INTRODUCTION

The Qualification of Pipeline Personnel (OQ) rule requires pipeline Operators to develop and maintain a written qualification program for individuals performing covered tasks on pipeline facilities. The qualification rule intends to ensure a qualified pipeline work force and to reduce the probability and consequence of incidents caused by human error. The final rule created new subparts in the gas and hazardous liquid pipeline safety regulations. OQ established qualification requirements for individuals performing covered tasks, and amended certain training requirements in the hazardous liquid regulations. The OQ final rule was developed through a negotiation process and was effective on August 26, 1999. The rule required all individuals performing covered tasks to be qualified by October 28, 2002. The Operators made a great effort and investment to comply with the OQ rule. Operators created their OQ program, implemented its processes, generated evaluation records for employees and contractors, and began to breathe a relieved sigh. However, President Bush signed into law the Pipeline Improvement Act on December 17, 2002.

PIPELINE IMPROVEMENT ACT

The new Act, HR 3609, has thirty-three sections mostly addressing pipeline related topics such as One-Call Notification Programs, Safety Orders, Penalties, National Transportation Safety Board (NTSB) Safety Recommendations, Pipeline Qualification Programs, and many other related subject matter such as Risk Analysis and Integrity Management Programs for Gas Pipelines. The Pipeline Improvement Act of 2002 amends Title 49 of the United State Code. Briefly, in one section OPS requested a provision for the Secretary of Transportation to have authority to order an Operator of a facility to take corrective action if the Secretary decides that a potential safety-related condition exists. Another section requires Research of Special Program Administration (RSPA) and Office of Pipeline Safety (OPS) to respond to recommendations received from the NTSB within 90 days from receipt of such recommendations. Such responses shall state the intentions of OPS with respect to the recommendations and shall state the timetable for completing the procedures and reasons for refusals to so. The responses shall be made available to the public. The OPS is required to submit an annual report describing each recommendation received and the OPS response to each recommendation for the previous year. Most importantly, Section 13 (60131-Verification of Pipeline Qualification Programs) expects the Secretary of Transportation to require Operators of pipelines facilities to develop qualification programs for their personnel who perform covered tasks as define in the Code of Federal Regulations Part 192 Subpart N or 195 Subpart G. This section also requires the Secretary to have in place standards and criteria for such qualification programs, including a method for examining or testing the qualifications of individuals who perform covered tasks. Such methods may include written examination, oral examination, on-the-job training, simulations, observation during on-the-job performance, and other forms of assessment. The method may not be limited to observation of on-the-job performance, except with respect to tasks where the Secretary has determined specifically that such observation is the best method of examining or testing qualifications. Further, the Secretary must ensure that the results of any such on-the-job performance observations are documented in writing. The Secretary may waive or modify requirements if not inconsistent with pipeline safety. The Secretary is required to verify each Operator's qualification program, including modifications to previously verified programs. In the event the Secretary fails to establish standards and criteria as set forth in this section, pipeline facility Operators are required to develop and implement qualification programs based on the requirements of this section. The Secretary is required to report to Congress within five years on the status and results of personnel qualification regulations. Finally, this section also requires a pilot program to be established for the certification of individuals who operate computer-based systems for controlling the operation of pipelines. The pilot program seeks the participation of three pipeline facilities. Pipeline improvement revolves on the standards and criteria designed by OPS for inspecting OQ Programs and the OQ established methods developed by the Operators to comply with OQ Rule.

VIEW POINTS

A performance rule requires inspection of the approaches through which the Operator expects to achieve improvements to its pipeline system. The Operator Qualification Rule was designed as a performance rule with some limited prescriptive requirements. Inspection against performance rule provisions is different from inspection of a purely prescriptive rule. A performance rule provides flexibility in how Operators evaluate, justify and change their practices to satisfy the rule's intent within their unique operating environment. However, such
changes will not immediately manifest themselves in recognizable changes in performance, and performance results will likely vary significantly from Operator to Operator depending on factors such as the extent of management involvement, the maturity of Operator practices, and the commitment of individuals performing covered tasks. The ultimate proof of the effectiveness of Operator OQ programs will be through a continuing review of performance trends. However, regulatory bodies cannot await performance results to demonstrate Operator program effectiveness. Therefore, OQ rule implementation inspection must include not only evaluation of compliance with its prescriptive provisions, but also, evaluation of program completeness, anticipated effectiveness of the documented approaches designed to qualify individuals, and to ensure they remain qualified. OPS expect to undertake a joint effort with industry to clarify the ingredients in a successful OQ program (criteria) and to document examples of practices that satisfy these criteria (benchmarks). Protocol questions are designed to support regulatory exploration of Operators’ approaches used to address the OQ Rule requirements. The protocols will assist to discover the criteria and benchmarks in Operator OQ programs. The questions will outline the ‘thinking trail’ used by the Operator to develop and implement OQ programs.

