

January 10, 2018

Secretary Ryan Zinke  
Department of the Interior  
Bureau of Safety and Environmental Enforcement  
1849 C Street, NW  
Washington, DC 20240

**RE: The National Society of Professional Engineers' Public Comment on  
*Oil and Gas and Sulphur Operations on the Outer Continental Shelf-Oil and Gas  
Production Safety Systems-Revisions*  
Regulation Identifier Number 1014-AA37, Docket ID: BSEE-2017-0008**

Dear Secretary Zinke,

On behalf of the more than 31,000 members of the National Society of Professional Engineers, I submit the following public comment in response to the Bureau of Safety and Environmental Enforcement's December 29, 2017 proposed revisions for the rulemaking *Oil and Gas and Sulphur Operations on the Outer Continental Shelf-Oil and Gas Production Safety Systems-Revisions*. NSPE has grave concerns about the proposed amendments and their impact on the public health, safety, and welfare.

This proposed rule would amend and update the 30 CFR part 250, subpart H, Oil and Gas Production Safety Systems regulations, which were finalized in 2016, nearly six years to the day after the disastrous and tragic Deepwater Horizon explosion that killed 11 people and caused the biggest oil spill in US history. After the explosion, the BSEE undertook a comprehensive and deliberative five-year process to create a new set of standards and regulations to ensure that the lessons learned from this tragedy would be applied to mitigate future catastrophes. All stakeholders, ranging from the public to private industry to environmental groups, were able to extensively engage in this multiphase process. The finalized 2016 rules included both performance-based standards and prescriptive rules based on this extensive engagement and analysis.

Central to the rulemaking process was addressing the specific issues that caused the Deepwater Horizon disaster, such as the malfunctioning of the blowout preventer and the capacity to monitor and withstand high-pressure drilling. New standards and requirements were specifically implemented to prevent similar incidents and acknowledged the need for qualified, independent third parties to perform these functions.

Professional engineers play a critical role in these processes and, consequently, the 2016 finalized rule included additional core responsibilities for PEs to ensure the protection of the public health, safety, and welfare, which PEs must place above all other considerations.

Unfortunately, the proposed revisions seek to remove the very provisions that were added to specifically rectify the causes of the Deepwater Horizon explosion. The summary of

the rulemaking states that “this proposed rule would fortify the Administration’s objective of facilitating energy dominance through encouraging increased domestic oil and gas production, by reducing unnecessary burdens on stakeholders while maintaining or advancing the level of safety and environmental protection.”

However, as currently written, the recommended revisions would endanger rather than advance the level of safety and environmental protection. BSEE proposes to revise some of the requirements related to the diagrams and drawings the operators must submit to BSEE for approval. BSEE would revise this provision to require operators to submit only the most critical documents to BSEE and have those documents stamped by a PE.

PEs have specific experience, qualifications, and education that enables them to provide the critical engineering expertise to identify potential safety and environmental risks. The existing rules were implemented to ensure that PEs utilize their engineering skills to achieve compliance and incorporate the necessary safety measures that will mitigate the likelihood of future disasters like the Deepwater Horizon explosion. The need for these standards and the highest level of expertise is particularly great at this time given that, according to energy research firm Wood Mackenzie, oil and gas production could reach an all-time high in the Gulf of Mexico.

NSPE therefore strongly urges BSEE to reconsider its recommendations and retain all of the requirements for PEs in its revised rulemaking. We share a common purpose in ensuring that the United States exemplifies the best engineering standards in the world. NSPE commits to remaining fully and constructively engaged in any future proceeding.

Please contact Arielle Eiser, associate director of government relations and advocacy, at [aeiser@nspe.org](mailto:aeiser@nspe.org), with any questions or comments.

Sincerely,



Tom C. Roberts, P.E., F.NSPE  
President