



OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR

THE BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT, INCIDENT INVESTIGATION PROGRAM



OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR

AUG 18 2015

Memorandum

To: Brian Salerno
Director, Bureau of Safety and Environmental Enforcement

From: Mary L. Kendall *Stephen A. Hoffmann*
Deputy Inspector General

Subject: Final Evaluation Report – The Bureau of Safety and Environmental Enforcement,
Incident Investigation Program
Report No. CR-EV-BSEE-0014-2014

The Office of Inspector General (OIG) has completed the survey phase of its evaluation of the Bureau of Safety and Environmental Enforcement's¹ (BSEE's) incident investigation program. Our objective was to assess BSEE's ability to conduct incident investigations effectively.

During our survey work, we learned that BSEE is realigning the organization and is developing and implementing new policies and procedures related to a new National Program Manager initiative. On November 17, 2014, BSEE's Director and Deputy Director presented the initiative to OIG and requested that OIG suspend the evaluation until BSEE completes its realignment.

On January 9, 2015, during the post-survey briefing with BSEE's Director and Deputy Director, we agreed to suspend the evaluation to allow BSEE's management more time to implement its realignment. Although we did not complete a full evaluation or accomplish our objective as intended, we have identified several issues with the program. This final report provides our findings and recommendations for improvements based only on our work performed during survey phase. During the exit conference on March 3, 2015, we requested that BSEE provide quarterly progress reports regarding its realignment and implementation of the National Program Manager initiative and their impact on incident investigations. We will conduct an evaluation after BSEE has implemented the realignment to review the implementation of the National Program Manager initiative and verify that the proposed plan is in place, and that BSEE has implemented the proposed changes.

¹ Reorganization of the Minerals Management Service in June 2010, following the explosion of the Deepwater Horizon in the Gulf of Mexico, created the Bureau of Ocean Energy Management, Regulation, and Enforcement (June 18, 2010, to September 30, 2011). The Bureau was separated into three new management structures: the Bureau of Ocean Energy Management, the Office of Natural Resources Revenue, and BSEE to improve management, oversight, and accountability. BSEE began operations on October 1, 2011. To avoid confusion, we use BSEE to refer to either BOEMRE or BSEE except in quoted recommendations.

Background

BSEE works to promote safety, protect the environment, and conserve offshore resources through regulatory oversight and enforcement. On June 23, 2010, Bureau of Ocean Energy Management, Regulation and Enforcement (BOEMRE) Director Michael R. Bromwich established the Investigations and Review Unit (IRU), a team of professionals with law enforcement backgrounds and technical expertise. Its mission is to:

- promptly and credibly respond to allegations or evidence of misconduct and unethical behavior by Bureau [BSEE] employees;
- pursue allegations of misconduct by oil and gas companies involved in offshore energy projects; and,
- assure the Bureau's [BSEE's] ability to respond swiftly to emerging issues and crises, including significant incidents such as spills and accidents.

IRU shares allegations of misconduct with OIG. These offices then jointly determine which office will investigate those allegations.

In December 2010, we issued the report, "A New Horizon: Looking to the Future of the Bureau of Ocean Energy Management, Regulation and Enforcement" ("New Horizon"). The report contained 64 recommendations. Chapter 5 of the report titled "Enhanced Accident Investigations" contained six recommendations to improve incident investigations. At the time we started this evaluation, all six recommendations had been closed and considered implemented by the Office of Financial Management (PFM).

Offshore operators are required to file incident reports for serious events that include fires, explosions, fatalities, serious injuries, loss of well control, and oil spills. BSEE relies on operators' reports to determine the severity of an incident and assess the need to conduct an investigation. BSEE investigates complaints of alleged unsafe or environmentally unsound acts on the Outer Continental Shelf (OCS). BSEE conducts two types of investigations, district and panel. At the discretion of district managers, district inspectors may conduct an investigation and, at times, seek assistance from IRU. A panel investigation is a more in-depth, comprehensive investigation of an Outer Continental Shelf incident. Panel investigations are conducted by a team of BSEE investigators and inspectors, and may include experts from other agencies.

BSEE reported that, from January 2011 to October 2014, 2,883 incidents occurred in the Gulf of Mexico and Pacific regions of the OCS. Of those incidents, 275 resulted in district investigations; this represents less than 10 percent of reported incidents. The IRU participated in 47 of the 275 district investigations; six of them were elevated to panel investigations.

During the survey phase of our evaluation, we identified issues that BSEE should address to improve incident investigations.

Findings Identified During Survey Phase

Recommendations From “New Horizon,” That Were Closed but not Implemented

We found four of six recommendations (48, 49, 50, and 53) from Chapter 5 were closed but not implemented. BSEE’s Director and Deputy Director stated that they were unaware of the previous leadership’s response to our recommendations for realignment and acknowledged that these recommendations were closed but not implemented. BSEE’s leadership stated that they will ask PFM to reopen these recommendations. More details about each recommendation are presented below.

