

## Subpart S—Safety and Environmental Management Systems (SEMS)

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### **§250.1900 Must I have a SEMS program?**

You must develop, implement, and maintain a safety and environmental management system (SEMS) program. Your SEMS program must address the elements described in §250.1902, American Petroleum Institute's Recommended Practice for Development of a Safety

and Environmental Management Program for Offshore Operations and Facilities (API RP 75) (as incorporated by reference in §250.198), and other requirements as identified in this subpart.

(a) If there are any conflicts between the requirements of this subpart and API RP 75; COS-2-01, COS-2-03, or COS-2-04; or ISO/IEC 17011 (incorporated by reference as specified in §250.198), you must follow the requirements of this subpart.

(b) Nothing in this subpart affects safety or other matters under the jurisdiction of the Coast Guard.

[76 FR 64462, Oct. 18, 2011, as amended at 78 FR 20440, Apr. 5, 2013]

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### **§250.1901 What is the goal of my SEMS program?**

The goal of your SEMS program is to promote safety and environmental protection by ensuring all personnel aboard a facility are complying with the policies and procedures identified in your SEMS.

(a) To accomplish this goal, you must ensure that your SEMS program identifies, addresses, and manages safety, environmental hazards, and impacts during the design, construction, start-up, operation (including, but not limited to, drilling and decommissioning), inspection, and maintenance of all new and existing facilities, including mobile offshore drilling units (MODUs) when attached to the seabed and Department of the Interior (DOI) regulated pipelines.

(b) All personnel involved with your SEMS program must be trained to have the skills and knowledge to perform their assigned duties.

[76 FR 64462, Oct. 18, 2011, as amended at 78 FR 20440, Apr. 5, 2013]

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### **§250.1902 What must I include in my SEMS program?**

You must have a properly documented SEMS program in place and make it available to BSEE upon request as required by §250.1924(b).

(a) Your SEMS program must meet the minimum criteria outlined in this subpart, including the following SEMS program elements:

(1) General (see §250.1909)

(2) Safety and Environmental Information (see §250.1910)

(3) Hazards Analysis (see §250.1911)

(4) Management of Change (see §250.1912)

(5) Operating Procedures (see §250.1913)

(6) Safe Work Practices (see §250.1914)

(7) Training (see §250.1915)

(8) Mechanical Integrity (Assurance of Quality and Mechanical Integrity of Critical Equipment) (see §250.1916)

(9) Pre-startup Review (see §250.1917)

(10) Emergency Response and Control (see §250.1918)

(11) Investigation of Incidents (see §250.1919)

(12) Auditing (Audit of Safety and Environmental Management Program Elements) (see §250.1920)

(13) Recordkeeping (Records and Documentation) and additional BSEE requirements (see §250.1928)

(14) Stop Work Authority (SWA) (see §250.1930)

(15) Ultimate Work Authority (UWA) (see §250.1931)

(16) Employee Participation Plan (EPP) (see §250.1932)

(17) Reporting Unsafe Working Conditions (see §250.1933).

(b) You must include a job safety analysis (JSA) for OCS activities identified or discussed in your SEMS program (see §250.1911).

(c) Your SEMS program must meet or exceed the standards of safety and environmental protection of API RP 75 (as incorporated by reference in §250.198).

[76 FR 64462, Oct. 18, 2011, as amended at 78 FR 20440, Apr. 5, 2013]

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**§250.1903 Acronyms and definitions.**

Definitions listed in this section apply to this subpart and supersede definitions in API RP 75, Appendices D and E; COS-2-01, COS-2-03, and COS-2-04; and ISO/IEC 17011 (incorporated by reference as specified in §250.198).

(a) *Acronyms* used frequently in this subpart have the following meanings:

*AB* means Accreditation Body,

*ASP* means Audit Service Provider,

*CAP* means Corrective Action Plan,

*COS* means Center for Offshore Safety,

*EPP* means Employee Participation Plan,

*ISO* means International Organization for Standardization,

*JSA* means Job Safety Analysis,

*MODU* means Mobile Offshore Drilling Unit,

*OCS* means Outer Continental Shelf,

*SEMS* means Safety and Environmental Management Systems,

*SWA* means Stop Work Authority,

*USCG* means United States Coast Guard, and

*UWA* means Ultimate Work Authority.

(b) *Terms* used in this subpart are listed alphabetically as follows:

*Accreditation Body (AB)* means a BSEE-approved independent third-party organization that assesses and accredits ASPs.

