

OPERATOR QUALIFICATION, THEN, NOW AND THE POSSIBLE FUTURE

- ▣ 49 CFR 192 SUBPART N
- ▣ 49 CFR 195 SUBPART G

49 CFR §192 Subpart N

49 CFR §195 Subpart G

192.801/195.501

(a) This subpart prescribes the minimum requirements for operator qualification of individuals performing covered tasks on a pipeline facility.

(b) For the purpose of this subpart, a covered task is an activity, identified by the operator, that:

- (1) Is performed on a pipeline facility;
- (2) Is an operations or maintenance task;
- (3) Is performed as a requirement of this part; and
- (4) Affects the operation or integrity of the pipeline.

49 CFR §192 Subpart N

49 CFR §195 Subpart G

- ▣ 192.803/195.503 - Definitions

- ▣ Abnormal operating condition means a condition identified by the operator that may indicate a malfunction of a component or deviation from normal operations that may:
 - (a) Indicate a condition exceeding design limits; or
 - (b) Result in a hazard(s) to persons, property, or the environment.

49 CFR §192 Subpart N

49 CFR §195 Subpart G

- ▣ 192.803/195.503 - Definitions
 - Evaluation means a process, established and documented by the operator, to determine an individual's ability to perform a covered task by any of the following:
 - (a) Written examination;
 - (b) Oral examination;
 - (c) Work performance history review;
 - (d) Observation during:
 - ▣ (1) Performance on the job,
 - ▣ (2) On the job training, or
 - ▣ (3) Simulations; or
 - (e) Other forms of assessment.

49 CFR §192 Subpart N

49 CFR §195 Subpart G

- ▣ Qualified means that an individual has been evaluated and can:
 - (a) Perform assigned covered tasks; and
 - (b) Recognize and react to abnormal operating conditions.

49 CFR §192 Subpart N

49 CFR §195 Subpart G

- ▣ 192.805/195.505 – Qualification Program
 - Each operator shall have and follow a written qualification program. The program shall include *provisions* to:
 - ▣ (a) Identify covered tasks;
 - ▣ (b) Ensure through evaluation that individuals performing covered tasks are qualified;
 - ▣ (c) Allow individuals that are not qualified pursuant to this subpart to perform a covered task if directed and observed by an individual that is qualified;
 - ▣ (d) Evaluate an individual if the operator has reason to believe that the individual's performance of a covered task contributed to an incident/accident as defined in Part 191 or 195;
 - ▣ (e) Evaluate an individual if the operator has reason to believe that the individual is no longer qualified to perform a covered task;
 - ▣ (f) Communicate changes that affect covered tasks to individuals performing those covered tasks; and

49 CFR §192 Subpart N

49 CFR §195 Subpart G

- ▣ 192.805/195.505 – Qualification Program
 - (g) Identify those covered tasks and the intervals at which evaluation of the individual's qualifications is needed.
 - (h) After December 16, 2004, provide training, as appropriate, to ensure that individuals performing covered tasks have the necessary knowledge and skills to perform the tasks in a manner that ensures the safe operation of pipeline facilities; and
 - (i) After December 16, 2004, notify the Administrator or a state agency participating under 49 U.S.C. Chapter 601 if the operator significantly modifies the program after the Administrator or state agency has verified that it complies with this section.

49 CFR §192 Subpart N

49 CFR §195 Subpart G

- ▣ 192.807/195.507 – Recordkeeping
- ▣ Each operator shall maintain records that demonstrate compliance with this subpart.
 - (a) Qualification records shall include:
 - ▣ (1) Identification of qualified individual(s);
 - ▣ (2) Identification of the covered tasks the individual is qualified to perform;
 - ▣ (3) Date(s) of current qualification; and
 - ▣ (4) Qualification method(s).
 - (b) Records supporting an individual's current qualification shall be maintained while the individual is performing the covered task. Records of prior qualification and records of individuals no longer performing covered tasks shall be retained for a period of five years.

49 CFR §192 Subpart N

49 CFR §195 Subpart G

▣ 192.809/195.509 – General

- (a) Operators must have a written qualification program by April 27, 2001. The program must be available for review by the Administrator or by a state agency participating under 49 U.S.C. Chapter 601 if the program is under the authority of that state agency.
- (b) Operators must complete the qualification of individuals performing covered tasks by October 28, 2002.
- (c) Work performance history review may be used as a sole evaluation method for individuals who were performing a covered task prior to October 26, 1999.
- (d) After October 28, 2002, work performance history may not be used as a sole evaluation method.
- (e) After December 16, 2004, observation of on-the-job performance may not be used as the sole method of evaluation.

