

## SUPPORTING STATEMENT

### A. Justification

In August 2013, the Bureau of Safety and Environmental Enforcement (BSEE) and BTS signed an Interagency Agreement to develop and implement SafeOCS, a voluntary program for confidential reporting of ‘near misses’ occurring on the Outer Continental Shelf (OCS). The Oil and Gas Industry Safety Data (ISD) program is a component of BTS’s SafeOCS data sharing framework that provides a trusted, proactive means for the oil and gas industry to report sensitive and proprietary safety information. The ISD program is also a tool that aids in identifying early warnings of safety problems and potential safety issues by uncovering hidden, at-risk conditions not previously exposed from analysis of reportable accidents and incidents. Companies participating in the ISD are voluntarily submitting safety data. There is no regulatory requirement to submit such data.

#### **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 Bureau of Transportation Statistics’ (BTS) responsibility to the transportation community, and is authorized in BTS’s authorizing statute. Title 49 U.S.C. Chapter 63 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. 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, in 2013 BTS signed an interagency agreement (IAA) with the Department of Interior, Bureau of Safety and Environmental Enforcement (BSEE) 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). The confidentiality of reports submitted directly to BTS will be protected in accordance with the Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA) (44 U.S.C. § 3501 note). The data is submitted directly to BTS. As a statistical agency, BTS can invoke CIPSEA to collect safety data.

While the collection of voluntary near miss reports has been previously approved by OMB (2138-0046, exp. date 09/30/2018) and is not the subject of this supporting statement, the collection at hand builds on SafeOCS. The oil and gas Industry Safety Data (ISD) program is a component of BTS’ SafeOCS data sharing framework that provides a trusted and proactive

means for the oil and gas industry to report sensitive and proprietary safety information, to identify the early warnings signs of unsafe circumstances and potential safety issues by uncovering those hidden, at risk conditions not previously identified from analysis of reportable accidents, and incidents. Companies who participate in the ISD are voluntarily submitting safety data. There is no regulatory requirement to submit such data. ISD identifies a broader range of data categories to ensure safety and appropriate risk management, which adds a learning component to assist the oil and gas industry in achieving improved safety performance. Thus, it is pertinent to provide the following concise background information about the SafeOCS program. The goal of the program is to provide BTS with essential information about accident precursors and other hazards associated with OCS oil and gas operations. Under the program, BTS will develop and publish aggregate reports that BSEE, the industry, and all OCS stakeholders can use—in conjunction with incident reports and other sources of information—to reduce safety and environmental risks, and continue building a more robust OCS safety culture.

Both BTS and BSEE agree that the data submitted within the ISD program are considered precursor safety information, and can be included in the global industry endeavor to provide a clear-cut means of identifying industry-wide safety data trends through analysis. BTS entered a memorandum of understanding (MOU) with BSEE describing the agencies' agreement to expand the scope of SafeOCS as summarized above. BTS formed a Phase I. Planning Team consisting of representatives from companies working in the Gulf of Mexico (GOM) who expressed interest in participating as 'early implementers' for the suggested enhancements to the SafeOCS program. This team discussed the type of data that should be submitted to ensure that data captured has the appropriate teaching/learning value. The scope of data discussed includes incidents, near misses, stop work events, and associated metadata for the period 2014 through 2017. The aggregated data will be reviewed and analyzed, and the results will be shared with the public in a report to be released no later than January 2019. BTS intends to continue publishing reports on aggregate statistics and trends based on the reported data. The purpose of those reports is to provide BSEE, the industry, and all OCS stakeholders with essential information about industry safety data. The confidentiality of reports submitted directly to BTS will be protected in accordance with the Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA) (44 U.S.C. § 3501 note). This data collection will provide participating companies in the oil and gas industry a trusted means to report sensitive proprietary safety information, and foster trust in the confidential collection, handling, and storage of the raw data under BTS stewardship. The value proposition of the ISD program is its focus on the continual improvement in safety performance and its implementation of lessons learned from incidents and events that occur within the oil and gas industry. Several key aspects of this effort include:

- Providing a solution for a central repository for collection, collaboration, and sharing of lessons learned from collected safety-related data,
- Identifying the type of data that will provide valuable information,
- Gaining alignment on incident and indicator definitions,
- Utilizing a secure process for collection and analysis of the data,
- Implementing a robust methodology for identifying systemic issues,
- Disseminating the results to stakeholders who can then take actions to reduce or eliminate the risk of recurrences of near-misses,

- Providing opportunities for stakeholders to network and benchmark performance, both individually and as an organization, and
- Establishing a framework wherein adverse actions cannot legally be taken against data submitters nor can raw data be used for regulatory development purposes.

One other related goal of the ISD program is to provide a mechanism whereby participating companies can submit safety data in whatever format they currently use to minimize incremental effort on the company's part. There are no legal or administrative requirements for this collection.