*Audit Service Provider (ASP)* means an independent third-party organization that demonstrates competence to conduct SEMS audits in accordance with the requirements of this subpart.

*Corrective Action Plan (CAP)* means a scheduled plan to correct deficiencies identified during an audit and that is developed by an operator following the issuance of an audit report.

*Personnel* means direct employee(s) of the operator and contracted workers.

*Ultimate Work Authority (UWA)* means the authority assigned to an individual or position to make final decisions relating to activities and operations on the facility.

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#### **§250.1904 Special instructions.**

(a) For purposes of this subpart, each and every reference in COS-2-01, COS-2-03, and COS-2-04 (incorporated by reference as specified in §250.198) to the term *deepwater* means the entire OCS, including all water depths.

(b) The BSEE does not incorporate by reference any requirement that you must be a COS member company. For purposes of this subpart, each and every reference in COS-2-01, COS-2-03, and COS-2-04 to the phrase *COS member company(ies)* means you, whether or not you are a COS member.

(c) For purposes of this subpart, each and every reference in the relevant sections of COS-2-01, COS-2-03, and COS-2-04 (incorporated by reference as specified in §250.198) to the *Center for Offshore Safety* or *COS* means *accreditation body* or *AB*.

(d) For purposes of this subpart, each and every reference in ISO/IEC 17011 (incorporated by reference as specified in §250.198) to *conformity assessment body (CAB)* means *ASP*.

[78 FR 20441, Apr. 5, 2013]

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#### **§§250.1905-250.1908 [Reserved]**

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#### **§250.1909 What are management's general responsibilities for the SEMS program?**

You, through your management, must require that the program elements discussed in API RP 75 (as incorporated by reference in §250.198) and in this subpart are properly documented and are available at field and office locations, as appropriate for each program element. You, through your management, are responsible for the development, support, continued improvement, and overall success of your SEMS program. Specifically you, through your management, must:

(a) Establish goals and performance measures, demand accountability for implementation, and provide necessary resources for carrying out an effective SEMS program.

(b) Appoint management representatives who are responsible for establishing, implementing and maintaining an effective SEMS program.

(c) Designate specific management representatives who are responsible for reporting to management on the performance of the SEMS program.

(d) At intervals specified in the SEMS program and at least annually, review the SEMS program to determine if it continues to be suitable, adequate and effective (by addressing the possible need for changes to policy, objectives, and other elements of the program in light of program audit results, changing circumstances and the commitment to continual improvement) and document the observations, conclusions and recommendations of that review.

(e) Develop and endorse a written description of your safety and environmental policies and organizational structure that define responsibilities, authorities, and lines of communication required to implement the SEMS program.

(f) Utilize personnel with expertise in identifying safety hazards, environmental impacts, optimizing operations, developing safe work practices, developing training programs and investigating incidents.

(g) Ensure that facilities are designed, constructed, maintained, monitored, and operated in a manner compatible with applicable industry codes, consensus standards, and generally accepted practice as well as in compliance with all applicable governmental regulations.

(h) Ensure that management of safety hazards and environmental impacts is an integral part of the design, construction, maintenance, operation, and monitoring of each facility.

(i) Ensure that suitably trained and qualified personnel are employed to carry out all aspects of the SEMS program.

(j) Ensure that the SEMS program is maintained and kept up to date by means of periodic audits to ensure effective performance.

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### **§250.1910 What safety and environmental information is required?**

(a) You must require that SEMS program safety and environmental information be developed and maintained for any facility that is subject to the SEMS program.

(b) SEMS program safety and environmental information must include:

(1) Information that provides the basis for implementing all SEMS program elements, including the requirements of hazard analysis (§250.1911);

(2) process design information including, as appropriate, a simplified process flow diagram and acceptable upper and lower limits, where applicable, for items such as temperature, pressure, flow and composition; and

(3) mechanical design information including, as appropriate, piping and instrument diagrams; electrical area classifications; equipment arrangement drawings; design basis of the relief system; description of alarm, shutdown, and interlock systems; description of well control systems; and design basis for passive and active fire protection features and systems and emergency evacuation procedures.

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### **§250.1911 What hazards analysis criteria must my SEMS program meet?**

You must ensure that a hazards analysis (facility level) and a JSA (operations/task level) are developed and implemented for all of your facilities and activities identified or discussed in your SEMS. You must document and maintain a current analysis for each operation covered by this section for the life of the operation at the facility. You must update the analysis when an internal audit is conducted to ensure that it is consistent with your facility's current operations.