49 CFR §192 Subpart N

49 CFR §195 Subpart G

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New Definitions

Adversely affects

Covered task

Direct and observe

Emergency response tasks

Evaluation

Knowledge, skills and abilities

Qualified

Safety or integrity

Significant changes

Span of control

Provisions To

- ▣ Identify Covered Task
- ▣ Complete qualification prior to performing the covered task
- ▣ Ensure through evaluation persons are qualified, provided that:
 - Work history isn't a sole method of evaluation
 - OJT is not the sole method of evaluation
- ▣ Allow non-qualified persons to work under the direction of a qualified person within the limits of the span of control for the task
- ▣ Evaluate a person if there is reason to believe the performance of the covered task contributed to an incident or accident

Provisions To

- ❑ Evaluate an individual if the operator has reason to believe that the individual is no longer qualified to perform a covered task
- ❑ Establish and maintain a Management of Change program that will communicate changes that affect covered tasks to individuals performing those covered tasks
- ❑ Identify all covered tasks and the intervals at which evaluation of an individual's qualifications is needed
- ❑ Provide training to ensure that any individual performing a covered task has the necessary knowledge, skills, and abilities to perform the task in a manner that ensures the safety and integrity of the operator's pipeline facilities

Provisions To

- ▣ Provide supplemental training for the individual when procedures and specifications are changed for the covered task
- ▣ Establish the requirements to be an Evaluator, including the necessary training
- ▣ Develop and implement a process to measure the program's effectiveness in accordance with § 192.805

Program Effectiveness

- ▣ General. The qualification program must include a written process to measure the program's effectiveness. An effective program minimizes human error caused by an individual's lack of knowledge, skills and abilities (KSAs) to perform covered tasks. An operator must conduct the program effectiveness review once each calendar year not to exceed 15 months.
 - Process. The process to measure program effectiveness must:
 - (1) Evaluate if the qualification program is being implemented and executed as written; and
 - (2) Establish provisions to amend the program to include any changes necessary to address the findings of the program effectiveness review

Program Effectiveness

- ▣ Measures. The operator must develop program measures to determine the effectiveness of the qualification program. The operator must, at a minimum, include and use the following measures to evaluate the effectiveness of the program.
 - (1) Number of occurrences caused by any individual whose performance of a covered task(s) adversely affected the safety or integrity of the pipeline due to any of the following deficiencies:
 - ▣ (i) Evaluation was not conducted properly;
 - ▣ (ii) KSAs for the specific covered task(s) were not adequately determined;
 - ▣ (iii) Training was not adequate for the specific covered task(s);
 - ▣ (iv) Change made to a covered task or the KSAs was not adequately evaluated for necessary changes to training or evaluation;
 - ▣ (v) Change to a covered task(s) or the KSAs was not adequately communicated;

Program Effectiveness

- (vi) Individual failed to recognize an abnormal operating condition, whether it is task specific or non-task specific, which occurs anywhere on the system;
- (vii) Individual failed to take the appropriate action following the recognition of an abnormal operating condition (task specific or non-task specific) that occurs anywhere on the system;
- (viii) Individual was not qualified;
- (ix) Nonqualified individual was not being directed and observed by a qualified individual;
- (x) Individual did not follow approved procedures and/or use approved equipment;
- (xi) Span of control was not followed;
- (xii) Evaluator or training did not follow program or meet requirements; or
- (xiii) The qualified individual supervised more than one covered task at the time.

Recordkeeping

- ▣ (a) Individual qualification records must include:
 - (1) Identification of qualified individual(s),
 - 2) Identification of the covered tasks the individual is qualified to perform;
 - (3) Date(s) of current qualification;
 - (4) Qualification method(s);
 - (5) Evaluation to recognize and react to an abnormal operating condition, whether it is task-specific non-task specific, which occurs anywhere on the system;
 - (6) Name of evaluator and date of evaluation; and
 - (7) Training required to support an individual's qualification or requalification.

Recordkeeping

- ▣ (b) Program records. Program records must include, at a minimum, the following:
 - (1) Program effectiveness reviews;
 - (2) Program changes;
 - (3) List of program abnormal operating conditions;
 - (4) Program management of change notifications;
 - (5) Covered task list to include all task specific and non-task specific covered tasks;
 - (6) Span of control ratios for each covered task;
 - (7) Reevaluation intervals for each covered task;
 - (8) Evaluations method(s) for each covered task; and
 - (9) Criteria and training for evaluators.

Recordkeeping

- ▣ (c) Retention period –
 - (1) Individual qualification records. An operator must maintain records of qualified individuals who performed covered tasks. Records supporting an individual's current qualification must be retained while the individual is performing the covered task. Records of prior qualification and records of individuals no longer performing covered tasks must be retained for a period of five years.
 - (2) Program records. An operator must maintain records required by paragraph (b) of this section for a period of five years.

Questions??

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