At least three public meetings, as many workshops, and numerous phone conferences were planned for a joint effort between OPS, states, the pipeline industry, and the public to describe approaches to inspecting Operators against provisions in the OQ rule, that is, to establish standards and criteria with benchmarks. Time periods were considered between meetings for each interested segment to group and discuss concerns and develop positions addressing the approaches to the issues and inspection methods from each segment’s viewpoint. During the first of several public meetings between the pipeline industry and OPS to discuss ‘standards and criteria’, OPS revealed its position by indicating that the review of incident and accident history for the pipeline industry illustrated that Operator errors have contributed significantly to these events. OPS further stated that the Qualification of Operator Personnel rule is “intended to eliminate Operator errors and thereby eliminate incidents and accidents to which Operator errors contribute.” OQ was designed to allow Operators almost total flexibility in their approach to address individual qualification. The rule is characterized as a performance type rule, but contained no measures by which trends in performance could be monitored. Therefore, OPS’ approach to inspecting compliance with the rule’s provisions must ascertain that the safety concerns initiating the rule are directly confronted. OPS is “rigorously inspecting compliance with the rule’s prescriptive requirements and evaluating the approaches Operators have used to satisfy these requirements.” The approach OPS has developed to inspect OQ Programs makes use of a set of inspection protocols. These protocols are simply questions organized into a line of inquiry that seeks to examine how the Operator meets OQ provisions. Assorted questions are designed to support regulatory exploration of the Operator’s methodology utilized to address the OQ rule requirements. OPS have developed other new compliance tools to enforce OQ.

Several tools are needed to provide an option in promoting improvement at Operators who are making a strong effort to address the letter and spirit of OQ, but have not yet completed development of a fully satisfactory Program. One catalyst to change is the “Notice of Area of Recommended Improvement” (NARI). If the Operator’s procedures and processes required by the rule are not adequate, but the Operator has demonstrated an understanding and appreciation of what it would take to produce adequate procedures and has indicated a commitment to make such improvements, the new compliance tool NARI will be used. If the Operator procedures and practices required by the rule are not adequate and the Operator has demonstrated little understanding of what it would take to produce adequate procedures (or no willingness to do so), then a “Notice of Amendment” (NOA) will be pursued. If there is clear non-compliance with rule requirements that cannot be easily remedied by the Operator and which indicate a lack of serious intent to comply with the rule objectives, a Notice of Probable Violation (NOPV) will be pursued. OPS understand that the OQ rule, associated inspection protocols, and other enforcement tools significantly raise the bar for pipeline safety.

OPS is developing inspection protocols both to improve the communication of regulatory expectations with states and the industry, and to support improved consistency of inspections conducted by various regulatory groups. The inspection protocols provoked many issues, each in different areas and were introduced and discussed during the January 2003 San Antonio public meeting. Following is the regulatory perspective on major topics to be addressed. This perspective, which has been discussed among regulatory members of the OQ Developmental Team including representatives from five states and each of the five OPS regions, has been prepared to support discussions. OPS intent is for the numbered topics below to be discussed by selected individuals representing regulatory and industry perspectives. Further, the thirteen issues have been labeled into three impact categories: High Impact Issues, Medium Impact Issues, and Low Impact Issues.

**HIGH IMPACT ISSUES**

Scope of OQ Inspections: Should inspections go beyond evaluation of compliance with prescriptive requirements of the Rule? Regulators cannot await performance trends to show whether Operator programs are working. OPS needs to examine compliance with the prescriptive requirements as well as with the set of requirements implied as necessary by the rule. An example of an implied requirement is the need for a method to identify individuals who may have contributed to an incident/accident through performance of a covered task. Operators need a way to characterize incident causes
and to identify individuals who performed covered tasks that may have contributed to the incident/accident. Inspections against provisions in the OQ Rule must include evaluation of the approach Operators take to satisfy those provisions.

