergency assembly locations, eyewash/safety shower locations, telephone locations, etc. should be reviewed. The Contractor must become familiar with this information and communicate it to all contractor or subcontractor employees working on the project. The Contractor must provide documentation of this review upon request.
  3. Orientation courses discussed above are a supplement to and not a substitute for OSHA- required training that the Contractor Company must provide for its employees. The Contractor Company is responsible for providing all training required by 29 CFR 1910.119 and other health and safety regulations that apply to the type of work performed.

1. **Contractor Qualifications**
   1. Due to the critical nature of certain jobs, Contractors must certify the qualifications of certain craft persons through the use of written or practical tests. Crafts are identified below and may not be all-inclusive.

|  |  |
| --- | --- |
| Asbestos Abatement Workers | Welders |
| Lead Abatement Workers | Instrument Technicians |
| Heavy Equipment Operators | Boiler Workers |
| Radiographer/Radiographers Assistant | Leak Repair Technicians |
| Scaffold Builders | Electricians |
| Environmental Spill Clean-up/Emergency Response | Crane Operators, Rigging Personnel, and Signal Persons |

* 1. Asbestos workers and welders may be required to pass written or practical examinations administered through independent testing agencies acceptable to the refinery. These agencies must issue certifications or objective documentation of craft person qualifications. Previous craft person testing and evaluation performed by the contractor may be acceptable in certain situations. The Contractor must contact the Contract Sponsor for required documentation.
  2. Welders must pass a "Welder Performance Qualification" (WPQ) administered by the employer. Manufacturer's Record of Welder or Welding Operator Qualification Test form (QW-484) must be submitted to the Refinery Inspection Department before welding on any refinery equipment.
  3. Mobile Crane Operators, Rigging Personnel, and Signal Persons must meet the training requirements of OSHA 29 CFR 1926 Subpart CC Cranes and Derricks.
  4. The Contractor Company must certify in writing the qualifications of all other craft persons working in the Refinery. This documentation must be provided to the refinery upon request.
  5. The Refinery Contract Sponsor or facility representative will monitor work and verify the qualifications of craft persons on the job.
  6. Contractors Companies who provide spill response must provide documentation of training for employees required by 29 CFR 1910.120, Hazardous Waste Operations and Emergency Response.
  7. The Contract Sponsor sets the minimum contractor supervisor/craft person ratio.
  8. On Site Safety Person – Contractors with more than twenty (25) employees or subcontractor employees in the refinery during a 24 hour period must have a full time safety person on site that meets one or more of the following requirements:
  + A degreed safety professional with two years of construction experience or experience relative to the work to be performed or;
  + A Certified Safety Professional, by examination through the Board of Certified Safety Professionals, with two years of construction experience or experience relative to the work to be performed or;
  + A Certified Health and Safety Technician, by examination through the Board of Certified Safety Professionals, with three years of construction experience or experience relative to the work to be performed or;
  + Certified Occupational Safety Specialist (COSS) or; Certified Occupational Safety Manager (COSM) certification.
  + Has five years’ experience as a safety professional, experience relative to the work to be performed, and is not assigned other designated responsibilities.

1. **Language**
   1. Contractor employees must be able to speak and read an acceptable level of English. This will insure that 1 - permit conditions can be understood, 2 - emergency information and instructions can be effectively communicated, and 3 - the ability to report emergencies or request emergency assistance is not compromised.
2. **Industrial Hygiene Program/Exposure Monitoring**
   1. Contractors performing work in the processing areas of the refinery are required to submit to exposure monitoring, participate as requested, and cooperate fully with the Refinery Safety Department or its designee regarding all exposure monitoring issues.
3. **Job Hazard Analysis**

7.1 It is required that all contractors who complete work within the facility complete a refinery or company specific Job Hazard Analysis before their work starts. The Delaware City Refining Company frequently uses Job Hazard Analysis (JHAs) to help reduce incidents in the Refinery. The Contractor Company should insure that JSAs are effectively communicated to all craft persons involved in the work covered by the JHA(s). The Contractor Company should consider the time necessary for this activity when making bid proposals for work in the refinery.

1. **General Rules**

* 1. The following information summarizes the Delaware City Refining Company policies, procedures and general health and safety information. The Contractor Company must be familiar with this information and details of all other policies and procedures and federal or state regulations relevant to the scope of work. Copies of refinery policies and procedures can be obtained from the Refinery Contract Sponsor or facility representative.
  2. **Smoking** 
     1. Smoking is permitted only in designated areas called "Smoking Pens". Smoking in the cab of vehicles is prohibited. Violation of the Refinery Smoking Policy will result in immediate expulsion of involved employees. Butane lighters and "strike anywhere" matches are prohibited.
  3. **Housekeeping**
     1. The contractor must maintain the highest housekeeping standards possible for the duration of the work. This includes job mobilization, actual work and demobilization. Walkways and work surfaces must be maintained in a clean and orderly fashion. Special emphasis should be given to the following areas:

### Walking and working surfaces shall be kept clear at all times.

* Extension cords and welding leads shall be routed off of walkways (e.g. secured to mid rail) and/or overhead with non-conductive fasteners.
* Small parts, tools, nuts, bolts shall be kept in containers (e.g. buckets or tool bags) to keep walkways clear and prevent items from being knocked off of platforms or through grating.
* The areas in front of manways and at the base of stairs and straight ladders shall be kept in such a condition that unobstructed access and egress is maintained at all times.
* Carrying objects/material up or down stairs is “OK” if one hand is on the hand rail.

The contractor must consider the time and effort required to maintain housekeeping standards when making cost estimates and submitting bids to perform work in the refinery.

* 1. **Motor Vehicle Safety** 
     1. Vehicle drivers and passengers seated in positions where seat belts would normally be present must wear the seat belt when the vehicle is in motion. All vehicle operators must possess a valid state driver’s license. The Refinery speed limit is 15 mph unless otherwise posted. All motor vehicles must yield to pedestrians, bicycles and emergency response vehicles. Contractor vehicles entering the plant must be in good operating condition (road worthy) and be clearly marked with company name on two sides and the DCRC issued hang tag number on the sides and back. Contractor employees may not be transported in the back of a pick-up truck. Construction vehicles (e.g. front-end loaders, cranes, large trucks, dump trucks) must be equipped with a backup alarm. Unattended vehicles must be turned off. Keys are to be left in the ignition, except when the vehicle is parked in a designated parking spot outside of operating units, tank farms or any other process or operating area.
  2. **All Terrain Forklifts, Telescopic Forklifts, Articulating Boom Lifts**

8.5.1 All operators of specialized motorized equipment shall have valid proof of training and certification on site. The Equipment Operators shall be prepared to show dates of training, any refresher training and other certification as needed. Personnel found operating equipment but cannot provide certification of applicable training will be asked to discontinue use of the equipment until proper certification can be provided.

* 1. **Cellular Phones/Camera Use/Social Media**
     1. Cell phones are not permitted within battery limits of process units, tank farms or general construction and/or maintenance areas. They may be used in administrative areas, smoking pens and operator shelters. Cell phone use is not permitted while operating motor vehicles or equipment inside the Refinery. If you are driving and receive a call, you must pull over to a safe area before returning the call or continuing your conversation. See Standing Instruction 2.9.24 Personal Electronic Devices Guidelines for additional details.
     2. Cameras may be used by contractor personnel only when there is an approved business use for the photo(s) and approved by the appropriate DCRC Sponsor.
     3. Posting photos, video or other media of the refinery property, projects, associated equipment or events on social media is strictly prohibited. Contractor employees found in violation of this provision may have their site access revoked.
  2. **Operating Unit Check-In**
     1. All contractor employees must sign in at the unit control room before entering a process unit. If the control room is unattended, contractor employees must dial the CCB Board Operator before entering the unit. The contractor must also engage in face to face communications with the unit operator to communicate the purpose of the visit. Sign in procedures for unit Turnarounds may be different and will be communicated before the start of work. Contractor employees must remain in the immediate vicinity of the job site. Contractor employees must sign out when leaving the unit. Contractor employees are not permitted to take "short cuts" through process units or unauthorized areas to get to their assigned work areas.
  3. **Working on Existing Equipment**
     1. Before any contractor employee starts work on existing vessels, lines, equipment, etc., the Refinery Contract Sponsor or facility representative must ensure the contractor has an understanding of the scope of work prior the start of work. The contractor must insure that the proper work permits are obtained and that all hazardous energy sources are identified, dissipated and secured with appropriate lockout/tag-out and/or blanking/blinding procedures.
  4. **Work Area Hazards**
     1. The Contractor or involved employees must immediately notify the Refinery Contract Sponsor or facility representative of any changes in area conditions that would make continuation of work hazardous. Work must stop until appropriate corrective actions are implemented.
  5. **Flare Area**
     1. Work done within 200 feet of an operating flare requires that precautionary measures be established in advance and adhered to by Contractor personnel. Contact your The Refinery Contract Sponsor or facility representative if work must be done in this area.
  6. **Utility Connection Policy** 
     1. Contractor may be provided with certain utilities if specified by the contract. Contractor or their employees may not connect to any refinery utility without first obtaining approval from their The Refinery Contract Sponsor or facility representative and Refinery Operations.
  7. **Ground Fault Protection** 
     1. All electrical hand tools and equipment used on worksites must be plugged into a receptacle set or extension cord equipped with a ground fault circuit interrupter (GFCI).
  8. **Energy Isolation - Lock Out/Tag Out**