(a) *Hazards analysis (facility level)*. The hazards analysis must be appropriate for the complexity of the operation and must identify, evaluate, and manage the hazards involved in the operation.

(1) The hazards analysis must address the following:

(i) Hazards of the operation;

(ii) Previous incidents related to the operation you are evaluating, including any incident in which you were issued an Incident of Noncompliance or a civil or criminal penalty;

(iii) Control technology applicable to the operation your hazards analysis is evaluating; and

(iv) A qualitative evaluation of the possible safety and health effects on employees, and potential impacts to the human and marine environments, which may result if the control technology fails.

(2) The hazards analysis must be performed by a person(s) with experience in the operations being evaluated. These individuals also need to be experienced in the hazards analysis methodologies being employed.

(3) You should assure that the recommendations in the hazards analysis are resolved and that the resolution is documented.

(4) A single hazards analysis can be performed to fulfill the requirements for simple and nearly identical facilities, such as well jackets and single well caissons. You can apply this single hazards analysis to simple and nearly identical facilities after you verify that any site-specific deviations are addressed in each of your SEMS program elements.

(b) *JSA*. You must ensure a JSA is prepared, conducted, and approved for OCS activities that are identified or discussed in your SEMS program. The JSA is a technique used to identify risks to personnel associated with their job activities. The JSAs are also used to determine the appropriate mitigation measures needed to reduce job risks to personnel. The JSA must include all personnel involved with the job activity.

(1) You must ensure that your JSA identifies, analyzes, and records:

(i) The steps involved in performing a specific job;

(ii) The existing or potential safety, health, and environmental hazards associated with each step; and

(iii) The recommended action(s) and/or procedure(s) that will eliminate or reduce these hazards, the risk of a workplace injury or illness, or environmental impacts.

(2) The immediate supervisor of the crew performing the job onsite must conduct the JSA, sign the JSA, and ensure that all personnel participating in the job understand and sign the JSA.

(3) The individual you designate as being in charge of the facility must approve and sign all JSAs before personnel start the job.

(4) If a particular job is conducted on a recurring basis, and if the parameters of these recurring jobs do not change, then the person in charge of the job may decide that a JSA for each individual job is not required. The parameters you must consider in making this determination include, but are not limited to, changes in personnel, procedures, equipment, and environmental conditions associated with the job.

(c) All personnel, which includes contractors, must be trained in accordance with the requirements of §250.1915. You must also verify that contractors are trained in accordance with §250.1915 prior to performing a job.

[76 FR 64462, Oct. 18, 2011, as amended at 78 FR 20441, Apr. 5, 2013]

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### **§250.1912 What criteria for management of change must my SEMS program meet?**

(a) You must develop and implement written management of change procedures for modifications associated with the following:



- (1) Equipment,
- (2) Operating procedures,
- (3) Personnel changes (including contractors),
- (4) Materials, and
- (5) Operating conditions.

(b) Management of change procedures do not apply to situations involving replacement in kind (such as, replacement of one component by another component with the same performance capabilities).

(c) You must review all changes prior to their implementation.

(d) The following items must be included in your management of change procedures:

- (1) The technical basis for the change;
- (2) Impact of the change on safety, health, and the coastal and marine environments;
- (3) Necessary time period to implement the change; and
- (4) Management approval procedures for the change.

(e) Employees, including contractors whose job tasks will be affected by a change in the operation, must be informed of, and trained in, the change prior to startup of the process or affected part of the operation; and

(f) If a management of change results in a change in the operating procedures of your SEMS program, such changes must be documented and dated.

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### **§250.1913 What criteria for operating procedures must my SEMS program meet?**

(a) You must develop and implement written operating procedures that provide instructions for conducting safe and environmentally sound activities involved in each operation addressed in your SEMS program. These procedures must include the job title and reporting relationship of the person or persons responsible for each of the facility's operating areas and address the following:

- (1) Initial startup;

(2) Normal operations;

(3) All emergency operations (including but not limited to medical evacuations, weather-related evacuations and emergency shutdown operations);

(4) Normal shutdown;

(5) Startup following a turnaround, or after an emergency shutdown;

(6) Bypassing and flagging out-of-service equipment;

(7) Safety and environmental consequences of deviating from your equipment operating limits and steps required to correct or avoid this deviation;

(8) Properties of, and hazards presented by, the chemicals used in the operations;

(9) Precautions you will take to prevent the exposure of chemicals used in your operations to personnel and the environment. The precautions must include control technology, personal protective equipment, and measures to be taken if physical contact or airborne exposure occurs;

(10) Raw materials used in your operations and the quality control procedures you used in purchasing these raw materials;

(11) Control of hazardous chemical inventory; and

(12) Impacts to the human and marine environment identified through your hazards analysis.