Recommendation 48: “Consider restructuring the accident investigation program to dedicate additional full-time staff with appropriate training in accident investigations.” (Closed 9/13/11)

During an entrance conference held October 21, 2014, between OIG and BSEE officials, we presented BSEE’s written response to Recommendation 48, which PFM considered implemented and closed on September 13, 2011. Recommendation 48 was closed based on an organization chart that was submitted to PFM by former Director Bromwich showing IRU’s creation and the reorganization of BSEE’s incident investigation program. We found, however, that BSEE did not fully implement the proposed organizational changes contained in that organization chart and that BSEE’s current leadership was unaware of these proposed changes. BSEE’s Director and Deputy Director said that BSEE would reopen Recommendation 48. This organizational chart was also submitted to PFM to support closing four other recommendations in the “New Horizon” report —Recommendations 9, 11, 17, and 54.

Recommendation 49: “Require operators to provide detailed descriptions of certain types of accidents (e.g., fires) to determine whether accident investigations or other corrective actions are necessary.” (Closed 4/21/2011)

BSEE’s response to Recommendation 49 was that incident reporting requirements were already addressed in 30 C.F.R. § 250.188, and it concluded that this regulation specifies the types of incidents that an operator must report to BSEE. It stated that the regulations were sufficiently clear on incident reporting requirements, and that no additions or further clarifications were necessary. The recommendation was closed based on BSEE’s response that 30 C.F.R. § 250.188 was adequate. This recommendation was never referred to PFM for tracking.

We found BSEE’s response to Recommendation 49 did not fully address the recommendation. We recommended BSEE require operators to provide more details of incidents in operators’ Offshore Incident Reports (OIRs). While 30 C.F.R. § 250.188 requires the operator to immediately report the incident, 30 C.F.R. § 250.190(c) allows BSEE’s district managers to request more detailed information, such as photographic evidence, by the operator on a case-by-case basis. The level of information provided by the operator in OIRs continues to be vague since first identified in the “New Horizon” report.

During our survey phase, we interviewed several BSEE headquarters staff members and reviewed five OIRs. We found only one of the OIRs was elevated to a district investigation. The other OIRs were vague and yet closed by the district manager without an additional request for information or investigation. For example, in February 2014, an operator's employee was sprayed in the face by an unknown chemical and experienced chemical burns. The district manager did not request additional information or investigate to determine the cause of the incident or what type of chemical was released. The OIR was closed without further investigation.

The level of detail provided by operators in the OIRs does not allow the district manager to make an informed decision either to close the OIR or to request a district investigation. BSEE continues to rely on operators' reports to determine the severity of incidents and assess the need to investigate further. BSEE employees reported that not only are operators often vague in their reporting but they are also responsible for classifying fatalities as "operational" or "nonoperational." BSEE defines nonoperational fatalities as those not related to operations or operational equipment under BSEE jurisdiction, and where BSEE does not have investigative interests. Currently, there is no written policy requiring an investigation of a nonoperational fatality.

Recommendation 50: "Develop and implement internal procedures to fully conduct and document accident investigations, including planning, basic investigation, evidence gathering protocol, and supervisory review." (Closed 6/5/2014)

The IRU was established under Secretarial Order No. 3304 to address Recommendation 50. The IRU finalized its "Policies and Procedures" manual in August 2013 instructing employees to work collaboratively with regional and district offices to conduct investigations and prepare reports of incidents, including accidents, associated in the OCS. It further states that an IRU investigator be appointed to every panel investigation and assumes a lead role in the report writing process. Finally, it indicates that IRU will work with personnel in the district in which the incident occurred to ensure that appropriate enforcement actions are taken, such as providing assistance with administrative cases that may go forward for a civil penalty and help inform those responsible for taking enforcement actions.

We found that BSEE has not fully implemented the manual because at the time of our visit to BSEE's headquarters, the IRU staff members we interviewed were not investigating any incidents. We learned through collected data on incidents that the district and regional offices had not been reporting district-level investigations to IRU staff on any regular or procedural basis. The data showed that IRU participated in 47 of 275 district investigations in the OCS, or 17 percent. Of the 275 investigations, 6 were raised to the level of a panel investigation. District or regional offices did not refer the 47 investigations to IRU Headquarters, but IRU became aware of the investigations because it monitored the OIR reports uploaded in BSEE's Technical Information Management System (TIMS) database. The IRU had to contact the districts to request involvement in the 47 district investigations.

As mandated by the Secretarial Order, one of the IRU's missions is to ensure that BSEE responds swiftly to emerging issues and crises on a Bureau-wide level and assess significant

issues, including spills, accidents, and other crises. In order to accomplish its mission, IRU needs district managers to immediately communicate all operator-reported incidents.

