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**Catherine H. Reheis-Boyd**  
President

November 11, 2011

United States Department of Interior  
Bureau of Ocean Energy Management, Regulation and Enforcement  
381 Elsen Street, MS-4024  
Herndon, Virginia 20170-4817

Attention: Regulations and Standards Branch (RSB)

Re: Comments on **“Revisions to Safety and Environmental Management Systems (SEMS), 1010-AD73”**

The Western States Petroleum Association is a non-profit trade association representing companies that explore for, produce, refine, transport and market petroleum, petroleum products, natural gas and other energy supplies in California, Arizona, Nevada, Oregon, Washington and Hawaii. WSPA member company operations include offshore production platforms in the Outer Continental Shelf (OCS). We are pleased to have this opportunity to provide the Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) with our members’ comments on the proposed amendments to BOEMRE regulations for Safety and Environmental Management Systems (SEMS), RIN1010-AD73.

WSPA has reviewed the proposed rule language for “Oil and Gas and Sulphur Operations in the Outer Continental Shelf – Revisions to Safety and Environmental Management Systems”, released in the Federal Register, Volume 76, No. 178, dated September 14, 2011. We would appreciate your consideration of the following comments on this latest proposed amendment to the regulation:

- Proposed Section 250.1911(b): This section addresses the preparation of the job safety analysis (JSA). WSPA requests further definition of the term “OCS activities” to clarify the intent of this section.
- Proposed Section 250.1911(b)(3): This section addresses approval and signature of the JSA (by the PIC). Acknowledging that a wide range of activities occur during the daily course of operations, the person in charge of the facility may not always be the appropriate party to review and approve every JSA. As written, this requirement has the potential to undermine the strength of the JSA process by eliminating the individual risk identification and analysis process for minor

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tasks, and may result in a decrease in the overall safety of operations. WSPA suggests rewording this section to assign the responsibility of JSA approval to the supervisor most knowledgeable and in charge of the task, rather than the person in charge of the entire facility.

- Proposed Section 250.1915(d): This section requires verification that contractors are trained in the work practices necessary to perform their jobs in a safe and environmentally responsible manner, including training on the methods of recognizing and identifying hazards, the implementation of JSAs, operating procedures, safe work practices, emergency response and control measures, stop work authority, ultimate work authority, employee participation program, and the reporting of unsafe work conditions. WSPA recommends that the “Knowledge and Skills Documentation Worksheet”, that is included in the API Center for Offshore Safety’s SEMS toolkit, be accepted as a valid means of evaluating and verifying that contractors have been trained.
- Proposed Section 250.1926(c): This section addresses BOEMRE authority to approve independent third party auditors. This section lacks the flexibility to make last minute changes, including upgrades, to the audit team and has the potential to delay the audit process. WSPA encourages BOEMRE to pre-approve auditors accredited through the API's auditor accreditation program to ensure both timely scheduling of audits and timely approval.
- Proposed Section 250.1928(f): This section addresses the retention time of records. WSPA suggests that the retention time of documents be reduced from two (2) years to one (1) year due to the high frequency of safety meetings.
- Proposed Section 250.1930(c): This section addresses the resumption of work. As currently written, the regulation has the potential to result in a lower level of stop work activity rather than an increased one. Additionally, the individual with UWA is not always the appropriate party to authorize start up of activities following work stoppage due to minor events such as use of an incorrect wrench. The immediate task supervisor is more appropriate. WSPA recommends that the regulation consider a scalable approach to addressing unsafe activities (e.g., tripping hazard versus well control), and take into consideration appropriate levels of supervision.
- Proposed Section 250.1930(d): This section states that “You conduct training as a standard line item in all JSA drills”. Pursuant to Proposed Section 250.1911, a JSA must be prepared, conducted, and approved for OCS activities under BOEMRE jurisdiction. The term "JSA drills" needs to be clarified as it does not appear elsewhere in the proposed regulation. Defining the term or deletion of the word “drills” from the section would clarify the intent of this section.
- Proposed Section 250.1930(e): This section states that “You must conduct training on your SWA Policy and Program as part of all new employee and contractor orientations ...” WSPA requests further clarification with regard to the “training” as part of “all...orientations”. In addition, clarification of the requirement to include review of the SWA policy at all safety meetings is requested. WSPA suggests such review occur at quarterly safety meetings for production facilities where no rig activity is taking place and at daily safety meetings when a rig is present or other non-routine work is being conducted.

- Proposed Section 250.1931(a): This section requires that ultimate work authority (UWA) must be designated by the operator taking into account all applicable Coast Guard regulations that deal with designating a “person in charge” (in accordance with USCG definition). WSPA believes that further clarification of the USCG regulations is needed to assure that compliance with SEMS does not create conflicts with USCG regulations.
- Proposed Section 250.1931(b): This section addresses identification of the UWA. WSPA requests further clarification as to who has UWA responsibility at unmanned facilities. WSPA suggests that the Senior Field Superintendent (or equivalent) have UWA in such situations.
- Proposed Section 250.1932: This section requires employee participation in the program development with specific requirements for employee consultation and a written plan. The timing for this new section appears to be out of sequence with the overall SEMS program. Considering that BOEMRE has proposed to make previously voluntary SEMS elements mandatory as of a November 15, 2011 implementation date, operators are already working to meet that regulatory deadline. Since comments on the proposed regulations are due on November 14, 2011 and the new SEMS mandatory elements are required to be implemented one day later on November 15, 2011, there appears to be a conflict in effectively complying with the employee participation provision as substantially all of the program elements are already generated before any new requirement for employee participation is finalized and made effective.
- Proposed Section 250.1932(a): This section requires that “Management must consult with their employees on the development and implementation of the company’s SEMS program”. WSPA requests further definition of the terms “development” and “implementation” to clarify the intent of this section.
- Proposed Section 250.1933(a): This section addresses reporting of unsafe conditions. WSPA supports continuous observation related to worksite and personnel safety and the encouragement of employees to communicate unsafe work conditions. However, the first action following identification of an unsafe activity should be facilitating making the working environment safer as quickly as possible by eliminating the hazard. In addition to the current proposed criteria, WSPA suggests adding a requirement for personnel to first notify the operator of unsafe conditions so they can be addressed and remedied immediately.

Thank you for your consideration of our comments. If you have any questions please contact me at (916) 498-7752, or WSPA staff representative, Sandra Burkhart, at (805) 966-7113.

Sincerely,

