



How Does OQ Relate to Incidents/Accidents



info@its-training.com



its-training.com



270.753.2150





EVERY TIME

There is an accident or incident -

- The whole country can see it – with the internet
- Attention is directed to PHMSA and the state where it occurs – Congress, regulators, and public
- The public questions the safety of every pipeline, specially if they are in their own backyard or neighborhood
- Doubt



EVERY TIME

There is an accident or incident -

- Congress and NTSB react – require some type of action
- Mandates and Recommendations, respectively, go to PHMSA's office where actions must be either taken or considered
- Dependent on affect, PHMSA can direct states to take actions also
- The types and number of operators affected are dependent on the required action





AGENDA

- ✔ Brief History of OQ
- ✔ Accidents and Incidents Defined
- ✔ Actions
- ✔ Inside the Issues
- ✔ Response to Findings

BRIEF HISTORY OF OQ

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- ✓ 1994 – RSPA (Pre-PHMSA) issued a Notice of Proposed Rulemaking for Training: Industry comments stopped the development of the regulation.
- ✓ Negotiated Rulemaking (1999) – On August 27, 1999, a Final Rule was published that provided the pipeline industry the first rulemaking which allowed pipeline operators input into its development.
- ✓ **Note:** Reminder that the Code of Federal Regulations is the minimum requirement.

DEPARTMENT OF TRANSPORTATION
Research and Special Programs
Administration

49 CFR Parts 192 and 195

[Docket No. RSPA-98-3783; Amendment
192-86; 195-67]

RIN 2137-AB38

Pipeline Safety: Qualification of Pipeline Personnel

AGENCY: Research and Special Programs
Administration (RSPA); Office of
Pipeline Safety (OPS).

ACTION: Final rule.

SUMMARY: This final rule requires
pipeline operators to develop and
maintain a written qualification
program for individuals performing
critical tasks on pipeline facilities. The
purpose of this qualification rule is to
ensure a qualified work force and to
reduce the probability and consequence
of incidents caused by human error.

BRIEF HISTORY OF OQ

- ✓ The regulation was implemented in 2 phases. Each operator had to have a written plan developed by April 27, 2001, and qualifications of individuals performing covered tasks qualified by October 28, 2002.
- ✓ In January 2003, RSPA held a Public Meeting to discuss the perceived gaps of the regulation.
- ✓ The output of the meeting was a list that became known as The 13 Issues.

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THE 13 ISSUES

High Impact	Medium Impact	Low Impact
1. Scope of OQ Inspections	9. Additional Covered Tasks	4. Criteria for Small Operators
2. Evaluation of KSA's	10. Extent of Documentation	5. Direction and Observation of NQIs
3. Re-evaluation Interval	11. Treatment of Training	6. Noteworthy Practices
7. Maintenance vs. New Construction	12. AOCs	13. Persons Contributing to an Incident or Accident
8. Treatment of Emergency		

TODAY'S DISCUSSION

High Impact	Medium Impact	Low Impact
2. Evaluation of KSA's	10. Extent of Documentation	5. Direction and Observation of NQIs
3. Re-evaluation Interval	11. Treatment of Training	
	12. AOCs	13. Persons Contributing to an Incident or Accident
8. Treatment of Emergency		

OQ

§192.805 Qualification program.

Each operator shall have and follow a written qualification program. The program shall include provisions to:

(d) Evaluate an individual if the operator has reason to believe that the individual's performance of a covered task contributed to an incident as defined in Part 191;



OQ

§195.505 Qualification program.

Each operator shall have and follow a written qualification program. The program shall include provisions to:

(d) Evaluate an individual if the operator has reason to believe that the individual's performance of a covered task contributed to an accident as defined in Part 195;



ACTIONS

ACTIONS TO TAKE

- ✓ If a reportable accident or incident takes place, an operator must:
 - ✓ Call 911
 - ✓ Operations/Control Center
 - ✓ PHMSA
 - ✓ State agency
 - ✓ LEPC
- ✓ Deploy additional personnel to make safe
- ✓ And....



ACTIONS TO TAKE

- ✔ Investigate into the circumstances of the accident or incident (don't assume, determine it)....
- ✔ If you have an investigation form, does it specifically ask:
 - ✔ Were OQ covered tasks being performed on the pipeline facility or had just been performed?
 - ✔ Could any individual's performance of the covered task(s) have contributed to the accident or incident?
- ✔ If your form does not ask the question, how are you documenting your decision regarding the requirement?