BSEE will also need to update the manual once it completes its realignment and policy development and implementation for the National Program Manager initiative.

Recommendation 53: “Establish a system to track investigation recommendations for implementation and verify that they have been implemented.” (Closed 9/30/2014)

As of October 22, 2015, IRU was still developing its Case Management System (CMS). The CMS, per Interim Policy Document No. 2014-003, is designed, in part, to document and track investigations, which includes allowing personnel to track recommendations made in incident investigation reports. Since the CMS is still under development, this recommendation is not fully implemented.

Unimplemented Organizational Changes Impacts Other Recommendations from the “New Horizon” Report

BSEE submitted an organization chart that mapped out organizational realignments being made to address several of the findings in the “New Horizon” report. Along with Recommendation 48 discussed above, this organization chart was used to support the closure of nonincident investigation recommendations—specifically, Recommendations 9, 11, 17 and 54. We are not recommending that BSEE reopen these recommendations; our intent is to make BSEE aware that the unimplemented organizational realignment was also used as the basis for closing the following “New Horizon” report recommendations:

Recommendation 9: “Develop an inspection program with strong representation at all levels of the Bureau [BSEE]. The program should facilitate good intra-agency communication in order to promote consistency, effectiveness, and efficiency and should provide strong support to the front-line inspectors.” (Closed 7/7/14)

Recommendation 11: “BOEMRE should undertake comprehensive workforce and workload analysis of the inspection program, including succession planning, anticipated workload needs, and increased capacity, and implement appropriate recommendations.” (Closed 9/12/11)

Recommendation 17: “Conduct advanced planning of inspections to allow inspectors time to prepare for each inspection and ensure efficient use of resources.” (Closed 9/29/11)

Recommendation 54: “Develop a dynamic regulatory framework that provides for interim and continuing guidance to operators, ensures the proper use of NTLs [Notice to Lessees], addresses gaps and inconsistencies within BOEMRE regulations, and reconciles related Bureau [BSEE] regulations.” (Closed 9/18/13)

The Incident Investigation Program Operates Under Inconsistent Policies

The “Regional Policy on Accident Investigations and Offshore Incident Reports” (“Policy”), issued February 17, 2010, describes regional policy regarding incident investigations and generation of OIRs. In an OIR that reports injuries, the “Policy” notes that the Office of Safety Management (OSM) is to be consulted if a district manager considers a district investigation is appropriate. The “Policy” directs the district manager to consult with OSM when questions arise regarding the appropriateness of a panel investigation. It also states that any possible knowing and willful acts or other acts of potential criminal nature discovered during the course of any investigation, are to be communicated to OSM. The “Policy” also states that OSM will be responsible for contacting OIG and coordinating investigations.

Secretarial Order 3304, issued June 29, 2010, mandates that IRU report to BSEE’s Director. According to the Secretarial Order, IRU should promptly and credibly respond to allegations or evidence of misconduct, unethical behavior, and unlawful activities by BSEE employees as well as by members of industries they regulate. It should also oversee and coordinate the BSEE’s internal auditing, regulatory oversight, and enforcement systems and programs. The Secretarial Order also noted that IRU shall coordinate with OIG on matters IRU investigates, pursue investigations with OIG’s consent and knowledge, and advise OIG of the status and results of its investigations.

The Secretarial Order and “Policy” contradict one another. As mentioned earlier, this has led to the districts failing to contact IRU regarding incidents being investigated in the OCS. We found incidents that should have been investigated, according to IRU, but were closed by the district manager without contacting IRU. The “Policy” was never revised or rescinded to reflect the mandate in the Secretarial Order.

Quarterly Updates to OIG

We agreed to suspend the evaluation to allow BSEE’s management more time to implement its realignment. We will conduct an evaluation after BSEE has implemented the realignment to review the implementation of the National Program Manager initiative and verify the proposed plan is in place, and that BSEE has implemented the proposed changes. BSEE agreed to update us quarterly on its implementation.

Recommendations

We recommend that BSEE:

1. Reopen and implement Recommendations 48, 49, 50, and 53 made in the “New Horizon” report.

BSEE Response: BSEE concurs with reopening Recommendation 48 but believes that Recommendations 49, 50, and 53 were properly closed based on the information available at the time. To implement Recommendation 49, BSEE is developing procedures and criteria to ensure adequate, consistent, and detailed

information is received from industry. To address Recommendation 50, BSEE commits to implementing, as part of the national program realignment, procedures to be used throughout the Bureau for conducting and documenting incident investigations, including updating its policy and procedures manual. To fully implement Recommendation 53, BSEE agreed to provide OIG with regular updates on the status of implementing the Case Management System.