8.13.1 Lock Out/Tag Out procedures must be followed for situations involving work on equipment that contains stored energy (electrical, hydraulic, pneumatic, thermal, gravitational, radiation, etc.). Special procedures must be followed to insure that equipment or systems are properly de-energized or isolated, and will remain in that condition for the duration of work. The procedures used by the Contractor Company must at a meet or exceed the existing Refinery Lock Out/Tag Out program. The Contractor must insure that its employees are familiar with the specific lock out/tag out procedures required for each job in accordance with Refinery Lock out /Tag Out procedures and must provide necessary hardware (locks, tags, hasps, lock boxes, etc.).

* 1. **Scaffolding and Ladders** 
     1. All scaffolds must be constructed and used in accordance with 29CFR1926 Subpart L - Scaffolds. Contractors that provide employees that work from scaffolds (users) must insure that these persons receive training in accordance with the standard. Contractor firms may be asked to provide Competent Persons to perform pre-shift or pre-use documented scaffold inspections in accordance with refinery requirements. Contractor may be asked to provide documentation that explains how competency was determined. The contractor must provide this documentation upon request.
     2. Red, Yellow and Green Scaffold Status tags will only be used to describe the physical condition of the scaffold.

**Scaffold Status Color Code Tags**

**◆Green** - "OK" Scaffold fully ready for access. This scaffold meets requirements of this program for proper guardrail systems and structural integrity of footing, bracing, planks, hook-on and attachable ladders and other miscellaneous requirements of this procedure. Tie off is not required for green tagged scaffolds however, the use of a harness may be required for ladder access. See note below.

**◆Yellow** - "Caution" Special caution must be taken when using the scaffold. The tag relays that a safety harness and lanyard may be required due to a fall hazard **or some other hazard exists with the scaffold.**

**◆Red or Red/White** - "Stop" Scaffold not ready or access. This scaffold does not meet the minimum requirements of this procedure and must not be used. An untagged scaffold is considered a red tagged scaffold. Only competent scaffold constructors (carpenters) are permitted on red tagged scaffolds.

**Note: All scaffold ladders over 10 feet in height are equipped with a “yo-yo” or self retracting lanyard. All personnel shall utilize a harness and connect to the “yo-yo” when ascending/descending scaffold ladders 10 feet or greater in height regardless of the color of the tag.**

* + 1. All scaffolds must have documentation of a pre-shift inspection by a competent person before a user can access the scaffold.
    2. A scaffold without a Status tag or an Inspection tag, or an Inspection tag that lacks pre-shift inspection documentation may not be used.
    3. Only authorized contractors may build or alter a scaffold.
    4. Wooden ladders are not permitted in the Refinery.
  1. **Hoisting Materials from Lower Levels**
     1. When hoisting materials from one level to another, contractors must use a heavy-duty tool bag or a metal bucket with the standard bail replaced with double-stranded number nine wire. The use of metal buckets with the standard bail is not permitted for hoisting.
  2. **Compressed Gas Cylinders**

* + 1. All cylinders must be promptly returned to a suitable storage location after use. Valve wrenches must be on all cylinders in use and protective caps over valves when cylinders are not in use. Cylinders must be kept away from heat, fire, molten metal and electrical lines. They must be stored upright (see Acetylene exception below) and firmly secured to a stationary object or structure. Acetylene or other liquid gas cylinders must never be used or stored in a horizontal position. Cylinders containing flammables must be separated from oxidizers when stored. Torch leads (e.g. oxyacetylene) that enter confined spaces must be removed from the space or disconnected at the cylinder regulator(s) when not in use.
  1. **Radiation Safety** 
     1. All radiographic operations must be performed in accordance with the Refinery Radiation Safety Program and applicable Delaware regulations. The Contractor Company must be able to produce a copy of their license upon request for any radioactive sources brought into the Refinery. Contractor company employees must have all required personal monitoring devices.
     2. The Refinery has radiation gauges on many Refinery process units. These gauges are maintained and monitored in accordance with applicable regulations. Contractors may not operate the shutter device on a radiation source. Contact the Refinery Radiation Safety Officer if any change to the source is required.
  2. **Abrasive Blasting Operations**
     1. A hot work permit is required for abrasive blasting operations. Sand (or other free silica containing agents) may not be used. Agents that contain cadmium or other highly toxic heavy metals may not be used. The contractor must provide the SDS for the abrasive agent to the Refinery Safety Department and obtain approval before bringing abrasive blasting agents (other than water) into the Refinery. When abrasive blasting is done near a roadway or on a process unit, signs and barricades must be erected. Signs and barricades must be removed at the end of the shift. Contractors must contact their Refinery Representative to verify the presence or absence of lead before starting abrasive blasting.
  3. **Excavations, Trenching & Shoring** 
     1. An excavation assessment is required prior to performing any hand or mechanical digging. Any opening in the ground four feet or more in depth is considered a confined space and a Confined Space Entry permit is required. In addition, holes in the ground five feet or more in depth must be constructed in accordance with OSHA Subpart P, "Excavations, Trenching and Shoring Construction Standards Subpart P, "Excavations".
  4. **Facial Hair Policy** 
     1. All contractor employees must be clean-shaven in the respirator sealing area as detailed in the Refinery Respirator Program. Mustaches must not extend beyond the corners of the upper lip and sideburns must not extend below the earlobe (See Section 13).
  5. **Potable Water**
     1. Although the domestic tap water in the refinery is from an outside supplier, it is the recommendation that it not be used for drinking purposes. Contractors must provide their own drinking water or contact the Contract Sponsor to make other arrangements.
  6. **Injuries, Incidents, Near Misses** 
     1. All Contractor injuries, near misses and incidents involving damage to refinery property must be reported immediately to the Refinery Contract Sponsor or facility representative.
     2. **Contractor Injury Reporting**
        1. Contractors shall verbally report all injuries, incidents and near-miss incidents to a Delaware City Refinery representative and the Safety Department as soon as the immediate needs are addressed. Intentional failure to report unsafe acts, unsafe conditions, known incidents, near misses, reported or suspected injuries will not be tolerated.
        2. When a contractor employee injury has occurred, the Contractor shall use the DCRC Contractor Injury Report (Appendix F) to communicate all injuries, incidents and near-miss incidents. A Contractor form containing the same information as the DCRC Contractor Injury Report may be substituted. This form must be delivered to the Delaware City Refinery representative and Safety Department before the end of the shift and/or w/in 24hrs. even if preliminary. If a physician sees the employee, the Contractor must include a copy of the Physician written statement regarding work status, and work relation. It is the Contractors responsibility to ensure the information provided to the Delaware City Refinery does not violate the employees’ medical confidentiality rights.
        3. All companies must select and identify a medical care provider for day and off-hours medical needs. This information must be conspicuously posted in job site trailers or offices. Site management must be familiar with this information. The selected care provider must be familiar with the evaluation and treatment of occupational injuries/illnesses.
        4. In the event a contractor injury requires off-site medical evaluation/treatment, the employee must be accompanied by a contractor management representative. If a management representative is not available on site, a representative should be contacted and meet the involved employee at the treatment facility.
        5. The Contractor Company must provide first aid care for their employees in non-emergency situations. The contractor must maintain a first aid kit on site and have at least one person with a valid certificate in first aid training from the American Red Cross or equivalent. The contractor must be able to provide documentation of this training upon request.
        6. Submission of information described above does not relieve the Contractor from any other reporting requirements specified by Federal or State agencies.
     3. **Incidents, Near Misses and Damage to Refinery Property**
        1. Contractor must immediately notify their The Refinery Contract Sponsor or facility representative of any fires, spills or leaks. Near misses and incidents causing damage to refinery property must be reported. The Refinery Contract Sponsor or facility representative will insure that an investigation is completed and initiate a Refinery Incident Report.
  7. **Barricade Tape**
     1. Barricade tape shall be marked with a mandatory "INFORMATION" tag identifying the hazard, the company erecting the barricade and the date the barricade is installed. Barricade tape shall be removed as soon as it is no longer needed.
  8. **Falling Object Protection**
     1. Contractors performing overhead work must evaluate the hazards of that work and the impact on personnel below. As part of that evaluation, the contractor will adopt one or more of the following control/protection systems:
        1. Containment with the use of a significant barrier that will prevent items from leaving a temporary or permanent work platform. At a minimum, this includes the use of toe boards and may require the use of plastic mesh or plywood between the top of the toe board and midrail or handrail.
        2. Debris nets to catch items that do leave the work platform.
        3. Tethering of tools or equipment to their person, their tool belt/pouch or a rigid structure (e.g. a mag-drill to structural steel).
        4. Protective enclosure that is constructed immediately over work areas that is significant enough to stop falling objects (e.g. a scaffold and plywood enclosure).

