



United States Department of the Interior
BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT

**DEPARTMENT OF THE INTERIOR
BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT**

BUREAU MANUAL CHAPTER

SIGNATURE PAGE

Title: BSEE Safety and Environmental Management Systems (SEMS) Oversight and Enforcement Program (OEP)



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1. PURPOSE AND OBJECTIVES

The purpose of this Bureau Manual Chapter (Chapter) and the policy it establishes is to standardize a bureau-wide approach to the oversight and enforcement of compliance by lessees, operators, and others meeting the definition of “You” in 30 CFR 250.105 (hereinafter, operators) with the Safety and Environmental Management Systems (SEMS) regulations and to clarify roles and responsibilities for implementing the Bureau’s SEMS regulations, policies, and procedures.

2. NATIONAL POLICY

BSEE regulations require operators to develop, implement, and maintain a SEMS program that identifies, addresses, and manages safety and environmental hazards. One goal is to reduce risks to human and environmental health and safety during the design, construction, start-up, operation, inspection, maintenance, and decommissioning of all new and existing facilities used for exploration, development, and production activities associated with the extraction of oil, gas, or sulphur resources on the Outer Continental Shelf (OCS). Other goals of the SEMS regulations are to: focus operator attention on the influences that human error and poor organization have on incidents, drive continual improvement in the offshore industry’s safety and environmental records, encourage the use of performance-based operating practices, and encourage BSEE collaboration with industry, as well as collaboration among operators, in efforts to promote the public interests of offshore worker safety and environmental protection. 78 FR 20423, 20424 (April 5, 2013).

Effective operator SEMS programs are the ultimate objective of the regulations. The operator is ultimately responsible for the effective implementation of the SEMS tools by its own personnel and by its contractors and sub-contractors. The regulations place responsibility on the operator for development, support, continued improvement, and the overall success of its SEMS program; however, BSEE personnel also play an important role in providing industry, the American people, and other stakeholders with information on the effectiveness of these SEMS programs and assisting the industry in the process of continual improvement. To ensure that the Bureau provides oversight to the industry in a consistent manner, BSEE implements its program consistent with the following principles:

- 2.1 Collaborative and interactive approaches with industry to promote continual improvement are preferred: The SEMS Oversight and Enforcement Program (OEP) focuses on promoting operator-driven SEMS programs that continually improve safety practices and culture within the industry. BSEE will implement a collaborative and interactive approach with operators by taking affirmative steps to assist operators with identification of gaps in implementation and maintenance of SEMS programs and recommending enhancement of proposed auditing approaches and corrective action steps. While BSEE may recommend improvements in SEMS program development, implementation, and maintenance, the creation and modification of an operator's SEMS program are at the discretion of the operator, as long as the operator meets the regulatory requirements.
- 2.2 Accredited, independent auditing processes and quality audit reports will provide primary assessments of SEMS successes and challenges: BSEE will primarily assess operator SEMS effectiveness by evaluating audit reports generated by accredited Audit Service Providers (ASPs) for their descriptions of SEMS practices and for their findings of deficiencies in the design, implementation, or maintenance of an operator's SEMS. BSEE will assess operator commitments to continual improvement of their risk management practices through review and monitoring of the Corrective Action Plans (CAPs) that are crafted in response to ASP findings of deficiencies in a SEMS (30 CFR 250.1920(d)), and by verifying that the corrective actions were effective (30 CFR 250.1920(e)).
- 2.3 District Inspector observations on operator culture will provide early warning of SEMS deficiencies: BSEE will look for early warnings of possible SEMS deficiencies by evaluating incident reports and statistics, and by collecting observations from district and field personnel on levels of operational discipline (e.g., housekeeping and adherence to standard work practices and operating procedures), the role of company leadership in maintaining a safe work environment, and the maintenance of safety critical equipment. If BSEE district personnel identify concerns related to the overall safety culture on a facility, they should record those observations in their inspection reports. BSEE district personnel will record observations in accordance with regional procedures that will be developed and maintained to support this national policy. BSEE regional SEMS OEP specialists will collect and monitor such observations for frequency and relative seriousness. When a grouping of incident reports and/or field observations indicates possible systemic weaknesses in an operator's SEMS, the regional SEMS coordinator will discuss those possible weaknesses with the National SEMS Coordinator and consider recommending a Directed Audit of the operator's SEMS pursuant to 30 CFR 250.1925.
- 2.4 Limited but focused use of SEMS INCs will avoid confusion regarding SEMS goals: District personnel should not issue an Incident of Noncompliance (INC) for perceived SEMS deficiencies they observe (e.g., a Job Safety analysis that does not address all risks in a task). However, this should not stop the district personnel from including these observations in inspection reports as outlined in Policy Principle 2.3. This also should not preclude issuance by District Inspectors of other appropriate (non-SEMS) INCs for violation of other BSEE regulations.

