

Data Collection Program: **SafeOCS** (Voluntary Near Miss Reporting in Oil and Gas Operations on the Outer Continental Shelf)

SUPPORTING STATEMENT

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection.

Collecting transportation safety data, including data on precursors to adverse events, is an important component of BTS's responsibility to the transportation community and is authorized in BTS's authorizing statute. On July 6, 2012, President Obama signed the Moving Ahead for Progress in the 21st Century Act (MAP-21) (Public Law 112-141), which amended Title 49 U.S.C. by adding a new chapter (Chapter 63) for the Bureau of Transportation Statistics (BTS). Section 6306 authorizes the BTS Director to enter agreements with Federal, state, local, or private agencies for the purposes of transportation data collection and analysis. The legislation authorizes to ensure that all transportation statistical collection, analysis, and dissemination is carried out in a coordinated manner, the BTS Director may- *(1) use the services, equipment, records, personnel, information, and facilities of other Federal agencies, or State, local, and private agencies and instrumentalities, subject to the conditions that the applicable agency or instrumentality consents to that use and with or without reimbursement for such use; (2) enter into agreements with the agencies and instrumentalities described in paragraph (1) for purposes of data collection and analysis; ...* Toward that end, BTS has entered into an interagency agreement (IAA) with the Department of Interior Bureau of Safety and Environmental Enforcement to develop and implement SafeOCS, a voluntary program for confidential reporting of "near miss" events in oil and gas operations on the outer continental shelf (OCS) which include transportation vessels and pipeline supporting offshore oil and gas production.

Under the Outer Continental Shelf Lands Act (OCSLA), 43 U.S.C. 1331 – 1356a, the Secretary of the Interior (the Secretary) is authorized to regulate oil and natural gas exploration, development, and production operations on the OCS. The Secretary has assigned BSEE the responsibility for offshore safety and environmental enforcement under OCSLA (see 76 FR 64432, Oct. 18, 2011). The BSEE promotes safety, protects the environment, and conserves offshore oil and gas resources through regulatory oversight and enforcement, research activities, public outreach, information sharing, and appropriate cooperation with industry and other OCS stakeholders. In 2013, the National Commission on the BP Deepwater Horizon Oil Spill recommended that BSEE develop a system for near miss reporting for oil and gas operations on the OCS. A near miss is an event and/or condition that could have resulted in loss, or had the potential for additional safety, environmental or other consequences, but did not result in an adverse event. This adverse event was prevented only by a fortuitous break in the chain of events and/or conditions. The potential loss could be human injury, environmental damage, or negative business impact.

SafeOCS is designed to provide essential information about accident precursors and other hazards associated with OCS oil and gas operations. BTS will collect near miss reports voluntarily submitted by employees and other respondents working on the OCS; conduct follow-up interviews as needed, develop an analytical database using the reported data and other pertinent information; conduct statistical analyses and develop public reports; and protect the confidentiality of the near miss reports in accordance with BTS's own statute and the Confidential Information Protection and Statistical Efficiency Act of 2002 (Public Law 107-347, title V, subtitle A).

Through this submission, BTS is requesting clearance to collect confidential near miss reports submitted by employees working in the oil and gas industry on the OCS. This information collection is necessary to aid agencies in the Department of Transportation, such as the Pipeline and Hazardous Material Safety Administration (PHMSA), the Maritime Administration, the Coast Guard, BSEE, the oil and gas industry, and other stakeholders in identifying root causes of potentially unsafe events occurring on the OCS.

2. Indicate how, by whom, and for what purpose the information is to be used. Indicate the actual use the agency has made of the information received from the current collection.

Knowledge about a near miss presents an opportunity to address unsafe work conditions, prevent accidents, and improve safety and environmental protection in the workplace. Near miss systems in other industry sectors have shown that voluntary reporting of near misses to a confidential system can become a tool to identify safety issues and help prevent accidents by providing a cooperative, non-punitive environment to communicate safety concerns.

This is a new data collection. BTS will collect, store, process, and analyze near miss reports while assuring data confidentiality. BTS will develop and publish aggregate reports that BSEE, the industry, and all OCS stakeholders can use—in conjunction with industry incident reports and other sources of information—to reduce safety and environmental risks and continue building a more robust OCS safety culture. Only statistical and non-sensitive information will be made available and may be used to improve research and development of intervention programs aimed at preventing more serious accidents and fatalities. In addition, certain information collected through this voluntary initiative will help inform oil and gas companies on how to improve the quality of near miss data collected internally by those companies.