1. **Personal Protective Equipment** 
   1. The Contractor Company must provide its employees with all personal protective and safety equipment. The Contractor must train all employees to use the equipment and enforce its use. All personal protective equipment and training must meet appropriate standards, such as, but not limited to OSHA, NIOSH, ANSI, etc. Contractors having material or equipment delivered to non-administrative areas must insure that delivery personnel are properly equipped with the required protective clothing.
   2. Contractors must wear personal protective equipment at all times, except:
      1. When in administrative areas or inside enclosed buildings
      2. Inside closed vehicles
      3. Or where otherwise noted in Standing Instruction 2.3.3 Refinery PPE
   3. The following items are the minimum protective equipment and clothing requirements for work in the refinery.
      1. **Head Protection**
         1. Hard Hats – ANSI approved, non-metallic hard hats must be worn. "Bump" caps are not considered acceptable protection. The contractor company and employee’s first and last name must be clearly visible on the hard hat.
      2. **Eye Protection** 
         1. Safety Glasses - ANSI Z-87 safety glasses with side shields shall be worn in all required areas.  Employees, contractors and visitors wearing non Z87 compliant prescription glasses must wear Z87 compliant safety glasses or goggles over their glasses in required areas.
      3. **Goggles/Face Shields**
         1. Goggles meeting ANSI Z87 specifications may be worn in place of safety glasses with side shields.  When a face shield is required by policy, in a JHA or on a work permit, it may never be used as the sole means of eye protection.  ANSI compliant safety glasses or goggles must always be worn with the face shield.
      4. **Hand Protection**
         1. All personnel on the involved process units and related fab areas must wear gloves when contact with any tools, equipment, materials or parts will occur. This includes the use of walkways, stairs and ladders. No direct contact with any fixed or portable object or materials may occur without the use of gloves. Each contractor is responsible for selecting the proper type(s) of glove(s) for the work being performed. For work with hazardous materials/chemicals, consult the SDS for proper glove type.
         2. Gloves are not required around energized rotating parts/equipment where gloves can be caught by the point of operation of the rotating equipment, or work tasks that require increased touch, dexterity, and feel, to complete the work. Under such conditions the employee must evaluate the hazards and determine if glove use is appropriate.
         3. When handling sharp objects such as tray parts, sheet metal for insulation, metal banding, etc. ANSI cut level 4 gloves shall be worn.

* + 1. **Fire Retardant Clothing** 
       1. Fire Retardant Clothing (FRC) must be worn by all contractors. FRC must be worn properly with the sleeves down and garment zipped or buttoned up. This clothing must be worn as the outer garment excluding situations where additional protective clothing is worn to protect against a job specific hazard (e.g. asbestos removal, tank cleaning, welding, etc.).
    2. **Special Protective Clothing**
       1. Rain gear (when raining) or disposable chemical protective clothing may be worn on the outside of standard flame retardant clothing when indicated by job exposure potential. Examples of jobs that require this type of clothing include raingear for hydro blasting, disposable chemical protective clothing for heater entry and asbestos removal or chemical splash protection.
    3. **Foot Protection** 
       1. Contractors must wear approved safety toe boots in all non-administrative areas. Approved safety boots are those which have been certified by the manufacturer to meet the requirements of ANSI Z41.1 and being a minimum of 6 inches in height and no fabric exterior. Tennis shoes, sneakers or open toe footwear are not permitted in non-administrative areas.
    4. **Hearing Protection** 
       1. All process units, posted areas and other high noise areas require the use of hearing protection devices (e.g. ear plugs or muffs). Hearing protection requirements remain in effect during facility or unit turnarounds.
    5. **Personal Hydrogen Sulfide (H2S)** 
       1. Contractors must wear personal H2S monitors when working in all process and utility units, flare areas and before accessing certain tanks. Monitoring devices used by contractors must have audible, visual and vibrating alarms that activate at 10ppm.
       2. Contractors are responsible for complying with all relevant portions of SI 2.6.5
    6. **Respiratory Protection** 
       1. Contract employees may be exposed to airborne contaminants during their work. The Contract Sponsor may be consulted by the Contractor to discuss the types and amounts or airborne contaminants that may be encountered. Operations recommends the minimum respiratory protection level that must be worn on the work permit. The Contractor must insure that the level and type of respiratory protection is adequate based on area hazards. The Contractor Company must properly select and provide its employees with the respiratory protection equipment. The Refinery will not supply respiratory protection equipment to contractors. The Contractor Company must insure their employees have been medically qualified, properly trained and fit tested to wear respirators and must provide documentation upon request.
       2. **Air Purifying Respirators**

The Contractor Company must insure their employees have been medically qualified, properly trained and fit tested to wear respirators and must provide documentation upon request. The Refinery Respirator Program identifies a number of respirator "systems" to aid in selection.

* + - 1. **Supplied Air Breathing Equipment**
         1. The Contractor Company can obtain breathing air equipment (hoses, regulators, face pieces, etc.) from the Refinery Safety Rental Store and are to insure their employees are trained in its use. Oil lubricated compressors used to supply breathing air must be equipped with a high temperature or carbon monoxide alarm, or both. Catalyst contractors and some specialty contractors may be exempted from this requirement by Safety Management.
         2. Air Compressors used to supply breathing air will be strictly controlled. Contractors that plan to use a compressor for breathing air must be familiar with the requirements listed in Standing Instruction 2.3.5 Respiratory Protection Program and 2.5.8 Procedures for Performing Fresh Air Work.
         3. All breathing air cylinders for contractor fresh air work must be obtained from the Safety Rental Store. Exceptions require approval from the Refinery Safety Manager or his designee.
         4. The general use of a breather box as a source of breathing air is allowed for: 1) abrasive blasting, and, 2) welding applications including carbon arc gouging. Any case-by-case exception must be for non-IDLH application AND shall be approved in writing by the DCR Safety Department.
    1. **Fall Protection** 
       1. The Delaware City Refinery has a 100% tie-off policy. Full body harnesses and dual shock absorbing lanyards must be worn and tied off when in the basket of a personnel lift device (High Reach), and whenever working six feet or more above grade in a non-standard work platform or area. Examples include hanging scaffold, sloping roofs, pipe racks, scaffolds with incomplete hand rails, etc.
    2. **Protection in Toxic or Corrosive Chemical Areas**
       1. Extra protection is required in specific Acid and Caustic Areas. These areas are identified with an yellow painted lines and or appropriate warning signs. Contractor employees must wear chemical goggles in acid or caustic areas and must upgrade PPE when contact with chemicals is likely.

