

LAWS OF SOUTH SUDAN

Petroleum Health, Safety and Environmental Management System and Plans Regulations, 2015

Ministry of Petroleum and Mining
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Laws of South Sudan
Petroleum Health, Safety and Environmental Management System and
Plans Regulations, 2015

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Laws of South Sudan

Petroleum Health, Safety and Environmental Management System and Plans Regulations, 2015

In the exercise of powers conferred upon me under Sections 99(1)(n) and (p), read together with Sections 12(3)(j), 52, 60 and 81(2) of the Petroleum Act, 2012, the Minister hereby issues the following:-

Chapter I

Preliminary Provisions

1. Title and Commencement

These Regulations may be cited as “**The Petroleum Health, Safety and Environmental Management System and Plans Regulations, 2015**” and shall come into force on the date of signature by the Minister.

2. Interpretation

In these Regulations, unless the context otherwise requires:-

“Act”	means the Petroleum Act, 2012.
“Accountable Officer”	means a person appointed as accountable officer under Regulation 6 of these Regulations.
“API”	means the American Petroleum Institute.
“Management System”	means the system referred to in Section 81(2) of the Act and prescribed by Regulations 5 to 9 and Regulations 13 and 14 of these Regulations.
“Health and Safety Management Plan”	means the plan referred to in Section 52 of the Act and prescribed by Regulation 10 of these Regulations.
“Environmental Management Plan”	means the plan referred to in Section 60 of the Act and prescribed by Regulation 11 of these Regulations.



“process”

includes any procedures that are necessary to implement the process.

“Safety”

includes occupational and operational safety and security of persons, equipment and facilities.

3. Standards and Guidelines

- (1) The standards and guidelines prescribed in these Regulations include any amendments made from time to time.
- (2) If there is any inconsistency between these Regulations and a standard or guideline prescribed in it, these Regulations shall prevail to the extent of the inconsistency.

4. Time Limits for Submission of Management System and Plans

- (1) The management system, health and safety management plan and environmental management plan shall be submitted to the Ministry no later than 60 days prior to commencement of the proposed petroleum activities of the licensee or contractor.
- (2) A licensee or contractor who is already carrying out petroleum activities on the date of coming into force of these Regulations shall submit its management system, health and safety management plan and environmental management plan to the Ministry no later than 90 days from that date.

Chapter II

Management System

5. General Requirements

- (1) The management system shall:
 - (a) be systematic, explicit, comprehensive and proactive; and
 - (b) apply to all the petroleum activities of the licensee and contractor and to the following plans and programme:
 - (i) the plan for development and operations and the development and production programme under Section 31 of the Act,
 - (ii) the health and safety management plan under Section 52 of the Act and Regulation 10 of these Regulations, and
 - (iii) the environmental management plan under Section 60 of the Act and Regulation 11 of these Regulations.
- (2) When a licensee or contractor engages in petroleum activities, the licensee or contractor shall ensure that these activities are conducted in accordance with the applicable provisions of:
 - (a) these Regulations;

- (b) ISO standard 14001 (Environmental Management Systems);
 - (c) ISO standard 18001 (Health and Safety Management Systems); and
 - (d) ISO standard 9000 (Quality Management).
- (3) Without limiting the generality of sub-regulation (2) of these Regulations, the licensee or contractor shall ensure that petroleum activities are conducted in accordance with the management system, programmes and plans developed and implemented by the licensee or contractor in accordance with these Regulations.
- (4) If a licensee or contractor is required by these Regulations to develop a programme, process, procedure or plan, the Ministry may order amendments to it if the Ministry considers it necessary for health, safety or environmental reasons or if it is in the public interest to do so.

6. Accountable Officer

- (1) The licensee or contractor shall appoint an accountable officer to ensure on its behalf that its management system and the plans and programmes referred to in Regulation 5(1)(b) of these Regulations are established, implemented and maintained in accordance with these Regulations.
- (2) Within 30 days after the appointment of the accountable officer, the licensee or contractor shall notify the Ministry in writing of the name, qualifications and duties of the person appointed and ensure that the accountable officer submits to the Ministry a signed statement accepting the responsibilities of the position.
- (3) The licensee or contractor, and as applicable, the shareholders of such licensee or contractor, shall ensure that the accountable officer has authority over the human and financial resources required to:
- (a) establish, implement and maintain the management system and the plans and programmes referred to in Regulation 5(1)(b) of these Regulations;
 - (b) ensure that the activities of the licensee or contractor are carried out in a manner that meets their obligations under Section 81(1) of the Act; and
 - (c) perform any other requirement of these Regulations.

