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**POLICY STATEMENTS**  
**Policy No. 25.5**  
**Accident/Incident Response, Investigation and Reporting**

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Effective Date:  
January 1, 2019

This policy supersedes Policy No. 25.4 dated February 16, 2018.

I. PURPOSE

Litigation against the Company may arise from Serious Accidents and therefore investigation of Serious Accidents in anticipation of such litigation is prudent and necessary. This Policy provides a framework for responding to, investigating and reporting Accidents and Incidents involving Company operations, personnel or property while protecting the privileged and confidential nature of the investigations and reports that are prepared in anticipation of litigation resulting from Serious Accidents.

II. SCOPE

This policy applies to all employees of MDU Resources Group, Inc. and all divisions and entities directly or indirectly majority-owned by MDU Resources Group, Inc.

III. DEFINITIONS

As used herein, the following terms shall mean:

- A. "Accident" means an unplanned or unintended event involving the Company's operations, personnel or property that results in death, personal injury or property damage.
- B. "Incident" means an unplanned or unintended event involving the Company's operations, personnel or property that had significant potential to but did not cause death, personal injury, or property damage.
- C. A "Serious Accident" means an Accident that results or is expected to result in:
  - 1. Death of any person;
  - 2. Bodily Injury to any person consisting of:
    - a. Burns to over 20% of the body or burns requiring hospitalization for longer than 48 hours;
    - b. Permanent disability or loss of vision;
    - c. Amputation; or
    - d. Any injury requiring hospitalization for more than 48 hours;
  - 3. Property damages greater than \$250,000;
  - 4. Environmental contamination that leaves owned property or job site and requires notification of a State or Federal regulatory agency; or
  - 5. Accidents requiring verbal notification to a State or Federal OSHA, MSHA, DOT or EPA office.

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IV. POLICY STATEMENT AND RESPONSE PROCEDURES

- A. The Company will internally evaluate its safety procedures and conduct meaningful investigations of Accidents and Incidents involving Company operations, personnel or property. The Company will cooperate with law enforcement in assisting accident victims and investigating accidents in a manner consistent with the rights of the Company and its employees.
- B. Each Business Unit shall establish a policy and procedures for responding to Serious Accidents involving a death or bodily injury. The policies and procedures shall include the following:
1. The person in charge of personnel at the Accident scene shall immediately call "911" to alert emergency responders of the Serious Accident.
  2. The person in charge of personnel shall immediately notify a designated representative of the division or subsidiary of the Serious Accident.
  3. All division or subsidiary employees and representatives shall exactly follow the instructions of law enforcement, fire, EMT or other qualified emergency responders in all matters involving rescue, safety, medical treatment, traffic control and emergency response matters.
  4. Upon receiving notification of the Serious Accident, the designated representative of the division or subsidiary shall promptly notify representatives of the Company's Risk Management and Legal Departments. The designated representative shall confer with the Company's Legal Department to determine if local counsel should be engaged to assist in the accident response or investigation. The designated representative shall assure that reporting requirements are met applicable to OSHA, MSHA, DOT, EPA and/or other rules as appropriate.
  5. An appropriate division or subsidiary on-site representative shall be assigned responsibility to interface with employees and emergency responders at the accident scene.
  6. Employees or representatives of the division or subsidiary shall not interfere with investigative efforts of law enforcement personnel.
  7. To the extent practical, a designated on-site representative of the division or subsidiary should note and duplicate all photographs, measurements, and other accident scene information gathered by law enforcement personnel.
  8. To the extent practical, a designated on-site representative of the division or subsidiary should take written note of any instance when an employee elects to be interviewed by law enforcement. The note shall include the identity of the employee, persons present during the interview, length and location of the interview, the circumstances of the interview, and the questions and responses of the interview to the extent available.

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- C. The on-site designated representative of the division or subsidiary should advise employees at the Serious Accident scene that:
1. The employee may be questioned by law enforcement personnel as well as state or federal OSHA, DOT, MSHA or EPA representatives; however, it is the employee's decision whether to speak to such officials.
  2. The division or subsidiary may make legal counsel available to consult with employees if employees desire to consult with counsel prior to or during such interviews. (Counsel should assess whether a potential conflict exists to require independent counsel for the employee.)

V. POLICY STATEMENT AND INVESTIGATION PROCEDURE

- A. Any employee who suffers or observes an Accident or Incident shall report the Accident or Incident according to the notification procedures established by the Business Unit for which the employee works.
- B. All Serious Accidents shall be investigated in accordance with this policy and Non-serious Accidents and Incidents shall be investigated in accordance with the procedures established by the division or subsidiary.
- C. Each division and subsidiary of the Company shall establish Accident and Incident Investigation Guidelines ("Guidelines") and shall provide the Guidelines to its employees. The Guidelines shall, at a minimum, address the following:
1. Initial Notification Procedures identifying the individual employee of the division or subsidiary who should receive notification of Accidents and Incidents and providing contact information for that person. The Initial Notification Procedures shall contain procedures for the notification of any government agency or regulatory body that must be contacted in the event of an Accident or Incident. The Initial Notification Procedures shall contain procedures for contacting the appropriate division, subsidiary and corporate personnel.
  2. Identification of the employee(s) within the division or subsidiary responsible for investigating and reporting Accidents and Incidents.
  3. Procedures for investigating Accidents and Incidents, including standardized investigation forms for Serious Accidents.
  4. Investigation Reports should include a description of what happened before, during and after the Accident or Incident, where the Accident or Incident occurred, who and what was involved and the identities of and contact information for all witnesses along with any signed statements of the witnesses. Investigation Reports shall identify all conditions and the chain of events that may have resulted in or contributed to the Accident or Incident.