1. **Permits** 
   1. **Refinery Work Permits** - The Refinery’s work permit procedure is the primary hazard recognition and control system for fieldwork conducted in the Refinery. It’s a written “contract” between the contractors on the jobsite and the refinery. Deviation from the written permit and/or working without a written work permit is considered a serious safety violation that may put personnel and property at risk. Therefore it is expected that only properly trained contract personnel set up a job and request safe work permits. Permits must be issued or updated prior to the start of work. Contractor company employees may not start work without a properly authorized work permit. Contractors must familiarize themselves with permit requirements, properly prepare the job and maintain permit conditions. Types of permits are summarized below.
      1. **Safe Work -** This permit covers ANY work other than HOT WORK. Examples include opening lines or equipment, working on powered/rotating equipment, installing/removing blinds, scaffolding, insulation, painting, hand digging excavations, etc.
      2. **Hot Work Permit** – This permit is required before beginning any work or activity that could produce a source of ignition. This includes, but is not limited to welding, burning, grinding, open flames, sandblasting, electric power tools, battery operated tools, soldering irons, jackhammers, stress relieving, etc. Contractor may be required to have a person designated as Fire Watch for these jobs and should consider this before submitting bids. Contract personnel are required to provide a working calibrated four gas monitor for their work crew when applicable for continuous gas monitoring.
      3. **Confined Space Entry** – Hundreds of confined spaces are present in the Refinery. Examples include towers, tanks, vessels, heaters, electrical manholes, sewers, tank cars, rail cars, floating roof tanks, excavations > 4' deep, etc. All confined spaces are considered "permit required" and require an authorized confined space entry permit before making entry.
         1. Each contractor entering a confined space must obtain a separate signed confined space entry permit and post it at the entrance to the confined space.
         2. Contractors performing confined space entry must review the preplan for the confined spaces. Contractors are responsible for developing a ventilation plan for the space.
         3. Each person performing Confined Space Attendant (holewatch) responsibilities must have a properly programmed radio for immediate communication to the Confined Space Dispatcher.
         4. Each entrant into a confined space must sign in on the Confined Space Entry Log.
         5. All Confined spaces shall be continuously monitored with a direct reading instrument that measures % Oxygen, % LEL, ppm H2S, ppm CO, and other gases (e.g. Sulfur Dioxide (SO2) when warranted. The instrument must be calibrated in accordance with manufacturer's recommendations and personnel (attendants) monitoring must be properly trained to recognize and react to various alarm conditions. Documentation of calibration and training must be maintained on site and made available when requested by the Refinery. Contractors may supply their own direct reading instrument, or obtain one from the onsite safety store.
         6. Ventilation Requirements for Vessel Entries:

* Continuous forced air ventilation shall be used on all vessel entries except for inert catalyst entries.

### Contractors may not enter the confined space until the forced air ventilation has controlled any hazardous atmosphere, and an entry permit has been issued or updated. The forced air ventilation shall continue until all employees have left the space.

### A Ventilation Plan will be used to calculate the required ventilation for all vessels to be entered. The Ventilation Plan should be included with the CS Preplan and shall be kept with the green copy of the entry permit at the job site.

### The requirement is to achieve four (4) to six (6) air volume changes/hour (i.e. replace the entire volume of air in the vessel every 10 to 15 minutes).

### The air supply for the forced air ventilation shall be from a clean source.

### The ventilation device is to be bonded to the vessel or grounded.

### When forced air ventilation is used to ventilate a confined space, a “Ventilation System in Service” tag must be attached to the shut off valve(s) to prevent accidental closure.

* + 1. **Non-emergency Use of Firewater** - Firewater usage in non-emergency situations requires a permit. In addition, the proper adapters, and back flow preventers must be installed between the hydrant and the discharge location. The Contractor must provide this equipment.
    2. **Excavation Assessment** - Prior to any excavating, or pounding sign posts, tent/trailer stakes or grounding rods deeper than 36” inside the Refinery, the Excavation Coordinator shall document the location of underground utility installations, process piping, electric service, water lines, or any other underground installations and completes the Excavation Assessment Form. The Excavation Assessment, redlines drawings and permit must be posted at the job site.
    3. **Government Required Permits** – The contractor company is responsible for insuring that they have all permits required by Federal, State or local governments that are required for work in the refinery.

1. **Crane Lift Safety**
   1. The minimum requirements to be followed when performing all lifts within the Refinery are outlined in Standing Instruction 2.8.4. All “plan lifts” and “critical lifts”, as defined in the SI, shall be properly planned and documented using the appropriate Lift Plan form.
   2. All overhead lifts regardless of size shall follow refinery protocol by sounding the necessary horns and warnings. There may be certain lifts that will require personnel to temporarily stop work and move to a different (safe) location. All affected personnel are expected to comply with the warnings and move to an identified safe area.
2. **Chemical Hazards, GHS/Hazcom and Process Safety Information** 
   1. Specific Process Safety, Hazcom, and Emergency Response information about the unit(s) are provided during the permit process and may be documented on the permit.
   2. Contractor must provide Safety Data Sheets to the Refinery Contract Sponsor, who then must complete a new chemical MOC before bringing chemicals on site. The Contractor must maintain copies of SDSs for all chemicals used on company property in an onsite location that is accessible to their employees at all times. The Contractor must insure that their employees receive an appropriate level of training on how to handle these materials. Chemical containers must be labeled in accordance with federal and state requirements.
   3. The Refinery stores and processes numerous Hazardous Materials. Contractor must become familiar with chemicals that are part of the job scope. This is achieved by reviewing appropriate SDS’s for process streams or involved chemicals. SDS’s can be obtained from any DCRC employee or at any Control Room by utilizing the 3E system. The Contractor must make themselves aware of the hazards of involved materials, convey this information to contractor employees and select and provide PPE accordingly. Simplified Process Flow diagrams and equipment lists are also available for review. Examples of several Refinery chemicals are included below.
      1. **Acids & Caustics** - Hydrochloric (muriatic), sulfuric and phosphoric are examples of acids. Sodium hydroxide (caustic soda) and potassium hydroxide (caustic potash) are examples of caustics. Acute exposures to these materials may cause irritation, skin burns or pulmonary edema. Chronic exposures may result in dermatitis, tooth erosion and chronic bronchitis. Personal protective equipment required when working with these materials includes, but is not limited to, chemical resistant gloves, rubber boots, slicker suit, chemical goggles and face shield.
         1. Sulfuric Acid (H2SO4) - Sulfuric acid is a dense, corrosive, oily, dibasic, strong acid that is colorless when pure and is a vigorous oxidizing and dehydrating agent. Sulfuric acid is used at the Alkylation Unit and Power Plant Water Treatment Plant. It is delivered to the refinery by railcar and tank trucks and stored in tanks onsite. Sulfuric acid is also analyzed and used at the Control Lab. Sulfuric acid is in closed systems with potential exposure to personnel during loading, unloading, and tasks where equipment is opened. Additionally, exposure can occur if an unexpected leak develops in the systems, or in the transfer lines located in the pipe rack east of the Alky, Cat Cracker, Crude, or Coker to the Red Lion Acid Plant.
      2. **Benzene** - Benzene is a clear, colorless liquid with a sweet odor. It is volatile and the vapors are highly flammable. It is present in many Refinery process streams. Benzene can enter the body via skin absorption, inhalation or ingestion (splashes or eating contaminated food). Acute exposure to benzene may cause breathing difficulty, irritability, giddiness, headaches and dizziness. Chronic exposures can cause convulsions, liver damage, heart damage, blood diseases and cancer (leukemia). When contact with liquid benzene is likely, the minimal protective clothing requirements are chemical resistant gloves. When splash potential exists, disposable coveralls and boots are required. When exposures above the OSHA action level are possible, respiratory protection is required.
      3. **Carbon Monoxide** - Carbon monoxide is a clear, colorless and odorless gas. It is often found in association with Refinery combustion processes (Powerhouse, FCC, etc.) and welding/burning operations. Inhalation is the primary route of exposure. Exposure to carbon monoxide can cause headache, dizziness, drowsiness, pale skin, cherry red mucous membranes and loss of consciousness. When exposures cannot be maintained below acceptable limits by engineering controls, supplied air breathing equipment is required. Air purifying respirators cannot be used for protection against carbon monoxide.
      4. **Hydrogen Sulfide (H2S)** - Hydrogen sulfide is a colorless, corrosive, flammable gas with a rotten egg odor. H2S can deaden the sense of smell. It is found in association with various process units. Highest concentrations of H2S are found in association with the Sulfur Complex. Primary route of exposure is by inhalation. Acute symptoms of exposure include eye irritation, headache, respiratory problems and death. Chronic exposures can cause eye infections, blurred vision and lung damage. Jobs involving exposure to H2S above the permissible exposure limit require supplied air breathing equipment.
      5. **Petroleum Product Streams - General** - Petroleum products (e.g., naphtha, gasoline, gas oils, resids, etc.) are mixtures of many hydrocarbon components. "Lighter" streams may appear as clear gases or clear to yellowish liquids. Heavier streams have the appearance of a thick black oil or tar. Naphtha and gasoline streams contain benzene (see discussion on Benzene above). Heavier streams may contain aromatic process oils. Acute exposures to petroleum process streams may cause central nervous system depression, staggering gait, slurred speech, mental confusion and skin irritation. Chronic exposures may cause dermatitis, liver cancer, kidney cancer and skin cancer. When contact with liquid petroleum products is likely, the minimal protective clothing requirements are chemical resistant gloves. When splash potential exists, disposable coveralls and rubber boots are required. When there is a potential for significant airborne concentrations, respiratory protection is required.
      6. **Spent Catalysts** - The appearance of spent catalysts varies from fine gray-white grains to black pellets. Spent material may contain small concentrations of heavy metals, hydrocarbons or other materials absorbed on the surface. Some catalysts are pyrophoric or water reactive. Routes of exposure include inhalation or skin contact. Acute exposures to spent catalyst may cause eye, nose and throat irritation and coughing. Chronic exposures to these materials may cause dermatitis, respiratory damage or disease and skin cancer. The minimum protective clothing when handling spent solid catalysts includes impermeable gloves, disposable coveralls, a System A or equivalent respirator and goggles.
      7. **Asbestos & Man Made Mineral Fiber (MMMF)** 
         1. Asbestos materials are present throughout the refinery. Pipe, vessel and tank insulation, gaskets, certain electrical components and transite materials may contain asbestos. Insulation materials with aluminum jacketing secured with blue banding are considered non-asbestos containing materials. Insulation without blue banding must be considered asbestos containing until proven otherwise. Care should be taken when exposed insulation materials are present or when work could disturb existing insulation. If removal of these materials is necessary, work will be performed by trained refinery employees or qualified contractors.
         2. Man Made Mineral Fiber (MMMF) materials must be handled with care. MMMF products include fiberglass, ceramic fibers, mineral wool, etc. Care must also be exercised when working with these materials.
         3. Asbestos abatement companies must submit detailed work specifications to the Refinery Safety Department for all asbestos abatement projects. The specifications must be reviewed and approved before starting work.
      8. **Inorganic Lead** - Inorganic lead is present in various surface coatings in the Refinery. Welding, cutting, burning, manual scraping or other activities that disturb these surfaces must be performed in accordance with OSHA 1926.62. Contractor must verify the presence or absence of lead prior to the start of work. Contractor Company performing work involving lead must have a written program describing program administration and work procedures that are followed for work involving lead. Contractor must be able to provide documentation of worker training, fit testing and verification of medical surveillance aspects of the program.
         1. As a general rule, if lead is present, it will be abated by specialty contractors, prior to the start of any work activities. See Standing Instruction 2.6.9 Handling Inorganic Lead Containing Materials.
         2. Most work activities involving lead (e.g. burning, cutting, abrasive blasting, etc.) require supplied-air breathing equipment unless engineering controls successfully reduce the lead hazard. Contractor must verify the effectiveness of engineering controls and submit completed exposure assessments to the Refinery Safety Department.
         3. Companies performing work involving exposure to inorganic lead must submit detailed work specifications to the Refinery Safety Department. The specifications must be reviewed and approved before starting work.
      9. **Nitrogen/Inert Entry Work -** Nitrogen is a colorless, odorless and tasteless gas at ambient temperature and pressure. The principal hazard associated with nitrogen is the potential for asphyxiation by displacing oxygen. Hydrocarbon or other contamination of the inert gas is possible whenever nitrogen is connected to process equipment or tankage.
         1. All personnel will follow the provisions of Standing Instruction 2.6.10 Nitrogen and Inert Gas Handling Procedures and Precautions.
         2. All Inert work will follow the provisions of Standing Instruction 2.5.9 Inert Vessel Entry.