OIG Reply: We consider this recommendation resolved and implemented. As agreed by BSEE's leadership, on July 6, 2015, we requested that PFM reopen Recommendations 48, 49, 50, and 53 made in the "New Horizon" report and track these recommendations for implementation.

2. Review the 64 recommendations made in the "New Horizon" report and identify recommendations that need to be reopened and implemented because of BSEE's realignment effort and development of a National Program Manager model.

BSEE Response: BSEE concurs with this recommendation and has undertaken a preliminary analysis of closed "New Horizon" report recommendations.

OIG Reply: We consider this recommendation resolved, but not implemented. The recommendation will be referred to the Assistant Secretary for Policy, Management and Budget for tracking of implementation.

3. Revise or rescind the contradictory "Policy" and implement the Secretarial Order as mandated.

BSEE Response: BSEE anticipates new policies will be issued later this year, and these will supersede existing policies.

OIG Reply: We consider this recommendation resolved, but not implemented. The recommendation will be referred to the Assistant Secretary for Policy, Management and Budget for tracking of implementation.

4. Provide the OIG with quarterly updates on developing and implementing the incident investigation program, which includes, at a minimum, timelines and milestones for the next 2 years.

BSEE Response: BSEE concurs with this recommendation, and will work with OIG to provide these updates.

OIG Reply: We consider this recommendation resolved, but not implemented. The recommendation will be referred to the Assistant Secretary for Policy, Management and Budget for tracking of implementation.

Scope and Methodology

As part of our evaluation of BSEE's incident investigation activities, we focused on incidents that occurred from fiscal years 2010 to the present. We reviewed pertinent laws and regulations, reviewed guidelines and other information regarding BSEE's program, and interviewed several officials and IRU personnel located at BSEE's Headquarters. We did not complete fieldwork for the evaluation, but through survey work, identified the above issues. We conducted our survey work September 2014 through January 2015.

We conducted our evaluation in accordance with the Quality Standards for Inspection and Evaluation as put forth by the Council of the Inspectors General on Integrity and Efficiency. We believe that the work performed provides a reasonable basis for our conclusions and recommendations.

The legislation creating the Office of Inspector General requires that we report to Congress semiannually on all audit, inspection, and evaluation reports issued; actions taken to implement our recommendations; and recommendations that have not been implemented.

If you have any questions about this report, please call me at 202-208-5745.

Attachments (2)

Response from the Bureau of Safety and Environmental Enforcement

The Bureau of Safety and Environmental Enforcement's response to our draft report follows on page 10.




United States Department of the Interior

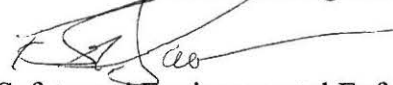
OFFICE OF THE SECRETARY
Washington, DC 20240

JUL 20 2015

Memorandum

To: Assistant Inspector General for Audits, Inspections, and Evaluations

Through: Janice M. Schneider 
Assistant Secretary, Land and Minerals Management

From: Brian M. Salerno 
Director, Bureau of Safety and Environmental Enforcement

Subject: Response to Draft Evaluation Report on Incident Investigation Program
(CR-EV-BSEE-0014-2014)

The Department of the Interior appreciates the Office of Inspector General's (OIG) interest in Interior's incident investigation program as addressed in the report entitled, *The Bureau of Safety and Environmental Enforcement, Incident Investigation Program*. This response will address the four recommendations directed to the Bureau of Safety and Environmental Enforcement (BSEE).

As the OIG reported, BSEE is realigning the organization and is currently implementing the National Program Manager (NPM) initiative. The NPM model establishes national programs for seven key mission areas: Data Stewardship, Enforcement, Investigations, Environmental Compliance, Permitting, Inspections, and Safety and Environmental Management Systems. National program managers at the Headquarters level will be tasked with establishing program policy in collaboration with regional specialists, while regions will operationalize and implement national policies and procedures. This design aims to clarify roles and responsibilities, and address specific organizational risks in a budget-neutral manner. In line with these goals, the national program model will help increase coordination and consistency across regions and help BSEE enhance safety and environmental stewardship across the Outer Continental Shelf (OCS). A strong and effective incident investigations program is essential to ensure that incidents are properly investigated and effective recommendations are identified and implemented to prevent future incidents. To that end, BSEE will take necessary actions to implement the recommendations as detailed in the attachment.

If you have any questions, please contact Linh Luu, Audit Liaison Officer, 202-208-4120.

