

Inspection Output (IOR)

Generated on 2020.November.24 09:53

Inspection Information

| | | | | | |
|-----------------|--------------------|-------------|---|----------------------|---------------------------------|
| Inspection Name | 8217 Nouryon DA | Operator(s) | NOURYON PULP AND PERFORMANCE CHEMICALS LLC (32358) | Plan Submitted | 10/20/2020 |
| Status | PLANNED | Lead | Anthony Dorrrough | Plan Approval | 10/20/2020 by Joe Subsits |
| Start Year | 2020 | Lead+ | | All Activity Start | 11/18/2020 |
| System Type | DA | Supervisor | Joe Subsits | All Activity End | 11/18/2020 |
| Protocol Set ID | DA.2020.01 | Director | Sean Mayo | Inspection Submitted | -- |
| | | | | Inspection Approval | -- |

Inspection Summary

Scope and Summary:

This Drug and Alcohol (DA) inspection covered plan, process and records review questions. A verbal exit interview was conducted on 11/18/2020 with Jacob St.Mary/ Nouryon (509) 765-2889 x502.

Dates and Activities:

No other dates or activities were scheduled.

Summary of Significant Findings:

No apparent violations of federal or state code
No areas of concern identified

Primary operator contacts/participants in the inspection:

Jacob St.Mary/ Nouryon (509) 434-6783

Recommended follow up actions for next inspection:

No recommended follow up actions needed.

Scope (Assets)

| Short # Label | Long Label | Asset Type | Asset IDs | Excluded Topics | Planned | Required | Inspected | Total | Required % Complete |
|---------------|--|------------|-----------|-----------------|---------|----------|-----------|-------|---------------------|
| 1. Nouryon | Nouryon Pulp and Performance Chemicals LLC | unit | -- | -- | 40 | 40 | 40 | 40 | 100.0% |

1. Percent completion excludes unanswered questions planned as "always observe".

Plans

| # | Plan Assets | Focus Directives | Involved Groups/Subgroups | Qst Type(s) | Extent | Notes |
|----|-------------|------------------|---------------------------|-------------|--------|-------|
| 1. | Nouryon | n/a | DA | P, R, O, S | Detail | |

Plan Implementations

| Activity # Name | SMART Act# | Start Date End Date | Focus Directives | Involved Groups/Subgroups | Qst Assets | Type(s) | Planned | Required | Inspected | Total | Required % Complete |
|-----------------|------------|--------------------------|------------------|---------------------------|------------|-----------|---------|----------|-----------|-------|---------------------|
| 1. Nouryon DA | -- | 11/18/2020 11/18/2020 | n/a | all planned questions | all assets | all types | 40 | 40 | 40 | 40 | 100.0% |

1. Since questions may be implemented in multiple activities, but answered only once, questions may be represented more than once in this table.
2. Percent completion excludes unanswered questions planned as "always observe".

Forms

| No. | Entity | Form Name | Status | Date Completed | Activity Name | Asset |
|-----|-----------------|------------|-----------|----------------|---------------|---------|
| 1. | Attendance List | Nouryon DA | COMPLETED | 10/21/2020 | Nouryon DA | Nouryon |

Results (all values, 40 results)

DA.GENERAL: General Program Requirements

1. Question Result, ID, References **Sat, DA.GENERAL.DER.R, 40.3 (40.15(d), 40.355(k))**

Question Text *Has the operator appointed a company employee as the Designated Employer Representative (DER)?*

Assets Covered **Nouryon**

Result Notes **Pg. 18 - Jacob St. Mary**
2. Question Result, ID, References **Sat, DA.GENERAL.SERVICEAGENTOVERSIGHT.P, 40.11(b) (40.11(c), 40.15(c), 40.341(a), 40.355(a), 40.355(m), 40.355(n))**

Question Text *Does the process ensure the operator remains responsible for the actions of all its service agents, including a Consortium/Third Party Administrator (C/TPA)?*

Assets Covered **Nouryon**

Result Notes **Located on Pg. 1 -**
3. Question Result, ID, References **Sat, DA.GENERAL.COVEREDEMPLOYEES.P, 199.3 (199.1, 40.347(b)(2))**