Evaluation of Knowledge, Skills, and Abilities (KSAs): Should evaluation leading to qualification consider knowledge, skills and physical ability? The Rule requires that individuals be evaluated for their ability to perform covered tasks. Each covered task needs to be evaluated in terms of the knowledge, skills and physical ability required to successfully accomplish the covered task performance. The importance of KSAs characteristics will vary from task to task, but the evaluation process needs to consider the need for each. Some concern has been expressed regarding any reference in the protocols to the use of training to support qualification of Operators. Although these concerns correctly reflect that training is not required by the Rule, they ignore the fact that training is a major means to the end of qualifying individuals. In addition, the recently passed amendment to the Pipeline Safety Act states that one of the minimum elements of a qualification program is “a program to provide training, as appropriate, to ensure that individuals performing covered tasks have the necessary knowledge and skills to perform the tasks in a manner that ensures the safe operation of pipeline facilities.” Protocols currently explore the Operators’ use of training in their approach to qualification and reevaluation. OPS need to understand the role of training use to judge the approach adequacy being taken by individual Operators. OPS have addressed these comments by exploring the role of training using protocol questions directed at Rule provisions.

Re-evaluation Intervals: How should re-evaluation intervals be supported and justified? Regulatory perspective on re-evaluation interval is that they can initially be based on precedents from other regulatory agencies. Ultimately, however, Operators must either established conservative intervals or institute other means to monitor trend performance resulting from intervals selected. If longer intervals are desired, performance trends must be used to adjust conservative intervals as appropriate. Concerns have been expressed on the extent of justification needed to establish reevaluation intervals, and on the need for monitoring to evaluate the appropriateness of the intervals selected. Initial industry practice seems to support a three to five year reevaluation interval based on reference to other regulatory bodies practices. No justification for these intervals based on actual data has yet been identified. In addition, little formal monitoring of the effectiveness of Operator performance is being planned to substantiate intervals selected. Also, no significant activity has been identified to differentiate reevaluation intervals of different tasks based on task criticality, frequency of performance or risk associated with the task. Differentiation of reevaluation interval is rare even though the NTSB has publicly supported a one-year reevaluation interval for SCADA Operators. OPS’ position, in the absence of substantive data on the impact of different reevaluation intervals on Operator performance, performance monitoring is needed to verify whatever intervals are selected. Such monitoring may be used to selectively lengthen the reevaluation intervals beyond those currently envisioned should the data support such a decision. However, the Industry has commented that tracking performance of every task by every qualified individual is burdensome and not practical. While such tracking may be difficult, several rule provisions require that, at a minimum, the Operator must be able to identify persons who performed covered tasks that may have contributed to an incident/accident. Therefore, the rule implies the need for some monitoring of performance.

Maintenance versus New Construction: How should we distinguish between maintenance and new construction in defining covered tasks? New construction tasks are not currently covered by the rule. The OPS perspective is that tasks involving replacement of existing equipment (e.g., replacement in kind of a corroded pipe segment) should be covered. Additionally, tasks performed on the right-of-way should be covered. Generally, if the pipeline is to serve a new end user and/or the pipeline is in a different direction, then, it is new construction. There are, however, some ambiguities about how to differentiate between O&M tasks and those associated with new construction. The ambiguities are related both to the tasks themselves and to the location where the tasks are carried out. The Tasks: Initial inspections have revealed significant differences in the definition of O&M tasks among Operators as well as between Operators and regulators. Often Operators restrict the definition of O&M tasks to those performed on an existing portion of a pipeline. Under this interpretation, in-kind replacement of an existing pipe section necessitated by severe corrosion would be considered new construction, and related tasks would not be covered. However, this is not a reasonable interpretation from OPS’ viewpoint. The definition OPS is using include, as covered tasks work to replace pipe segments if the pipe capacity segments are maintained and service is not expanded. Task Location: Initial industry comments object to the interpretation that tasks performed on equipment that has been disconnected from the pipeline may be either covered or not depending on whether the task is performed on the right-of-way or at a facility remote from the right-of-way. The industry’s position is that once an equipment piece has been disconnected from the pipeline, any subsequent work is not covered. OPS’ position is that tasks performed on the right-of-way are covered because the right-of-way is part of the “pipeline facility”. To be consistent with the spirit and intent of the rule, qualified individuals should perform maintenance or repair work performed on equipment pieces that are intended to be part of the pipeline facility. In the final analysis the debate may not be about task or task location. It may simply be that the greater good, safety, and the greater number, Operator customers, should be the foundation for this deliberation.