Attachments:

- Attachment 1 - Response to OIG Recommendations
- Attachment 2 - Clarifications on the OIG Draft Report
- Attachment 3 - Interim Policy Document No. 2014-003

Attachment 1- Response to Recommendations

Recommendation 1: *Re-open and implement Recommendations 48, 49, 50, and 53 made in the “New Horizon” report.*

Response: BSEE concurs with re-opening Recommendation 48 (*Consider restructuring the accident investigation program to dedicate additional full-time staff with appropriate training in accident investigations*) given leadership’s lack of familiarity with the organization chart used by prior leadership to close the recommendation in September 2011. It is important to note that the Bureau has continued to evolve since the recommendation was issued, and work consistent with the intent of this recommendation has been well underway. Regarding restructuring and training for the incident investigations program as described in Recommendation 48, the IRU has separated internal and external investigation responsibilities among staff. Additionally, the IRU has developed an Offshore Incident Investigations training course, composed of nine modules, for BSEE staff involved in incident investigations. The course outlines three primary goals for the National Investigations Program: (1) provide and maintain consistency in approach to review and investigate reportable incidents and regulatory violations; (2) provide a tiered approach to early evaluation of reportable incidents and any ensuing investigations; and (3) ensure consistent collection of data points to fuel an effective feedback loop. The training course is mandatory for all BSEE staff who will be engaged in the investigative process. To date, 33 BSEE staff have completed the training course (19 in December 2014 and 14 in May 2015). The IRU plans to conduct another training session in December 2015. The formal restructuring of the incident investigation program is included in the reorganization package which is currently pending Department review.

Target Date: September 30, 2015

Responsible Official: Margaret Schneider

BSEE believes that Recommendation 49 (*Require operators to provide detailed descriptions of certain types of accidents (e.g., fires) to determine whether accident investigations or other corrective actions are necessary*) was properly closed based on the information available at the time and therefore not subsequently tracked. BSEE regulations state that more detailed information regarding reportable incidents can be requested. Based on the subsequent work of the Bureau and the efforts underway with the realignment, BSEE commits to developing procedures and criteria by which the districts will ensure adequate, consistent, and detailed information is received from industry regarding reportable incidents.

Target Date: November 30, 2015

Responsible Official: Stacey Noem

BSEE believes that Recommendation 50 (*Develop and implement internal procedures to fully conduct and document accident investigations, including planning, basic investigation, evidence gathering protocol, and supervisory review*) was appropriately closed with the information provided at the time of closure. Challenges remain, however, as noted in the report. Efforts currently underway, primarily those associated with realignment, will address these challenges. Implementation of the national program model for investigations will result in increased

consistency and communication of internal procedures for conducting and documenting incident investigations. BSEE commits to implementing, as part of the national program realignment, procedures to be used throughout the Bureau for conducting and documenting incident investigations, including to update its policy and procedures manual as needed for consistency.

Target Date: November 30, 2015

Reporting Official: Stacey Noem

BSEE also believes that Recommendation 53 (*Establish a system to track investigation recommendations for implementation and verify that they have been implemented*) was properly closed. Issuance and implementation of Interim Policy Document (IPD) No. 2014-003 was consistent with the intent of the recommendation. This policy ensures all recommendations made to the Bureau in panel investigation reports are reviewed and implemented, as appropriate, by defining policy, responsibilities, and procedures for review and documentation of the recommendations made. BSEE, however, will build on this policy through implementation of the Bureau's Investigative Case Management System (CMS).

The CMS is an incident investigation management and reporting application that will assist in conducting and documenting incidents related to the OCS and employee misconduct investigations. The system will be used to store, track, analyze injuries, the loss or damage of property, identify safety concerns or environmental risks, and store the investigative information related to incidents occurring on the OCS. The CMS will also provide information for management to make informed decisions on recommendations for enforcement, civil penalties, and other administrative actions.

The CMS design was completed by a contractor in June 2015 and is awaiting acceptance by BSEE. Since the CMS will include Personally Identifiable Information, a number of key actions are required before full implementation and approval in late CY2015 or early CY2016. The CMS is not anticipated to be affected by the recent cyber incidents involving DOI. These key actions include actions that will be taken by the Department and Office of Personnel Management and therefore are out of BSEE's control.

For the purpose of tracking BSEE's implementation of the CMS, BSEE commits to providing the OIG with regular updates on the status of implementing the CMS.

Target Date: September 30, 2015 and quarterly thereafter

Responsible Official: Stacey Noem

Recommendation 2: *Review the 64 recommendations made in the "New Horizon" report and identify recommendations that need to be reopened and implemented because of BSEE's realignment effort and development of a National Program Manager model.*

Response: BSEE concurs with this recommendation and has already undertaken a preliminary analysis of closed New Horizon report recommendations. Based on the analysis, BSEE will

provide the OIG with a list of those recommendations BSEE feels are impacted by the realignment and will identify responsible officials for any follow up actions.