Question Text *Does the process result in the proper and complete identification of covered employees and the exclusion of non-covered employees?*

Assets Covered **Nouryon**

Result Notes **Located on Pg. 2- 25**
4. Question Result, ID, References **Sat, DA.GENERAL.PREVIOUSEMPLOYERRECORDS.P, 40.25(a) (40.25(b), 40.25(c), 40.25(d), 40.25(e), 40.25(f), 40.25(g), 40.27, 40.321(b), 40.351(d))**

Question Text *Does the process include previous employer DOT D&A record checks for employees seeking to perform covered functions for the first time (i.e., a new hire or an employee transferring into a safety-sensitive position)?*

Assets Covered **Nouryon**

Result Notes **Located on Pg. 5 -**
5. Question Result, ID, References **Sat, DA.GENERAL.NONDOTTESTS.P, 40.13(a) (40.13(b))**

Question Text *Does the process separate and prioritize DOT drug and alcohol testing over all non-DOT drug and alcohol testing?*

Assets Covered **Nouryon**

Result Notes **Located on Pg. 26 - (Scope)**
6. Question Result, ID, References **Sat, DA.GENERAL.CONTRACTOROVERSIGHT.P, 199.115 (199.115(a), 199.115(b), 199.245(a), 199.245(b), 199.245(c))**

Question Text *If a contractor performs covered functions on the pipeline and is allowed to have its own D&A Programs, does the process ensure the contractor fully complies with Parts 199 and 40?*

Assets Covered **Nouryon**

Result Notes **Located on Pg. 17 (Procedures for Determining Compliance)**

7. Question Result, ID, References **Sat, DA.GENERAL.MISREPORTS.R, 199.119(a) (199.3, 199.119(f), 199.229(a), 199.229(d), 40.26)**

Question Text *Does the process ensure D&A MIS reports are submitted annually to PHMSA as required?*

Assets Covered **Nouryon**

Result Notes **Located on Pg. 17 (MIS Reporting)**

DA.DRUG: Anti-Drug Program

8. Question Result, ID, References **Sat, DA.DRUG.PLAN.P, 199.101(a) (199.101(a)(1), 199.101(a)(2), 199.101(a)(3), 199.101(a)(4))**

Question Text *Is a written Anti-Drug Plan in-place and maintained that conforms to the requirements of Part 199 and Part 40?*

Assets Covered **Nouryon**

Result Notes **Yes. Re-established Oct./2020 under Northwest Drug Safe a previous vendor.**

9. Question Result, ID, References **Sat, DA.DRUG.SERVICEAGENTQUAL.R, 199.5 (199.107(a), 199.109(b), 40.33, 40.81(a), 40.121, 40.281)**

Question Text *Do records indicate that Anti-Drug program positions and/or service agents meet the applicable qualification requirements of Part 40 and Part 199?*

Assets Covered **Nouryon**

10. Question Result, ID, References **Sat, DA.DRUG.PROHIBITEDDRUGS.P, 199.3 (40.3)**

Question Text *Does the process require that DOT drug tests are only conducted for the "prohibited drugs" specified in Part 40?*

Assets Covered **Nouryon**

Result Notes **Located on Pg. 5 (Inquiries into drug and alcohol histories)**

11. Question Result, ID, References **Sat, DA.DRUG.PREEMPLOYMENT.P, 199.105(a) (199.105(c)(5))**

Question Text *Does the process require that no individual is allowed to perform a covered function unless that individual passes a drug test or is covered by an anti-drug program that conforms to Part 199?*

Assets Covered **Nouryon**

Result Notes **Located in Pg. 5- (Inquiries into drug and alcohol histories)**

12. Question Result, ID, References **Sat, DA.DRUG.POSTACCIDENT.P, 199.105(b) (199.117(a)(5), 40.355(g), 40.355(h))**

Question Text *Does the process ensure that post-accident drug testing is conducted as required?*