BSEE regional SEMS OEP Specialists are authorized to issue SEMS INCs for:

- failure to develop, implement, or maintain a properly documented SEMS program throughout an operating company and for most of its activities (30 CFR 250.1900; 250.1902);
- failure to conduct an audit (30 CFR 250.1920);
- failure to timely submit an audit plan (30 CFR 250.1920(b)(4));
- failure to submit an audit plan with all the required information (30 CFR 250.1920(b)) following the provision of notice and a reasonable opportunity to address the identified shortcomings;
- failure to timely submit an audit report (30 CFR 250.1920(c));
- failure to conduct an audit that is consistent with the audit plan as evidenced by the audit report (30 CFR 250.1920(b)(4));
- submitting an audit report that insufficiently addresses the audit findings, observations, deficiencies identified, and conclusions (30 CFR 250.1920(c)) following the provision of notice and a reasonable opportunity to address the identified shortcomings;
- failure to timely submit a CAP (30 CFR 250.1920(d));
- submitting a CAP that does not effectively address the audit findings, fails to propose an acceptable schedule for correction of the deficiencies identified in the audit report, and/or fails to identify the person(s) responsible for correcting each identified deficiency, including their job title (30 CFR 250.1920(d)) following the provision of notice and a reasonable opportunity to address the identified shortcomings;
- failure to complete the corrective actions pursuant to the schedule in the CAP or to consider new corrective actions should the original corrective actions be ineffective (30 CFR 250.1920(e));
- failure to timely submit Form BSEE-0131 (30 CFR 250.1929).

When a SEMS OEP Specialist issues a SEMS INC, the issuing authority or his / her supervisor will ensure that both the Regional SEMS Coordinator and the National SEMS Coordinator are notified.

In the event that a National or Regional SEMS OEP Specialist identifies a SEMS program concern that does not fit one of the categories listed in Section 2.4 for which an enforcement action may be appropriate, that staff member will contact both the appropriate Regional SEMS Coordinator and the National SEMS Coordinator to ask for a joint determination regarding whether issuance of an INC or other enforcement action is appropriate.

3. AUTHORITY

- The OCS Lands Act, as amended, 43 U.S.C. §§ 1331 et seq.
- 30 CFR Part 250, Subpart S (30 CFR §§ 250.1900-250.1933)

4. REFERENCES

- Oil and Gas and Sulphur Operations in the Outer Continental Shelf – Safety and Environmental Management Systems, 75 FR 63609, Document Number 2010-25665, October 15, 2010
- Oil and Gas and Sulphur Operations in the Outer Continental Shelf – Revisions to Safety and Environmental Management Systems, 78 FR 20423, Document Number 2013-07738, April 5, 2013

5. MATERIALS SUPERSEDED

- Internal Policy Document IPD 2013-08, Safety and Environmental Management System Enforcement, Bureau of Safety and Environmental Enforcement, July 15, 2013

6. RESPONSIBILITIES

A. The Director:

- (1) Provides the Assistant Secretary, Land and Minerals Management, with the status of major SEMS issues as they arise.
- (2) Provides the necessary support and delegation of authority to Headquarters Division Chiefs and Regional Directors to facilitate full and timely implementation of this Chapter at all levels within BSEE.
- (3) Ensures that senior managers are responsible and accountable for implementation of and adherence to this and other SEMS policies and procedures.
- (4) Promotes coordination and cooperation within the Bureau, the Department, and with partner Departments and Agencies at the national level.

