



RPT

June 21, 1999

Minerals Management Service
Mail Stop 4024
Attn: Rules Processing Team
381 Eldon Street
Herndon, VA 22070-4817

Dear MMS Rules Processing Team:

The following comments are regarding the proposed "Performance-based training system" rules as stated in the MMS proposed rules published in the Federal Register/Vol. 64, No. 75/Tuesday, April 20, 1999/Proposed Rules.

We have trained offshore operators in the MMS required Production Safety Systems class for over 20 years. During these years we have noted industry's level of response and compliance with a variety of regulatory regimes. The following observations are based on these years of experience. As part of the rule amendment process, we request that the following comments and concerns be addressed:

1. The petroleum industry has historically trained their employees in Production Safety Systems to the bare minimum standards required by the MMS. Much of the industry complied with the existing laws only when the MMS requested documentation to verify that operators were in compliance. From our perspective, given the MMS's past inadequate level of oversight and the industries minimal levels of compliance, how can the MMS expect to increase the level of safety on the OCS using less prescriptive requirements?
2. The current training requirements stipulate that all production safety systems personnel be trained at least every three years. We strongly suggest this same language be incorporated into the new proposed requirements. Language to indicate that the existing approved program and retraining requirements be adhered to, unless the operator submits and obtains approval for alternative training method should be maintained. The new regulation could also include language indicating that any alternative training program be reviewed by the operator and the MMS for it's effectiveness every three years. Can the MMS reasonably expect both a safer and cleaner OCS operations if the new minimum requirements do not at least meet the current standards?
3. In light of our past experience with the MMS and industry we consider it a grave mistake

to eliminate minimum prescriptive requirements. We have entered a time in our history of reduced government spending and oversight as well as a change in ownership of the offshore facilities. Previously almost all of the offshore facilities were owned and operated by major international oil companies with great financial resources to help them implement change. Today almost all of the California and many of the Gulf coast offshore facilities are owned or operated by small independent companies with limited resources. This is particularly of concern now due to declining production and the low oil prices on which many of the current operators rely for their operating budgets. With the low operating budgets of many independent operators can the MMS expect that more effort would be made or money spent to improve the safety and training of personnel on the OCS?

4. The new proposed requirements pose a special problem for contractors, service companies and manufacturers representatives. Currently a clear path exists concerning the requirements for training personnel. In the future, if each company has their own approved program, a contractor would need to assure each customer that their personnel have been trained in accordance with the specific program approved for that individual operator. This places an undue burden upon contractors where the need for clear guidelines are vital. If a contractor has six different OCS customers, how can the contractor financially deal with the possibility of a different training or qualification requirement for each operator that they work for?

5. The 1978 USGS Regulations included a requirement, as does the new MMS proposed regulations, that all operators submit an application stating how they plan to have their employees trained, how to determine when retraining was necessary and how often they planned to retrain their personnel. This 1978 regulation received minimal compliance by the Major Oil Companies that were then operating on the OCS. The new proposed requirements repeat this same old program with the addition of a MMS conducted testing and training verification program. This program was not very successful twenty years ago, why would this revised program be more successful today?

6. The proposed flexible training program may be a convenient way to cut down on MMS oversight staffing needs, but it in no way increases the level of safety on the OCS. Can the MMS cite any historical record that would indicate that a change from the current prescriptive method of training to the proposed company initiated requirement will increase or improve the level of safety on the OCS?

7. We have been informed by various MMS staff members that this rule is most likely a politically driven policy decision generated by MMS upper management. Although there is no way for us to verify that statement, numerous MMS officials, involved with the daily oversight of platform operations, have indicated that they do not believe that this proposed rule will lead to safer offshore operations. What is the political or economic motive behind changing a system that appears to work? In other words: **Since the existing regulations already allow companies to set up alternative training programs why would the MMS want to do away with a system that sets clear minimum requirements? The existing system allows for students to be taught and checked in the classroom by a competent instructor and then again in the field by competent MMS inspectors. If the system is not broken then why are we fixing it?**

8. It seems that part of the reason for implementing this rule is simply to extract the MMS from the school certification tasks. We know that the quality of the training programs improved when the MMS took an active approach by certifying schools in the training of OCS personnel. Is the goal of getting out of the school certification process an adequate reason to go to untried, unproven and potentially less effective training programs?

If the MMS has determined that they must implement a "Performance-based" training program then we suggest that you modify the current proposed regulation to maintain the current prescriptive language until such time that the "Performance-based" program has been through a "Reality-based" testing period. That is, give the MMS and industry time to try your "New and Innovative Training Techniques" and let us all see if there really is an increase in the safety performance of those companies that go to some alternative training methodology.

This proposed rule appears to be a serious attempt to role back the environmental stewardship role that the MMS has previously embraced. Public support is vital to the continuation and future development of our offshore resources. We cannot afford to have even the appearance of a decrease in the standards that were previously upheld if we want to continue to produce oil and gas in our environmentally sensitive coastal areas. We hope that the MMS's experienced staff will see a way to write a sensible training rule if they feel that there is a need to tamper with the current effective system. The proposed rule does not seem to meet the public's need for safe and environmentally compatible operations.

Sincerely Yours,



Philip A. Reed
Owner/Director

- Attachments: 1. Comments to the MMS proposed rule summary.
2. Letter dated 5/5/97 to the MMS outlining the history of training on the OCS.



The following is our response to the four summary points made by the MMS in the preamble to this proposed rule.

RESPONSE TO MAIN BULLETS:

1. LEAD TO SAFER AND CLEANER OCS OPERATIONS - There is no indicator, based on the industry's history and not the MMS's projections, that these requirements will lead to a safer and cleaner OCS operation. Is there credible data regarding this process that would justify relaxing the current rules?

2. ALLOW THE DEVELOPMENT OF NEW AND INNOVATIVE TRAINING TECHNIQUES - The current requirements do allow for the development of alternative training methods. How many companies use it and how effective is it??

3. IMPOSE FEWER PRESCRIPTIVE REQUIREMENTS ON THE OIL AND GAS INDUSTRY - Yes, the new proposed regulations will impose less prescriptive requirements on an industry that has a history of adhering only to the bare minimum requirements. Where and when have previously less prescriptive requirements led to improved health safety and environmentally compatible operations??

4. PROVIDE INCREASED TRAINING FLEXIBILITY - Yes, there will be flexibility allowed with the proposed regulations. Flexibility to lower the standards for trained personnel. Is this good industrial policy making and is this what the public wants?