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Minutes of the meeting of the Offshore Industry Advisory Committee held on 17 June 2009 in Rose Court, London

ATTENDEES

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<p>Present</p> <p>Ian Whewell, Chairman Lyndsey Bennett, Secretariat Steve Haddock, HSE Jim Neilson, HSE Tom McLaren, HSE Julie Voce, HSE John Arnott, DECC Rob Ashdown BROA (on behalf of Edmund Brookes) Susan Elston, COTA Simon Milne, MCA Jake Molloy, RMT Dave Nicholls, O&GUK (on behalf of Robert Paterson) Mark Robinson, Unite (Amicus Section) Richard Nott, Lloyds Register Ian Tasker, STUC John Taylor, Unite (TGWU)</p>	<p>Observers</p> <p>Colin Martin</p> <p>Apologies</p> <p>Jane Bugler, IMCA Andrew Campbell, WSCA Allan Graveson, Nautilus UK Phil Ley, OCA Duncan Macdonald, MCA Brian Negus, GMB Robert Paterson, O&G UK</p>

Item		Action
1	Introduction, apologies and minutes from last meeting	
1.1	Ian Whewell welcomed everyone to the meeting.	
1.2	Ian made apologies to members for not being able to hold this meeting at HSL, as discussed at the previous OIAC. Ian confirmed that we would hold a future OIAC meeting at HSL if members agreed.	
1.3	Ian welcomed new members, John Arnott from DECC and Simon Milne from MCA.	
1.4	The draft minutes of the meeting held on 25 March 2009 were accepted as a true record of the meeting.	
1.5	Apologies were received from Edmund Brookes, Jane Bugler, Andrew Campbell, Allan Graveson, Phil Ley, Duncan MacDonald and Brian Negus.	
1.6	Ian confirmed that all actions from the previous OIAC meeting were completed. He explained to members how funding was not available at this time for research work into the common permit to work (CPTW) but we would progress this issue. Ian also updated members with progress	Secretariat to progress CPTW research with

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	around the OIAC publication 'Management of Occupational Health Risks in the Oil and Gas Industry'. He explained that Step Change will continue work on a basic revision of the publication and OIAC/HSE will have the opportunity for final editorial rights. The publication will be published under the OIAC auspices providing members agree the content.	Steve Walker
2	Presentation by Jim Neilson – Policy Update	
2.1	Jim explained the purpose of his presentation was to revisit issues discussed at the previous OIAC meeting, and to update members with the revised timetable and new developments in respect to changes to the Application of Great Britain Order (AOGBO).	Secretariat to circulate presentation to members
2.2	<p>Jim informed members that HSE have identified two legislative gaps in the offshore area – construction of wind farms beyond territorial seas and offshore installations (in designated areas) used for other purposes. Jim explained it is important these gaps are filled to enable HSE to enforce health and safety legislation and investigate accidents, if necessary. The only way of achieving this is by making amendments to the 2001 AOGBO by means of a Variation Order. This will make two changes:</p> <ul style="list-style-type: none"> • extend the prescribed provisions of the Health and Safety at Work etc Act 1974 (HSWA) to specified work activities taking place on a structure in a designated area that would have been an offshore installation but for its change of use; and • ensure specified work activities involving energy structures (such as wind farms) and related structures within a Renewable Energy Zone will be covered by HSWA. <p>If the Minister approves these changes, the timetable for implementation is 5 August 2009.</p>	
2.3	Jim explained there is no legal requirement to consult stakeholders on an AOGBO, and due to the pace of this work, there is not enough time to do so. However, there is still need for a further AOGBO to take account of other issues, and therefore the Variation Order will introduce sun-setting provisions, which will only apply until the new AOGBO comes into force by April 2011. HSE intends to fully consult stakeholders on the new AOGBO. All stakeholders are to be advised of the recent changes by letter, which will explain the reasons for amendments, and guidance will be produced to support the changes.	
2.4	John Taylor raised his concerns about industry not being consulted on these changes, and queried whether the Offshore Installations (Safety Representatives and Safety Committees) Regulations 1989 would apply to these platforms and if not, would the equivalent onshore Regulations be extended. Ian Whewell clarified that the AOGBO extends only the HSWA to beyond territorial seas and therefore the aforementioned Regulations would not apply until relevant offshore legislation is amended. Ian stated that HSE's expectation of duty holders would be to apply good practice to these platforms where legislation did not apply.	
2.5	Simon Milne asked if HSE intended to extend offshore legislation to wind farms. Ian clarified this would not be the case, only the HSWA would apply via the AOGBO as offshore specific legislation is in relation	