Treatment of Emergency Response: Does the rule cover emergency response tasks, if not, what are its bounds?
Citing the rule’s Preamble, the Industry has stated that any activity associated with emergency response should be excluded from the OQ Rule’s scope. This position documented in the rule’s Preamble is apparently based on the differences in treatment of emergency response for liquid and gas pipelines in the regulations. Excluding emergency response activities may also be supported by the fact that the congressional mandate for OQ rulemaking omitted the need to include emergency response tasks. The OPS perspective is the Rule’s preamble inappropriately excludes emergency response tasks from coverage by the rule. Emergency response actions are included in the Operation & Maintenance regulation sections, §192.615 and §195.402(e). The actions that an Operator takes in responding to an emergency condition are operating and maintenance type actions, therefore, should be considered covered tasks. It is inconsistent to allow covered tasks to be performed by non-qualified individuals under emergency conditions, and then require individuals to be qualified to do those same tasks during normal O&M activities. The OPS position is that Operators should anticipate the possible occurrence of emergencies and make contingency provisions by qualifying individuals to address these conditions. Some concern has been expressed about unnecessarily constraining Operator individuals from responding to emergencies, as well as extending the scope of the rule to include tasks that are only performed during emergencies (e.g., fire fighting).

**MEDIUM IMPACT ISSUES**

Additional Covered Tasks: Is pipeline excavation a covered task? Pipeline excavation is a major source of accidents/ incidents, it is included as an O&M task, and it should be covered. Clearly, if regulators don’t have jurisdiction over an Operator excavating a pipeline, they cannot require them to qualify their workers. OPS note the requirements of §195.442 and §192.614(a) to protect their facilities. Coverage by the rule of at least one task that has historically contributed significantly to severe pipeline accidents is presently being debated. OPS believes pipeline excavation is included as an O&M requirement in the regulations and that its significance should dictate that it be covered by the OQ program. Operators that are trying to address the spirit of the rule have included excavation as a covered task. If this task were considered to be excluded from coverage by the rule, then it would either need to be specifically added to the rule by supplementary rulemaking, or incorporated by reference to the Integrity Management Rules, or supported by an industry standard. Future inspections may identify other tasks that are debatable or clearly need to be added to the covered task list to satisfy the intent and spirit of the Rule. As such tasks are identified consideration will be given to requiring their coverage under the OQ Rule through the use of supplementary rulemaking.

Extent of Documentation: What OQ records must be developed and maintained by Operators? The rule requires the Operators to keep a minimum of four records. During the inspection process, additional records, such as those referenced by the Operator’s OQ Program, may need to be evaluated to verify compliance with rule provisions. Such records may include evaluation methods and root cause analysis. Documentation should include decision-making processes involved in development of the Operator’s program (e.g., covered task identification, subsequent qualification interval, method to incorporate newly recognized AOCs, and training requirements for an individual no longer qualified to perform a covered task).

Abnormal Operating Conditions - AOCs: Should the list of AOCs be dynamic? There is a difference between OPS and the industry position on abnormal operating conditions. Operators want it clear that the AOCs listing used in qualifying individuals cannot be comprehensive, and must be limited to AOCs the Operator can reasonably anticipate the individual will encounter while performing the covered task. The rule requires that both generic and task-specific AOCs be developed and used in evaluating individuals to perform covered tasks. Developing a complete list of AOCs is not possible, and an industry standard list might not be appropriate for some Operators. OPS agree that AOCs should be those conditions to which a qualified individual can recognize and react to appropriately. Developing a set of AOCs is certainly an evolutionary process. The AOCs list should be dynamic and Operators need a means to incorporate newly recognized AOCs in the set used in qualifying individuals. OPS expect practices to be in place, perhaps, part of the Operator’s efforts is to identify and evaluate “near misses,” to recognize newly identified AOCs. The practices should also include these AOCs in continuing skill development and evaluation activities. Such an effort should ultimately lead to an increasingly comprehensive AOCs set and individuals who are better prepared to address AOCs.

Treatment of Training: Should training practices be evaluated during OQ inspections? While not explicitly required by the OQ Rule, training is key to implementing many steps in the OQ Rule. Inspection of evaluation method effectiveness used to satisfy requirements of the Rule must include the role of training in the Operator’s program. Some concern has been expressed regarding any reference in the protocols to the use of training to support qualification of Operators. Although these concerns correctly reflect that training is not required by the Rule, they ignore the fact that training is a major means to the end of qualifying individuals. In addition, the recently passed amendment to the Pipeline Improvement Act states that one of the minimum elements of a qualification program is “a program to provide training, as appropriate, to ensure that individuals performing covered tasks have the necessary knowledge and skills to perform the tasks in a manner that ensures the safe operation of pipeline facilities.” Protocols currently explore the Operators’ use of training in their approach to qualification and reevaluation. Regulators’ need to understand the role and use of training to judge the adequacy of the approach being taken by individual Operators. OPS have addressed these comments by exploring the role of training using protocol questions
directed at Rule provisions. There is a relationship between KSA and the training issue. KSAs may be the details of an effective training program with appropriate subject content. This issue may be used to further define knowledge factors to determine if training is comprehensive to prevent human error.

