

Inspection Output (IOR)

Generated on 2020.October.26 07:42

Inspection Information

Inspection Name	Simplot D&A (8218)	Operator(s)	J.R. SIMPLOT COMPANY (32395)	Plan Submitted	10/22/2020
Status	PLANNED	Lead	Derek Norwood	Plan Approval	10/23/2020 by Joe Subsits
Start Year	2020	Team Members	Scott Rukke, David Cullom, Dennis Ritter, Lex Vinsel, Anthony Dorrough, Scott Anderson, Darren Tinnerstet	All Activity Start	09/30/2020
System Type	DA	Observer(s)	Deborah Becker, Rell Koizumi	All Activity End	10/01/2020
Protocol Set ID	DA.2020.01	Supervisor	Joe Subsits	Inspection Submitted	10/23/2020
		Director	Sean Mayo	Inspection Approval	--

Inspection Summary

Inspection Scope and Summary

This inspection included a review of JR Simplot's Anti-Drug and Alcohol Misuse Prevention Plan and the associated records. There are no probable violations or areas of concern as a result of this inspection.

Facilities visited and Total AFOD

This inspection was conducted remotely via Microsoft Teams. All records were reviewed via screen sharing or were sent by email.

1 AFOD

Summary of Significant Findings

(DO NOT Discuss Enforcement options)

There are no probable violations or areas of concern as a result of this inspection.

Primary Operator contacts and/or participants

Sarah Cooper
Human Resources Manager
(509) 793-1102

Operator executive contact and mailing address for any official correspondence

Mike Davis
michael.davis@simplot.com
(509) 793-1134

1099 West Front Street
Boise, Idaho 83702

Scope (Assets)

#	Short Label	Long Label	Asset Type	Asset IDs	Excluded Topics	Planned	Required	Total Inspected	Required % Complete
1.	86257	JR Simplot	unit	86257	--	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.	86257	n/a	DA	P, R, O, S	Detail	

Plan Implementations

Activity #	SMART Name	SMART Act#	Start Date	End Date	Focus Directives	Involved Groups/Subgroups	Assets	Qst Type(s)	Planned	Required	Total Inspected	Required % Complete
1.	Inspection	--	09/30/2020	10/01/2020	n/a	all planned questions	all assets	all types	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	Inspection	COMPLETED	10/22/2020	Inspection	86257

Results (all values, 40 results)

DA.GENERAL: General Program Requirements

- 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 **86257**

Result Notes **Sarah Cooper listed as DER on Page 18 of the manual**
- 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 **86257**

Result Notes **DER responsibilities lists interacting in a timely manner with the C/TPA on issues regarding compliance**
- 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 **86257**

Result Notes **Appendix B lists Process Water Treatment Coordinator**

Sarah Cooper also told me that the Environmental Manager and Environmental Supervisor are included in the testing pool

Total of 4 people in the pool

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 **86257**
Result Notes **Inquiries into Drug/Alcohol Testing Histories**

Page 4

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 **86257**
Result Notes **Simplot has a policy for all other employees**

6. Question Result, ID, References **NA, 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 **86257**
Result Notes **No such event occurred, or condition existed, in the scope of inspection review.**

7. Question Result, ID, References **NA, 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 **86257**
Result Notes **Simplot does not have more than 50 covered employees so no MIS reports have been submitted**

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 **86257**

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 **86257**
Result Notes **Reviewed qualifications for MRO, SAP and Urine Specimen Collector**

Certified lab that Simplot uses is Legacy Lab Services which is included in SAMHSA certified lab list

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 **86257**
Result Notes **Page 5 Substances for which Testing Must be Conducted**

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 **86257**

Result Notes **Required Testing**

Pre-Employment Testing

Page 5

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 86257

Result Notes **Post-Accident Testing**

Page 7

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 86257

Result Notes **Random Drug Testing**

Page 5

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 86257

Result Notes **Reasonable Suspicion/Probable Cause Drug Testing**

Page 6

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 86257

Result Notes **Return to Duty Drug and Alcohol Testing**

Page 8

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 86257

Result Notes **Followup Drug Testing**

Page 8

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 86257

Result Notes **Duties of the MRO**

Page 11

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 86257

Result Notes **Duties of MRO**

Page 12

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 **86257**

Result Notes **Disciplinary Action**

Number 1

Page 13

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 **86257**

Result Notes **Employee Assistance Program**

Page 14

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 **86257**

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 **86257**

Result Notes **Simplot uses a mobile tester for alcohol screenings. Reviewed qualification records**

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 **86257**

Result Notes **Disciplinary Action**

Page 13

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 **86257**

Result Notes **Appendix D Section E**

Page 32

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 86257

Result Notes **Appendix D Section E**

Page 32

26. Question Result, ID, References **NA, 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 86257

Result Notes **Simplot does not perform pre-employment alcohol testing**

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 86257

Result Notes **Post-Accident Drug and Alcohol Testing**

Page 7

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 86257

Result Notes **Reasonable Suspicion Testing**

Page 6

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 86257

Result Notes **Return to Duty Drug and Alcohol Testing**

Page 8

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 86257

Result Notes **Follow up Drug and Alcohol Testing**

Page 8

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 86257

Result Notes **Appendix D Section G.f**

Page 33

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 86257

Result Notes **Appendix D Section G.f**

Page 33

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 **86257**
 Result Notes **Disciplinary Action Section E**
- Page 13
34. Question Result, ID, References **Sat, DA.ALCOHOL.EMPLOYEERESOURCES.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 **86257**
 Result Notes **Employee Assistance Program**
- Page 14
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 **86257**
 Result Notes **Reviewed EAP brochures that are provided to employees, policy and resources available on intranet**
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 **86257**
 Result Notes **Reviewed EAP brochures that are provided to employees, policy and resources available on intranet**
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 **86257**
 Result Notes **Appendix B**
- Supervisors**
- Page 25

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 **86257**
 Result Notes **Procedure under Recordkeeping Procedures**
- Sarah's door is locked at all times and records are secure in a locked filing cabinet
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 **86257**
 Result Notes **Reviewed negative results from 2020**

Urine Specimen Collector: Eva Lu Kent expiration date 11/18/21, Larry Kent expiration date 11/18/21, Gene Worsham expiration date 11/18/21, Trudy Worsham expiration date 11/18/21

40. Question Result, ID, Sat, DA.PROGRAMRECORDS.ALCOHOL.R, 199.227(b) (199.227(b)(1), 199.227(b)(2), 199.227(b)(3),
References 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 86257

Result Notes Phoenix 6.0 EBT calibrated monthly, reviewed records

BAT: Eva Lu Kent expiration date 11/18/21, Larry Kent expiration date 11/18/21, Gene Worsham expiration date 11/18/21, Trudy Worsham expiration date 11/18/21

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.