(b) Operating procedures must be accessible to all employees involved in the operations.

(c) Operating procedures must be reviewed at the conclusion of specified periods and as often as necessary to assure they reflect current and actual operating practices, including any changes made to your operations.

(d) You must develop and implement safe and environmentally sound work practices for identified hazards during operations and the degree of hazard presented.

(e) Review of and changes to the procedures must be documented and communicated to responsible personnel.

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**§250.1914 What criteria must be documented in my SEMS program for safe work practices and contractor selection?**

Your SEMS program must establish and implement safe work practices designed to minimize the risks associated with operations, maintenance, modification activities, and the handling of materials and substances that could affect safety or the environment. Your SEMS program must also document contractor selection criteria. When selecting a contractor, you must obtain and evaluate information regarding the contractor's safety record and environmental performance. You must ensure that contractors have their own written safe work practices. Contractors may adopt appropriate sections of your SEMS program. You and your contractor must document an agreement on appropriate contractor safety and environmental policies and practices before the contractor begins work at your facilities.

(a) A contractor is anyone performing work for you. However, these requirements do not apply to contractors providing domestic services to you or other contractors. Domestic services include janitorial work, food and beverage service, laundry service, housekeeping, and similar activities.

(b) You must document that your contracted employees are knowledgeable and experienced in the work practices necessary to perform their job in a safe and environmentally sound manner. Documentation of each contracted employee's expertise to perform his/her job and a copy of the contractor's safety policies and procedures must be made available to the operator and BSEE upon request.

(c) Your SEMS program must include procedures and verification for selecting a contractor as follows:

(1) Your SEMS program must have procedures that verify that contractors are conducting their activities in accordance with your SEMS program.

(2) You are responsible for making certain that contractors have the skills and knowledge to perform their assigned duties and are conducting these activities in accordance with the requirements in your SEMS program.

(3) You must make the results of your verification for selecting contractors available to BSEE upon request.

(d) Your SEMS program must include procedures and verification that contractor personnel understand and can perform their assigned duties for activities such as, but not limited to:

(1) Installation, maintenance, or repair of equipment;

(2) Construction, startup, and operation of your facilities;

(3) Turnaround operations;

(4) Major renovation; or

(5) Specialty work.

(e) You must:

(1) Perform periodic evaluations of the performance of contract employees that verifies they are fulfilling their obligations, and

(2) Maintain a contractor employee injury and illness log for 2 years related to the contractor's work in the operation area, and include this information on Form BSEE-0131.

(f) You must inform your contractors of any known hazards at the facility they are working on including, but not limited to fires, explosions, slips, trips, falls, other injuries, and hazards associated with lifting operations.

(g) You must develop and implement safe work practices to control the presence, entrance, and exit of contract employees in operation areas.

[76 FR 64462, Oct. 18, 2011, as amended at 78 FR 20441, Apr. 5, 2013]

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### **§250.1915 What training criteria must be in my SEMS program?**

Your SEMS program must establish and implement a training program so that all personnel are trained in accordance with their duties and responsibilities to work safely and are aware of potential environmental impacts. Training must address such areas as operating procedures (§250.1913), safe work practices (§250.1914), emergency response and control measures (§250.1918), SWA (§250.1930), UWA (§250.1931), EPP (§250.1932), reporting unsafe working conditions (§250.1933), and how to recognize and identify hazards and how to construct and implement JSAs (§250.1911). You must document your instructors' qualifications. Your SEMS program must address:

(a) Initial training for the basic well-being of personnel and protection of the environment, and ensure that persons assigned to operate and maintain the facility possess the required knowledge and skills to carry out their duties and responsibilities, including startup and shutdown.

(b) Periodic training to maintain understanding of, and adherence to, the current operating procedures, using periodic drills, to verify adequate retention of the required knowledge and skills.

(c) Communication requirements to ensure that personnel will be informed of and trained as outlined in this section whenever a change is made in any of the areas in your SEMS program that impacts their ability to properly understand and perform their duties and

responsibilities. Training and/or notice of the change must be given before personnel are expected to operate the facility.