ACTIONS TO TAKE

- ✔ Consider suspending the individual(s) from performing the covered task(s) that may have contributed to the incident/accident until the investigation is completed.
- ✔ His or her continued performance of the covered tasks in questions while the investigation is under way could compromise other parts of your system.
- ✔ After the investigation is complete, then action(s) may need to be taken – depending on the findings.



ACTIONS TO TAKE

- ✔ Additionally, you must determine if someone performing a covered function either contributed to the incident/accident or cannot be completely discounted as a contributing factor. Post-accident drug and alcohol testing must be performed according to regulation; within 32 hours for drugs and 8 hours for alcohol.
- ✔ If you decide not to not test, documentation is required to explain reasoning of the decision.



INSIDE THE ISSUES

PROCEDURES

- Review what work was being performed
- Determine if the correct procedure was being utilized for the task
- Determine if the procedure was followed



MATERIALS

- Although it may take an in-depth lab evaluation, material failure could be the cause
- Determine if the correct materials were used initially in construction
- Was anything replaced? Correct materials used?



TRAINING

- Determine if training had been provided for the covered task being performed
- Determine if the training was adequate
- Determine if the training was timely.
- Did the individual encounter an issue that training did not address?



EVALUATION/QUALIFICATION

- Determine if qualification(s) are current for individuals performing covered task(s), including recognizing and reacting to AOCs
- Determine what type of evaluation(s) were used for the covered task(s) in question



EVALUATION/QUALIFICATION

- Determine if the evaluation adequately addressed the steps of the procedure of the covered task
- Determine if the evaluation occurred as documented
- Determine who the evaluator was
- Determine if the AOCs addressed in the OQ plan are reasonable





ADDITIONAL CONSIDERATIONS

- ✔ Perform a field inspection to ensure that other individuals, operator and contractor personnel, are able to perform the same covered task.
- ✔ If others are not performing the covered task correctly, there may be issues with evaluation methodology, the evaluator, O&M procedures, training, equipment or combination.

A CHOICE

- In very rare cases, there is one finding that can happen, and seems foreign to us in this industry.
- The choice to not follow a procedure or care about safety.
- If an employee makes this choice, you have other decisions to make.



DOCUMENTATION

- No matter what finding or combination of findings that result from your investigation – document it all.
- If you disqualify anyone, document the process of any training and/or re-evaluations
- If you implement any other actions, document it.
- Follow up to ensure personnel have made any necessary changes and document it.



RESPONSE TO FINDINGS

RESPONSE TO FINDINGS

- ✓ After the investigation, develop a plan of action, implement the action, and have all areas of your operation in the communication loop:
- ✓ OQ - Company and contractor employees
- ✓ Procedures (O&M)
- ✓ Training
- ✓ Evaluators
- ✓ Contracts (possible)



RESPONSE TO FINDINGS

- ✔ Close the Loop!
- ✔ Communicate to all affected groups and individuals
- ✔ Take actions so that it will not likely occur again
- ✔ Ensure changes have been implemented
- ✔ Check records
- ✔ Determine if changes are “significant” and make notifications. if required.



NEW INTERPREATION

Interpretation Response #PI-22-0008

Response to NTSB after an incident investigation and the question if launching and receiving pigs is a covered task.



NEW INTERPRETATION

Interpretation Response #PI-22-0008

Question 1 - Must activities be specifically prescribed in the regulations to be "performed as a requirement of this part" in accordance with 49 CFR 192.801(b)(3)?

Response 1 – No, the four-part-test is applicable for regulated pipeline activities under 49 CFR Parts 192 and 195. Any activity meeting the four-part test is considered a covered task, including activities that are integral to meeting the requirements of the regulations.



NEW INTERPREATION

Interpretation Response #PI-22-0008

Question 2 - Is "launching and receiving pigs" a covered task as defined in 49 CFR 192.801(b) and 49 CFR 195.501(b)?

Response 2 – Yes, as explained in the analysis section, the described pipeline task meets the four-part-test.



QUESTIONS

WARREN MILLER

Regulatory Compliance Specialist

Office: 270.753.2150 Ext. 111

Cell: 270.227.4465

wmiller@its-training.com



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wmiller@its-training.com

its-training.com

270.753.2150 Ext: 111

270.227.4465