

USA Environmental, Inc.

DRUG FREE WORK PLACE PROGRAM

January 1, 2009

The USA ENVIRONMENTAL, INC. program is an extension of our work safety and employee health programs. The program requires refraining from substance abuse both on and off the job as a condition of continued employment.

WHAT IS SUBSTANCE ABUSE?

Federal Acquisition Regulation Clause 23.500 defines substance abuse as the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in the workplace. USA ENVIRONMENTAL INC.'s program further expands that definition as follows: Substance abuse includes but is not limited to the consumption, by any means, of any legal or illegal substance that alters an individual's normal behavior and results in intoxication and/or renders the employee incapable of safe/efficient job performance. Substance abuse also includes over use or abuse of legally prescribed drugs. Also prohibited are the selling, trading, giving away, possession or offering for sale illegal drugs, prescription drugs, or alcohol whether on company property, while operating a company vehicle or company-leased vehicle (on or off company property and during working or non-working hours), or operating a personal vehicle while on company business.

USA ENVIRONMENTAL SUBSTANCE ABUSE TESTING PROGRAM

The substance abuse program includes substance abuse testing under the following situations:

1. Pre-employment testing.
2. Testing for reasonable suspicion of substance abuse.
3. Testing following on-the-job accidents.
4. Testing as part of all "fitness for duty" medical examinations.
5. Quarterly testing for a period of 2 years after program completion for all employees participating in a substance abuse rehabilitation program.
6. Random testing of employees to promote abstinence.
7. Testing following a 30-day or greater layoff or return to work following a leave of absence or termination.

A urine, saliva or blood specimen will be analyzed for the presence of any of the following substances:

1. Marijuana - Cannabinoids, THC
2. Cocaine
3. Methadone - Dolophine, Methadose
4. Barbiturates - Nembutal, Tuinal, Seconal, etc.
5. Amphetamines - Desoxyn, Biphedamine, Dexedrine, etc.
6. Methaqualone - Qualudes
7. Opiates - Codeine, Percodan, Paregoric, Morphine, etc
8. Propoxyphene - Darvon, Dolene, etc.
9. Phencyclidine - (PCP)
10. Benzodiazepines - Librium, Valium, Xanax, Serax, Halcion, etc.
(Alcohol as required – Ethyl Alcohol as a beverage or as part of a medication)

A list of the most common drugs or medication by brand name, common name, as well as

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chemical name, which may alter or affect a drug test will be provided to all job applicants and employees at the time of testing.

A form is provided for employees or job applicants to report, voluntarily and confidentially, the use of prescription or non-prescription medications both before and after being tested.

Specific confirmation testing will be performed for all positive screening test results. Employees testing positive for prescription drugs that are commonly abused must produce evidence from their attending physician to justify the treatment necessity for use of the drug(s).

USA ENVIRONMENTAL, INC. is responsible for testing costs, except for test costs incurred by the employee or job applicant challenging test results.

RANDOM TESTING

Unless prohibited by law, USA ENVIRONMENTAL, INC. reserves the right to randomly test its employees for substance abuse. The number of personnel tested and the frequency of tests will be solely at the discretion of USA ENVIRONMENTAL, INC. or as contractually specified by USA ENVIRONMENTAL INC.'s clients.

REASONABLE SUSPICION TESTING

Employees reporting to work or a USA ENVIRONMENTAL, INC. job site who demonstrate impaired conduct will be interviewed by two (2) supervisors or managers to determine the cause of the irregular behavior.

If both supervisors conclude that the irregular behavior is unsafe the employee will not be allowed to continue working and will be transported home or to a medical facility. The employee will not be allowed to drive any motor vehicle. If a medical problem is not the cause, the employee may be tested for substance abuse. The employee may also be tested for substance abuse regardless of the cause of irregular behavior.

Reasonable suspicion testing shall also be conducted when there is:

1. An independently corroborated report of observed substance abuse.
2. Evidence that an individual tampered with a drug test during his or her employment with USA ENVIRONMENTAL, INC.
3. Information that an employee caused or contributed to an accident while at work.
4. Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working on USA ENVIRONMENTAL, INC. premises or while operating vehicles, machinery or equipment belonging to USA ENVIRONMENTAL, INC.

Supervisors will complete an incident report for observed irregular conduct, documenting their observations and the results of the employee interview. Final disposition of the incident will be documented with signatures and the dates listed by both supervisors.

A copy of the supervisor's report will be provided to the employee with appropriate employee's

signature of receipt.

This confidential Incident Report will be retained by USA ENVIRONMENTAL, INC. for a period of at least one (1) year.