Target Date: August 31, 2015

Responsible Official: Molly Madden

Recommendation 3: *Revise or rescind the contradictory "Policy" and implement the Secretarial Order as mandated.*

Response: BSEE commits to developing and implementing new policies related to the incident investigations program. These policies will clarify the procedures related to incident investigations. It is anticipated that the new policies will be issued later this year, and will supersede existing policies.

Target Date: November 30, 2015

Responsible Official: Stacey Noem

Recommendation 4: *Provide the OIG with quarterly updates on developing and implementing the incident investigation program, which includes, at a minimum, time lines and milestones for the next two years.*

Response: BSEE concurs with this recommendation, and will work with the OIG to provide these updates.

Target Date: September 30, 2015 and quarterly thereafter

Responsible Official: Molly Madden

Attachment 2: Clarifications to Draft Evaluation Report

BSEE recommends that the following clarification be made to the Draft Evaluation Report:

1. On page 2 where background is covered, in the fourth paragraph, it states that BSEE conducts two types of investigations, district and panel. While that is accurate, it should be reflected that BSEE also investigates when BSEE receives complaints of alleged unsafe or environmentally unsound acts happening on the OCS.
2. On page 4 in the paragraph where Recommendation 50 is written, in the last sentence, it indicates that the IRU will work with district personnel to ensure appropriate enforcement actions are taken. That is an accurate statement, but it is important to clarify that the IRUs assistance is more about assisting with the development of an administrative case file for cases that may go forward for a civil penalty. Investigators do not take enforcement actions. The investigations should help inform those responsible for taking enforcement actions.
3. On page 5, where Recommendation 53 is addressed, there is no mention by the OIG of Interim Policy Document 2014-003 that is supposed to cover this recommendation while the CMS is under development. A copy of this document is attached for reference.

**Bureau of Safety and Environmental Enforcement
Interim Policy Document**

Effective Date: September 26, 2014

IPD No.: 2014-003

Series: 640 Operations

Title: Bureau of Safety and Environmental Enforcement Policy and Procedures for Addressing Panel Investigation Report Recommendations

Originating Office: Office of Offshore Regulatory Programs

1. Purpose and Scope. This Interim Policy Document (IPD) defines the Bureau of Safety and Environmental Enforcement (BSEE) policy, responsibilities, and procedures for the review and documentation of recommendations that are made to BSEE in the Bureau's Panel Investigation reports completed after December 31, 2010.

2. Objective. The objective of this policy is to prevent future incidents by ensuring that all recommendations made to BSEE in the bureau's Panel Investigation reports are reviewed and implemented, as appropriate.

3. Authority.

A. Section 1348 (d) of the Outer Continental Shelf Lands Act (OSCLA), as amended (43 U.S.C. 1331-1356a).

4. References.

A. Memorandum of Understanding (MOU) Between the Bureau of Safety and Environmental Enforcement – U.S. Department of the Interior and the U.S. Coast Guard – U.S. Department of Homeland Security, November 27, 2012.

B. Memorandum of Agreement (MOA) between the Minerals Management Service – U.S. Department of the Interior and the U.S. Coast Guard – U.S. Department of Homeland Security, March 27, 2009.¹

5. Definitions.

A. Decision-maker – Chief of a Lead Office.

B. Lead Office – BSEE region, Office of Offshore Regulatory Programs (OORP), or other BSEE office that has been assigned the responsibility for the review, implementation, as appropriate, and documentation of an Accepted Recommendation.

C. Recommendation – an action proposed to BSEE in a bureau Panel Investigation report for the purpose of preventing the occurrence of a similar incident in the future.

¹ The Minerals Management Service was reorganized into two bureaus and one office: 1) The Bureau of Ocean Energy Management (BOEM), the Bureau of Safety and Environmental Enforcement (BSEE), and the Office of Natural Resource Revenue (ONRR) by Secretarial Order 3299 on May 19 2010, Amendment 1 to Secretarial 3299 on June 18, 2010, Secretarial Order 3306 on September 30, 2010, and Amendment 2 to Secretarial Order 3299 on August 29, 2011.

- D. Accepted Recommendation – a Recommendation that the BSEE Director has accepted for further review and implementation, as appropriate.
- E. Open Recommendation – an Accepted Recommendation that has been assigned to a Lead Office.
- F. Closed Recommendation – an Accepted Recommendation for which the Decision-maker has determined that actions taken to review, implement, and document the Accepted Recommendation are adequate and have been completed and that no further action is required.
- G. Panel Investigation – an in-depth investigation of an OCS incident conducted by a team of BSEE investigators, inspectors, and other experts from BSEE, other agencies, or other appropriate entities.
- H. Representative – a person selected by a Regional Director (RD), Chief/OORP (C/OORP), or chief of another office to track and communicate the status of the review, implementation, and documentation of Accepted Recommendations assigned to their region/office.