Assets Covered **Nouryon**

Result Notes **Pg. 7- 8 (Post accident drug and alcohol testing)**

13. Question Result, ID, References **Sat, DA.DRUG.RANDOM.P, 199.105(c)(5) (199.105(c)(6), 199.105(c)(7), 199.105(c)(8), 199.105(c)(9))**

Question Text *Does the process ensure that random drug testing is conducted as required?*

Assets Covered **Nouryon**

Result Notes **Pg. 6 (Random drug testing)**

14. Question Result, ID, References **Sat, DA.DRUG.REASONABLECAUSE.P, 199.105(d) (199.117(a)(3), 40.355(g), 40.355(h))**

Question Text *Does the process ensure that reasonable cause drug testing is conducted as required?*

Assets Covered **Nouryon**

Result Notes **Pg. 6 (Reasonable cause/reasonable suspicion drug and alcohol testing)**

15. Question Result, ID, References **Sat, DA.DRUG.RETURNTODUTY.P, 199.105(e) (Part 40 Subpart O, 40.67(b), 40.285(a), 40.289(b), 40.305(a))**

Question Text *Does the process ensure that return-to-duty drug testing is conducted as required?*

Assets Covered **Nouryon**

Result Notes **Pg. 8 (Return to duty drug and/or alcohol testing)**

16. Question Result, ID, References **Sat, DA.DRUG.FOLLOWUPTTEST.P, 199.105(f) (40.67(b), 40.307, 40.309)**
 Question Text *Does the process ensure that follow-up drug testing is conducted as required?*
 Assets Covered **Nouryon**
 Result Notes **Pg. 9 (Follow-up drug and/or alcohol testing)**
17. Question Result, ID, References **Sat, DA.DRUG.MRODUTIES.P, 199.109(c) (199.109(a), 40.123(a), 40.123(b), 40.123(c), 40.123(e), 40.123(f), 40.123(g), Part 40 Subpart G)**
 Question Text *Does the process ensure the MRO performs functions as required by DOT Procedures?*
 Assets Covered **Nouryon**
 Result Notes **Pg. 11-13 (Duties of the medical review officer)**
18. Question Result, ID, References **Sat, DA.DRUG.MROTESTREPORTS.P, 199.109(d) (Part 40 Subpart G, 40.345(a), 40.345(b), 40.345(c), 40.355(b), 40.355(c))**
 Question Text *Does the process ensure the MRO reports all drug test results to the DER as required?*
 Assets Covered **Nouryon**
 Result Notes **Pg. 13**
19. Question Result, ID, References **Sat, DA.DRUG.STANDOWNREMOVAL.P, 199.103(a) (199.7(a), 40.21(a), 40.21(b), 40.23(a), 40.23(b), 40.23(d), 40.287)**
 Question Text *Does the process ensure an employee is immediately removed from performing covered functions after failing or refusing a drug test?*
 Assets Covered **Nouryon**
 Result Notes **Located on Pg. 13 (Disciplinary actions)**
20. Question Result, ID, References **Sat, DA.DRUG.EAP.P, 199.113(a) (199.113(b), 199.113(c))**
 Question Text *Does the process ensure that an EAP is established and available to employees and supervisory personnel?*
 Assets Covered **Nouryon**
 Result Notes **Located on Pg. 14 - (Employee Assistance Program)**

DA.ALCOHOL: Alcohol Misuse Prevention Program

21. Question Result, ID, References **Sat, DA.ALCOHOL.PLAN.P, 199.202**
 Question Text *Is a written Alcohol Misuse Plan in-place and maintained that conforms to the requirements of Part 199 and Part 40?*
 Assets Covered **Nouryon**
 Result Notes **Yes. They have a combined plan.**
22. Question Result, ID, References **Sat, DA.ALCOHOL.SERVICEAGENTQUAL.R, 199.5 (40.213)**
 Question Text *Do records indicate that Alcohol Misuse Prevention Program positions and/or service agents meet the applicable qualification requirements of Part 40 and Part 199?*
 Assets Covered **Nouryon**
23. Question Result, ID, References **Sat, DA.ALCOHOL.PROHIBITEDCONDUCT.P, 199.233 (199.215, 199.217, 199.219, 199.221, 199.223, 40.23(c), 40.285(a), 40.285(b))**
 Question Text *Does the process ensure that a covered employee is not permitted to perform covered functions if the employee has engaged in prohibited conduct or an alcohol misuse rule of another DOT agency?*
 Assets Covered **Nouryon**
24. Question Result, ID, References **Sat, DA.ALCOHOL.SCREENINGTESTDEVICES.P, 40.229 (40.235(e))**
 Question Text *Does the process for alcohol screening tests restrict the use of alcohol screening devices (ASDs) to the devices and associated requirements referenced by Part 40?*
 Assets Covered **Nouryon**
 Result Notes **Located on Pg. 11 (Alcohol testing procedures and sites)**