LOW IMPACT ISSUES

Criteria for Small Operators: Will small Operator OQ Programs be subject to the same criteria as large Operators? Protocol review has revealed that most questions apply to both large and small Operators. The same criteria will apply to all. However, the practices used by small Operators to address rule requirements are expected to be significantly different from those used by large Operators. The complexity of operations may be key; smaller Operators do not confront the same daily complex issues the larger Operator encounters.

Direction and Observation of Non-Qualified Individuals: Is guidance needed to support supervisors in determining how many non-qualified individuals can be directed and observed by one qualified person? Different tasks can be directed and observed differently. In defining span of control, consideration must be given to time available to observe and correct errors. Guidance is needed to avoid unnecessarily burdening supervisors. Operators inspected to date have not established any limitations on span of control in the field. Only very general guidance has been provided, consistent with the general provisions in the rule itself. OPS believes clear guidance is needed to support decision-making in the field. The limits on span of control will likely vary with the complexity and risk associated with covered tasks. Another consideration to address is when the qualified individual halts the work to correct or direct a non-qualified individual; will the qualified person have direct connection with the other non-qualified individuals performing the same or different covered task in the work vicinity?

Noteworthy Practices: Should regulators play a role in the identification and communication of “Noteworthy Practices”? Noteworthy practices should aid in improving efficiency and effectiveness in satisfying requirements. Recognition and communication of these practices is all Operators’ best interest. Additionally, such practices represent good examples of how to address the rule requirements. Industry commented that noteworthy practices should not be assembled and published since they may not be applicable or relevant to all Operators, and since they may become the defacto standards against which program acceptability is judged. OPS believes the assembly and communication of noteworthy practices is valuable because it will support development of more efficient and effective ways to minimize incidents and accidents caused by Operator error. Experience with the Common Ground initiative shows that identification and broad communication of noteworthy practices does not necessarily produce defacto standards. One way to address this issue is through the development of one or more consensus standards in which examples of practices found to be suitable are documented. This should be supplemented either by frequent revisions of the consensus standards to reflect newly identified practices; or by a continuing effort, perhaps sponsored jointly by industry and regulatory bodies, for identifying, documenting, and communicating noteworthy practices developed by Operators.

Persons Contributing to an Incident or Accident: Should Operators have documented means to identify a covered task whose performance may have contributed to an incident/accident along with individuals who performed these tasks? OPS differ with the industry on whether methods and documentation are needed to support identifying individuals who performed covered tasks that may have contributed to incidents or accidents. Regulators will look for documentation to support the investigative trail. Such documentation should be referenced in Operator practices used to investigate the causes of incidents. Prudent Operators must know the origin and cause of an accident/incident in order to prevent similar accident/incident reoccurrence. Documentation of practices to support this knowledge is required by the rule. Reference to existing practices may adequately address this need in the interim; however, improvements in these practices may be needed.

Generally, the Industry’s position on the thirteen issues is concurrence with the regulators; the issues need to be addressed. Industry’s primary strategy to address the issues raised by OPS will be to develop OQ standards, embedded in a nationally recognized standards group (e.g. ASME, API, or other) that quantifies OQ compliance specifics.

THE PROTOCOLS

The following protocols have been written to assist federal and state pipeline inspectors who are evaluating Operator OQ programs. The protocols are not intended as enforcement instruments or to provide inspectors with additional enforcement authority, but rather are intended to provide inspectors with a template that they can use in the course of their inspections to ensure that Operators comply with all OQ rule elements. The protocol’s objective is to ensure that Operators have followed the rule prescriptive requirements. This objective will be accomplished by rigorously inspecting each Operator’s records to ensure that all individuals performing covered tasks on pipeline facilities are properly qualified and that sufficient documentation is maintained for these individuals. Proper recordkeeping is a key OQ rule component. It is, therefore, important inspectors are able to verify records that are maintained for all individuals performing covered tasks.

The OQ inspection form is organized around nine elements, including one for field verification. Each
element has one or more associated protocol. Each protocol consists of 4 boxes:

1. A protocol number accompanied by the protocol subject or topic;
2. A protocol question(s) (sometimes followed by ‘Verify’ statements);
3. Guidance topics; and
4. The relevant rule language.

