

Operator Qualification Frequently Asked Questions

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This Frequently Asked Questions (FAQs) guidance document provides additional information on operator qualification regulations. PHMSA provides FAQs to help the public understand how to comply with the existing requirements under the Regulations, but FAQs are not substantive rules, are not meant to bind the public in any way, and do not assign duties, create legally enforceable rights, or impose new obligations that are not otherwise contained in the existing regulations and standards.¹

Use of Off-the-shelf OQ Programs

1 – What responsibility does an operator have if it chooses to use an off-the-shelf OQ program?

(§§ 192.805, 195.505)

An operator choosing to use an off-the-shelf operator qualification (OQ) program—an OQ program that is not created by the operator—is fully responsible for understanding and meeting the provisions of the OQ requirements under parts 192 and 195. The operator must ensure that any OQ program selected is applicable to its operating characteristics, procedures, and equipment. The operator is responsible for any necessary modifications to the selected program to ensure applicability to the operator’s system and compliance with the regulations.

Contractor Qualification

2 – Are contractors required to have a written OQ program? (§§ 192.805, 195.505)

No. The operator must ensure that any individuals who perform covered tasks on the operator’s pipeline system—whether contractors or operator personnel—meet the requirements of the operator’s OQ program. 64 FR at 46859. If contractors have their own written OQ program, operators must verify that it meets the requirements of the operator’s OQ program. See 64 FR at 46862.

3 – How might an operator ensure that individuals employed by contractors are qualified to perform covered tasks? (§§ 192.805, 192.807, 195.505, 195.507)

¹ PHMSA issued a final rule governing OQ programs that can be found at 64 FN 46853 (Aug. 27, 1999).

The operator must ensure that any individuals performing covered tasks, including contractors and other parties, such as other operator personnel providing routine operation and maintenance (O&M) tasks or mutual aid, comply with the requirements of the operator's OQ program. See 49 CFR 192.805(b) and 195.505(b). The operator must verify and document that the contractor's or other operator personnel's qualifications satisfy the operator's written OQ program. The operator must maintain qualification records for all individuals performing covered tasks, including contractors, in accordance with §§ 195.507 and 192.807.

4 – Are contractors required to use the operator's procedures when performing covered tasks? (§§ 192.605, 192.805, 195.402, 195.505)

Operators must ensure that contractors follow the operator's written procedures, just as operator personnel must, pursuant to §§ 192.605 and 195.402. An operator may prepare new procedures or adopt procedures developed by a contractor for a particular task if such procedures are reviewed and approved by the operator in advance of performance of the task. The operator is responsible for ensuring that these procedures are acceptable and meet any applicable regulatory requirements. Records of contractor procedures and the operator's approval of those procedures are required to be maintained. The operator is also responsible for ensuring that the contractors are qualified to perform the covered tasks using these procedures, and that the contractor's procedures meet applicable regulatory requirements.

5 – Who is responsible for qualifying contractor individuals who perform covered tasks on the operator's pipeline facilities? (§§ 192.805, 192.807, 195.505, 195.507)

Operators are responsible for ensuring that any individuals performing a covered task on their pipeline facilities are qualified, regardless of whether these individuals are operator employees, contractor employees, or other personnel. Operators must verify and document that any program used for qualification is suitable for the operator's pipeline operating characteristics, equipment, and procedures.

Management of Other Entities Performing Covered Tasks

6 – What requirements exist related to the qualification of individuals participating in mutual assistance agreements? (§§ 192.805, 195.505)

Operators sometimes form mutual assistance agreements with other operators to help ensure that they have the resources necessary to complete covered tasks, particularly in times of emergency. Any operator who receives assistance must ensure that all individuals who perform covered tasks on the operator's pipeline are qualified in accordance with the operator's OQ program requirements, including documentation and recordkeeping.

