

Center for Offshore Safety  
SAFETY ENVIRONMENTAL MANAGEMENT SYSTEM (SEMS)  
Disclaimer

The Code of Federal Register 30 CFR Part 250 - *Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Safety and Environmental Management Systems Final Rule* (SEMS) requires each “operator (a lessee, the owner or holder of operating rights, or the designated operator)”<sup>1</sup> on the Outer Continental Shelf of the US to develop and implement a SEMS plan by 15 November 2011.

SEMS clearly states that operators will be held accountable for complying with this new regulation, it is understood that operators cannot do this alone. Contractors, defined in SEMS as “anyone performing work for the lessee,”<sup>2</sup> must also be aware of the regulation and be prepared to support operators in their efforts.

The purpose of this document is to assist operators and contractors in assessing readiness to meet SEMS requirements including the required contents of an operator’s SEMS plan. This tool represents the collective view of professionals from the oil and gas industry that have reviewed the SEMS rule and identifies where contractors / facility owners need to take specific actions and/or supply documents or records in support of an operator’s SEMS plan.

DISCLAIMER: Because each operator’s SEMS plan will be different, these draft documents are generalized and are only being published to facilitate the broad availability of possible approaches. The formulation and publication of these draft documents is not intended in any way to inhibit anyone from using any other practices. Users of these draft documents should not rely exclusively on the information contained in the draft documents. Sound business, scientific, engineering, safety and legal judgment should be used in employing the information contained herein, and these documents cannot provide specific guidance or assure compliance with any given operator’s SEMS plan.

The following additional disclaimers are provided:

- These documents do not constitute legal advice. Consult with your own company counsel for advice on compliance with all applicable state and federal regulations.
- Neither OOC, API nor any of OOC’s or API’s employees, subcontractors, consultants, committees, or other assignees make any warranty or representation, either express or implied, with respect to the accuracy, completeness, or usefulness of the information contained herein, or assume any liability or responsibility for any use, or the results of such use, of any information or process disclosed in this publication. OOC AND API DISCLAIM ALL OTHER WARRANTIES EXPRESS OR IMPLIED INCLUDING, WITHOUT LIMITATION, ANY WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. Taking actions suggested in these documents does not guarantee that an operator or contractor will be in compliance with SEMS. Ultimately every company is responsible for determining the applicability of each section of SEMS to its own operations.
- Each operator’s SEMS plan will be different. Mapping safety and environmental management policies, procedures, or operations using this document does not guarantee compliance with an operator’s SEMS plan.
- These documents are a set of draft documents that do not represent the views of any one company or organization, and are not approved or endorsed in any way by API or COS. Likewise the listing of a company or organization as providing a participant to the development process does not signify that company’s or organization’s endorsement of this document.
- Under BOEMRE’s SEMS regulations, an operator has responsibility for complying with SEMS. Contractors are not required to have a SEMS plan. Any references to contractor actions indicated in this document mean that the contractor’s participation in the SEMS process may be required to help the operator comply with SEMS.
- Not every action suggested for contractors will be required of every contractor. Subject to existing contractual obligations, contractors must determine the applicability of each suggested action to their business.
- Although a contractor may have a SEMS plan in place, 30 CFR 250 does not require contractors to have a SEMS plan.

The developers of these documents invite contractors and operators alike to use them as tools for helping with evaluation of a company’s readiness to assess SEMS requirements. They may also assist in identifying gaps in a company’s current policies, procedures or documentation.

---

<sup>1</sup> Federal Register/Vol. 75, No. 199/ Friday, October 15, 2010/Rules and Regulations pg. 63610

<sup>2</sup> §250.1914(a) “A contractor is anyone performing work for the lessee. However, these requirements do not apply to contractors providing domestic services to the lessee or other contractors. Domestic services include janitorial work, food and beverage service, laundry service, housekeeping, and similar activities.”

Center for Offshore Safety  
SAFETY ENVIRONMENTAL MANAGEMENT SYSTEM (SEMS)  
Operator-Contractor Agreement Letter

This Agreement is made by and between \_\_\_\_\_, the Operator, and \_\_\_\_\_, the Contractor, in conformance with 30 CFR 250, Subpart S (the SEMS rule).

The Contractor agrees to and certifies the following:

- All contractor personnel performing work for the Operator have the skills and knowledge to perform their assigned duties;
- All Contractor employees are knowledgeable of Operator SEMS requirements applicable to the Contractor's assigned work;
- All activities performed by the Contractor will be conducted in accordance with the requirements in the Operator's SEMS program and the Contractor's Safe Work Practices;
- The Contractor has Safe Work Practices (SWP) for all work, except "domestic services" (janitorial, food, beverage, laundry, housekeeping), and these are consistent with the Operator's SEMS;
- All records required under 30 CFR 250, Subpart S, will be maintained in an orderly manner, readily identifiable, retrievable and legible; these are available for review by the Operator and appropriate regulatory authorities on request;
- The Contractors will report all contractor personnel injury and illness to the Operator in accordance with the Operator's SEMS.
- Documentation is readily available to Operator, including 1) safety policies and procedures and 2) documentation of each of the Contractor's employee's skills and knowledge to perform his/her job in a safe and environmentally sound manner.( 30 CFR 250.1914(b) )

The Operator agrees to and certifies the following:

- The Contractor has been provided copies of the Operator's SEMS and all relevant permits which create regulatory obligation for compliance by the Contractor's personnel (e.g., NPDES permits);
- A Contractor assessment was completed prior to commencement of work performed hereunder;
- A safety and environmental evaluation of the performance of the Contractor has been performed;
- A Contractor personnel injury and illness log will be retained for 2 years related to the Contractor's work performed hereunder;
- The Contractor has been provided with appropriate site-specific safety, environmental and emergency evacuation information and training prior to commencement of work performed hereunder:
- Ensure conformance with Operator's SEMS during all covered operations, and;
- The Contractor assessment included verification that the Contractor's employees have the skills and knowledge to perform their assigned duties and can conduct these activities in accordance with the requirements in the Operator's SEMS as required in 30 CFR 250.1914(c)(2) .

Center for Offshore Safety  
SAFETY ENVIRONMENTAL MANAGEMENT SYSTEM (SEMS)  
Operator-Contractor Agreement Letter

Operator has obtained and reviewed the Contractor's HSE Management System, and/or safe work practices, as applicable, and related documentation; and has found it meets the requirements of the Operator's SEMS.

Contractor has reviewed, as applicable, and understands Operator's SEMS as it applies to all work performed hereunder. Contractor further confirms that it can and will perform its duties and conform to all applicable elements of Operator's SEMS.

We, the undersigned, subscribe to the principles as provided in API RP 75 and Operator's SEMS. By our signatures, we affirm and endorse the content of this Bridging Agreement and Certification.

---

Operator Representative – Signature/Date

---

Contractor Representative – Signature/Date