B. The Chief, Office of Offshore Regulatory Programs (OORP):

- (1) Acts as the National Program Manager (NPM) for SEMS.
- (2) Appoints and oversees a National SEMS Coordinator.
- (3) With the National SEMS Coordinator, coordinates the development of national SEMS policy and procedures, and ensures their consistency with other Bureau national regulatory programs.
- (4) Performs SEMS OEP oversight functions by requesting and reviewing regular reports from the National SEMS Coordinator on program effectiveness and challenges, and recommending alternative approaches to SEMS oversight and enforcement as appropriate.

C. National SEMS Coordinator:

- (1) Monitors BSEE personnel adherence to and success of the policies in this Chapter by evaluating: the frequency and content of district and field personnel observations; the efficacy of processes for regional review and evaluation of the information available to them including field observations, SEMS audit plans, SEMS audit reports, and CAPs; and the level at which the goals of the SEMS regulations are being achieved. The National SEMS Coordinator will use these data in assessing the sufficiency of BSEE's policies and activities for achieving the goals of the SEMS regulations, and in making recommendations for

modifications to the Chapter or any procedures designed to implement the Chapter.

- (2) Coordinates with regional offices in the development of national and regional SEMS OEP policies, guidance, and procedures.
- (3) Evaluates all SEMS OEP policy and guidance for effectiveness within the context of operational risk management.
- (4) Recommends annual priorities for the SEMS OEP to provide alignment with Bureau-wide Strategic Plans and objectives.
- (5) Drafts and submits performance reports to the NPM for SEMS, describing OEP accomplishments, challenges, and recommended program changes, as relevant.
- (6) Coordinates the National SEMS OEP with other Bureau programs.
- (7) Identifies core competencies for the Regional SEMS Coordinators and National and Regional SEMS OEP Specialists, and works with the National Training Branch to develop options for improving competencies.
- (8) Oversees Accreditation Bodies recognized under 30 CFR 250.1922 and works with them to continually improve the quality of the audit process conducted by accredited Audit Service Providers pursuant to 30 CFR 250.1921 and to ensure those audit reports provide the quality of information needed to satisfy section 2.2 of this Chapter.
- (9) Serves as the primary Bureau point of contact for SEMS issues, questions, and discussions to ensure consistent content for external engagement on SEMS policy.
- (10) Reviews regional SEMS policy, guidance, and procedures and provides guidance to ensure consistency with national policy and priorities.

D. The Regional Director(s):

- (1) Appoints a Regional SEMS Coordinator and, via that person, administers the SEMS OEP within the region.

E. Regional SEMS Coordinator(s):

- (1) Oversees and implements the annual SEMS OEP plan within the region, ensuring adequate staffing, training, and field coverage to fulfill SEMS OEP responsibilities.
- (2) Ensures effective communication of the content and expectations of the SEMS OEP policies and procedures within the region and districts:
 - 1) Makes regional and district staff aware of national SEMS OEP policy, guidance, and procedures; and
 - 2) Originates regional supplements to the national SEMS OEP policy and procedures, in consultation with the National SEMS Coordinator.
- (3) Identifies the need for policy development or clarifying guidance regarding SEMS OEP implementation and enforcement and brings this need to the attention of the National SEMS Coordinator.

F. National and Regional SEMS OEP Specialist(s):

- (1) Implements the national and regional policies and procedures.
- (2) Issues SEMS INCs in accordance with this Chapter, as appropriate.

- (3) Provides feedback to the appropriate SEMS Coordinator on the efficacy of SEMS OEP procedures and the existence of gaps in those procedures.
- (4) Assists the appropriate SEMS Coordinator in drafting of revisions or additions to SEMS OEP procedures.
- (5) Assists in documenting the successes and challenges of SEMS implementation by the industry, and in meeting BSEE's goals for SEMS.