Employees and other respondents who report a near miss event will be asked to fill out a report and participate in a brief, confidential interview for further clarification, as needed. Respondents can only report electronically to BTS. Respondents will be asked to provide information such as: (1) name and contact information (optional – if they consent to a brief interview); (2) time and location of the event; (3) a short description of the event; (4) contributing factors to the reported near miss; and (5) any other information that might be useful in determining a root cause of such event.

Use of interview data: Traditionally for these types of voluntary near-miss data collection programs, follow up interviews by subject matter experts are conducted for several purposes: conduct data validation, provide additional detail and clarification, and collect additional information on key emerging issues in that industry sector. Interview data will be used to supplement and clarify information received through online reporting of near-miss events. In addition, since this is the first time OCS employees will be able to report near-miss incident information to a Federal agency, BTS views interview time as an opportunity to train and educate employees on how to report information about precursor safety events to the Federal government. By offering a follow-up interview BTS, one hand, has a process for improving data accuracy, on the other hand, BTS is developing a data set that has “mixed” records (i.e., records that have gone through an additional data quality check with the voluntary interview, added in a database with records without an interview.) Currently, in the absence of any information about near-miss data from OCS, BTS has no plans to do any data adjustments to records missing interview information. BTS plans to revisit the issue of data adjustments for key missing information on near-miss incidents within the first three years of the program or after sufficient records of near-miss events from offshore drilling and production operations are submitted in SafeOCS.

BTS has assembled a team of subject matter experts in all trades and crafts represented on the OCS called the Peer Review Team (PRT.) All PRT members will be designated as agents of BTS under CIPSEA and will be responsible for reviewing near-miss reports, conducting confidential interviews, and assisting BTS staff in identifying potential root causes of reported near-miss events. PRT meetings will take place in the secure office space assigned to this project in BTS.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g. permitting electronic submissions of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

In developing the reporting requirements, BTS has attempted to ensure that the form and format of all data collection tools are designed to minimize the burden of the respondents while increasing the confidence and trust in the near miss reporting system.

BTS is promoting electronic reporting and is developing tutorials and other tools to assist employees with filing electronic near miss reports. In order to minimize respondent burden, employees and other respondents will be asked to submit a near miss report as soon as possible recognizing it might take as long as two weeks before an employee is able to do so, due to unique working conditions on platforms in the OCS. Reporting employees who are unable to submit a report electronically will be given the option of submitting a report to BTS by calling the 800 number. After reviewing a near miss report, a BTS subject matter expert will contact the respondent, if the respondent has consented to further communication with BTS, for a brief

interview. BTS has developed an interview tool specific to this data collection. The purpose of the interview is twofold: (1) to validate the authenticity and eligibility of the respondent; and (2) to make any necessary corrections to the description of the reported event or collect additional information that might be critical in understanding the root causes of the reported event when the respondent's report appears to be incomplete.

4. Describe efforts to identify duplication. Show specifically why similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

The SafeOCS reporting system is strictly voluntary and is not intended to replace or interfere with industry programs, BSEE, or other agency reporting programs, whether voluntary or mandatory. Instead, the SafeOCS reporting system will provide another opportunity for reporting a wide range of potential hazards and risk information related to oil and gas offshore operations. Moreover, while some companies and industry organizations currently have near miss reporting programs, these programs have typically a more narrow scope and the data are not shared by all stakeholders. Collecting data from all companies, operators, and subcontractors operating on the OCS is a unique component to this data collection program and has the potential of becoming the only data source for industry-wide aggregate statistics on near-miss/precursor safety data for the OCS. The SafeOCS reporting system provides strict protection, under CIPSEA, of reporters' identities and confidentiality. Thus, BTS's reporting system could, through aggregate reports, yield information about potential hazards and unsafe conditions that would not be reported (or shared) under company or other industry programs.

5. If the collection of information impacts small businesses or other small entities, describe efforts to minimize burden.

This does not apply to this information collection. Reports to the SafeOCS reporting system will be submitted by employees reporting their personal experiences as private citizens, rather than by business owners.

6. Describe the consequence to the Federal Program or policy activities if the collection were not collected or conducted less frequently.

The Federal Aviation Administration (FAA) established a voluntary reporting system, the Aviation Safety Reporting System (ASRS) for near misses in the mid 70's. Since then the ASRS has been an excellent source of information on precursors and unsafe work practices that can potentially lead to tragic accidents. Both the FAA and the aviation industry have used information from the ASRS to put in place guidelines and recommendations aimed at improving safety.