The protocol topics have been structured into ‘Protocol Question(s)’ to guide inspectors through the OQ inspection process. Each protocol question is followed by ‘Guidance Topics.’ The guidance topics list characteristics the inspector would typically expect to find in an effective OQ Program, and are consistent with the rule’s intent of the regulatory language that accompanies each protocol. Some, all, or none of these characteristics may be appropriate depending on factors unique to each Operator’s OQ Program, pipeline assets, and unique operating environment. Operators should be prepared to demonstrate that their OQ programs address each of these characteristics or to describe how their program will be effective in their absence.

‘Verify’ statements follow many of the protocol questions. These statements have been included because they can be directly traced to specific rule language. Therefore, compliance with each ‘verify’ statement should be confirmed. Many ‘verify’ statements (and protocol questions) are followed by a parenthetical statement that indicates that the statement or question is either ‘enforceable’ or ‘non-enforceable’. If the ‘verify’ statement or protocol question is listed as non-enforceable, the statement or question is not enforceable under the rule, but is nonetheless an important consideration for the Operator. Finally, should the inspection process reveal violations of prescriptive rule requirements; inspectors will take appropriate enforcement actions. Should deficiencies be identified in how Operators address program characteristics, inspectors will seek evidence of violations related to these deficiencies. Significant inquiries seeking further information related to program characteristics will be communicated to the Operator as an integral inspection process component.

Element 1 - Document Program Plan, Implementing Procedures and Qualification Criteria.

1.01 Application and Customization of ‘Off-the-Shelf Programs’.

Does the Operator’s plan identify covered tasks and does it specify task-specific reevaluation intervals for individuals performing covered tasks? [Enforceable]

1.02 Contractor Qualification

Does the Operator employ contractor organizations to provide individuals to perform covered tasks? If so, what are the methods used to qualify these individuals and how does the Operator ensure that contractor individuals are qualified in accordance with the Operator’s OQ program plan?

Verify that the Operator’s written program includes provisions that require all contractor and subcontractor individuals be evaluated and qualified prior to performing covered tasks, unless the covered task is performed by a non-qualified individual under the direction and observation of a qualified individual. [Enforceable]

1.03 Management of Other Entities Performing Covered Tasks

Has the Operator’s OQ program included provisions that require individuals from any other entity performing covered task(s) on behalf of the Operator (e.g., through mutual assistance agreements) be evaluated and qualified prior to task performance?

Verify that other entities that perform covered task(s) on behalf of the Operator are addressed under the Operator’s OQ program and that individuals from such other entities performing covered tasks on behalf of the Operator are evaluated and qualified consistent with the Operator’s program requirements. [Enforceable]

1.04 Training Requirements (Initial Qualification, Remedial if Initial Failure, and Reevaluation)

Does the Operator’s OQ program plan contain policy and criteria for the use of training in initial qualification of individuals performing covered tasks, and are criteria in existence for re-training and re-evaluation of individuals if qualifications are questioned? [Non-Enforceable]

1.05 Written Qualification Program

Did the Operator meet the OQ Rule requirements for establishing a written Operator qualification program and completing qualification of individuals performing covered tasks? Verify that the Operator’s written qualification program was established by April 27, 2001. [Enforceable]

Verify that the written qualification program identified all covered tasks for the Operator’s operations and maintenance functions being conducted as of October 28, 2002. [Enforceable]

Verify that the written qualification program established an evaluation method(s) to be used in the initial qualification of individuals performing covered tasks as of October 28, 2002. [Enforceable]

Verify that all individuals performing covered tasks as of October 28, 2002, and not otherwise directed or observed by a qualified individual were qualified in accordance with the Operator’s written qualification program. [Enforceable]
Element 2 - Identify Covered Tasks and Related Evaluation Methods

2.01 Development of Covered Task List
How did the Operator develop its covered task list?
Verify that the Operator applied the four-part test to determine whether 49 CFR Part 192 or 49 CFR Part 195 O&M activities applicable to the Operator are covered tasks. [Enforceable]
Verify that the Operator has identified and documented all applicable covered tasks. [Enforceable]

2.02 Evaluation Method(s) (Demonstration of Knowledge, Skill and Ability) and Relationship to Covered Tasks. Has the Operator established and documented the evaluation method(s) appropriate to each covered task?
Verify what evaluation method(s) has been established and documented for each covered task. [Enforceable]
Verify that the Operator's evaluation program ensures that individuals can perform assigned covered tasks. [Enforceable]

