

**§ 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.

**§ 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, except your audit interval, must not exceed 3 years after the 2-year time period for the first audit. 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.
- (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.

(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

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not acceptable or if the CAP does not effectively address the audit findings.

[76 FR 64462, Oct. 18, 2011, as amended at 78 FR 20442, Apr. 5, 2013]

### § 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).

[78 FR 20442, Apr. 5, 2013]

### § 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

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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.

[78 FR 20442, Apr. 5, 2013]

### § 250.1923 [Reserved]

### § 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.

[76 FR 64462, Oct. 18, 2011, as amended at 78 FR 20442, Apr. 5, 2013]

### § 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