Subsequently, the Federal Railroad Administration (FRA) established a Confidential Close Call Reporting System (C³RS) that has proven to be equally successful in identifying and remediating safety risks before serious accidents occur. BTS was instrumental in the establishment of this program by developing a confidential data collection process that fostered trust in the system and facilitated employee participation.

Finally, BTS jointly planned and developed a Confidential Close Call Transit Safety Reporting System with the Washington Metropolitan Area Transit Authority (WMATA). This voluntary reporting system captures information that would otherwise remain unknown and provides WMATA with opportunities to identify and address safety issues proactively.

The requested data collection will institute a voluntary and confidential near miss reporting system, similar to the ASRS, C³RS, and WMATA system, for oil and gas operations on the OCS. Without the data from this multiyear project, it will be impossible to determine whether the confidential reporting of industry near misses could lead to the identification of unsafe practices and a reduction in the risk of catastrophic events such as Deepwater Horizon.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, government contracts, grant-in-aid, or tax records for more than 3 years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which**

unnecessarily impedes sharing of data with other agencies for compatible confidential use; or

- **requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

There are no special circumstances that pertain to this information collection.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the Agency's notice, required by 5 CFR 1320.8(d) soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to the notice and describe actions taken by the agency in response to these comments.

BTS published the Federal Register (FR) notice on July 2, 2014 (79 FR 37837). The agency received three public comments, from LLOG Exploration (DOT-OST-2014-0112-0004), the American Petroleum Institute (API) and the Center for Offshore Safety (COS) (DOT-OST-2014-0112-0003), and the Offshore Operators Committee (OOC) (DOT-OST-2014-0112-0002). Comments addressed various topics, including the definition of a near-miss; reporting (i.e., the reporting of conditions, root cause analysis, duplicative reporting, information-sharing, the scope of reporting, and the potential for reporting to multiple systems); estimated number of burden hours; notification of near misses at their respective facilities; program evaluation; and intent of the National Commission.

Definition of a Near Miss: All commenters had questions about the definition of a near miss used by BTS. BTS supports using the definition in the notice, as it is consistent with the International Maritime Organization's definition of a near miss and is widely recognized around the world. BTS intends the term to be broadly interpreted, since limiting the meaning may unduly inhibit reporting of events or conditions that could contribute to an understanding of how to prevent and minimize risks.

Reporting of conditions: Two commenters disagreed with BTS that any hazard could be deemed a "condition" and thus reported as a near miss. BTS's experience with other near miss programs indicates that the reporting of conditions often provides valuable information to proper causal analysis; by learning more about potentially unsafe conditions, stakeholders will be better able to identify hazards and reduce risks on the OCS.

Root cause analysis: All commenters sought additional information on the root cause analysis and methodology, and one commenter had questions about the experience of individuals analyzing the near miss reports. BTS expects to use well-established causal analysis procedures

similar to those widely used by industry and others. In addition, BTS agrees that causal analysis should be conducted by experienced personnel and intends to employ subject matter experts (SMEs) in oil and gas operations to assist with this analysis and conduct follow-up interviews with employees reporting near miss events.

Duplicative reporting: Two commenters sought information on how BTS would handle multiple reports for the same near miss event. BTS has experience with identifying duplicate reports for the same event (e.g., by comparing event location, description, time, and other factors) and also expects that follow-up of near miss reports by experienced SMEs will help identify such reports. However, occasional multiple reports to BTS of a single near miss event by more than one source is not necessarily a problem; such reports can provide different and useful perspectives, and thus may help BTS obtain a more complete picture of an event.

Information-sharing: One commenter expressed concern over how long it might take for a hazard to go uncorrected. If BTS receives a near miss report that indicates a hazard or condition that poses an imminent risk, BTS will take action, consistent with CIPSEA, to share that information with an affected facility or facilities, or with the industry as a whole, as quickly as possible. Under CIPSEA, BTS may disclose such reported information if the reporter consents; in cases of potentially imminent risks, BTS could seek such consent expeditiously. Should a reporter not consent to share information, BTS may be able to aggregate the data in a way that protects anonymity and confidentiality but still allows BTS to share information about the potential risks in near real time.

