

Offshore Industry Advisory Committee		OIAC/MIN/2/2015	
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**Minutes of the Offshore Industry Advisory Committee Meeting held on
27th October 2015 at Lord Cullen House, Aberdeen**

Present:-

Chair Tony Hetherington HSE, Secretariat Mike Readitt HSE, Jim Neilson HSE, Katrina Ross BROA, Emily Comyn IMCA, Ian Russell COTA, John Thomson MCA, Jake Molloy RMT, Tom Milne Oil & Gas UK, Mick Borwell Oil & Gas UK, Gavin Sutherland IADC, Les Linklater Step Change, Ian MacKay Lloyds Register, Jack Downie DNV, Wendy Kennedy DECC and Bill Noble Bureau Veritas.

1. Introductions

- 1.1 The Chair welcomed everyone to the meeting, particularly two new representatives Katrina Ross from BROA and Tom Milne O&GUK, also Emily Comyn IMCA who was deputising and Wendy Kennedy from DECC.

Apologies

- 1.2 Apologies had been received from Nick Woollacott DECC, Dave Walker OCA, Paul Wilkins MCA, Allan Graveson Nautilus, Jamie Thomson Bureau Veritas, Richard Benzie IMCA and Ian Tasker STUC.

Outstanding Actions from previous meetings

- 1.3 The following Actions were recorded:-

Action 2 Oct. 2014, Withdrawn	The action to develop best practice principles to address intimidation and bullying had been previously passed to the Workforce Engagement Support Team (WEST). With OIAC to be re-constituted its new terms of reference would take this action out of the new committee's scope. It was agreed to leave the action with WEST and HSE would keep progress under review.
Action 1 March 2015, Completed	The OIAC Working Group had produced and consulted on the draft paper proposing the new major accident hazard advisory committee's membership, ways of working and terms of reference. The papers conclusions are to be discussed at agenda item 4.

Action 2 March 2015, Superseded

Should the Helideck Liaison group (HLG) remain a constituted sub-group. Members identified there were benefits to have a 'Helideck' forum where technical matters can be discussed. It was recognised that there are four other similar helideck / helicopter industry working groups with considerable overlaps between each one. It was agreed it would be best to have a single group with the appropriate industry representation.

Action 1 Oct. 2015

HSE to discuss with the CAA how a single helideck / helicopter working group could be established that had the necessary membership to be able to address all related matters. Report back with proposals at the March 2016 meeting.

Action 3 March 2015, Completed

Members had provided their feedback on HSE's draft operations notice on offshore accommodation. It was confirmed the notice would be published shortly.

Minutes from the meeting held on 17th March 2015

1.4 The minutes had been placed on HSE's OIAC web site following the meeting. Members agreed the minutes without change.

2. Policy Update

2.1 Jim Neilson provided an update that covered the following topics.

Safety Case Regulations 2015 (SCR 2015) and Guidance

- The Regulations came into force on 19th July.
- Some drafting errors had been identified and these are currently being addressed through legal 'correction notes'.
- A meeting had taken place in July between well examiners and well operators to discuss 'notification' expectations. The draft guidance has been updated.
- The guidance Para covering material changes will be updated to clarify the verifier's role.
- The SCR 2015 guidance is now in the final stages of HSE's editorial processes and will be published shortly.

PFEER ACoP

- Meetings had taken place during the summer with industry to discuss Regulation 16 - Escape. A way forward was agreed on the existing interpretation.

- Other comments had also been addressed relating to guidance on review / repeat assessments and emergency response training covering co-ordination with persons who are not on the installation.
- A revised draft had recently been circulated and HSE expects the ACoP will be ready (following Board and Ministerial approval) for publication in March / April 2016.

First Aid ACoP

- Following consultation in July and feedback relating to airway management and hypothermia HSE's Corporate Medical Unit had considered the comments and subsequently updated the ACoP.
- The ACoP has also recently been re-issued to industry and like the PFEER ACoP, it is expected to be available in March / April 2016.

HSE / MCA / MAIB Memorandum of Understanding (MoU)

- HSE has now completed a 'high level' review of the MoU document.
- There are specific areas of the MoU associated with the SCR 2015 that require updating, and the MoU may also need to be broadened out to cover floating storage & regasification units (FSRUs) and wind turbines.
- There are also a number of operational jurisdiction issues remain between regulators that may need further clarification.
- A revised MoU is expected to be available during the summer 2016.

Onshore Underground Coal Gasification and Gas Storage

- HSE as part of the offshore directive consultation process, consulted on updating the Borehole and Wells Regulations to address onshore UCG and gas storage.
- Draft regulations are currently being prepared and HSE hopes these will come into force in October 2016.

