State of North Dakota)
)ss
County of Burleigh)

I, Margaret A. Pearson, do hereby certify that I am a duly-appointed State Toxicologist for the State of North Dakota and an official custodian of the records and files of the office thereof, that I have carefully compared the

APPROVED METHOD TO CONDUCT BREATH TESTS WITH THE INTOXILYZER 8000 (JULY 15, 2009)

hereto attached with the respective original as the same appears of record on file in the Office of Attorney General, Crime Laboratory Division, in the County of Burleigh, North Dakota, and find the same to be a true and correct copy thereof and of the whole thereof. In witness whereof I have set my hand at the city of Bismarck, in said county this

15 day of July, 2009

Margaret A. Pearson

Margaret A. Pearson, State Toxicologist

State of North Dakota)
)ss
County of Burleigh)

On this 15 day of July, 2009, before me personally appeared Margaret A. Pearson, known to me to be a State Toxicologist for the State of North Dakota, and acknowledged to me that he/she has executed the same.

Subscribed to and sworn before me this:

15 day of July, 2009

Cindy Leingang

Cindy Leingang, Notary Public, State of North Dakota
My Commission Expires January 11, 2011

CINDY LEINGANG
Notary Public
State of North Dakota
My Commission Expires Jan. 11, 2011

(SEAL)

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July 15, 2009

APPROVED METHOD TO CONDUCT BREATH TESTS WITH THE INTOXILYZER® 8000

The Approved Method to Conduct Breath Tests with the Intoxilyzer® 8000 constitutes following the procedure outlined in this document and the instructions displayed by the Intoxilyzer® 8000. All operators will scan the information requested and answer the questions when prompted. Periodically, the Intoxilyzer® 8000 will ask if the operator wishes to review the inputted information. The operator may review and correct the data as needed. The Test Record and Checklist will be printed as Form 106-I8000 at the completion of the subject test. Upon review, if any of the data printed is incorrect, the operator may amend the test record by crossing out the incorrect inputted data and printing the correction on the test record.

Instrument Preparation:

To turn the instrument on, depress the "Power" and "Battery" switches. If the Intoxilyzer® 8000 utilizes the power saver feature, the operator should depress the "Start Test" (green) button. At this stage, the instrument will display "Standby Mode Date Time" and/or "Standby Mode Push Button to Start." The instrument should be allowed sufficient time to warm-up and complete a series of diagnostic checks. When these internal diagnostic checks have been completed, the instrument will display "Ready Mode Ready to Start" as one of the alternating displays. The Intoxilyzer® 8000 is now ready for a test. If the instrument is already displaying "Ready Mode Ready to Start," the operator may begin the test sequence at this stage.

Testing Procedure:

To initiate a test, press the "Esc" key twice. The display will read "Enter Password:." Depress the "Start Test" switch. The instrument will display "Please scan ID or press enter." The operator may swipe his Chemical Test Operator Certificate under the camera. He should then review the inputted information. If his card is not available, he should press "Enter." The operator should then enter his operator number and name when prompted.

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Before proceeding, the operator must ascertain that the subject has had nothing to eat, drink, or smoke within twenty minutes prior to the collection of the breath sample by answering the question "20 Minute Wait?." The operator should then answer "Y" or "N." Then, "# of Print Copies?" will appear on the display. The operator should then enter the number of copies needed. The display will read "Please scan DL or press enter." The operator should swipe the subject's driver's license under the card reader. If the camera reads the card, the operator can then review the data and enter the data requested. If the camera cannot read the license or if the license is not available, the operator should press "Enter." The operator should enter the data requested. At the completion of the entry, the operator may review the data and make any necessary corrections.

The Intoxilyzer® 8000 will perform a series of diagnostic checks. Only when the internal diagnostic checks are completed, will it proceed to test a sample of room air. During this test, the display will read "Room Air Rslt:###"," the time, and the date. Upon completion of the room air test, the display will read "Please Blow Until Tone Stops." At this point, the operator should place a clean mouthpiece in the end of the breath tube and instruct the subject to blow into the mouthpiece.[1] If the instrument accepts the breath as an adequate sample, the subject test result will be displayed. The operator should remove the mouthpiece from the breath tube and dispose of it. Then the instrument will ask the operator if a clean mouthpiece was used and disposed of by displaying "Cln Mth Pc (Y/N)?" The operator should answer the question whether a clean mouthpiece was used and disposed of.

After the sample chamber has been cleared and the room air test result has been completed and displayed by the instrument, the Intoxilyzer® 8000 will automatically pump an ethanol gas standard into the sample chamber. It will then analyze and display the alcohol concentration of the gas standard. Room air will once again be pumped through the sample chamber until it is cleared of the ethanol gas standard and a room air test displayed.

