

## **Workplace Substance Abuse Programs at DOE Sites (Sept 2022)**

### Restriction on Performance of Work under Agreements Subject to 10 CFR 707

- a) Until the Seller has been notified in writing that the Workplace Substance Abuse Program submitted by the Seller and their lower tier subcontractors plan has been approved by the Company for this Agreement, no work shall be performed under this Agreement that involves the use of individuals in Testing Designated Positions as described in 10 CFR 707.7(b) and (c). Testing Designated Positions include, but are not limited to, individuals that have Q and L security clearances. If any work violates this provision, the Seller shall immediately stop work and notify the Subcontract Administrator.
- b) Upon notification that the Seller's Workplace Substance Abuse Program has been approved by the Company for this Agreement, this restriction shall no longer apply.
- c) This clause applies to all lower tier subcontractors and all lower tier subcontractors are required to have their own WSAP Plan approved by the Company. No lower tier subcontract shall be awarded without this plan. If a lower tier is working without an approved plan this will be considered a material breach to the Seller.
- d) In the event Seller is an individual or a company wherein the DER (Designated Employee Representative) is also a member of the testing pool, the Seller shall request to be included in the Company's WSAP. The Company will have sole discretion as to whether or not Seller may participate in the Company's WSAP.
- e) Failure to comply with this provision shall be a material breach of this Agreement.
- f) Documents - including Baseline Requirements for Subcontracts subject to 10 CFR 707, Checklist for Substance Abuse Programs, required forms for report submittals, and WSAP Examples - are available at the following site, under subheading **Workplace Substance Abuse Provision and Related Documents**: <https://contracts.ornl.gov/special-articles-and-forms/>