- 2.2 IMCA supported the work currently being undertaken to review the MoU and requested that consideration be given to clarify where jurisdiction lies when considering 'Walk to Work' matters.
- 2.3 Jake Molloy asked if HSE can clarify the legal position over which regulations cover a mobile unit when it is 'stacked up'. Jim Neilson confirmed he would provide the legal interpretation and circulate this to members.
- 2.4 **Post meeting note.** Govt. Legal Dept. had provided the following explanation to clarify the offshore regulations that apply to a 'stacked up' mobile installation.

A mobile installation that is stacked will have been taken out of use. The following comments are based on the assumption also that the installation is not yet being moved with a view to its being used for any of the purposes specified in article 4(2) of the AOGBO (exploitation of mineral resources etc.).

If the installation were **stacked within Great Britain**, for example in an estuary, then HSW Act would apply to it. The structure would not be an offshore installation for MAR purposes, see MAR regulation 3(2)(e).

If the installation were **stacked within the territorial sea** the prescribed provisions of HSWA would apply to and in relation to the activities mentioned in article 11(1) of the AOGBO so far as applicable; article 11(1)(g) is of particular relevance where the installation is maintained on station as a vessel. It would not fall within articles 4(1) and (2) or 5 or 6 of the AOGBO and MAR would not apply to it as a result, see MAR regulation 4(1)(b).

If the installation were **stacked beyond the territorial sea** then HSW Act would not apply to it, even under article 11(1) unless it came (back) within the scope of the AOGBO. MAR would not apply to it, see MAR regulation 4(1)(b).

3. Step Change Update

3.1 Les Linklater provided a summary of the current work initiatives as follows;

- Asset Integrity work, there are on-going peer reviews being undertaken associated with self-audit checks.
- A toolkit is being developed to help an individual's understanding of their role associated with a major accident hazard.
- Safety alerts are being focused to provide more of a learning environment for readers.
- Step Change are currently reviewing and updating their guides as a result of the introduction of the SCR 2015.
- 'Tea Shack News' has been nominated for an industry award.

4. Proposals for OIAC to evolve to become a more strategic major accident hazard focused advisory committee

4.1 Jim Neilson updated members on the preparatory work undertaken by the working group in developing proposals for the new committee's membership, organisational structure, chairing arrangements, terms of reference and ways of working. It was reported that the majority of members in their feedback supported the papers proposals particularly in relation to the membership structure. The feedback from members along with HSE's comments had been captured and added to the paper as an appendix.

4.2 The 'conclusions' presented within the paper were discussed as follows;

- a. "The new committee is called the Offshore Major Accident Hazards Advisory Committee (OMAHAC)".

4.3 There was no objection to the proposed name of the new committee.

- b. "The Chair will be rotated across member groups. The detailed arrangements will be decided at the next meeting, with nominations for the chair being considered at the Oct. 2015 meeting, and a final decision made".

4.4 Members supported there being a chair and vice chair and that the positions are rotated across member groups, with the vice chair becoming the chair after 12

months and a new vice chair appointed. One member questioned if the chair should hold the position for 2 years, as 1 year may not be sufficient time to take matters forward.

Action 2 Oct. 2015

Discuss at the March 2016 meeting if the chair of the new committee should hold office for one or two years.

4.5 There were no nominations for the new chair or vice chair.

c. "That HSE, DECC, DfT/MCA, OGA, Step Change and HSENI will have one member each and that Industry will have four members and Trade Unions will have 2 members. Industry and Trade Unions will initiate processes to identify their OMAHAC members, and communicate these to the HSE Secretariat, by 31 December 2015".

4.6 Members debated at length the membership proposals. There were views that membership should not be restricted to a set number of seats. Some organisations stated they would find it difficult to present the views or position of another body and others queried the level of 'regulator' representation, particularly the inclusion of OGA and HSE Northern Ireland. It was also noted that certain industry bodies, for example, those associated with environmental emergency response and wells were not mentioned in the membership proposals.

4.7 The chair reiterated it would be essential for the selected representatives of the new committee to have the necessary authority to make decisions and push forward change. Also, that Industry and Union groups would need to meet to discuss who their chosen representatives will be and identify how they intend to ensure effective upward and downward communications with those not represented on the new committee.

Action 3 Oct. 2015

Oil & Gas UK to organise a meeting(s) with OIAC industry bodies to determine who their chosen representatives will be and what will be their mechanisms for upwards and downwards communications with those not represented on the new committee. Details are to be provided to the OIAC Secretariat by 31st December 2015.

Action 4 Oct. 2015

RMT to organise a meeting(s) with OIAC Union colleagues to determine who their chosen representatives will be and what will be their mechanisms for upwards and downwards communications with those not represented on the new committee. Details are to be provided to the OIAC Secretariat by 31st December 2015.

Action 5 Oct. 2015

HSE will review the proposals for regulator representation on the new committee and feed any proposed changes back to members as soon as possible.