Scope of reporting: Commenters had questions about the scope of reporting and advocated company rather than employee reporting. The near misses reported to company or other industry reporting systems undoubtedly provide important safety information to these companies and could afford valuable information to the industry, government, and public, if shared. BTS looks forward to discussing with companies and industry groups their potential participation in the near miss reporting system. However, while BTS recognizes the potential value of individual companies' near miss reporting systems, BTS does not agree that a near miss reporting system should be limited to participation by specific companies. The SafeOCS reporting system provides strict protection of reporters' identities and report confidentiality; thus, this system offers individuals an opportunity to report near misses that they otherwise might not report to their employers. Moreover, if participation in this program were limited to companies or other entities, the information provided to BTS would be circumscribed by whatever definitions or other limitations each entity placed; for example, an entity might decide to submit to BTS only information that it considered significant, instead of providing the initial or "raw" information received. Another comment, that individuals not be allowed to participate because they would not understand "contributing factors" or root causes, is academic, since BTS would perform the causal analyses with assistance from appropriately qualified SMEs. Finally, based on experience with other reporting systems, BTS does not agree with the comment suggesting that BTS limit participation to companies or other entities to reduce the estimated time for responses, or that the estimated time (60 minutes) for individual responses is excessive. The estimated time for completing an initial report is 15 minutes; the remaining 45 minutes would be for follow-up

interviews, as warranted by the initial report and if the respondent consents. Any individual who cannot or does not want to participate in follow-up communications may choose not to do so.

Potential for reporting to multiple systems: One commenter asserted that the near miss reporting system may create redundant reporting with other near miss initiatives. The SafeOCS reporting system is not intended to replace or interfere with other reporting programs, whether public or private, but will afford an additional opportunity for reporting a range of potential hazard and risk information. As one commenter recognized, an individual may feel inhibited about reporting a near miss to a company or industry reporting program, preferring to report the event or condition to BTS under the protections afforded by CIPSEA. In such cases, there would be no duplicative reporting. Similarly, an individual may prefer to report to BTS under the guarantees provided by CIPSEA rather than report to BSEE under 30 CFR 250.193. (While section 250.193 allows an individual to report violations or unsafe conditions anonymously, BSEE is subject to FOIA and cannot guarantee anonymity or confidentiality to the degree that BTS can under CIPSEA.) Another comment was that BTS should not accept near miss reports that have also been reported to industry. BTS does not agree; while information from industry programs generally have not been shared outside the specific company or organization, BTS's aggregated reports will be widely disseminated and benefit all stakeholders. Finally, the API's COS noted the implementation of its Learning from Incidents (LFI) program, which the COS believes overlaps the BTS near miss program. BTS is aware of the potential benefits of the LFI program for COS' members and looks forward to discussing with COS the potential sharing of that information; however, the LFI program is limited to information from COS member companies regarding specifically defined incidents, therefore data from COS can't be used to derive industry-wide estimates. Furthermore, COS shares aggregated information only with its member companies and not the entire oil and gas industry. For this reason, BTS does not agree that the proposed near miss reporting system should be delayed pending further consideration of the LFI program.

Estimated Burden Hours: Two commenters questioned BTS's estimated number of near miss reports. These estimates are based on BTS's experience with other industries' reporting systems. BTS will be establishing a baseline after the initial operating period of the SafeOCS reporting system (12 months).

Notification of Near Misses: Two commenters asked that facilities be notified when a near miss has been reported for their installation or unit; however, BTS cannot notify an owner or operator about a near miss without jeopardizing the anonymity of the individual reporting the incident or the confidentiality of the information provided—and thus violating statutory CIPSEA protections—unless the reporter consents. Moreover, if the person's identity were discovered, they could face potential sanctions or retaliation by the company. The National Commission recommended that whistleblowers who notify authorities about lapses in safety be provided protection: *"All offshore workers have a duty to ensure safe operating practices to prevent accidents. To ensure all workers, regardless of employer, will take appropriate action whenever necessary, Congress should amend the Outer Continental Shelf Lands Act or specific safety statutes to provide the same whistleblower protection that workers are guaranteed in other comparable settings."*

Program Evaluation: One commenter requested that BTS report program results at least once a year and that the program be evaluated after two years of operation. In the aviation and rail industries, results of near miss reporting took a commitment of several years before reporting frequency took off, and several years may be needed to establish this type of program. The potential value of sharing data in a confidential manner is worth the investment of time and effort, as the continuation of environmental and human losses is an unacceptable alternative. Moreover, the frequency of public reports will depend on how many near misses are reported to the system. To comply with CIPSEA, reports of aggregated data must be prepared in such a way that no third party could determine the identity of a reporter, directly or indirectly. BTS expects to issue public reports at least once per year and potentially more often as appropriate, subject to data disclosure restrictions.