7. Documented Policies

- (1) The licensee or contractor shall establish documented policies and goals for the management and improvement of health, safety and environmental protection and shall ensure that its management system, as well as the plans and programmes required under Regulation 5(1)(b) of these Regulations, are based on those policies and are designed to achieve those goals.
- (2) The policies shall include a policy for the internal reporting of hazards, potential hazards, near misses and incidents that includes the conditions under which a person who makes a report will be granted immunity from disciplinary action by the person's employer.
- (3) The goals shall include goals for the prevention of environmental releases, fatalities, illnesses and injuries and for the response to incidents and emergency situations.



- (4) The accountable officer shall issue a policy statement that establishes the overall commitment of the licensee or contractor to the policies and goals and shall communicate them to its employees.

8. Organisational Structure

The licensee or contractor shall have an organisational structure that enables it to:

- (a) meet the requirements of the management system and its obligations under Section 81 of the Act;
- (b) identify and communicate the roles, responsibilities and authority of the officers and other employees at all levels of the organisation of the licensee or contractor; and
- (c) demonstrate that the human resources allocated to establish, implement and maintain the management system are sufficient and trained to meet the requirements of the management system and the obligations under Section 81 of the Act, based on an annual documented evaluation of need.

9. Processes, Procedures and other Elements of the Management System

(1) In carrying out its activities, a licensee or contractor shall, as part of its management system and plans and programmes referred to in Regulation 5(1)(b) of these Regulations:

- (a) establish and implement a process to set objectives and targets that will achieve the goals established under Regulation 7(3) of these Regulations and to ensure their annual review;
- (b) develop key performance indicators to measure the performance of the licensee or contractor in achieving its goals, objectives and targets;
- (c) establish and implement a process to identify and analyse all hazards and potential hazards;
- (d) establish and maintain an inventory of the hazards and potential hazards referred to in sub-regulation (1)(c) of this Regulation;
- (e) establish and implement a process to evaluate and manage the risks associated with the identified hazards, including the risks related to normal and abnormal operating conditions;
- (f) establish and implement a process to develop controls to prevent, manage and mitigate the identified hazards and risks and to communicate those measures to anyone who is exposed to the risks;
- (g) establish and implement a process to identify and monitor compliance with all legal requirements that are applicable to the contractor or licensee in matters of health, safety and environmental protection;
- (h) establish and maintain a list of the legal requirements of sub-regulation (1)(g) of this Regulation;
- (i) establish and implement a process to identify and manage any change that could affect the health or safety of the activities of the licensee or contractor or their impact on the environment, including any new hazard or risk and any change in a design, specification, standard or procedure in the organisational structure of the licensee or contractor or in the legal requirements applicable to the licensee or contractor;
- (j) establish and implement a process to develop health, safety and environmental competency requirements and training programmes for

employees and other persons working with or on behalf of the licensee or contractor;

- (k) establish and implement a process to verify that employees and other persons who work with or on behalf of the licensee or contractor are trained and to supervise them to ensure their health, safety and environmental competency;
- (l) establish and implement a process to make employees and other persons who work with or on behalf of the licensee or contractor aware of their responsibilities in relation to the processes and procedures required by these Regulations;
- (m) establish and implement a process for the internal and external communication of information that relates to health, safety and environmental protection;
- (n) establish and implement a process to identify the documents required for the licensee or contractor to meet its obligations in Section 81 of the Act;
- (o) establish and implement a process to prepare, review, revise and control those documents, including a process to obtain approval of the documents by the appropriate person;
- (p) establish and implement a process to generate, retain and maintain records that document the implementation of the management system and the plans and programmes referred to in Regulation 5(1)(b) of these Regulations and to provide access to those who require them in the exercise of their duties;
- (q) establish and implement a process to coordinate and control the operational activities of employees and other people who work with or on behalf of the licensee or contractor so that each person is aware of the activities of others and has the information that will enable them to perform their duties in a manner that ensures their health and safety and protects the environment;
- (r) establish and implement a process for the internal reporting of hazards, potential hazards, near misses and incidents and to take corrective and preventive actions, including steps to manage imminent hazards;
- (s) establish and maintain a data management system to monitor and analyse trends in the hazards, potential hazards, near misses and incidents referred to in sub-regulation (1)l of this Regulation;
- (t) establish and implement a process to prepare for and respond to health, safety, and environmental incidents and emergency situations;
- (u) to evaluate the adequacy and effectiveness of the plans and programmes referred to in Regulation 5(1)(b) of these Regulations, establish and implement a process to inspect and monitor the activities and facilities to which those programmes apply and to take corrective and preventive actions if a deficiency is identified;
- (v) establish and implement a process to evaluate the adequacy and effectiveness of the management system and to monitor, measure and document, through key performance indicators, the performance of the licensee or contractor in meeting its obligations in Section 81 of the Act;
- (w) establish and implement a quality assurance programme for the management system and for each plan and programme referred to in Regulation 5(1)(b) of these Regulations including a process to conduct audits, with a minimum audit cycle of three years, of the management system and of each plan and programme referred to in Regulation 5(1)(b) of