(d) How you will verify that the contractors are trained in the work practices necessary to understand and perform their jobs in a safe and environmentally sound manner in accordance with all provisions of this section.

[76 FR 64462, Oct. 18, 2011, as amended at 78 FR 20441, Apr. 5, 2013]

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### **§250.1916 What criteria for mechanical integrity must my SEMS program meet?**

You must develop and implement written procedures that provide instructions to ensure the mechanical integrity and safe operation of equipment through inspection, testing, and quality assurance. The purpose of mechanical integrity is to ensure that equipment is fit for service. Your mechanical integrity program must encompass all equipment and systems used to prevent or mitigate uncontrolled releases of hydrocarbons, toxic substances, or other materials that may cause environmental or safety consequences. These procedures must address the following:

(a) The design, procurement, fabrication, installation, calibration, and maintenance of your equipment and systems in accordance with the manufacturer's design and material specifications.

(b) The training of each employee involved in maintaining your equipment and systems so that your employees can implement your mechanical integrity program.

(c) The frequency of inspections and tests of your equipment and systems. The frequency of inspections and tests must be in accordance with BSEE regulations and meet the manufacturer's recommendations. Inspections and tests can be performed more frequently if determined to be necessary by prior operating experience.

(d) The documentation of each inspection and test that has been performed on your equipment and systems. This documentation must identify the date of the inspection or test; include the name and position, and the signature of the person who performed the inspection or test; include the serial number or other identifier of the equipment on which the inspection or test was performed; include a description of the inspection or test performed; and the results of the inspection test.

(e) The correction of deficiencies associated with equipment and systems that are outside the manufacturer's recommended limits. Such corrections must be made before further use of the equipment and system.

(f) The installation of new equipment and constructing systems. The procedures must address the application for which they will be used.

(g) The modification of existing equipment and systems. The procedures must ensure that they are modified for the application for which they will be used.

(h) The verification that inspections and tests are being performed. The procedures must be appropriate to ensure that equipment and systems are installed consistent with design specifications and the manufacturer's instructions.

(i) The assurance that maintenance materials, spare parts, and equipment are suitable for the applications for which they will be used.

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### **§250.1917 What criteria for pre-startup review must be in my SEMS program?**

Your SEMS program must require that the commissioning process include a pre-startup safety and environmental review for new and significantly modified facilities that are subject to this subpart to confirm that the following criteria are met:

(a) Construction and equipment are in accordance with applicable specifications.

(b) Safety, environmental, operating, maintenance, and emergency procedures are in place and are adequate.

(c) Safety and environmental information is current.

(d) Hazards analysis recommendations have been implemented as appropriate.

(e) Training of operating personnel has been completed.

(f) Programs to address management of change and other elements of this subpart are in place.

(g) Safe work practices are in place.

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### **§250.1918 What criteria for emergency response and control must be in my SEMS program?**

Your SEMS program must require that emergency response and control plans are in place and are ready for immediate implementation. These plans must be validated by drills carried

out in accordance with a schedule defined by the SEMS training program (§250.1915). The SEMS emergency response and control plans must include:

(a) Emergency Action Plan that assigns authority and responsibility to the appropriate qualified person(s) at a facility for initiating effective emergency response and control, addressing emergency reporting and response requirements, and complying with all applicable governmental regulations;

(b) Emergency Control Center(s) designated for each facility with access to the Emergency Action Plans, oil spill contingency plan, and other safety and environmental information (§250.1910); and

(c) Training and Drills incorporating emergency response and evacuation procedures conducted periodically for all personnel (including contractor's personnel), as required by the SEMS training program (§250.1915). Drills must be based on realistic scenarios conducted periodically to exercise elements contained in the facility or area emergency action plan. An analysis and critique of each drill must be conducted to identify and correct weaknesses.

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### **§250.1919 What criteria for investigation of incidents must be in my SEMS program?**

To learn from incidents and help prevent similar incidents, your SEMS program must establish procedures for investigation of all incidents with serious safety or environmental consequences and require investigation of incidents that are determined by facility management or BSEE to have possessed the potential for serious safety or environmental consequences. Incident investigations must be initiated as promptly as possible, with due regard for the necessity of securing the incident scene and protecting people and the environment. Incident investigations must be conducted by personnel knowledgeable in the process involved, investigation techniques, and other specialties that are relevant or necessary.