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	to oil & gas production.	
2.6	Richard Nott raised the issue about Carbon Capture and Storage (CCS). Jim confirmed that HSE is in the process of considering how CCS would be dealt with by HSE onshore and offshore legislation. This is part of the work of the Emerging Energies Technology Programme.	
2.6	Ian Whewell went on to say HSE's new strategy has important key elements for offshore. Ian explained that HSE have set up Strategy Action Teams (SAT) which take responsibility for pulling out elements of the strategy and identifying who will be responsible for delivery, whether that be HSE, industry or the Trade Unions. Ian sits on the Leadership and Involving the Workforce SAT.	
2.7	Ian Whewell suggested for the next OIAC meeting, taking place in November, we would take the opportunity to reflect on the priorities of OIAC and look at the strategy to identify any additional work OIAC can do to contribute to delivering the strategy, e.g. working groups etc.	Secretariat to include as an agenda item for November meeting
3	Operational Update – Tom McLaren	
3.1	<p>Tom McLaren provided this update. Tom provided members with an overview of Offshore Division's current operational challenges. He highlighted several issues the offshore industry are not managing well, such as hydrocarbon releases, safety critical systems, asbestos and the manning of normally unmanned installations (NUIs). Tom added that the Energy Institute are currently in the process of carrying out some work on the latter.</p> <p>Tom informed members that Offshore Division now have a full time food safety inspector who is finding a range of problems offshore.</p> <p>He went on to say there are currently three prosecution reports with the Procurator Fiscal and one notice under appeal.</p> <p>Furthermore, he explained how Offshore Division are currently under-resourced in many disciplines and recruitment is now continuous.</p>	
3.2	<p>Tom took the opportunity to provide members with a brief overview of the projects Offshore Division are currently involved with:</p> <ol style="list-style-type: none"> 1) Supervision – the toolkit for inspecting supervision has been refined, and will be used by inspectors and managers for measuring competence 2) Audit – there are currently 20 inspectors trained in using the toolkit to carry out inspections 3) Verification – the resource for this project has been an issue due to redeployment of inspectors for the KP3 report, however, following the reports submission on 14 July, inspectors will be available to continue with this project 4) External Corrosion Project – see Item 3.3 	
3.3	Tom went on to provide further detail about the Corrosion Project. He explained the aim of this project is to reduce risks from corrosion on offshore installations through a combination of improvements to duty holder management systems and the physical condition of offshore installations. Tom gave a presentation to members showing varying examples of corrosion on offshore installations.	Secretariat to circulate presentation to members

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3.4	<p>John Taylor asked if issues had been identified during safety representative's inspections. Tom explained this was not happening, simply because the examples of equipment degradation and corrosion did not any longer register with the workforce. Tom added that maintenance issues are due to a lack of resource, but extensive backlogs remain acceptable. Tom explained how this is currently being measured across industry, which is encouraging.</p> <p>John Taylor requested a copy of the supervision toolkit for employers. Tom explained this will be available on the website but agreed to send John a copy.</p>	<p>Tom McLaren to send supervision toolkit to John Taylor</p>
3.5	<p>John Taylor queried if an inspector issues a notice, would they discuss the issue with the safety representative. Tom confirmed that this is the case, and the inspector would also explain how the duty holder can comply with the notice.</p>	
3.6	<p>John Taylor also raised a concern on behalf of the trade unions regarding the increased number of flights to NUIs. He highlighted that there is no fire-fighting equipment on these installations and asked if HSE should insist on improvements for more fire-fighting capabilities. Tom explained that no progress is being made on this issue at the moment.</p>	
3.7	<p>Jake Molloy asked if operators are sharing backlog details with the workforce, checking backlog, and measuring against improvements. Ian could not confirm if this was the case, but did say HSE would be discussing unacceptable backlogs with safety representatives.</p>	
3.8	<p>Ian brought to the attention of members the new OSD website and asked for comments. He explained there will be a specific page for the workforce and safety representatives, however, these pages are still under progress.</p>	
4	Underlying causes of offshore incidents – Tom McLaren	
4.1	<p>Tom McLaren provided feedback on this report, which had been circulated to members prior to the meeting. Tom explained how OIAC had requested this research to be undertaken. The original piece of research had to be abandoned 8 months into the project and started again, hence the delay in providing OIAC with this feedback.</p>	<p>Secretariat to circulate presentation to members</p>
4.2	<p>Tom explained the objective of this report was to identify underlying causes of fatalities and major injuries between 2004-2008 using IMT inspectors' investigation reports. A sample of 67 incidents were analysed using investigation reports and RIDDOR data.</p> <p>Tom went on to say there were no surprises in the report. There was a variety of causes of incidents concentrating on five key areas:</p> <ul style="list-style-type: none"> • operating procedures for hit by moving, flying or falling object; • permit-to-work for fall from height; • permit-to-work while handling, • lifting or carrying; unknown for slipped, tripped or fell at the same level; and • supervision was implicated for the agents surfaces at different levels and lifting and storage, which were associated with slips, trips and falls and being hit by falling objects. 	