## Fire Prevention - General

* 1. Contractors are responsible for fire prevention. All flammable liquids, including petroleum products, paint thinners or flammable solvents, must be properly labeled and stored as specified by current standards.
  2. Work areas must remain clear and free of trash and other combustible materials. Waste materials must be disposed of properly in accordance with current standards.
  3. Contractors must furnish their own fire extinguishers (20 pound ABC dry chemical or other if prior approval is obtained from the Refinery Safety Department) when required by work permit. Contractors may not remove fire extinguishers from storage locations except in the event of an emergency. Contractors must inspect and maintain extinguishers in accordance with National Fire Protection Association (NFPA) requirements.

## Emergency Management (Section 1-02)

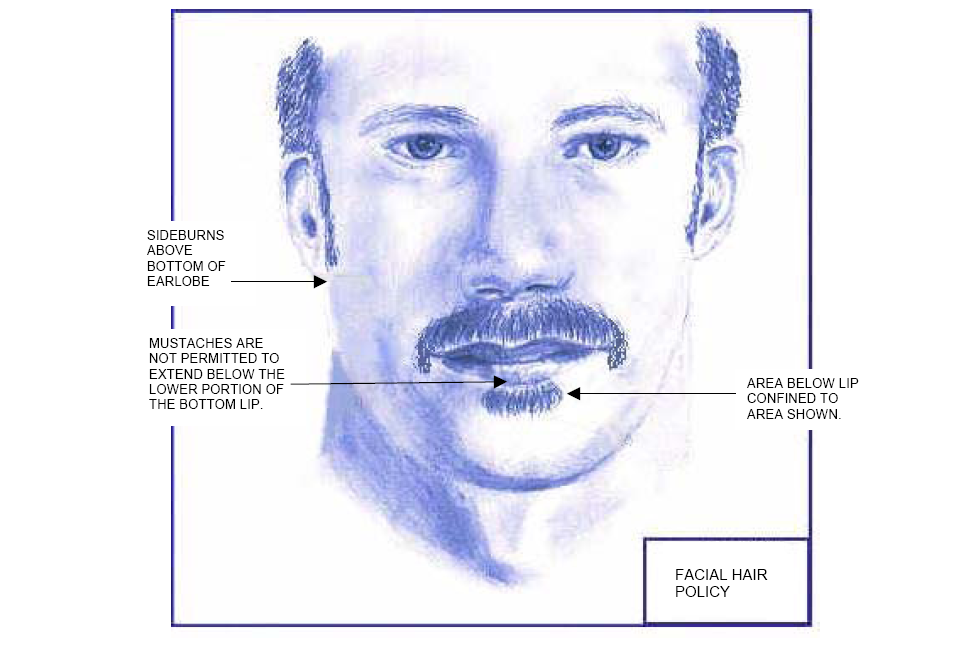
* 1. **Reporting**
     1. Contractors must report all fires, spills, leaks, and medical emergencies. Contractors must report emergencies by going to the nearest telephone and dialing x7777 or call on the Ops Mngt Channel of any Refinery radio. When reporting emergencies, contractor must provide the following information:
        1. Their name
        2. The name of the company
        3. The specific work location
        4. The type of emergency
     2. Do not hang up the phone until released by the Emergency Dispatcher.
  2. **Emergency Notification**
     1. Process Unit Alarms - Unit upsets, emergencies or releases will be signaled by the use of unit alarms (horns or sirens). Contractor employees working in affected areas must follow the following steps:
        1. Stop work.
        2. Stabilize and secure the work area.
        3. Proceed to the Evacuation Mustering location (Contractor employees must observe wind conditions and proceed upwind or crosswind from the site of the emergency).
        4. Conduct a headcount of all employees. Report any missing employees to the The Refinery Contract Sponsor or facility representative.
  3. **Emergency Assembly Locations**
     1. The Permit Writer identifies emergency assembly locations for each job before work starts. The Contractor must become familiar with the assigned location and insure that all contractors know how to get there. Contractor must use good judgment and be alert for area hazards or changes in wind direction that might make this assembly location not feasible.
  4. **Plant Evacuations**
     1. In the event of a plant evacuation, detailed information is provided via the Refinery Emergency Broadcast System (plant radios). Detailed instructions for evacuation routes and methods will be provided.

1. **Facial Hair Requirements**

15.1All refinery employees and contractors, regardless of their participation in a respirator protection program, shall report to work clean shaven.

15.2 Employees and contractors are not permitted to have facial hair that comes between the sealing surface of the face piece and the face or that interferes with valve function of the respirator.

Acceptable Facial Hair



1. **Fatigue Management Policy**

16.1 The refinery has adopted a fatigue management policy that applies to all employees and contractors working night shifts, rotating shifts, extended hours/day or call-ins that are involved in process safety sensitive actions. Contractor companies are expected to have equivalent programs and must assure adherence to their policy. The tables below (13.2 & 13.3) describe the expectation.