Element 3 - Identify Individuals Performing Covered Tasks

3.01 Development and Documentation of Areas of Qualification for Individuals Performing Covered Tasks
Does the Operator's program document the evaluation and qualifications of individuals performing covered tasks, and can the qualification of individuals performing covered tasks be verified at the job site?
Verify that the Operator's qualification program has documented the evaluation of individuals performing covered tasks. [Enforceable]
Verify that the Operator's qualification program has documented the qualifications of individuals performing covered tasks. [Enforceable]

3.02 Covered Task Performed by Non-Qualified Individual
Has the Operator established provisions to allow non-qualified individuals to perform covered tasks while being directed and observed by a qualified individual, and are there restrictions and limitations placed on such activities?
Verify that the Operator's program includes provisions for the performance of a covered task by a non-qualified individual under the direction and observation by a qualified individual. [Enforceable]

Element 4 - Evaluate and Qualify Individuals Performing Covered Tasks

4.01 Role of and Approach to ‘Work Performance History Review’
Does the Operator use work performance history review as the sole method of qualification for individuals performing covered tasks prior to October 26, 1999, and does the Operator’s program specify that work performance history review will not be used as the sole method of evaluation for qualification after October 28, 2002?
Verify that after October 28, 2002, work performance history is not used as a sole evaluation method. [Enforceable]
Verify that individuals beginning work on covered tasks after October 26, 1999 have not been qualified using work performance history review as the sole method of evaluation. [Enforceable]

4.02 Evaluation of Individual's Capability to Recognize and React to AOCs
Are all qualified individuals able to recognize and react to AOCs?
Has the Operator evaluated and qualified individuals for their capability to recognize and react to AOCs?
Are the AOCs identified those that the individual may reasonably anticipate and appropriately react to during the performance of the covered task?
Has the Operator established provisions for communicating AOCs for the purpose of qualifying individuals?
Verify that individuals performing covered tasks have been qualified in recognizing and reacting to AOCs they may encounter in performing such tasks. [Enforceable]

Element 5 - Continued/Periodic Evaluation of Individuals Performing Covered Tasks

5.01 Personnel Performance Monitoring
Does the Operator's program include provisions to evaluate an individual if the Operator has reason to believe the individual is no longer qualified to perform a covered task based on:
- Covered task performance by an individual contributed to an incident or accident.
- Other factors affecting the performance of covered tasks.
Verify that the Operator's program ensures evaluation of individuals whose performance of a covered task may have contributed to an incident or accident. [Enforceable]
Verify that the Operator has established provisions for determining whether an individual is no longer qualified to perform a covered task, and requires reevaluation. [Enforceable]
5.02 Reevaluation Interval and Methodology for Determining the Interval.

Has the Operator established and justified requirements for reevaluation of individuals performing covered tasks? Verify that the Operator has established intervals for reevaluating individuals performing covered tasks. [Enforceable]

**Element 6 - Monitor Program Performance; Seek Improvement Opportunities**

6.01 Program Performance and Improvement

Does the Operator have provisions to evaluate performance of its OQ program and implement improvements to enhance the effectiveness of its program? [Non-Enforceable]

**Element 7 - Maintain Program Records**

7.01 Qualification ‘Trail’ (i.e., covered task; individual performing; evaluation method(s); continuing performance evaluation; reevaluation interval; reevaluation records)

Does the Operator maintain records in accordance with the requirements of 49 CFR 192, subpart N, and 49 CFR 195, subpart G, for all individuals performing covered tasks, including contractor individuals?

Verify that qualification records for all individuals performing covered tasks include the information identified in the regulations. [Enforceable] Verify that the Operator's program ensures the retention of records of prior qualification and records of individuals no longer performing covered tasks for at least five years. [Enforceable]

Verify that the Operator's program ensures the availability of qualification records of individuals (employees and contractors) currently performing covered tasks, or who have previously performed covered tasks. [Enforceable]

**Element 8 - Manage Change**

8.01 Management of Changes (to Procedures, Tools, Standards, etc.)

Does the Operator's OQ program identify how changes to procedures, tools standards and other elements used by individuals in performing covered tasks are communicated to the individuals, including contractor individuals, and how these changes are implemented in the evaluation method(s)?