6. Policy. BSEE ensures that each Recommendation made in a BSEE Panel Investigation report is reviewed in a timely manner. Based on this review, a decision is made whether or not to accept the Recommendation for further review and implementation, as appropriate. Each Accepted Recommendation is thoroughly reviewed to determine if and how it will be implemented. Implementation of Accepted Recommendations will be tracked to ensure that decisions made and actions taken regarding Accepted Recommendations are adequate, have been completed, and are documented. Documentation must be kept in a format that is compatible with a Case File Management System that is currently under development. A sample of the format will be provided to all relevant offices by September 30, 2014.

7. Responsibility

- A. Director, BSEE
 - (1) Decides which Panel Investigation report Recommendations are accepted (Accepted Recommendations) for further review and implementation, as appropriate.
 - (2) Notifies the C/OORP of decisions on all Panel Investigation report Recommendations.
- B. C/OORP
 - (1) Oversees implementation of this IPD.
 - (2) Informs the BSEE Director and Deputy Director on the status of the review and implementation of Accepted Recommendations.
 - (3) Makes Lead Office assignments for each Accepted Recommendation.
 - (4) Serves as the Decision-maker for Accepted Recommendations assigned to OORP.
 - (5) Communicates the status of the review and implementation of Accepted Recommendations to relevant BSEE managers and staff.
- C. Regional Directors (RD)
 - (1) Approve Panel Investigation reports in conjunction with the Chief, Investigations and Review Unit (C/IRU).

- (2) Send approved Panel Investigation reports to the Director.
- (3) Assign a person(s) from the region to coordinate the review, implementation, and documentation of Accepted Recommendations assigned to their region.
- (4) Oversee the review, implementation, and documentation of Accepted Recommendations assigned to their region.
- (5) Serve as the Decision-maker for Accepted Recommendations assigned to the region.

D. C/IRU

- (1) Approves Panel Investigation reports in conjunction with the RDs.
- (2) By, September 30, 2014, will provide the format sample of the Case File Management System to all relevant offices for capturing current data in a format compatible with the Case File Management System under development.
- (3) Will be responsible for review of all data collected and submitted for inclusion in the Case File Management System, once operational.

E. Representatives

- (1) Track the status of Accepted Recommendations assigned to their region/office.
- (2) Communicate status updates and documentation for Accepted Recommendations assigned to their region/office to C/OORP.

F. Chief, Office of Policy and Analysis (C/OPA)

- (1) Coordinates with C/OORP and C/IRU to ensure that the status of Accepted Recommendations are adequately tracked and documented.
- (2) Communicates information about the implementation of this IPD to the Department of Interior as needed.

* All parties listed in this section are responsible for ensuring that Personal Identifiable Information (PII) ² for individuals involved in incidents that are the subject of bureau Panel Investigation are not included in Investigation Reports and are not included in any status update or documentation required by this IPD.

8. Procedures (Appendix A, General Workflow)

A. Appointment of Representatives

- (1) BSEE RDs and C/OORP appoint a Representative(s) for their region/office.
- (2) C/OORP requests other BSEE offices to provide a Representative(s) as needed.

B. Notification of Completed Investigation Reports

- (1) RDs send approved Panel Investigation reports to the Director.
- (2) C/OORP in conjunction with the C/IRU ensures investigation reports are reviewed according to the procedures in this IPD.

C. Review of Panel Investigation Report Recommendations

- (1) BSEE Director decides which Panel Investigation report Recommendations are Accepted Recommendations.

² Personally Identifiable Information (PII): The term "PII," as defined in OMB Memorandum M-07-1616 refers to information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual.

- (2) BSEE Director notifies C/OORP and appropriate Regional Director of decisions on all Panel Investigation report Recommendations.

D. Assignment of Lead Office

C/OORP assigns a Lead Office for each Accepted Recommendation.

E. Decision-maker oversees the review, implementation, and documentation of Accepted Recommendations.

- (1) Assigns a person(s) from their region/office to coordinate the review and implementation of each Accepted Recommendation.
- (2) Decides if and how Accepted Recommendations will be implemented.
- (3) Decides when an Accepted Recommendation is closed and ensures appropriate documentation is prepared.

F. Quarterly Updates

- (1) Each Representative provides C/OORP a quarterly update of the status of Accepted Recommendations for which their region/office is the Lead Office.

(a) Open Recommendation updates include:

Progress made since the last update, significant actions, events, or decisions made, challenges encountered, assistance needed, and the name of the person(s) assigned to coordinate the review, implementation, and documentation of the Accepted Recommendation.

(b) Closed Recommendation updates include:

(i) A summary of each Accepted Recommendation that their Decision-maker has decided is closed.

(ii) Documentation to support the closure of each Accepted Recommendation including the information listed in (Appendix B).