* 1. Twelve (12) Hour Shifts

|  |  |
| --- | --- |
| **Situation/Scenario** | **12 Hour Shift** |
| Maximum consecutive shifts (day or night) in a work set: |  |
| Normal Operations (1) (2) | 7 Shifts |
| Turnarounds/Outages (3) | 14 Shifts |
| Minimum Time off After A Work Set | 36 Hours |
| Extended Shift Rules (shifts > 14 hours but ≤ to 16 hours) (4) |  |
| No more than 2 consecutive days/work set & no more than 3 days total worked in a work set. (5) |  |
| (1) Normal work sets > 7 consecutive days require documented approval from supervisor(s) OS, SS, US, CM   * Employee must be in agreement to work more than 7 days * An end date must be determined and agreed upon * Determine any mitigation (breaks, outside rotation, etc…..) required.   (2) Normal work sets more than 10 consecutive days require documented approval from a Supervisor and a Director  (3) Turnaround/Outage Work Sets more than 14 consecutive days require documented approval from a Supervisor and a Manager.  (4) Extended shifts more than 16 hours require approval from a Manager.  (5) Exceeding the Extended Work Shift Rules requires approval from a Manager. | |

13.3 Eight (8) Hour Shifts

|  |  |
| --- | --- |
| **Situation/Scenario** | **8 Hour Shift** |
| Maximum consecutive shifts (day or night) in a work-set: |  |
| Normal Operations (1) (2) | 10 Shifts |
| Turnarounds/Outages (3) | 19 Shifts |
| Minimum Time off After A Work-set | 36 Hours |
| Extended Shift for 8 Hour Shift (4) |  |
| 8 to 12 Hour Shifts – Maximum Days Per Work-set | 7 |
| 12 to 16 Hour Shifts | Follow 12 Hour Shift Table Guidance |
| (1) Normal Work Set > 13 consecutive days require documented approval from two supervisors (CMSs)   * Employee must be in agreement to work more than 13 days. * An end date must be determined and agreed upon. * Determine any mitigation (breaks, job rotation, etc…..) required.   (2) Normal Work Sets more than 19 consecutive days require documented approval from a Supervisor and a Manager  (3) Turnaround/Outage Work Sets more than 19 consecutive days require documented approval from a Supervisor and a Manager.  (4) Extended shifts more than 16 hours require approval from a Manager. | |

**Mandatory Annex- Contractor Drug and Alcohol Policy**

1. PURPOSE

To protect the safety, health, and well-being of Delaware City Refining Company LLC employees, its Contractors’ employees, those who use our products and services, those who come on refinery property, and to promote and ensure a productive work environment, Contractors shall have and enforce a written policy ("Contractor's Policy") on drugs and alcohol which meets or exceeds the requirements outlined below.

1. DEFINITIONS
2. *Contractor Personnel --* any of Contractor's employees, agents, subcontractors or subcontractors' employees working on Delaware City Refining Company LLC property.
3. *Non-Process Related Services –* (Low Exposure) --positions having an indirect role and no access to operations or maintenance where failure could result in serious harm to public or employee well-being, company assets or the environment. For examples, refer to Attachment 2a.
4. *Process-Related Services* (Highly Safety-Sensitive) *--* is defined to include any maintenance, construction, inspection, or demolition activity performed on or adjacent to a refinery process, services that may impact a refinery process, and/or any other potentially hazardous work, and involving the potential for catastrophic operational incident where failure could result in serious harm to public or employee well-being, company assets, or the environment. This further includes a Contractor Personnel’s job function which has no direct or very limited supervision available to provide operational checks.
5. *Prohibited Substances --* (1) illegal and/or prescribed drugs, controlled substances for which the individual does not hold a valid prescription, and mood- or mind-altering substances, (2) prescribed and over the counter drugs used in a manner inconsistent with the prescription or dosing directions, and (3) alcohol, including alcoholic beverages, medications containing alcohol (such as Nyquil) and other products containing ethyl alcohol.
6. *Reasonable Suspicion --* Any evidence or good-faith belief based on objective and articulable facts sufficient to lead a supervisor to suspect that a violation of Delaware City Refining Company LLC’s substance abuse rules may have occurred.
7. *Site Credentials --*  Any form of personal identification, e.g. security badges, issued by the refinery to allow entry into the facility.
8. *Under the Influence --* An individual will be deemed under the influence when the individual’s behavior suggests or test sample demonstrates the presence of a Prohibited Substance, or metabolites of a Prohibited Substance above the cut-off level established by the Contractor's Policy.
9. *Refinery Process --* Refinery property, systems and/or processes that are deemed safety and environmentally sensitive which poses a substantial risk to the general public, employees, company assets, or damage to the environment or property.
10. *Refinery Property --* All real or tangible personal property, including facilities, buildings, vehicles, products and equipment either owned or controlled by the refinery.
11. PROHIBITIONS

All Contractor personnel must be fit for duty at all times. The Contractor's Policy must prohibit Contractor Personnel from the following:

1. Using, possessing, selling, buying, cultivating, manufacturing, distributing, concealing, or transporting any prohibited substance, or attempting any of the above on refinery property or while representing or performing services for Delaware City Refining Company LLC;
2. Possessing contraband, including firearms, ammunition, explosives, and weapons on refinery property;
3. While on Delaware City Refining Company LLC property or representing or performing services for Delaware City Refining Company LLC, possessing or using prescription drugs or over-the-counter medication including those medications containing alcohol that may cause impairment except when all of the following conditions have been met:

i. Prescription drugs have been prescribed by a licensed physician for the person in possession of the drugs;

ii. The prescription was filled by a licensed pharmacist for the person possessing the drugs; and

iii. The individual is required to notify his or her supervisor in advance and before performing their duties that he or she is using prescription or over-the-counter medication which may cause impairment, and the Contractor takes steps to address the possibility of impairment, including but not limited to, removal from work for the period of possible impairment. Delaware City Refining Company LLC reserves the right to request removal of any contractor whose legitimate use of a medication nevertheless renders the contractor employee unfit to safely perform the duties he or she has contracted to provide.

1. Being under the influence of or testing positive for prohibited substances while performing any work for, on assignment to, or while representing Delaware City Refining Company LLC. Contractor employees must refrain from consuming any alcoholic beverage or medication containing alcohol immediately before or during their assigned work for Delaware City Refining Company LLC, including while on lunch and rest breaks.
2. Switching, diluting, or adulterating any sample to be used for testing, or engaging in other behavior designed to frustrate the testing process.
3. Performing work for Delaware City Refining Company LLC if that person has tested positive, in any employment-related test, for a period of at least six months after the positive test result. After six months, contractor employees may once again be considered for assignment to Delaware City Refining Company LLC, providing that they no longer use any prohibited substance and are subject to follow-up testing to ensure that they do not resume such use.

Upon Delaware City Refining Company LLCrequest, Contractor will certify in writing that it has enforced all provisions of this policy.

1. SEARCHES AND INSPECTIONS

Delaware City Refining Company LLC may, at any time, have Delaware City Refining Company LLC security personnel, designated managers, contracted security personnel, Contractor Supervisors and/or authorized search and inspection specialists, including scent-trained animals, conduct unannounced searches and inspections of Contractor and/or Contractor Personnel and their property whenever Contractor Personnel are on Delaware City Refining Company LLC Property or representing Delaware City Refining Company LLC in any capacity. Property subject to inspection may include, but is not limited to, the following: wallets, purses, lockers, baggage, offices, desks, tool boxes, lunch containers, clothing, and vehicles. Contractor Personnel, as a condition of their referral for work with and for Delaware City Refining Company LLC, must consent to searches and inspections consistent with this policy.

1. TESTING

Delaware City Refining Company LLC requires Contractors performing Process-Related Services to submit proof of a negative 10 panel drug screen annually.

A. CATEGORIES

All positions are considered Process Related Services (Highly Safety-Sensitive) unless a position, or positions, is/are identified as Non-Process Related Services *(*Low-exposure) as approved by the Contractor Steering Committee. If during the course of this contract, Delaware City Refining Company LLC determines that additional positions require treatment as "low-exposure" or "safety-sensitive", Delaware City Refining Company LLC may at its sole discretion, after notifying the Contractor of a change, or changes, modify Attachment 2. Delaware City Refining Company LLC must confirm the modification in writing. “Low-exposure” positions may nevertheless be deemed “safety-sensitive” at various locations and in various circumstances as when, for example, the individual would have regular unescorted access to safety-sensitive areas of the facility at which they are to perform services.