(a) The investigation of an incident must address the following:

(1) The nature of the incident;

(2) The factors (human or other) that contributed to the initiation of the incident and its escalation/control; and

(3) Recommended changes identified as a result of the investigation.

(b) A corrective action program must be established based on the findings of the investigation in order to analyze incidents for common root causes. The corrective action program must:

(1) Retain the findings of investigations for use in the next hazard analysis update or audit;

(2) Determine and document the response to each finding to ensure that corrective actions are completed; and

(3) Implement a system whereby conclusions of investigations are distributed to similar facilities and appropriate personnel within their organization.

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### **§250.1920 What are the auditing requirements for my SEMS program?**

(a) Your SEMS program must be audited by an accredited ASP according to the requirements of this subpart and API RP 75, Section 12 (incorporated by reference as specified in §250.198). The audit process must also meet or exceed the criteria in Sections 9.1 through 9.8 of *Requirements for Third-party SEMS Auditing and Certification of Deepwater Operations COS-2-03* (incorporated by reference as specified in §250.198) or its equivalent. Additionally, the audit team lead must be an employee, representative, or agent of the ASP, and must not have any affiliation with the operator. The remaining team members may be chosen from your personnel and those of the ASP. The audit must be comprehensive and include all elements of your SEMS program. It must also identify safety and environmental performance deficiencies.

(b) Your audit plan and procedures must meet or exceed all of the recommendations included in API RP 75 section 12 (as specified in §250.198) and include information on how you addressed those recommendations. You must specifically address the following items:

(1) Section 12.1 General.

(2) Section 12.2 Scope.

(3) Section 12.3 Audit Coverage.

(4) Section 12.4 Audit Plan. You must submit your written Audit Plan to BSEE at least 30 days before the audit. BSEE reserves the right to modify the list of facilities that you propose to audit.

(5) Section 12.5 Audit Frequency. You must have your SEMS program audited by an ASP within 2 years after initial implementation and every 3 years thereafter. The 3-year auditing cycle begins on the start date of each comprehensive audit (including the initial implementation audit) and ends on the start date of your next comprehensive audit. For exploratory drilling operations taking place on the Arctic OCS, you must conduct an audit, consisting of an onshore portion and an offshore portion, including all related infrastructure, once per year for every year in which drilling is conducted.

(6) Section 12.6 Audit Team. Your audits must be performed by an ASP as described in §250.1921. You must include the ASP's qualifications in your audit plan.



(c) You must submit an audit report of the audit findings, observations, deficiencies identified, and conclusions to BSEE within 60 days of the audit completion date. For exploratory drilling operations taking place on the Arctic OCS, you must submit an audit report of the audit findings, observations, deficiencies and conclusions for the onshore portion of your audit no later than March 1 in any year in which you plan to drill, and for the offshore portion of your audit, within 30 days of the close of the audit.

(d) You must provide BSEE with a copy of your CAP for addressing the deficiencies identified in your audit within 60 days of the audit completion date. Your CAP must include the name and job title of the personnel responsible for correcting the identified deficiency(ies). The BSEE will notify you as soon as practicable after receipt of your CAP if your proposed schedule is not acceptable or if the CAP does not effectively address the audit findings. For exploratory drilling operations taking place on the Arctic OCS, you must provide BSEE with a copy of your CAP for addressing deficiencies or nonconformities identified in the onshore portion of the audit no later than March 1 in any year in which you plan to drill, and for the offshore portion of your audit, within 30 days of the close of the audit.

(e) BSEE may verify that you undertook the corrective actions and that these actions effectively address the audit findings.

(f) For exploratory drilling operations taking place on the Arctic OCS, during the offshore portion of each audit, 100 percent of the facilities operated must be audited while drilling activities are underway. You must start and close the offshore portion of the audit for each facility within 30 days after the first spudding of the well or entry into an existing wellbore for any purpose from that facility.

(g) For exploratory drilling operations taking place on the Arctic OCS, if BSEE determines that the CAP or progress toward implementing the CAP is not satisfactory, BSEE may order you to shut down all or part of your operations.

[76 FR 64462, Oct. 18, 2011, as amended at 78 FR 20442, Apr. 5, 2013; 81 FR 36151, June 6, 2016; 81 FR 46563, July 15, 2016]

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### **§250.1921 What qualifications must the ASP meet?**

(a) The ASP must meet or exceed the qualifications, competency, and training criteria contained in Section 3 and Sections 6 through 10 of *Qualification and Competence Requirements for Audit Teams and Auditors Performing Third-party SEMS Audits of Deepwater Operations, COS-2-01*, (incorporated by reference as specified in §250.198) or its equivalent;

(b) The ASP must be accredited by a BSEE-approved AB; and

(c) The ASP must perform an audit in accordance with 250.1920(a).