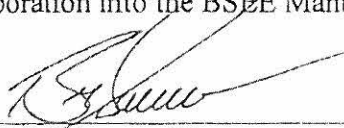
(2) Quarterly Status Report

C/OORP communicates a written report summarizing the status of Accepted Recommendations to Deputy C/OORP, C/OPA, RDs, RSs/OFO, DMs, Representatives, C/IRU, and others as needed.

G. Information Maintenance

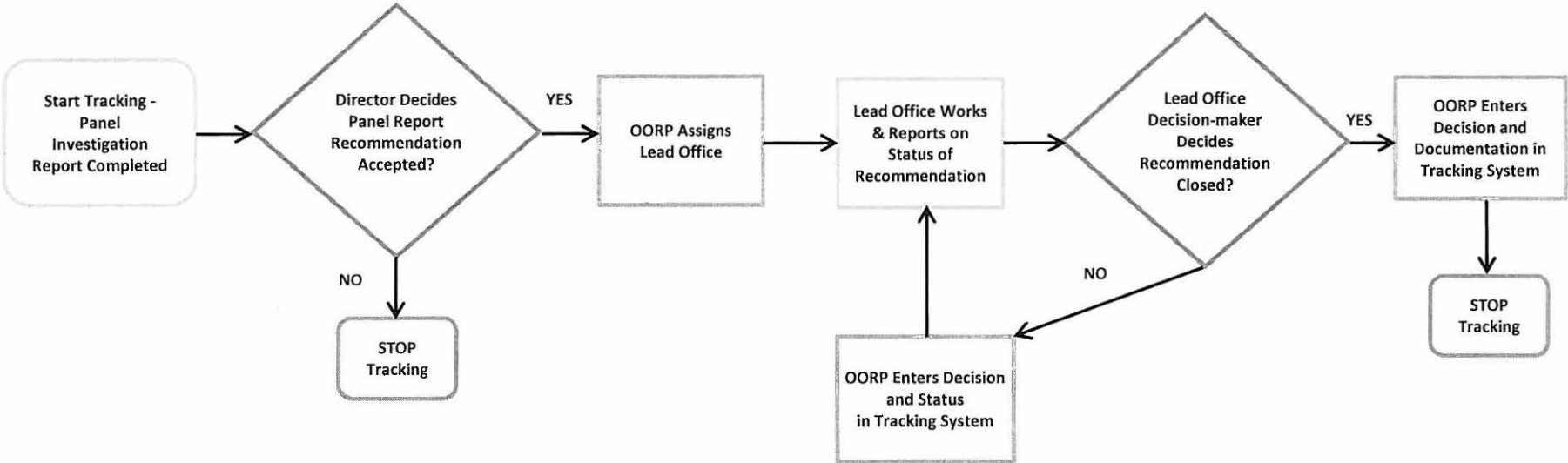
- (1) C/OORP will maintain records of all Panel Investigation report Recommendations, their current status, and supporting documentation beginning with Recommendations made for Panel Investigation reports completed in CY 2011.
- (2) C/OORP will identify and implement, as appropriate, opportunities to improve policy and procedures for compilation, review, implementation, and documentation of Panel Investigation report Recommendations.
- (3) C/OORP will work with the team implementing the Case File Management System to transfer all of the data maintained and managed under this interim policy to the new system, once operational.

9. Cancellation: This IPD will remain in effect until cancelled by a superseding IPD or incorporation into the BSEE Manual.


 Brian M. Salerno – Director
 Attachments (2)

26 Sept 2014
 Date:

APPENDIX A
General Workflow for Addressing and Tracking Incident Investigation Report Recommendations



APPENDIX B
Documentation of Incident Investigation Recommendation Review

Type of Investigation Report (*select one*)

- Panel
- Other _____

Incident associated with the investigation report

1. Date Incident Occurred: [Click here to enter a date.](#)
2. Area/Block location of Incident:
3. Company(s) involved (*include operator, contractor, and subcontractor as appropriate*):
4. Type of incident: Choose an item.
5. Text of the recommendation from the investigation report:

Review of the recommendation

1. Person assigned to coordinate review of this recommendation:
2. Describe what was done to review the recommendation, including who was involved in the review:
3. Description of the decision made with respect to implementing the recommendation:
[Choose an item.](#)
4. Describe why the decision noted above was made:
5. If the decision was to implement the recommendation, describe what was done to implement the recommendation:
6. Describe why the recommendation is considered closed:

Signature of Decision maker

Date

Status of Recommendations

Recommendation	Status	Action Required
1	Resolved and implemented	On July 6, 2015, we requested that the Office of Financial Management reopen Recommendations 48, 49, 50, and 53 made in the “New Horizon” report and track these recommendations for implementation
2, 3, and 4	Resolved; not implemented.	Recommendations will be referred to the Assistant Secretary for Policy, Management and Budget for tracking implementation.

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