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5. All Investigation Reports for Serious Accidents shall be conspicuously marked: "This Report is prepared in anticipation of litigation and contains the mental impressions, conclusions, or opinions of authorized representatives of (the division or subsidiary) and is made for the purpose of communicating information to facilitate the rendition of legal services to (the division or subsidiary). This Report and the contents hereof are privileged and confidential and shall not be disclosed to persons not authorized to receive the Report without approval from the General Counsel of MDU Resources Group, Inc. or his or her designee".
  6. Training for persons conducting investigations.
  7. Procedures for the submission of Investigative Reports.
- D. The Risk Management Department of MDU Resources Group, Inc. shall, as requested, aid and assist in investigations conducted by the divisions or subsidiaries and may conduct its own investigation and submit an independent report on all Serious Accidents.
- E. Copies of all investigative Reports of Serious Accidents shall be submitted to the Chief Executive Officer and General Counsel of MDU Resources Group, Inc., or their designees.

IV. ADMINISTRATION

The Chief Executive Officer and the General Counsel of MDU Resources Group, Inc., have responsibility and authority for the administration of this policy. Each of the business unit presidents has the primary responsibility for the implementation of this policy.

Reviewed: /s/ Daniel S. Kuntz  
Vice President, General Counsel  
and Secretary

Approved: /s/ David L. Goodin  
President and Chief Executive Officer

# Serious Accident Investigation Report



**Instructions:** *Immediately notify the Risk Management Department of MDU Resources Group, Inc. of the serious accident at (701) 530-1026 for reporting to insurance company.*

The Serious Accident Investigation Report must be filled out whenever the following occurs:

- Death of any person;
- Bodily injury to any person consisting of: burns to over 20% of the body or requiring hospitalization for longer than 48 hours; permanent disability or loss of vision; or amputation;
- Property damages greater than \$250,000; or
- Environmental contamination requiring notification of a State or Federal regulatory agency .

## Accident Information

Type of Accident

Check all that apply: **Injury** **Property Damage** **Environmental Contamination** **3rd Party** **Operating Company Employee**

Date \_\_\_\_\_

Time \_\_\_\_\_

Exact location where accident occurred:

Has MDUR Risk Management been notified?	Yes	No
Injured Person's Information	3rd Party	Employee

Name \_\_\_\_\_ Occupation \_\_\_\_\_

Address \_\_\_\_\_ Length of Employment \_\_\_\_\_

City, State ZIP \_\_\_\_\_ Age \_\_\_\_\_

Phone \_\_\_\_\_ Supervisor \_\_\_\_\_

Email \_\_\_\_\_ Other \_\_\_\_\_

## Company Information

Operating Company \_\_\_\_\_ Other Information \_\_\_\_\_

Address \_\_\_\_\_

## Accident Description

Detailed Description of Accident (Document the Entire Sequence of Relevant Events):

**Contributing Factors** *The statements should reflect factual statements that were relevant to the circumstances of the accident. Opinions should not be included.*

**Identify all conditions and the chain of events that resulted in or contributed to the accident:**

Witnesses

Identify all witnesses to the accident, including name, company and contact information. Attach signed employee witness statements, when applicable (see Statement of Witness to Accident form).

Witness 1 \_\_\_\_\_

Witness 3 \_\_\_\_\_

Witness 2 \_\_\_\_\_

Witness 4 \_\_\_\_\_

Injury/Loss

Nature/Extent of Injuries, Property Damage or Environmental Contamination:

If Property Damage, List Type of Property and Estimated Damages and Value:

If Environmental Contamination, List Estimated Remediation Costs (If Known):

Investigator/Title

Phone Number

Date

Supervisor/Title

Phone Number

Date

Report Submission

Submit the completed Serious Accident Investigation Report to the General Counsel of MDU Resources Group, Inc.:

- Email - Dan.Kuntz@MDUResources.com  
(Once the form is complete, press Submit Form and it will automatically attach to the email.)
- Provide any other factual information that is available, such as police or other regulatory reports.
- Attach separate sheet(s) if necessary to fully respond to questions below.

"This Report Is prepared in anticipation of litigation and contains the mental Impressions, conclusions, or opinions of authorized representatives of (the division or subsidiary) and is made for the purpose of communicating information to facilitate the rendition of legal services to (the division or subsidiary). This Report and the contents hereof are privileged and confidential and shall not be disclosed to persons not authorized to receive the Report without approval from the General Counsel of MDU Resources Group, Inc. or his or her designee."

# Statement of Witness to Accident



**Instructions:** *Immediately notify the Risk Management Department of MDU Resources Group, Inc. of the serious accident at (701) 530-1026 for reporting to insurance company.*

- The statement of Witness to Accident form must be filled out whenever an employee is a witness to a serious accident.
- If the employee is unable to write, the supervisor or other designated person should write the employee's statement as told.
- If the employee is unable to understand written English, then the information on this form must be interpreted to the employee in their native language.
- The statements should reflect factual statements that were relevant to the circumstances of the accident. Opinions should not be included.

## Witness Statement

**What were you doing when you witnessed the accident?**

**Who else was in the area?**

**Describe in detail what you saw:**

**The information I have shared is true to the best of my knowledge.**

\_\_\_\_\_  
Witness Signature

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Date

\_\_\_\_\_  
Operating Company/Employer

***Please retain the original signature for your records.***

*"This Report is prepared in anticipation of litigation and contains the mental impressions, conclusions, or opinions of authorized representatives of (the division or subsidiary) and is made for the purpose of communicating information to facilitate the rendition of legal services to (the division or subsidiary). This Report and the contents hereof are privileged and confidential and shall not be disclosed to persons not authorized to receive the Report without approval from the General Counsel of MDU Resources Group, Inc. or his or her designee."*