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4.3	<p>Tom informed members of HSE's concerns about how the data was scored, and the how varied the quality of data was, but confirmed this is currently being addressed.</p> <p>HSE is also looking to improve the reporting system and ensuring all inspectors attend the Analytical Investigation Methods (AIMs) training. The intention is to identify a suite of inspectors who are experts in the following areas: analytical skills, evidence gathering, or writing prosecution reports. Following an incident, an inspector will be selected from each area of expertise and will go offshore to carry out the investigation.</p>	
4.4	<p>Tom explained how Oil & Gas UK had also made a request for the information in this report to help focus their activities. The Minister had taken particular interest in this information because Oil & Gas UK had been critical about how the information from the report was not available. Ian commented that he was happy to take this criticism, but on the caveat that Oil & Gas UK used the findings of this report to take issues forward.</p> <p>Dave Nicholls asked how confident HSE would be in using the information from the report to plan future inspection plans. Tom explained that this data is just one of several pieces of intelligence used for preparing intervention plans. As part of the analysis HSE carry out, an overview of each company is produced and shared with inspectors.</p>	
4.5	<p>Simon Milne commented that individual incidents are not normalised with the size of population. Dave Nicholls responded saying Oil & Gas UK had compared the demographics against the report and they matched.</p>	
5	Health and Safety Statistics Bulletin	
5.1	<p>Ian updated members with the latest information on offshore statistics and explained that the data is still provisional, however, it provides a good indication of the end of year figures.</p> <p>Ian acknowledged the population offshore has gone down, and the rates of reduction will be affected by this. He added that the figures to date are the lowest actual numbers on record.</p> <p>He went on to say last year was a good performance for hydrocarbon releases. The majority were significant releases with one major release, which was disappointing as we would like to completely eliminate these incidents. He added 62 was an improvement over previous years, but still too many.</p>	
6	EERTAG Update – Steve Haddock	
6.1	<p>Steve Haddock provided this update. He explained that EERTAG is not a sub-group of OIAC, however, it is a tripartite group. Ian explained at this point that he had given EERTAG the opportunity to be covered under the auspices of OIAC, but they wished to remain independent.</p> <p>Ian added that although EERTAG are independent, it is important that OIAC are updated with the annual report.</p>	
6.2	<p>Steve provided a brief overview of the report, which was circulated to members prior to the meeting, and highlighted a few of the key issues:</p>	