25. Question Result, ID, References **Sat, DA.ALCOHOL.CONFIRMATIONTESTDEVICES.P, 40.231(a) (40.233(c))**
 Question Text *Does the process for alcohol confirmation tests restrict the use of Evidential Breath Testing Devices (EBTs) to the devices and associated requirements referenced by Part 40?*
 Assets Covered **Nouryon**
26. Question Result, ID, References **Sat, DA.ALCOHOL.PREEMPLOY.P, 199.209(b) (199.209(b)(1), 199.209(b)(2), 199.209(b)(3))**
 Question Text *If pre-employment alcohol testing is conducted, does the process ensure that such testing is performed within the limits of Part 199?*
 Assets Covered **Nouryon**
27. Question Result, ID, References **Sat, DA.ALCOHOL.POSTACCIDENT.P, 199.225(a) (199.225(a)(1), 199.225(a)(2), 199.225(a)(3), 199.227(b)(4))**
 Question Text *Does the process ensure that post-accident alcohol testing is conducted as required?*
 Assets Covered **Nouryon**
 Result Notes **Located on Pg. 7-8 (Post accident drug testing)**
28. Question Result, ID, References **Sat, DA.ALCOHOL.REASONSUSPECT.P, 199.225(b) (199.225(b)(1), 199.225(b)(2), 199.225(b)(3), 199.225(b)(4), 40.355(g), 40.355(h))**
 Question Text *Does the process ensure that reasonable suspicion alcohol testing is conducted as required?*
 Assets Covered **Nouryon**
 Result Notes **Location Pg. 6-7 (Reasonable cause/reasonable suspicion)**
29. Question Result, ID, References **Sat, DA.ALCOHOL.RETURNDUTY.P, 199.225(c) (199.233, 199.243(c), 40.67(b), 40.285(a), 40.305(a))**
 Question Text *Does the process ensure that return-to-duty alcohol testing is conducted as required?*
 Assets Covered **Nouryon**
 Result Notes **Located on Pg. 8-9 (Return to duty/drug and/or alcohol testing)**
30. Question Result, ID, References **Sat, DA.ALCOHOL.FOLLOWUPTTEST.P, 199.225(d) (199.243(c)(2)(ii), 40.307(a), 40.307(b), 40.309(a))**
 Question Text *Does the process ensure that follow-up alcohol testing is conducted as required?*
 Assets Covered **Nouryon**
 Result Notes **Pg. 9 (Follow-up drug and/or alcohol testing)**
31. Question Result, ID, References **Sat, DA.ALCOHOL.SCREENINGTEST.P, 40.247(a)**
 Question Text *Does the process ensure that alcohol screening test results are reported as required to the DER?*
 Assets Covered **Nouryon**
 Result Notes **located on Pg. 37 (The Communication of alcohol test results)**
32. Question Result, ID, References **Sat, DA.ALCOHOL.CONFIRMATIONTEST.P, 40.255(a) (40.355(d))**
 Question Text *Does the process ensure that alcohol confirmation test results are reported as required to the DER?*
 Assets Covered **Nouryon**
 Result Notes **Located on Pg. 37**
33. Question Result, ID, References **Sat, DA.ALCOHOL.OTHERCONDUCT.P, 199.237(a) (199.237(b), 40.23(c))**
 Question Text *Does the process ensure that a covered employee is prohibited from performing or continuing to perform covered functions when found to have an alcohol concentration of 0.02 or greater but less than 0.04?*
 Assets Covered **Nouryon**
 Result Notes **Located on Pg. 4 (Alcohol and drug prohibitions)**
34. Question Result, ID, References **Sat, DA.ALCOHOL.EMPLOYEEERESOURCES.P, 199.243(a) (40.285(b))**
 Question Text *Does the process ensure that each covered employee who has engaged in prohibited conduct is advised of the resources available to the covered employee in evaluating and resolving problems associated with the misuse of alcohol?*
 Assets Covered **Nouryon**

