



# How Does OQ Relate to Accidents & Incidents



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# 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
- The public questions the safety of every pipeline, especially 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 go to PHMSA's office where actions must be taken or considered
- PHMSA can also direct states to take actions
- The types and number of operators affected depend on the required action





# AGENDA

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

# BRIEF HISTORY OF OQ

# Brief History of OQ

**1994**

## **Notice of Proposed Rulemaking for Training**

RSPA (Pre-PHMSA) issued this notice, but industry comments stopped the regulation's development.

**1999**

## **Negotiated Rulemaking**

The first Final Rule that allowed pipeline operators input into its development was published on August 27, 1999.

**Note:** The Code of Federal Regulations is the minimum requirement.

**2001**

## **Final Rule – Phase 1**

Each operator was required to have a written plan by April 27, 2001.

**2002**

## **Final Rule – Phase 2**

Each operator was required to qualify individuals performing covered tasks by October 28, 2002.

**2003**

## **RSPA Public Meeting**

RSPA held a public meeting to discuss perceived gaps in the regulation in January 2003. The result of the meeting was the 13 Issues.



# The 13 Issues

## High Impact

1. Scope of OQ Inspections
2. Evaluations of KSAs
3. Re-evaluation Interval
7. Maintenance vs. New Construction
8. Treatment of Emergency

## Medium Impact

9. Additional Covered Tasks
10. Extent of Documentation
11. Treatment of Training
12. AOCs

## Low Impact

4. Criteria for Small Operators
5. Direction and Observation of NQIs
6. Noteworthy Practices
13. Persons Contributing to an Incident or Accident

# Today's Discussion

## High Impact

1. Scope of OQ Inspections
2. Evaluations of KSAs
3. Re-evaluation Interval
7. Maintenance vs. New Construction
8. Treatment of Emergency

## Medium Impact

9. Additional Covered Tasks
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## Low Impact

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5. Direction and Observation of NQIs
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# 192 Operator Qualification

## **§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;





# 195 Operator Qualification

## **§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;



# OPERATOR 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...

- ✓ Investigate into the circumstances of the accident or incident – **Don't assume it, determine it**





# Actions to Take

- ✓ 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 tasks have contributed to the accident or incident?
- ✓ If your form does not ask these questions, how are you documenting your decision regarding the requirement?



# Actions to Take

- ✔ Consider suspending individuals from performing the covered tasks that may have contributed to the incident or accident until the investigation is completed.
- ✔ The individuals' continued performance of the covered tasks in questions while the investigation is underway could compromise other parts of your system.
- ✔ After the investigation is complete, then actions may need to be taken – depending on the findings.



# Amended Regulations

Each operator must develop, implement, and incorporate lessons learned from a post-failure or incident review into written procedures, including:

- ✓ Personal training and qualification programs
- ✓ Design specifications
- ✓ Construction testing specifications
- ✓ Operations and Maintenance manuals
- ✓ Emergency manuals





# Actions to Take

- ✓ Determine if an individual performing a covered function either:
  - Contributed to the incident/accident
  - 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
  - Within 8 hours for alcohol
- ✓ If you decide not to not test, documentation is required to explain the decision.