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	<p>1) HSE had recently drafted guidelines covering the validation of the performance of duty holders' rescue and recovery arrangements. Steve explained that the guidelines established clear links between the requirements of the legislation and performance at the environmental limits in which these arrangements were expected to operate. The guidelines called for validation trials to be carried out in more challenging environmental conditions than had hitherto been the normal practice and so adherence to them would significantly reduce the heavy dependence on performance extrapolation. Since the guidelines had been drafted, a large number of validation trials had been successfully carried out in more challenging conditions and Oil and Gas UK were now in the process of incorporating the guidelines into industry guidance.</p> <p>2) Steve went on to provide brief details on a lifeboat incident in Norway in which a SOLAS approved free fall life boat had been test launched from an installation and had sustained very severe mechanical damage. This event had brought into question the reliance on SOLAS compliance as the basis for establishing fitness for purpose for free fall lifeboats in an offshore as opposed to marine application. A substantial amount of research had been carried out in Norway, which is much more dependant on the use of free fall lifeboats than the UK, and this had resulted in many of these types of lifeboats having to be reinforced or replaced. Steve went on to explain that HSE had just completed a data gathering exercise on lifeboat based evacuation systems on all the installations in the UK sector and the resulting data base would now be used to target inspection activity on these installations with lifeboats which appeared to be particularly susceptible to environmental impairment</p> <p>3) Steve also mentioned that the use of Personal Locator Beacons (PLBs) by helicopter passengers is a more recent issue in which EERTAG had become involved.</p>	
6.3	<p>Jake Molloy asked what the UK's position was in respect of the incident where the free fall lifeboat release gear failed. Steve explained that this type of incident was confined to one lifeboat manufacturer and one particular model. It is not a generic problem and had been resolved by the manufacturer.</p>	
6.4	<p>Steve updated members with details about the recent helicopter crash near ETAP. He explained that although the duty holder had recovered all personnel within their agreed performance standards, the conditions in which they performed the rescue could possibly have allowed for a faster recovery. There had been unanticipated interference between the PLBs worn by the passengers and the more powerful beacons provided as part of the aircraft equipment and this had hampered the search phase of the emergency response which was carried out in very poor visibility. As a result the use of passenger PLBs has been temporarily suspended.</p> <p>Ian added that there are lessons to be learnt from this incident and HSE is working closely with the industry, the helicopter operators and the CAA to achieve this.</p>	
6.5	<p>John Taylor queried if HSE's concerns are enough, considering the</p>	HSE to meet

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	<p>weather conditions were good and asked if, following discussions with the duty holder, are there intentions to hold discussions with the workforce. Ian assured John that safety representatives are made aware of any findings and recommendations.</p> <p>John went on to say the Trade Unions had concerns that they had not been involved in any discussions on this matter. Steve explained that generic issues around this incident would be discussed at EERTAG, at which the Trade Unions are represented. Ian assured John that the HSE can meet with the Trade Unions to discuss the issues.</p>	<p>with Trade Unions to discuss the issues around the helicopter crash near ETAP</p>
7	WIG Update – Julie Voce	
7.1	<p>Julie Voce gave an update of the work of this group as Chair. Julie explained that WIG is a sub-group of OIAC and therefore it was important the Ministerial report was brought to OIAC for consideration. The report will be an annex to the KP3 report and submitted to the Minister on 14 July 2009. Ian added that it was sensible for OIAC to look at the report and agree if any work should be taken forward following recommendations in the executive summary.</p>	
7.2	<p>Julie reported about the most recent WIG event, which took place on 11 June in Aberdeen, which had been a great success (170 delegates subscribing to the event, 150 attending on the day). The day consisted of presentations from, amongst others, Gordon MacDonald, Director of HSE’s Hazardous Installations Directorate, the DG of Centrica Storage Ltd, the DG of Norwegian Workforce Involvement etc. and finished with an open forum and discussion.</p> <p>The feedback from the event has been overwhelmingly positive with delegates believing it was worthwhile repeating such events. The reasons provided for attending included networking, insight into WIG/OIAC and issues on workforce involvement.</p>	
7.3	<p>Julie reiterated her comments from the previous OIAC meeting about the resource, effort and commitment shown by the members of WIG. Julie recognises that all representatives from industry, employers and workforce have full-time jobs and to produce this stand-alone report by making time available to meet every month is a huge credit to the group.</p> <p>Julie highlighted other WIG achievements – ‘Play your Part’ publication and the survey of offshore workers. The latter was produced by HID Communications with contributions from WIG, which received 15% of responses from the offshore workforce.</p> <p>John Taylor added that WIG had set out to achieve what they agreed to, and gave much praise to Julie Voce for her strong leadership and commitment.</p>	
7.4	<p>Julie provided members with a summary of the four recommendations from the KP3 report:</p> <ul style="list-style-type: none"> • Communication – this should be more effective between managers, OIMs, employers and the work force, with all having the same level of understanding. • SI971 – there is general consensus a review of these Regulations is way overdue (1993 is when the last review took place). When these 	