CONSEQUENCES OF POSITIVE TEST OR TEST REFUSAL

Refusal or failure to submit to testing or positive test results following an on-the-job injury disqualifies an employee from Workers' Compensation benefits.

Testing positive for abused substances will eliminate applicants from employment consideration.

Any employee may be terminated from employment for a positive test result. Refusal or failure to submit to testing following an on-the-job accident or random test will result in termination of employment.

Any employee who is given a "second chance" must seek treatment. Time away from work for treatment will be in a leave without pay status. The USA ENVIRONMENTAL, INC. Employee Assistance Program (EAP) will coordinate the employee's treatment plan. If the employee is enrolled in the employee health benefit plan or another medical plan, it may provide benefits to help pay for this treatment.

A second positive test for abused substances will result in termination.

OTHER GROUNDS FOR TERMINATION

An employee bringing onto the USA ENVIRONMENTAL, INC. premises or job sites; having possession of; being under the influence of; possessing in the employee's body, blood or urine (at levels exceeding or equal to established cut-off levels, 38F-9.007 (4)); or using, consuming, transporting, selling, attempting to sell, or giving away any illegal drugs (including prescription drugs illegally obtained or prescribed for the individual only), or alcohol, at any time, is guilty of misconduct and is subject to discipline to include discharge, suspension without pay or other actions even for a first offense. USA ENVIRONMENTAL, INC. reserves the right to inspect the property and person of individuals suspected of illegal drug or alcohol possession while on company property or at company job sites (see Right to Inspect).

CHALLENGING TEST RESULTS

An employee may challenge a confirmed positive test by submitting an explanation in writing to the Human Resources Department concerning personal circumstances that might have affected test results. This challenge must be submitted within 5 working days following the employee's notification of a confirmed positive test result. The donor of a tested specimen will be responsible for providing all necessary documentation, i.e., a doctor's report, signed prescription or current prescription container with relevant information and other related supporting documents.

USA ENVIRONMENTAL, INC. will, within 15 days of receipt of the employee's written explanation or challenge of positive test results, provide a written explanation to the employee as to whether, and if so, why, the employee's explanation is unsatisfactory, along with a copy of

the positive test results.

The employee or job applicant desiring to challenge a test result will be responsible for notifying the original testing laboratory of an alternate HRS licensed laboratory, for the purpose of transferring, under Chain of Custody, a portion of the employee's or job applicant's specimen for re-testing. The employee may have a portion of their original specimen re-tested during a period of 180 days following written notice of a positive test result. When an employee undertakes a challenge to the result of a test, it shall be the employee's responsibility to notify the laboratory and the sample shall be retained by the laboratory until the matter is settled. Retesting will be at the employee's expense.

In the case of a denial of a workers' compensation claim, an employee may undertake an administrative challenge by filing a claim for benefits with a judge of compensation claims, concerning workplace injury. Other challenges not involving workplace injuries must challenge a test result in a court of competent jurisdiction.

Employees or job applicants may call the testing laboratory for technical information regarding prescription or non-prescription medications that may affect test results.

Employees and job applicants may report, in confidence, to their manager or Human Resources Director, the use of prescription or non-prescription medications that may affect job performance or testing results, either before or after testing.

Job applicants or employees whose drug test results are confirmed positive shall not by virtue of the result alone, be defined as having a "disability" under the Americans with Disabilities Act.

GETTING HELP

Employees who require a treatment program will be referred to USA ENVIRONMENTAL, INC.'s Employee Assistance Program (EAP).

Employees may inspect this program file and/or receive more information on the program on a confidential basis, in the USA ENVIRONMENTAL, INC. Human Resources Office, during normal hours of operation.

REQUIREMENT TO NOTIFY USA OF A CONVICTION

Any employee convicted of a criminal drug statute violation must notify USA ENVIRONMENTAL, INC., Attention: Human Resources Department, within 5 calendar days of the conviction. This notification must be in writing.

CONFIDENTIALITY OF INFORMATION

All drug test information, reasonable suspicion reports, or other related information concerning an employee or applicant will remain confidential and will not be disclosed except under conditions required by law.

Release of such information under any circumstances, other than those required by law, will be

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solely pursuant to a written consent voluntarily signed by the person tested. The consent duration and precise information to be disclosed will be stated.

GOVERNMENTAL COMPLIANCE

The Drug Free Work Place Program is implemented pursuant to the requirements of Florida Statute 440.102 and Administrative Rules 38F-9-001 through 38F-9.014 of the Florida Department of Labor and Employment Security, Division of Workers' Compensation, and 48 CFR 23.500 (Federal Acquisition Regulation 23.500). Laws may be amended at project sites in other states due to those states' requirements.



Robin Miller
Human Resources Director