# INSIDE THE ISSUES

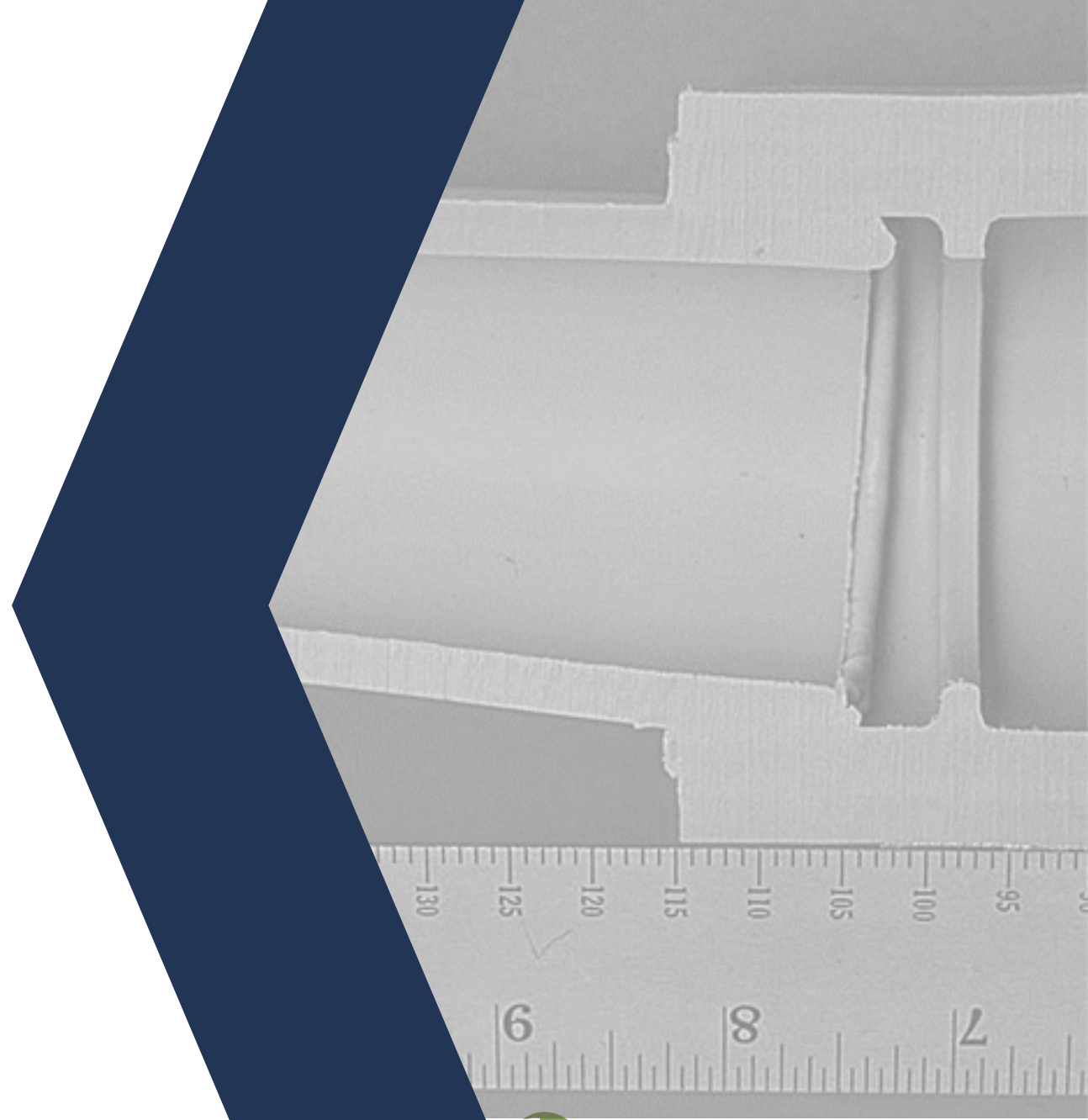
# Procedures

- ✓ 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?
- ✓ Were the 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?



# Evaluator Qualification

- ✔ Determine if qualifications are current for individuals performing covered tasks, including recognizing and reacting to AOCs
- ✔ Determine what type of evaluations were used for the covered tasks in question



# Evaluator Qualification

- ✔ Determine if the evaluation adequately addressed the steps of the covered task procedure
- ✔ 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 operator and contractor personnel can 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

# 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 the findings from your investigation – **document it all**
- ✓ If you disqualify anyone, document the training and/or re-evaluation process
- ✓ If you implement any other actions, document them
- ✓ 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 plan, and communicate it to all areas of your operation:
  - OQ - Company and contractor employees
  - Procedures (O&M)
  - Training
  - Evaluators



# Response to Findings

- ✓ Close the communication 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





# QUESTIONS?



# THANK YOU



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