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	<p>Regulations came into force, it was a recommendation of Lord Cullen that they would be subject to review.</p> <ul style="list-style-type: none"> • Training – the adequacy of training for safety representatives. OPITO is not a mandatory standard and not applied in major companies. • Research to collect information that will provide the basis for improving the regulatory framework – HSE are not responsible for taking these recommendations forward, industry should take ownership with encouragement from HSE. 	
7.5	<p>Mark Robinson raised the point that safety representatives training can be provided free of charge and OIAC should encourage OCA and operators to look at this again. Mark also added that there are variable standards of training, therefore companies need to measure the success of training, e.g. by means of a SI 971 specific inspection programme.</p>	
7.6	<p>Ian asked members to consider if WIG, as a sub-group of OIAC, should continue. He asked WIG members to consider if there would be available resources to take forward some of the recommendations from the KP3 report, and if so, what would be the most appropriate way to do this, as a tripartite forum.</p> <p>Ian went on to say he is keen for WIG to continue and suggested that WIG should produce a plan of work designed to take forward the KP3 worker involvement recommendations. This plan would highlight who would do what and by when. Ian asked that this plan be presented at the next OIAC meeting for consideration. Members agreed to this.</p>	<p>WIG to produce a plan of work for the next OIAC meeting</p>
8	Safety Case Appeals	
8.1	<p>Ian explained that this item was raised under any other business during the November 2008 OIAC meeting. The Safety Case Appeals procedure is to deal with the process between refusal of a safety case by HSE to when it goes to the Secretary of State. This procedure does not have to be used, the appeal can go directly to the Secretary of State, however it aims to:</p> <ul style="list-style-type: none"> • Provide a bridge between the formal Secretary of State appeal and the point where OSD refuses a safety case; • Provide reassurance to applicants that the correct assessment procedures have been followed; • Provide reassurance to applicants that their concerns have been heard and not dismissed; and • Attempt to reassure the applicant that Offshore Division has acted reasonably. 	
8.2	<p>Ian asked members to feedback any serious issues they have with this revised procedure, within two weeks of the meeting date, and confirmed that a nil return would count as assent. Members agreed to this.</p>	<p>Members to provide feedback to secretariat on paper within two weeks of meeting</p>
9	Offshore Accommodation	

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9.1	<p>Ian provided members with an update on the offshore accommodation project. Ian explained that this issue had been causing HSE problems for some years, mainly in respect to the inconsistent approach to enforcement standards. In an effort to improve this, OSD have compiled a database of accommodation standards to obtain a picture of the standards.</p> <p>Ian highlighted how ten years had elapsed since the offshore Regulations came into force, and yet some companies do not appear to have taken the requirement of the Regulations. Ian has now written to Trade Associations informing them of an inspection programme that will take place to obtain consistency on this issue. OSD's Occupational Health team will take responsibility for organisation and delivery of this initiative.</p> <p>Ian expressed his disappointment at the standards in accommodation and issues with legislation not being prescriptive. He explained OSD has developed policy approaches to take forward this issue in the most consistent way possible. Ian recognised that the issues may be structural but a tougher and more consistent line will be taken.</p>	
9.1	<p>Dave Nicholls asked if enforcement action will be taken. Ian confirmed this would be the case if the company could have taken action to improve standards. He recognised there was a commercial advantage to those operators who had not spent money to make improvements.</p>	
10	AOB	
10.1	One item was discussed.	
10.2	<p>Jake Molloy raised concerns about the verification of Vantage data following a meeting he attended with John Taylor and the Helicopter Taskforce Group.</p> <p>Ian noted Jake's concerns. He added that HSE would also have concerns about the accuracy of the data as it is used for work population. Ian would like a copy of the feedback from Oil & Gas UK about any problems they have identified and how they are to be dealt with.</p> <p>Ian Whewell asked Dave Nicholls, who was representing Oil & Gas UK on behalf of Robert Paterson, to respond.</p>	<p>Dave Nicholls/Robert Paterson to provide feedback to OIAC on the accuracy of Vantage data</p>
10.3	<p>Ian thanked members for their contributions to this discussion and closed the meeting.</p>	