these Regulations, and to take corrective and preventive actions if a deficiency is identified; and

- (x) establish and implement a process to conduct an annual management review of the management system and each plan and programme referred to in Regulation 5(1)(b) of these Regulations and to ensure continual improvement in meeting the obligations of the licensee or contractor in Section 81 of the Act.
- (2) The licensee or contractor shall document the processes and procedures required by these Regulations.
- (3) The licensee or contractor shall include a process map for each required management system element in their management system manuals.

Chapter III

Health, Safety and Environmental Management Plans

10. Health and Safety Management Plan

- (1) The health and safety management plan shall, in addition to the requirements set out in Section 52 of the Act, include:
 - (a) the policies, objectives and goals for the improvement of health and safety and the key performance indicators to measure the performance of the licensee or contractor in achieving its goals and objectives;
 - (b) the procedures, practices, resources and sequence of key health and safety-related activities and monitoring measures necessary to ensure the health and safety of persons who work in the petroleum fields or live in the vicinity of these fields and the safety of the proposed work or activity including:
 - (i) a summary of how the plan will be applied to the proposed work or activity and how the duties set out in the Act with regard to health and safety will be fulfilled and with regard to security, how it will relate to and integrate with the role and responsibilities of the government established in the Act;
 - (ii) a summary of how the plan will be applied to subcontractors and the means of communicating this information to them;
 - (iii) a summary of how the plan integrates with the management system required under Section 81(2) of the Act and Regulations 5 to 9 of these Regulations;
 - (iv) a summary of the studies undertaken to identify hazards and to evaluate health and safety risks related to the proposed work or activity;
 - (v) a description of the hazards that were identified and the results of the risk evaluation;
 - (vi) a summary of the measures to avoid, prevent, reduce and manage health and safety risks;
 - (vii) the processes for dealing with sexual harassment in the workplace;
 - (viii) the processes for recording emissions and exposure of persons to hazardous substances in the area in which petroleum activities take place;



- (ix) a summary of the workers' compensation plan;
- (x) a list of personal protective equipment and first aid measures and equipment at each field office where petroleum activities are conducted;
- (xi) a summary of the emergency plans for employees and other persons who work with or on behalf of the licensee or contractor, including plans for fire prevention, treating hazardous waste, dealing with occupational noise exposure, respiratory protection, means of evacuation, rescue or escape from danger and communication of hazards;
- (xii) a list of all structures, facilities, equipment and systems critical to health and safety, including the emergency shut-down system, and a summary of the system in place for their inspection, testing and maintenance;
- (xiii) a description of the organisational structure for the proposed work or activity and the command structure at the facilities that clearly explains their relationship to each other and that includes the contact information and position of the person accountable for the health and safety management plan and of the person responsible for implementing it; and
- (xiv) a description of the arrangements to monitor compliance with the plan and measure performance in relation to its objectives.

(2) In addition to the standards set out in Regulation 5(2) of these Regulations, the licensee and contractor shall comply with:

- (a) *API Security Guidelines for the Petroleum Industry*, 3rd ed. 2005;
- (b) *API RP76 Contractor Safety Management for Oil and Gas Drilling and Production Operations*;
- (c) *API RP54 Recommended Practice for Occupational Safety for Oil and Gas Well Drilling and Servicing Operations*;
- (d) IFC, World Bank Group, *Environmental, Health and Safety Guidelines, Onshore Oil and Gas Development*, April 30, 2007; and
- (e) all other applicable standards representing best international practices for occupational health and safety and operational safety.