Intent of the National Commission: One commenter correctly noted that the National Commission Report on the BP Deepwater Horizon Oil Spill was issued in 2011, not 2013 as the 60-day notice inadvertently stated. BTS, however, does not agree with the commenter's suggestion that the National Commission report did not envision a government-managed system for near miss reporting, or that the Commission's recommendation for an industry "self-policing institute that would gather incident and performance data" would satisfy the recommendation for a near miss reporting program. The two recommendations are contained in different parts of the 2011 report, and it was in that part of the report directed to the Department of the Interior that the Commission recommended that DOI: *"Develop more detailed requirements for incident reporting and data concerning offshore incidents and 'near misses.' Such data collection would allow for better tracking of incidents and stronger risk assessments and analysis."*

9. Explain any decision to provide any payment or gift to respondents, other than re-enumeration of contractors or grantees.

No payment or gift of any kind is being made to respondents.

10. Describe any assurances of confidentiality provided to respondents.

The confidentiality of near miss data is protected under the BTS confidentiality statute (49 U.S.C. 6302) and CIPSEA (Public Law 107-347, Title V). In accordance with these confidentiality statutes, only statistical and non-identifying data will be made publicly available through reports. Further, BTS will not release to any public or private entity any information that might reveal the identity of individuals reporting near misses or any other individuals mentioned in these reports.

11. Are there any questions of a sensitive nature?

There are no questions of a sensitive or personal nature, although reporting of a near miss could potentially place the employee at risk for disciplinary action without the protections afforded by CIPSEA.

12. Provide estimates of reporting burden.

Based on near miss reporting trends in other industries, BTS expects to receive no more than two responses per calendar day during the first three years of the program, or a total of 730 responses per year.

The data collection process consists of a) the reporting employee filling out a report form (estimated time of completion: no more than **15** minutes); and b) as needed, a confidential phone interview conducted by SMEs in a secure room (estimated interview time: **30 to 45** minutes), for a total time of up to 60 minutes per near miss report.

NOTE: not every employee will be interviewed. As a rule, the SMEs will interview everyone who consents to an interview at the beginning of the project (first 12 months) to get a better understanding of the types of incidents reported as near misses and to collect enough detail to determine appropriate approaches to root cause analysis of the near miss data. BTS estimates that approximately 30% of respondents will consent to an interview. After the first full year of reporting, BTS plans to conduct interviews, with respondents' consent, on a limited basis; only when an interview is deemed necessary to collect information needed for identification of potential root causes of the reported event and it's missing from the report.

Number of Responses	730
Number of Respondents	730
Frequency of Responses	Intermittent (when a near miss occurs)
Burden per Respondent	Approximately 1 hour (15 min/report + 45 min/interview)
Annual burden hours	730 hours

BTS estimates the average burden time will be no more than 60 minutes per reported event.

The annualized cost is estimated to be **\$19,480**. As shown below, the annualized cost is estimated based on the average hourly rates of employees in the Construction and Extraction Occupations (47-000) and Installation, Maintenance, and Repair Occupations (49-000) in the Oil and Gas Extraction Industry (North American Industry Classification System (NAICS) 211100).

Occupation	Estimated Responses	Average Hourly Rate*	Total Annual Cost (# of respondents x average burden time) x hourly rate
Construction and Extraction	365	\$25.72	\$9,387.80
Installation, Maintenance, and Repair	365	\$27.65	\$10,092.25
Totals	730		\$19,480.05

*Source: Bureau of Labor Statistics, National Industry-Specific Occupational Employment and Wage Estimates, May 2013.

13. Provide an estimate of cost to the respondents. Do not include the cost of any hour burden shown in items 12 and 14. General estimates should not include purchase of equipment or services or portions thereof made prior to October, 1995.

The entire cost of this data collection is imbedded in the hourly burden. There is no additional cost to the respondent.

14. Provide estimates of annualized cost to the Federal Government.

Federal Costs

This project is funded by BSEE on a reimbursable basis to BTS.

15. Explain the reasons for any program changes or adjustments in Items 13 or 14 of OMB 83-I.

NA (this is a new data collection)

16. Is the information received published?

Micro-data received through this data collection will not be made public. The information received through this data collection will be used to identify accident precursors, risk in process safety, and trends in unsafe work practices through multiple cause incident analysis conducted by a limited number of BTS staff and SMEs serving as BTS Agents. Results of such analyses in aggregate format will be published in annual progress reports. All SMEs will participate in confidentiality training, sign non-disclosure agreements, and be considered BTS Agents under CIPSEA.

17. Is the agency seeking approval not to display the expiration date for OMB approval?

No.

18. Explain each exception to the certification statement identified in Item 19, "Certification for paperwork reduction act submissions" of OMB Form 83-I.

None.