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### **§250.1922 What qualifications must an AB meet?**

(a) In order for BSEE to approve an AB, the organization must satisfy the requirements of the International Organization for Standardization's (ISO/IEC 17011) *Conformity assessment—General requirements for accreditation bodies accrediting conformity assessment bodies*, First Edition 2004-09-01; Corrected Version 2005-02-15 (incorporated by reference as specified in §250.198) or its equivalent.

(1) The AB must have an accreditation process that meets or exceeds the requirements contained in Section 6 of *Requirements for Accreditation of Audit Service Providers Performing SEMS Audits and Certification of Deepwater Operations*, COS-2-04 (incorporated by reference as specified in §250.198) or its equivalent, and other requirements specified in this subpart. Organizations requesting approval must submit documentation to BSEE describing the process for assessing an ASP for accreditation and approving, maintaining, and withdrawing the accreditation of an ASP. Requests for approval must be sent to DOI/BSEE, ATTN: Chief, Office of Offshore Regulatory Programs, 381 Elden Street, HE-3314, Herndon, VA 20170.

(2) An AB may be subject to BSEE audits and other requirements deemed necessary to verify compliance with the accreditation requirements.

(b) An AB must have procedures in place to avoid conflicts of interest with the ASP and make such information available to BSEE upon request.

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### **§250.1923 [Reserved]**

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### **§250.1924 How will BSEE determine if my SEMS program is effective?**

(a) The BSEE, or its authorized representative, may evaluate or visit your facility(ies) to determine whether your SEMS program is in place, addresses all required elements, is effective in protecting worker safety and health and the environment, and preventing incidents. The BSEE, or its authorized representative, may evaluate any and all aspects of your SEMS program as outlined in this subpart. These evaluations or visits may be random and may be based upon your performance or that of your contractors.

(b) For the evaluations, you must make the following available to BSEE upon request:

- (1) Your SEMS program;
  - (2) Your audit team's qualifications;
  - (3) The SEMS audits conducted of your program;
  - (4) Documents or information relevant to whether you have addressed and corrected the deficiencies of your audit; and
  - (5) Other relevant documents or information.
- (c) During the site visit BSEE may verify that:
- (1) Personnel are following your SEMS program,
  - (2) You can explain and demonstrate the procedures and policies included in your SEMS program; and
  - (3) You can produce evidence to support the implementation of your SEMS program.

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### **§250.1925 May BSEE direct me to conduct additional audits?**

(a) The BSEE may direct you to have an ASP audit of your SEMS program if BSEE identifies safety or non-compliance concerns based on the results of our inspections and evaluations, or as a result of an event. This BSEE-directed audit is in addition to the regular audit required by §250.1920. Alternatively, BSEE may conduct an audit.

(1) If BSEE directs you to have an ASP audit, you are responsible for all of the costs associated with the audit, and

- (i) The ASP must meet the requirements of §§250.1920 and 250.1921 of this subpart.
- (ii) You must submit an audit report of the audit findings, observations, deficiencies identified, and conclusions to BSEE within 60 days of the audit completion date.

(2) If BSEE conducts the audit, BSEE will provide you with a report of the audit findings, observations, deficiencies identified, and conclusions as soon as practicable.

(b) You must provide BSEE a copy of your CAP for addressing the deficiencies identified in the BSEE-directed audit within 60 days of the audit completion date. Your CAP must include the name and job title of the personnel responsible for correcting the identified deficiency(ies). The

BSEE will notify you as soon as practicable after receipt of your CAP if your proposed schedule is not acceptable or if the CAP does not effectively address the audit findings.

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#### **§250.1926 [Reserved]**

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#### **§250.1927 What happens if BSEE finds shortcomings in my SEMS program?**

If BSEE determines that your SEMS program is not in compliance with this subpart we may initiate one or more of the following enforcement actions:

- (a) Issue an Incident(s) of Noncompliance;
- (b) Assess civil penalties; or
- (c) Initiate probationary or disqualification procedures from serving as an OCS operator.