Action 6 Oct. 2015

All members as part of their membership discussions are to identify who their nominations for the new committee chair and vice chair for 2016 will be. Nominations are to be provided to the OIAC Secretariat by 31st December 2015.

5. Workforce Engagement Support Team (WEST) Report

- 5.1 Jake Molloy reported Bob Egan was now the co-chair of the group, the other co-chair Andrew Fyffe was retiring and will be replaced by a new co-chair Vicky Lamont.
- 5.2 Arrangements are well underway for WEST's forthcoming Town Hall Meeting on 24th Nov. Among the numerous sessions there would be a specific focus on the identification of best practice and what makes a good Elected Safety Representative.

6. Any other business

a. Update on the European Commission (EC) study on applying Product Safety Directives to equipment used on MODUs

- 6.1 Katrina Ross BROA, informed members of a study to assess the possible extension of the ATEX Directive (94/9/EC, as amended by 2014/34/EU), the Machinery Directive (2006/42/EC) and the Pressure Equipment Directive (97/23/EC as amended by 2014/68/EU) to MODUs. This arose from the perception that such machinery and equipment used on-board MODUs are not sufficiently regulated, as the IMO MODU Code is not considered to cover them despite the multitude of separate standards which apply to various different categories of equipment used on MODUs. In responding to the study, several BROA members and ECSA (European Community Ship owners' Associations) pointed out that the Directives were generic and were not tailored to cover the safety needs of the equipment installed on MODUs, nor were they designed with the prevention of major accidents in mind.
- 6.2 There was a view that the EC lacks the relevant information on accident data to conduct an impact assessment, as figures from fixed platforms are used to extrapolate to MODUs. It is expected the EC's study will initially focus on the Machinery Directive, followed by the Pressure Equipment Directive and then the ATEX Directive. Members were invited to note these developments.

b. Basic Offshore Safety Induction and Emergency Training (BOSIET)

- 6.3 O&G UK advised members that work had been undertaken to amend the OPITO training standards for BOSIET and helicopter underwater emergency training (HUET) to include Category 'A' Emergency Breathing Systems (EBS) into the HUET module.
- 6.4 HSE had confirmed that in-water HUET using EBS equipment falls within the Diving at Work Regulations and therefore would require those undertaking this training to have a diving medical examination. O&GUK applied to HSE for an exemption to be granted to trainees not requiring them to have a diving medical when undertaking HUET using EBS. This was granted provided that trainees have been examined by a GP and passed fit to participate in the training.
- 6.5 O&GUK confirmed they are looking at options to simplify the medical examination process, but still being able to meet the HSE exemption requirements. Also, to undertake a further review of the risks associated with BOSIET & HUET to identify an ALARP solution. This will be fed back to OPITO to determine a way forward with the training standards.
- 6.6 This approach was supported by the chair, who confirmed that it was a matter for OPITO / industry to decide how future 'in pool' training should be structured and that there is no requirement from HSE or the CAA that offshore workers must undertake EBS training before they fly. HSE's only interest would be in the training itself and that it is undertaken safely, as it is subject to the Health & Safety at Work Act.

c. HSE's Hydrocarbon Release (HCR) database

- 6.7 Tom Milne from O&GUK informed members that HSE had recently informed them that they will no longer take responsibility for maintaining the population data parts count of the HCR database.
- 6.8 HSE was asked if this position remains correct and why was OIAC not consulted on this change, or informed about the impact this change will have on maintaining the accuracy of UKCS QRA estimates. Also, what is being proposed to be put in place of the database to maintain a world class incident and failure frequency database for the industry? As no one present was able to respond, HSE agreed to establish the position and provide a reply.
- 6.9 **Post meeting note.** HSE had discussed these comments with the relevant Energy Division staff that had provided the following update.

HSE are still in discussions with Oil & Gas UK on future solutions for the HCR database and will be working with their working group over the coming months to find a way forward.

The "population data" has been managed by Operators since 2003, not HSE, (via an online interface). This information is very difficult to maintain, is of a poor quality and has been like this for a considerable time. This is the primary reason for HSE's proposal to move to a different solution which allows much more transparency. HSE remain committed to discussions with the working group on how to retrieve

that situation, but to re-populate at least 12 years-worth of an outdated database architecture with accurate annual population data for every working offshore installation on the UKCS (this includes taking account of movements in and out of UK waters, decommissioning, changes in ownership etc.), which is a very significant undertaking for both HSE and the Operators.

As industry will be updated on developments at future working group meetings, further information will only be presented to the new re-constituted major accident hazard committee if appropriate under the revised terms of reference.

Date of the next OIAC Meeting

- 6.10 Members were informed the date of next meeting will be held on Tuesday, 22nd March 2016 at Lord Cullen House, Aberdeen.