11. Environmental Management Plan

(1) The environmental management plan shall, in addition to the requirements set out in Section 60 of the Act, include:

- (a) the policies, objectives and goals on which the plan is based, including decommissioning and the key performance indicators to measure the performance of the licensee or contractor in achieving its goals and objectives;
- (b) the processes to set goals for the improvement of environmental protection and pollution prevention and control;
- (c) the procedures, practices, resources and monitoring necessary to manage environmental hazards to protect the environment from the proposed work or activity, including:
 - (i) a summary of how the plan integrates with the management system required in Section 81(2) of the Act;

- (ii) a summary of how the plan will be applied to the proposed work or activity and how the duties set out in the Act and these Regulations with regard to environmental protection and pollution prevention and control will be fulfilled;
- (iii) a summary of how the plan will be applied to subcontractors and communicated to them;
- (iv) a description of the organisational structure for the proposed work or activity and the command structure at the facilities that clearly explains their relationship to each other,
- (v) the procedures for the selection, evaluation and use of chemical substances including process chemicals and drilling fluid ingredients;
- (vi) a description of all discharge streams and limits for any discharge into the natural environment including any waste material;
- (vii) a description of the system to monitor compliance with the discharge limits identified in sub-regulation (1)(c)(vi) of this Regulation, including the sampling and analytical programme to determine if those discharges are within the specified limits;
- (viii) a description of the system to handle and dispose of produced water through re-injection or treatment;
- (ix) a description of the system for venting and flaring of gas under the circumstances set out in Section 33 of the Act and a list of the authorizations and reports required under that Section;
- (x) the arrangements to monitor compliance with the plan and to measure performance in relation to its objectives;
- (xi) a financial plan to implement each mitigation measure;
- (xii) a record of the public participation undertaken and its results; and
- (xiii) an undertaking by the licensee or contractor regarding execution of the environmental management plan.

(2) In addition to the standards set out in Regulation 5(2) of these Regulations, the licensee and contractor shall comply with API RP51R *Environment Protection for Onshore Oil and Gas Production Operators and Leases* and IFC, World Bank Group, *Environmental, Health and Safety Guidelines, Onshore Oil and Gas Development*, April 30, 2007.

Chapter IV Miscellaneous Provisions

12. Plans and Programme Audits

The licensee or contractor shall develop and implement a documented process to undertake audits on a regular basis of its plans and programmes referred to in Regulation 5(1)(b) and Regulations 10 and 11 of these Regulations that includes:

- (a) audits conducted internally by the licensee or contractor that provides for the identification and management of the training and competency requirements for staff carrying out the audits; and
- (b) an audit conducted by an independent, recognized audit firm, with a minimum audit cycle of three years.

13. Availability of Documentation

A licensee or contractor shall ensure that copies of its management system, health and safety management plan, environmental management plan and any related documentation are readily available at every field office where its petroleum activities are conducted.

14. Annual Report

A licensee or contractor shall, no later than 31 March of each year, submit to the Ministry an annual report, signed by the accountable officer that describes:

- (a) the performance of the management system of the licensee or contractor in meeting its obligations in Section 81 of the Act and the achievement of the licensee or contractor of its goals, objectives and targets during that year, as measured by the performance indicators referred to in Regulations 9(1)(b) and (v) of these Regulations;
- (b) the actions taken during that year to correct any deficiency identified by the quality assurance programme established in Regulation 9(1)(w) of these Regulations; and
- (c) the performance of the health and safety management plan and environmental management plan of the licensee or contractor in meeting its obligations in Sections 52 and 60 of the Act, including how the affected communities were informed of the plans, and the achievement of the licensee or contractor of its goals and objectives during that year, as measured by the performance indicators referred to in Regulations 10(1)(a) and 11(1)(a) of these Regulations.

15. Contraventions and Penalties

The licensee or contractor, or any person authorised to perform or exercise any function or power on behalf of the licensee or contractor who contravenes the provisions of these Regulations shall be liable and subject to the applicable penalties and other sanctions established in accordance with the Act.

Signed this Tue ^{31st} Day of March, 2015



Hon. Stephen Dhieu Dau
Minister, Petroleum and Mining
Government of South Sudan
Juba, South Sudan