Each Contractor shall ensure that alcohol and drug tests are conducted according to the following requirements as defined in the Table listed below:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Job Category** | **Reasonable Suspicion** | **Post-Incident** | **Pre-Access** | **Random** |
| Process Related Services | X | X | X | X |
| *Non-Process Related Services* | X | X | X | X |

B. REQUIREMENTS

i. Pre-Access Testing:

a. Contractor Personnel requiring pre-access testing must have received a negative result on a comprehensive 10 panel drug test as demonstrated by submitting proof of negative or MRO reviewed test within one calendar year to security at the time of badge request to access to Delaware City Refining Company LLC property. Upon Delaware City Refining Company LLC request Contractor shall so certify in writing.

b. Contractor will provide no information to Delaware City Refining Company LLC identifying individuals who have positive pre-access tests or who have refused required pre-access tests.

ii. Random Testing:

a. Contract Personnel requiring random testing must be subject to unannounced and continuous random selection and testing for Prohibited Substances while performing work for Delaware City Refining Company LLC.

b. The number of random tests conducted during each calendar year shall be decided by the refinery and individual selection shall be completed utilizing a random number generator compared to the list of contractors in the plant on the day of random testing.

iii Post-Incident Testing:

a. If Contractor or Delaware City Refining Company LLC determines from the best information available immediately after a work-related incident that performance of one or more Contractor Personnel contributed to the incident, or cannot be completely discounted as a contributing factor to the incident, Contractor shall remove that/those individual(s) from Delaware City Refining Company LLC Property and surrender his/her/their Site Credentials to Delaware City Refining Company LLC along with Attachment 3.

For purposes of this part "incident" means an incident that caused, or could have caused, personal injury requiring medical treatment beyond first aid administered at the work site, or property damage of more than $1000, estimated in good faith at the time of the incident.

b. An individual so removed will be allowed to return to work on Delaware City Refining Company LLC Property only after Contractor conducts alcohol and drug testing on the individual as soon as possible following the individual's removal from the site, and the Contractor certifies in writing the test identification number, the test date and time, and a negative test result (Attachment 4). On that written certification the Contractor will include a consent signed by the individual permitting disclosure to Delaware City Refining Company LLC of the test result (See Attachment 5). In “near-miss” incidents, testing will be required only if in accordance with applicable state law. If drug testing cannot be completed within 32 hours of the accident or incident, and alcohol testing within 8 hours of the accident or incident, the Contractor must submit a written explanation of the circumstances to Delaware City Refining Company LLC for review. This written explanation needs to include details of the accident/incident and reason(s) for not testing the individual.

iv. Reasonable Suspicion Testing:

a. When either Delaware City Refining Company LLC or the Contractor has Reasonable Suspicion to believe that a Contractor-supplied worker is Under the Influence of a Prohibited Substance while on Delaware City Refining Company LLC Property, or is otherwise in violation of the prohibitions contained in this Policy, Contractor shall remove the individual from Delaware City Refining Company LLC Property and surrender his/her/their Site Credentials to Delaware City Refining Company LLC along with Attachment 3.

b. An individual removed from Delaware City Refining Company LLC Property for Reasonable Suspicion will be allowed to return to work on Delaware City Refining Company LLC Property only after Contractor conducts alcohol and drug testing on the individual as soon as possible following the individual's removal from the site, and the Contractor certifies in writing the test identification number, the test date and time, and a negative test result (See Attachment 4). On that written certification the Contractor will include a consent signed by the individual permitting disclosure to Delaware City Refining Company LLC of the test result (See Attachment 5). If drug testing cannot be completed within 32 hours, and alcohol testing within 8 hours, the Contractor must submit a written explanation of the circumstances to Delaware City Refining Company LLC for review. This written explanation needs to include details of the accident/incident and reason(s) for not testing the individual.

C. TESTED SUBSTANCES

Contractor's Policy will test for substances, and adopt testing cut-off levels that comply, at a minimum, with the listed substances and cut-off levels shown in Attachment 1.

D. LABORATORIES AND TESTING PROCEDURES

For all drug and alcohol testing, Contractor shall use only testing laboratories that are properly certified by the U.S. Substance Abuse and Mental Health Services Administration (“SAMHSA”) or the College of American Pathologists (non-regulated tests only). Delaware City Refining Company LLC requires its Contractors to adopt testing safeguards, such as confirmatory tests, medical review officer review, right to rebut test results, etc. designed to ensure the fairness and accuracy of their testing programs. Contractors should comply with all relevant federal, state, and local laws in the implementation and enforcement of their substance abuse programs, including testing programs.

E. SPECIAL TESTING

Under certain circumstances, including instances where an Exemption (see Section 8) has been issued to a Contractor, Delaware City Refining Company LLC may require Contractor Personnel to submit to a “quick” alcohol and/or drug test before permitting that individual access to Delaware City Refining Company LLC property. Any such tests will use testing devices that will satisfy U.S. Food and Drug Administration or DOT regulations for this type of testing. If the test is positive or indicates possible adulteration or similar problem, the Contractor Employee will not be permitted onto Delaware City Refining Company LLC property or to perform any service for Delaware City Refining Company LLC pending a review and confirmed test result from a Medical Review Officer. The use of this testing methodology will be in accordance with any federal, state, and local laws.

1. NON-COMPLIANCE

Any Contractor Personnel who refuse to comply with Delaware City Refining Company LLC contractor requirements, or who refuse to cooperate with the searches and tests included in this Policy shall be permanently removed by Contractor from Delaware City Refining Company LLC Property and from performing work for Delaware City Refining Company LLC.

Contractor Personnel in compliance with this Policy are considered to have currentstatus. Contractor Personnel must maintain current status at all times while performing work at or on behalf of Delaware City Refining Company LLC. Contractor must immediately notify Delaware City Refining Company LLC when an individual has become unauthorized (either as a result of a positive test, refusal to test, or other policy violation) and complete Attachment 3. Contractor will immediately review with Delaware City Refining Company LLC the nature of the work previously performed by the individual. At Delaware City Refining Company LLC request, Contractor shall, at its sole cost and risk, inspect all work in which the individual may have participated, and submit a written report to Delaware City Refining Company LLC that documents: the inspection, any findings, and the actions taken to assure all deficiencies have been corrected.

Please note that individuals who test positive for alcohol at the level of .02 or greater will render the individual unauthorized to return to work for Delaware City Refining Company LLC consistent with this policy.

1. DRUG AWARENESS

Contractor will be required to warrant that Contractor Personnel performing work on Delaware City Refining Company LLC behalf have each been fully informed of the requirements of this Contractor's Policy, and that before beginning work each has signed a written certification that he/she has been so informed and agrees to be bound by those requirements.

1. EXEMPTIONS

Under exceptional circumstances, the Contractor Steering Committee may issue an exemption waiving a Contractor’s obligation to be subject to this program. This exemption must be in writing and approved by Delaware City Refining Company LLC Contractor Steering Committeebefore that Contractor may enter the refinery. The exemption will only be valid with respect to the Contractor’s work at that facility and only for the time period specified in the exemption. No exemption will be construed by a Contractor as a promise of any future exemptions. Any exemption granted to a Contractor may be revoked by Delaware City Refining Company LLC management at any time.

Generally speaking, exemptions will be granted only when the Contractor Personnel are performing short-term, incidental, and/or Low Exposure work on Delaware City Refining Company LLC behalf and it would be difficult or impossible for Delaware City Refining Company LLC or the Contractor to locate personnel who are in compliance in a timely manner. Exempted Contractor Personnel are nevertheless expected to work without violating the prohibitions of this Policy. In these circumstances, Delaware City Refining Company LLC may ask Contractor Personnel to submit to a “quick test” as described above, and/or after the individual has commenced working, to a drug and/or alcohol test that will be conducted in accordance with Delaware City Refining Company LLC standards for testing accuracy, reliability, and confidentiality. For example, Delaware City Refining Company LLC may request a pre-access drug and/or alcohol test, or ask an individual to submit to a test in accordance with reasonable suspicion standards.

1. APPLICABLE LAWS

Contractor shall comply with all applicable federal, state, and local drug- and alcohol-related laws and regulations (e.g., DOT regulations, Department of Defense (DOD) Drug-Free Workforce Policy, Drug-Free Workplace Act of 1988, California Confidentiality of Medical Information Act). If Contractor has a question about Delaware City Refining Company LLC requirements as they may apply in certain jurisdictions, Contractor should contact the Delaware City Refining Company LLC representative for clarification.

1. AUDIT

A. Contractor shall keep records required by this Policy available for inspection by Delaware City Refining Company LLC during the term of this agreement, and for a period of three (3) years after its termination.

B. Delaware City Refining Company LLC shall have the right, at its discretion, to perform unannounced audits of the Contractor's alcohol and drug program to verify that Contractor's policy and its enforcement comply with these guidelines.