**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.**

BTS will collect, store, process, and analyze the ISD while assuring data confidentiality. The information provided will be used for statistical purposes only, in accordance with the BTS confidentiality statute (49 U.S.C. § 6307), CIPSEA, and the Confidential Information Protection provisions of Title V, Subtitle A, Public Law 107-347. Information voluntarily submitted by operators will be kept confidential, and will not be disclosed to anyone other than BTS employees or BTS agents. In accordance with these confidentiality statutes, only statistical and non-identifying data will be made publicly available through aggregate reports. BTS will develop an analytical database using the reported data and other pertinent information; conduct statistical analyses and develop public reports. BTS will not release to BSEE or any other public or private entity, any information that might reveal the identity of participating companies or entities mentioned in the original reports. This data collection process will provide a trusted means to report sensitive proprietary and safety information. Oil and gas companies working in the GOM, will provide information that is likely to promote new or modified training programs, assess risk and allocate resources to address those risks, and to engage in informed discussions among BSEE, oil and gas operators, their contractors, and other stakeholders thus promoting an industry-wide culture of safety.

**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.**

BTS is promoting electronic reporting and has developed tutorials and user guides to document and assist respondents with filing electronic near-miss and root cause analysis reports. 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 failure reporting system.

Reports may be submitted individually, through a block transfer of multiple reports, or through a database transfer. Companies will work with BTS to determine a method for transfer, with the

goal of allowing for submission of data in whatever format already in place to minimize incremental effort on the company's part.

**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.**

This information collection is an expansion of the establishment of BTS as an authorized repository for the previously approved information collections (OMB Control Number 2138-0046.) There is no duplication of effort within this collection, because it is a new collection and a first attempt to establish an ISD repository across the oil and gas industry. As part of BSEE's efforts to promote this process, they took steps necessary to ensure that similar ISD was not being collected elsewhere by a public entity. The BTS ISD database will serve as an industry-wide repository for identifying human injury/fatality, damage (loss) of assets, or negative environmental impact related to quality information sharing on incidents, near-misses, and stop work events for overall safety improvements on the OCS.

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

This information collection is limited to the establishment of BTS as an authorized repository for the previously approved information collections (OMB Control Number 2138-NEW, expiration 0/00/0000). For the purposes of this collection BTS has identified the oil and gas companies, drilling contractors and service companies as the sole respondents; and the collection does not impact small business or other small entities.

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

Currently, ISD facilitates the capture of essential information about accident precursors and potential hazards associated with human injury fatality, damage (loss) of assets, or negative environmental impact.

Reports submitted directly to BTS under CIPSEA will use voluntary data from industry that includes additional essential detail about incidents, near-misses and stop work events for risk estimates, in service of BSEE's mission to protect safety and prevent environmental harm. If this voluntary industry safety data were not collected, it will inhibit the comprehensive assessment of leading indicators within environmental failures and risks, identification of trends and patterns before safety is compromised.

**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.**

There were no pertinent public comments to the 60-day Notice. BTS published a 30-day Federal Register notice on July 18, 2018, Vol 83, FR 33974. The public was invited to submit comments directly to the Office of Information and Regulatory Affairs (OIRA), Office of Management and

Budget (OMB).

**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 industry safety 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 participating companies reporting near-miss events or individuals mentioned in these reports.

BTS operates SafeOCS under the Confidential Information Protection and Statistical Efficiency Act (CIPSEA) (44 U.S.C. § 3501 note). Under CIPSEA, it is a felony, punishable by up to \$250,000 in fines and up to 5 years in jail, for BTS or its agents to release identifiable data confidentially submitted in reports by individuals, companies or other entities. BTS has very strict protocols in place for collecting and protecting such data. CIPSEA protections include, but are not limited to:

- protection from subpoenas and Freedom of Information Act disclosure
- protection from release to the public, BSEE, or any other government agency
- protection from uses other than statistical purposes

**11. Are there any questions of a sensitive nature?**

There are no questions of a sensitive or personal nature.

**12. Provide estimates of reporting burden.**

This information collection is limited to the establishment of BTS as an authorized repository for the previously approved information collections (OMB Control Number 2138-NEW, expiration 00/00/0000), in order to ensure the confidentiality of submissions under CIPSEA.

BTS entered a MOU with BSEE to facilitate the collection of information from respondents identified in the BSEE notices for OMB Control Numbers 2138-NEW, expiration 00/00/0000. Responsibility for establishing the actual scope and burden for this collection resides with BSEE.

This BTS information collection request does not create any additional burden for respondents. For the purposes of this collection BTS has identified the oil and gas companies, drilling contractors and service companies as the sole respondents; and the collection does not impact small business or other small entities.

Number of Maximum Responses: One hundred.

Estimated Time per Response: 4 hours.

Frequency: Annual.

Total Annual Burden: 400 hours.

Number of Responses	100
Number of Respondents	100
Frequency of Responses	Annual
Burden per Respondent	4
Annual burden hours	400 hour

May 2017 National Industry-Specific Occupational Employment and Wage Estimates

NAICS 211100 - Oil and Gas Extraction

Occupation code	Occupation title (click on the occupation title to view an occupational profile)	Group	Employment	Employment RSE	Percent of total employment	Median hourly wage	Mean hourly wage	Annual mean wage	Mean wage RSE
47-2073	Operating Engineers and Other Construction Equipment Operators	detail	440	20.0%	0.32%	\$19.93	\$21.26	\$44,230	4.0%

Based on the occupation title, *Operating Engineers and Other Construction Equipment Operators*, and their mean hourly wage of \$21.26, the cost for the total burden hours for this collection is \$8,504.

**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.**

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 at a cost of \$8,504.00

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

The reason for no program change is that the proposed collection 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 near-miss precursors and trends in unsafe situations through multiple cause incident analyses 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.