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#### **§250.1928 What are my recordkeeping and documentation requirements?**

(a) Your SEMS program procedures must ensure that records and documents are maintained for a period of 6 years, except as provided below. You must document and keep all SEMS audits for 6 years and make them available to BSEE upon request. You must maintain a copy of all SEMS program documents at an onshore location.

(b) For JSAs, the person in charge of the job must document the results of the JSA in writing and must ensure that records are kept onsite for 30 days. In the case of a MODU, records must be kept onsite for 30 days or until you release the MODU, whichever comes first. You must retain these records for 2 years and make them available to BSEE upon request.

(c) You must document and date all management of change provisions as specified in §250.1912. You must retain these records for 2 years and make them available to BSEE upon request.

(d) You must keep your injury/illness log for 2 years and make them available to BSEE upon request.

(e) You must keep all evaluations completed on contractor's safety policies and procedures for 2 years and make them available to BSEE upon request.

(f) For SWA, you must document all training and reviews required by §250.1930(e). You must ensure that these records are kept onsite for 30 days. In the case of a MODU, records must be kept onsite for 30 days or until you release the MODU, whichever comes first. You must retain these records for 2 years and make them available to BSEE upon request.

(g) For EPP, you must document your employees' participation in the development and implementation of the SEMS program. You must retain these records for 2 years and make them available to BSEE upon request.

(h) You must keep all records in an orderly manner, readily identifiable, retrievable and legible, and include the date of any and all revisions.

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### **§250.1929 What are my responsibilities for submitting OCS performance measure data?**

You must submit Form BSEE-0131 on an annual basis by March 31st. The form must be broken down quarterly, reporting the previous calendar year's data.

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### **§250.1930 What must be included in my SEMS program for SWA?**

(a) Your SWA procedures must ensure the capability to immediately stop work that is creating imminent risk or danger. These procedures must grant all personnel the responsibility and authority, without fear of reprisal, to stop work or decline to perform an assigned task when an imminent risk or danger exists. Imminent risk or danger means any condition, activity, or practice in the workplace that could reasonably be expected to cause:

(1) Death or serious physical harm; or

(2) Significant environmental harm to:

(i) Land;

(ii) Air; or

(iii) Mineral deposits, marine, coastal, or human environment.

(b) The person in charge of the conducted work is responsible for ensuring the work is stopped in an orderly and safe manner. Individuals who receive a notification to stop work must comply with that direction immediately.

(c) Work may be resumed when the individual on the facility with UWA determines that the imminent risk or danger does not exist or no longer exists. The decision to resume activities must be documented in writing as soon as practicable.

(d) You must include SWA procedures and expectations as a standard statement in all JSAs.

(e) You must conduct training on your SWA procedures as part of orientations for all new personnel who perform activities on the OCS. Additionally, the SWA procedures must be reviewed during all meetings focusing on safety on facilities subject to this subpart.

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### **§250.1931 What must be included in my SEMS program for UWA?**

(a) Your SEMS program must have a process to identify the individual with the UWA on your facility(ies). You must designate this individual taking into account all applicable USCG regulations that deal with designating a person in charge of an OCS facility. Your SEMS program must clearly define who is in charge at all times. In the event that multiple facilities, including a MODU, are attached and working together or in close proximity to one another to perform an OCS operation, your SEMS program must identify the individual with the UWA over the entire operation, including all facilities.

(b) You must ensure that all personnel clearly know who has UWA and who is in charge of a specific operation or activity at all times, including when that responsibility shifts to a different individual.

(c) The SEMS program must provide that if an emergency occurs that creates an imminent risk or danger to the health or safety of an individual, the public, or to the environment (as specified in §250.1930(a)), the individual with the UWA is authorized to pursue the most effective action necessary in that individual's judgment for mitigating and abating the conditions or practices causing the emergency.

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### **§250.1932 What are my EPP requirements?**

(a) Your management must consult with their employees on the development, implementation, and modification of your SEMS program.

(b) Your management must develop a written plan of action regarding how your appropriate employees, in both your offices and those working on offshore facilities, will participate in your SEMS program development and implementation.

(c) Your management must ensure that employees have access to sections of your SEMS program that are relevant to their jobs.

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### **§250.1933 What procedures must be included for reporting unsafe working conditions?**

(a) Your SEMS program must include procedures for all personnel to report unsafe working conditions in accordance with §250.193. These procedures must take into account applicable USCG reporting requirements for unsafe working conditions.

(b) You must post a notice at the place of employment in a visible location frequently visited by personnel that contains the reporting information in §250.193.

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