Verify that the Operator's program identifies changes that affect covered tasks and how those changes are communicated, when appropriate, to affected individuals. [Enforceable]

Verify that the Operator's program identifies and incorporates changes that affect covered tasks. [Enforceable]

Verify that the Operator's program includes provisions for the communication of changes (e.g., who, what, when, where, why) in the qualification program to the affected individuals. [Enforceable]

Verify that the Operator incorporates changes into initial and subsequent evaluations. [Enforceable] Verify that contractors supplying individuals to perform covered tasks for the Operator are notified of changes that affect task performance and thereby the qualification of these individuals. [Enforceable]

**Element 9 - Field Verification**

9.01 Are field/job supervisors aware of their responsibilities as defined under the Operator's OQ program?

9.02 Are the observed covered task(s) performed in accordance with appropriate Operator-approved procedures, and are the procedures present at the job site?

9.03 Are the individuals performing the observed covered task(s) adhering to the Operator-approved procedures as written?

9.04 Are the proper tools, techniques and processes detailed in the Operator-approved procedures employed in the performance of the observed covered task(s)?

9.05 Are the qualifications of all individuals involved in performing the covered task(s) verified at the job site? Is this verification process performed as detailed in the Operator's OQ program plan? Is this verification process applied to employees and contractors alike?

9.06 Are the qualified individuals performing the observed covered task(s) knowledgeable of how to recognize the applicable AOCs and what their expected reaction to the AOCs should be?

9.07 Are individuals not qualified to perform a covered task performing a covered task? If so, are the non-qualified individuals being directly observed by a qualified individual in accordance with the requirements of the regulation?

9.08 How are field/job supervisors informed of changes that affect the performance of covered tasks under their responsibility?

9.09 In cases where the field office is part of a subsidiary or separate district, is implementation of OQ program requirements consistent with other districts and the overall organization's OQ program?

9.10 How is performance of the covered task(s) reviewed/inspected in the field by internal auditors or third party inspectors?

9.11 What problems have been experienced in the field in implementing the Operator's OQ program? If problems have been experienced, how have they been
communicated back to the individual responsible for the OQ program?

9.12 How are Control Center operations coordinated with remote operations that are conducted with other operations personnel? Are these ‘other operations personnel’ qualified to perform the covered tasks being performed?

THE FINAL MEETING UPDATES

During the last public meeting, key points were presented. In the development of a National Consensus Standard, it is very important both federal and state representatives participate in the process with industry. The Industry has formed a committee to author a national OQ standard utilizing American Society of Mechanical Engineers format (ASME B31Q). The standard is to address all thirteen issues and it is targeted be completed by June 2004. The American Public Gas Association is authoring a guidance model for small operators to meet OQ Rule requirements. Industry should agree on the need of small Operator guidance. Some question the guidance’s need because there should be no difference with the compliance approach because of operator size.

A deliverable from OPS was the Frequent Asked Questions (FAQs). The intend was to aid companies who do not have the resources to interpret and understand regulations, and the FAQs were intended to assist them to effectively and efficiently implement OQ Programs. The concern remains that the questions will greatly influence enforcement techniques and restrict some Operators in same manner. To some extend, the conclusion on certain key definitions still needs discussion and agreement between regulators and industry. During federal field inspections, the states have had representatives in the protocol process, and have been asked by OPS to consider using the protocols in intrastate inspections. The inspections should report findings in a manner that can be added to a database available to all inspectors. The states, however, are independent and may or may not use the protocols as defined. OPS intentions are to share inspection results with states through a database system and is intended to focus on findings but not on individual Operators. OPS legal department is investigating if any constraints exist with sharing findings between federal and non-interstate agencies. The Notice of Area of Recommended Improvement (NARI) mentioned earlier will not be used for in the OQ inspection process. An Operator should expect a Notice of Amendment or a Notice of Probable Violation, if warrant. Concerns continue with contractor qualifications and how the Operator accepts and reviews contractors. Field verification inspections will be used to validate if there are violations or issues. When the method for performing covered tasks by contractor differ from those methods performed by an operator employee, the Operator should review and approve that different method. The industry advocates reevaluation intervals is needed considering the safety record, and what the payback may be for overly concentrating on OQ in light of all other regulatory requirements and competitive pressures faced by industry. Statistics demonstrate pipeline industry fatalities and incidence of operator error are relatively low indicating longer subsequent qualification intervals.

There are many web sites to gather this and updated information:


Following are the associations representing industry and their web sites may offer other important information in the future:

American Gas Association
American Petroleum Institute
American Public Gas Association
INGAA
Midwest Energy Association
Association Oil Pipe Lines
Northeast Gas Association
Western Energy Institute
Southern Gas Association

The final May 2003 public meeting in Washington DC was cancelled.

Jesus Ramos