C. At Delaware City Refining Company LLC's request, Contractor will provide a list of Contractor Personnel (including name and other identifying information) who were eligible for Delaware City Refining Company LLC work on a date specified by Delaware City Refining Company LLC. Upon further request, Contractor will provide Delaware City Refining Company LLC with the following information on each alcohol and drug test conducted for each Contractor Personnel identified by Delaware City Refining Company LLC from those lists:

1) Date of and type of test (e.g. random, pre-access)

2) Laboratory chain-of-custody identification number and/or test number

Contractor will obtain an agreement from any consortium, specimen collection service, laboratory and/or Medical Review Officer providing drug/alcohol testing services under this agreement, that upon submission by Delaware City Refining Company LLC of a list, or lists, chain-of-custody ID numbers and test dates, the laboratory and/or Contractor Medical Review Officer will provide a sworn statement that each of the tests identified by Delaware City Refining Company LLC were confirmed as negative or that it/he cannot so swear.

1. EFFECTIVE DATE
2. This Contractor Drug and Alcohol Policy became effective: January 1, 2019.

ATTACHMENTS:

Annex Attachment 1: Substances and Cut-Off Levels

Annex Attachment 2: Contractor's Request to Delaware City Refining Company LLC for Change in Badging Status

Annex Attachment 3: Contractor Personnel Return-to-Work Certification

Annex Attachment 4: Consent and Authorization For Disclosure to Delaware City Refining Company LLC of Drug Test Results and Related Information

Annex Attachment 5: Contractor /Contractor Personnel Acknowledgment

Annex Attachment 6: SAMPLE DRUG TEST RESUTLS

**Annex Attachment 1**

**SUBSTANCES AND CUT-OFF LEVELS**

* 1. Drugs:

Although Delaware City Refining Company LLC prohibits the use of all illegal substances by Contractor Personnel working on their sites or performing work on behalf of Delaware City Refining Company LLC, the following substances (illegal or otherwise) are of particular concern and must be tested for by the Contractor’s Program via urinalysis (except alcohol, which is tested for as described below). Results at or above any of the cut-off levels in both the initial test and a confirmation test, without acceptable medical explanation, constitute a confirmed positive test and results in a non compliance status for the tested individual. This list is subject to change as substance usage and availability patterns suggest the addition or deletion of substances or change in cut-off levels. Individual state regulations providing different cut-off levels should be followed where applicable.

|  |  |  |  |
| --- | --- | --- | --- |
| Drugs | Instant Screen Level | Laboratory Screen Test Level | Laboratory Confirm test Level |
| Amphetamines | 1000 ng/ml | 1000 ng/ml | 500 ng/ml |
| MDA Analogues | 1500 ng/ml | 500 ng/ml | 250 ng/ml |
| Barbiturates | 200 ng/ml | 200 ng/ml | 200 ng/ml |
| Benzodiazepines | 200 ng/ml | 300 ng/ml | 200 ng/ml |
| Cocaine Metabolites | 300 ng/ml | 300 ng/ml | 150 ng/ml |
| Marijuana Metabolites | 50 ng/ml | 50 ng/ml | 15 ng/ml |
| Opiates | 2000ng/ml | 2000 ng/ml | 2000 ng/ml |
| 6 AM – Lab Based Only | N/A | N/A | 10 ng/ml |
| Oxycodone | 100 ng/ml | 100 ng/ml | 100 ng/ml |
| Phencyclidine (PCP) | 25 ng/ml | 25 ng/ml | 25 ng/ml |
| Propoxyphene | 300 ng/ml | 300 ng/ml | 300 ng/ml |

* 1. Alcohol: Random, For-Cause, Post Accident, & Wall to Wall Testing Only

|  |  |  |  |
| --- | --- | --- | --- |
| Test | | **Initial Test Screen Level** | **Confirmation Test Level** |
| Alcohol | 0.02% BAC | | 0.02% BAC |

Tests that are confirmed as greater than or equal to .02 blood alcohol concentration (BAC) or higher will result in an unauthorized status for the tested employee.A saliva or breathalyzer test will be the initial test except as may be required by law. A positive initial test will be confirmed by a second confirmation test. Alcohol testing will be done using protocols that are substantially similar to federal collection protocols (49 C.F.R. Part 40).

**Annex Attachment 2**

**CONTRACTOR'S REQUEST TO DELAWARE CITY REFINING COMPANY LLC**

**FOR CHANGE IN BADGING STATUS**

The following Contractor Personnel's access badge has been removed from their possession, pending For Cause or Post Incident/Accident testing, and has been returned to Delaware City Refining Company LLC Security:

**Contractor Personnel \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ IDN:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Name

**Contractor/Company: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ DATE:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Signature of Contractor Representative

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Printed Name, Job Title

***Above information is to be completed and submitted along with the badge that is being returned to Delaware City Refining Company LLC Security***

**============================================================================================**

|  |  |
| --- | --- |
| \_\_\_\_\_\_\_\_  Date | The above referenced individual has been deactivated from the Refinery badging system. |

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

Signature of Delaware City Refining Company LLC's Security Supervisor

Distribution of completed form:

Original: Security Administrator

Copies: Department Manager

Contractor Safety Coordinator

**Annex Attachment 3**

**CONTRACTOR PERSONNEL RETURN-TO-WORK CERTIFICATION**

***To be completed by Contractor Representative.***

Select reason Contractor Personnel was tested for:

\_\_\_\_\_\_\_ For Cause

\_\_\_\_\_\_\_ Post Accident/Incident

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ certifies that \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ was

(Contractor Company) (Tested Contractor Personnel)

tested on \_\_\_\_\_\_\_\_\_\_\_\_\_ at \_\_\_\_\_\_\_\_ and that the results of the required alcohol and drug

(Date) (Time)

tests were negative. We request that this individual's badge be reactivatedin the Delaware City Refining Company LLC Security system and returned.

By signing this document, Contractor Company confirms they have received Contractor Personnel’s ***consent to disclosure*** of the test result identified above and any related information to Delaware City Refining Company LLC and/or Delaware City Refining Company LLC authorized agents, assigns or representatives. Contractor understands that this information will be used by Delaware City Refining Company LLC only to determine whether Contractor Personnel is eligible to continue work within the terms of this Policy. Contractor must also provide to Delaware City Refining Company LLC a copy of the **“CONSENT AND AUTHORIZATION FOR DISCLOSURE TO DELAWARE CITY REFINING COMPANY LLC OF DRUG TEST RESULTS AND RELATED INFORMATION,”** (Attachment 5) signed by the Contractor Personnel.

Test ID# Tested Contractor Personnel I.D.N.

Authorized Contractor Representative Signature Title / Date

Delaware City Refining Company LLC Contractor Program Administrator/ Date Title / Date

CC: Contractor Safety Coordinator**Annex Attachment 4**

**CONSENT AND AUTHORIZATION FOR DISCLOSURE TO DELAWARE CITY REFINING COMPANY LLC OF DRUG TEST RESULTS AND RELATED INFORMATION**

***I*** hereby ***consent to disclosure*** by Contractor and its agents, including, but not limited to, any collecting and testing agencies, test result identified on Attachment 3, Contractor Personnel Return-to-Work Certification, random drug screen and any related information to Delaware City Refining Company LLC and/or Delaware City Refining Company LLC authorized agents, assigns or representatives. I understand that this information will be used by Delaware City Refining Company LLC only to determine whether I am in compliance with its Contractor Drug & Alcohol Policy and eligible to work as a contractor for Delaware City Refining Company LLC within the terms of that Policy. This authorization shall be good for a period of up to one year after I sign it. I understand that I am entitled to a copy of my signed Consent and Authorization upon request.

Contractor Personnel Signature Date

Printed Name ID Number

**Note: Prior to a contractor employee returning to work at a Delaware City Refining Company LLC refinery, Contractor supervision must present a copy of this completed document to the Security Administrator.**

**========================================================================**

|  |  |
| --- | --- |
| ***\_\_\_\_\_\_\_\_***  ***Date*** | ***The above referenced individual has been activated in the Refinery badging system.*** |

***\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_***

***Signature of Delaware City Refining Company LLC's Security Supervisor***

Distribution of completed form: Security Supervisor, Contractor Safety Coordinator

**Annex Attachment 5**

**CONTRACTOR/CONTRACTOR PERSONNEL**

**ACKNOWLEDGMENT**

I hereby acknowledge that I have received the Contractor Drug and Alcohol Policy Requirements (Policy) for Delaware City Refining Company LLC. I have read and understand the provisions outlined in the Policy and agree to all the requirements contained therein. I understand that compliance with the Policy is a requirement of work to be performed at Delaware City Refining Company LLC. I understand that a violation of this Policy may result in immediate removal from Delaware City Refining Company LLC premises.

Date Contractor Company Name

Contractor Name Contractor Signature

**Annex Attachment 6**

**Sample test results**

Sample instant result