When the display scrolls the instruction "Please Blow Into Mouthpiece Until Tone Stops," the operator should place another clean mouthpiece in the breath tube and instruct the subject to blow into the mouthpiece.[1] If the instrument accepts the breath as an adequate sample, the subject test result will be displayed. The operator should remove the mouthpiece from the breath tube and dispose of it. Then the instrument will ask if a clean mouthpiece was used and disposed of by displaying "Cln Mth Pc (Y/N)?." The operator should answer the question whether a clean mouthpiece was used and disposed of. Room air will once again be pumped through the chamber to clear it and the room air test results displayed. If two breath samples are determined to be

[1]As the subject blows into the mouthpiece with sufficient pressure, the instrument sounds a continuous tone and displays "Subject Test" and the alcohol concentration. If the subject's breath does not contain alcohol, the tone will stop after a few seconds. However, if the instrument detects alcohol in the breath, the tone will continue as long as the subject blows with sufficient pressure. When the operator considers a satisfactory sample of breath has been collected, the subject may be asked to stop. However, if the instrument does not accept the breath as an adequate sample, a display of "Please Blow Until Tone Stops" will reappear along with an intermittent beeping sound. If this happens, the subject may be asked for an additional breath sample(s).

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adequate, the display will then read "Difference OK" or "Difference Too Great." The printer then prints the Form 106-I8000 and feeds it out of the instrument or printer. Remove the Form 106-I8000 and observe it for legibility. When the test record is printed at the end of the test, if upon review any of this inputted information is incorrect, the operator may amend the test record by crossing out the incorrect inputted information and then writing the correction on the test record. Sign all printed copies. The operator may print more copies if necessary by depressing the "F1" key. The Intoxilyzer® 8000 will only allow reprints of a test until the next subject test is started.

The test record will identify the instrument as a "North Dakota Model 8000" along with the serial number. The instrument type is indicated on the "List of Approved Chemical Testing Devices."

The North Dakota Intoxilyzer® 8000 test sequence shall include these tests in the following order: Diagnostic, room air, subject test, room air, standard gas, room air, subject test, and room air.

AC (alcohol concentration) is expressed as grams of alcohol per two hundred ten liters of end expiratory breath whether or not such a designation is printed on the Form 106-I8000.

If radio frequency interference is not detected during any part of the test sequence, the instrument will print "No RFI Detected" on the Form 106-I8000.

Interpretation of Test:

If the Intoxilyzer® 8000 fails to print a test record, the test will be considered invalid.

The results of adequate breath samples will be printed as "Subject Test 1" or "Subject Test 2." Only the tests so designated shall be considered valid and are referred to hereafter as "Subject Tests." The lower of the two subject tests will be reported as the alcohol concentration.

If any breath sample is determined by the Intoxilyzer® 8000 to be deficient, the instrument will print "*Subject Test" followed by the highest alcohol concentration obtained during the test and will also identify that the sample was deficient.

If both breath samples rendered by the subject are not adequate samples, in any one test sequence, that entire test shall be considered invalid. The operator may repeat the Intoxilyzer® 8000 test without delay or obtain an alternative test.

If one of the two breath samples rendered by the subject sequence is not adequate, in any one test, or the subject does not provide one of the two samples, the single test obtained shall constitute a valid test and the three digits of that test will be reported as the alcohol concentration.

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If the numerical difference between "Subject Test 1" and "Subject Test 2" is greater than 0.020, "Difference Too Great" will be printed on the test record and the entire test shall be considered invalid. The operator should wait 20 minutes and repeat the Intoxilyzer® 8000 test.

If an incorrect date or time is printed, the operator shall write the correct date or time on the Form 106-I8000. This alone will not cause the test to be invalid.

If "Interferent" is noted on the display or test record for either breath sample, the test will be considered invalid. "Interferent" indicates another chemical was detected by the Intoxilyzer® 8000 in the breath sample of the subject. The operator should obtain an alternative test for evidentiary purposes.

If "Invalid Sample" is noted on the display or test record, the test will be considered invalid. "Invalid Sample" indicates that residual mouth alcohol was detected by the Intoxilyzer® 8000. The instrument will abort the test. The operator may administer another Intoxilyzer® 8000 test after waiting another 20 minutes and ascertaining that the subject does not eat, drink, or smoke anything.

If "Ambient Failed" appears on the display, the Intoxilyzer® 8000 will abort the test. "Check Ambient Conditions" will be printed on the test record and the entire test shall be considered invalid. This indicates that the Intoxilyzer® 8000 detected a chemical during the room air test. The operator should clear the chemical from the room air and then may repeat the Intoxilyzer® 8000 test without delay.

This approved method is valid for use with the Intoxilyzer® Test Record and Checklist (Form 106-I8000) for Intoxilyzer® 8000 tests administered beginning July 15, 2009.

When the test is conducted according to this method, it is considered as fairly administered and the result obtained is scientifically accepted as accurate.

Margaret A Pearson
15 July 2009