35. Question Result, ID, References **Sat, DA.ALCOHOL.EDUCATION.R, 199.239(a) (199.239(a)(1), 199.239(a)(2))**
 Question Text *Do records indicate educational materials were provided that explain alcohol misuse requirements and the policies and procedures with respect to meeting those requirements?*
 Assets Covered **Nouryon**
 Result Notes **Staff reviewed the "Certification of Receipt" forms for all of the pipeline operators, Taylor Stout, Elias Tijerina and Jacob St. Mary**
36. Question Result, ID, References **Sat, DA.ALCOHOL.EDUCATIONCONTENT.R, 199.239(b)**
 Question Text *Do records indicate the alcohol misuse educational materials provided by the operator included the required content?*
 Assets Covered **Nouryon**
 Result Notes **Staff reviewed materials that were emailed to pipeline operator personnel.**
37. Question Result, ID, References **Sat, DA.ALCOHOL.SUPERVISORTRAINALCOHOL.P, 199.241**
 Question Text *Does the process include the required 60-minute supervisory personnel training related to recognizing reasonable suspicion for alcohol testing?*
 Assets Covered **Nouryon**
 Result Notes **Nouryon uses Superior Training Solutions product for this training.**

DA.PROGRAMRECORDS: Drug and Alcohol Program Records

38. Question Result, ID, References **Sat, DA.PROGRAMRECORDS.RECORDKEEPING.R, 199.117(b) (199.227(a), 199.231(b), 40.333(c), 40.333(d), 40.333(e))**
 Question Text *Are drug and alcohol program records maintained and kept in a secure and proper location?*
 Assets Covered **Nouryon**
 Result Notes **Reviewed records for 2020, complete records are NWDS located online**
39. Question Result, ID, References **Sat, DA.PROGRAMRECORDS.DRUG.R, 199.117(a) (199.117(a)(1), 199.117(a)(2), 199.117(a)(3), 199.117(a)(4), 199.117(a)(5), 40.97(b), 40.111(a), 40.333(a)(1), 40.333(a)(2), 40.333(a)(4))**
 Question Text *Are drug test records retained for five years, three years, and one year as required and readily available?*
 Assets Covered **Nouryon**
 Result Notes **Staff reviewed records from 2016 to present**
40. Question Result, ID, References **Sat, DA.PROGRAMRECORDS.ALCOHOL.R, 199.227(b) (199.227(b)(1), 199.227(b)(2), 199.227(b)(3), 199.227(b)(4), 40.333(a)(1), 40.333(a)(2), 40.333(a)(3), 40.333(a)(4))**
 Question Text *Are alcohol test records retained for five years, three years, two years, and one year as required and readily available?*
 Assets Covered **Nouryon**
 Result Notes **Staff reviewed records from 2016 to present**

Report Parameters: Results: all

Except as required to be disclosed by law, any inspection documentation, including completed protocol forms, summary reports, executive summary reports, and enforcement documentation are for internal use only by federal or state pipeline safety regulators. Some inspection documentation may contain information which the operator considers to be confidential. In addition, supplemental inspection guidance and related documents in the file library are also for internal use only by federal or state pipeline safety regulators (with the exception of documents published in the federal register, such as advisory bulletins). Do not distribute or otherwise disclose such material outside of the state or federal pipeline regulatory organizations. Requests for such information from other government organizations (including, but not limited to, NTSB, GAO, IG, or Congressional Staff) should be referred to PHMSA Headquarters Management.