



Bureau of Safety and Environmental Enforcement

# **IMCA Marine Renewable Energy Webinar**

## **“Health & Safety – our industry’s priority”**

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“To promote safety, protect the environment and conserve resources offshore through vigorous regulatory oversight and enforcement.”

# DOI Responsibilities for Offshore Renewable Energy

- **Statutory Authority:** Outer Continental Shelf Lands Act, as amended by the Energy Policy Act of 2005
- **DOI Regulations:** 30 CFR Part 585 – *Renewable Energy and Alternate Uses of Existing Facilities on the Outer Continental Shelf*
  - Subpart H—Environmental and Safety Management, Inspections, and Facility Assessments for Activities Conducted Under SAPs, COPs and GAPs.
- **Bureau Roles:**
  - Authority for the entirety of the offshore renewable energy program is currently assigned to the Bureau of Ocean Energy Management (BOEM), but there is expectation of a forthcoming transfer of safety and compliance responsibilities to BSEE
  - BSEE consults and collaborates with and provides recommendations to BOEM on functions expected to be transferred to BSEE (safety, environmental compliance, and enforcement).
- **With BOEM support, BSEE is leading the development of:**
  - Offshore wind health, safety, and environmental (HSE) recommendations,
  - Safety management system requirements,
  - Oil spill preparedness requirements.
  - Incident report processes and investigation procedures,
  - Inspection procedures and industry self-inspection plans.

# DOI – Principal Federal Agency for Regulation and Enforcement of Safety and Health

- BSEE is building out programs to promote and ensure safety on offshore wind facilities
- DOI is the sole regulator for workplace safety on renewable energy facilities
  - Oct. 2019 policy statement (*see right*)
- The bureaus have agreed that the eventual transfer of renewable energy program functions will include authority for BSEE to:
  - Oversee fabrication, installation, operations; analyze inspection reporting
  - Continual monitoring of safety management systems to assure full functionality throughout the life of the project
  - Enforcement actions (including environmental and Incident reporting and investigations)
  - Decommissioning plan review and approval
  - Facility removal inspection / monitoring and site clearance confirmation

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## Role of DOI

DOI will act as the principal Federal agency for the regulation and enforcement of safety and health requirements for OCS renewable energy facilities.<sup>7</sup> DOI considers its regulatory program, described in part above, to occupy the field of workplace safety and health for personnel and others on OCS renewable energy facilities, and to preempt the applicability of Occupational Safety and Health Administration (OSHA) regulations. *See* 29 U.S.C. 653(b)(1).

In carrying out its responsibilities on the OCS, DOI will collaborate and consult with OSHA on the applicability and appropriateness of workplace safety and health standards for the offshore wind industry and other offshore renewable energy industries.

In addition, DOI will continue to collaborate with the USCG to share relevant safety and training information and promote safety on the OCS.

In implementing this policy statement, DOI may amend its regulations or issue guidance related to the workplace health or safety of employees on renewable energy facilities on the OCS.

## DEPARTMENT OF THE INTERIOR

### Bureau of Safety and Environmental Enforcement

#### 30 CFR Part 250

### Bureau of Ocean Energy Management

#### 30 CFR Part 585

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### Department of the Interior Policy Statement on Regulating Workplace Safety and Health Conditions on Renewable Energy Facilities on the Outer Continental Shelf

**AGENCY:** Bureau of Ocean Energy Management, Interior; Bureau of Safety and Environmental Enforcement, Interior.

**ACTION:** Notification of policy statement.

# Key to Regulating Safety and Health ... Safety Management Systems (SMS)



- **DOI will take a performance-based approach to regulating health and safety.**
  - 30 CFR 585 Subpart H comprises the primary safety regulations for renewable energy operations.
  - Operators are required to submit a SMS with their COP.
  - In the SMS, the operator explains how they will ensure and maintain safety and health on their lease.
  - SMS is a cyclical means to continually improve safety performance
  - DOI will review SMS audit and ensure lessees are following their SMS, including developing and implementing a corrective action plan when issues with the SMS are found.

## DOI's Expectations

- Lessees not only implement their SMS, but that it becomes foundational to approach to health and safety within their organization.
- Senior management clearly endorses, supports, and incorporates the SMS into all areas of the organization's business.
- The SMS communicated to all employees, and employees are trained to implement the SMS.
- The SMS is continually assessed to identify gaps or areas where improvement is necessary, and then corrective action plans are developed and implemented.
- The effectiveness of SMS revisions are monitored and evaluated.

BSEE Website: [www.bsee.gov](http://www.bsee.gov)



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