Training Requirements

7 – How should training be incorporated in an operator's program? (§§ 192.805(h), 192.807, 195.505(h), 195.507)

Appropriate training is required to ensure that individuals performing covered tasks have the knowledge and skills needed to perform the tasks. Such training should be incorporated in practices leading to the development and qualification of new employees, as well as practices that refresh the knowledge and skills of individuals with considerable experience. The operator shall determine the appropriate training methods for these circumstances. 64 FR at 46861. In particular, any significant change in the procedures for performing the covered tasks should be the subject of training for all individuals performing those covered tasks. Training may also be required for equipment variations or differences. In addition, individuals who fail initial qualification or qualified individuals who fail requalification should be provided with appropriate remedial training in their areas of deficiency prior to reevaluation. It is an operator's responsibility to provide training to ensure individuals have the skills and knowledge necessary to perform covered tasks on the operator's unique pipeline system. Operators must retain these appropriate training records to support individuals' qualifications and requalifications.

8 – What is the role of computer-based or web-based training in complying with the OQ Rule? (§§ 192.805(h), 192.807(a)(4), 195.505(h), 195.507(a)(4))

Operators may choose the type and method of training; computer-based and web-based training represent two permissible choices available to operators. Training must address an operator's pipeline system characteristics, equipment, and procedures. See 64 FR at 46863. Training programs and methods may be reviewed by regulators during inspections.

Development of a Covered Task List Process

9 – What operations and maintenance activities must be included in a compliant OQ program? (§§ 192.801, 195.501)

Any activity meeting the four-part test, as defined in 49 CFR 192.801 or 195.501, is considered a covered task. Reliance on an off-the-shelf OQ program does not excuse the operator from its regulatory obligation to identify a covered task. 63 FR 46859. If an operator determines an activity is a covered task, the operator must qualify individuals on the covered task, even if the off-the-shelf OQ program does not include operator qualification and training for that particular task.

The pipeline safety regulations require operators to identify covered tasks for all operations and maintenance (O&M) activities that are performed as a requirement of parts 192 and 195, without regard to whether such activities are specifically defined in the operator's O&M manual or arise from performance-based or prescriptive requirements. For performance-based regulations, such as § 195.422: Pipeline Repairs, tasks are "performed as a requirement of this part" if they are integral to meeting the requirements of the regulations. If such tasks also meet the other parts of the definition of covered tasks, they must be treated as covered tasks under the four-part test. For example, PHMSA considered both pipefitting and removal of a casing to make repairs to be covered tasks. See, e.g., CPF Nos. 3-2009-5022 (issued August 14, 2012) and 1-2017-5015 (issued August 15, 2019, and June 26, 2020) on the PHMSA Enforcement Transparency website for further information.

Similarly, while an industry standard, such as ASME B31Q: Pipeline Personnel Qualification or API RP 1161: Pipeline Operator Qualification, may provide a useful starting point for identifying industry-accepted covered tasks, the absence of a task within an industry standard does not mean that the task is not a covered task. Operators must evaluate each task they perform and determine whether it is a covered task using the four-part test.

10 – How should an operator differentiate between O&M tasks and new construction tasks? (§§ 192.801, 195.501)

New construction is not covered under the OQ regulations for pipeline safety. The OQ regulations cover operation and maintenance activities. Maintenance activities encompass work done to preserve the serviceability of existing pipelines. This includes in-kind replacement of an existing segment of pipe where the capacity of the pipeline segments is maintained, and service is not expanded. If a replacement segment to an existing pipeline cannot fully and safely operate as designed without the completion of a certain task, then that task should be considered maintenance. Repairs to a pipeline, including replacement of one or more pipe joints, necessitated by threats such as corrosion or third-party damage, should be considered maintenance. The tie-in of a new pipeline or segment to an existing pipeline is an O&M task; any task carried out on that new pipeline or segment thereafter is also an O&M task. Operator accounting practices that differentiate between capital projects and O&M expenditures are irrelevant to the determination of whether a task is covered. See the definition of new construction in the PHMSA Operator Qualification Glossary, which can be found here: https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2020-06/OQ_Glossary.pdf.

11 – Does the location where a task is performed affect whether it is a covered task? (§§ 192.801, 195.501)

Yes. For example, if an individual performs a bench test on a regulator at the manufacturer's shop, the activity is not a covered task because the test was not “performed on a pipeline facility,” as specified in the regulatory definition of covered task. However, if an individual were to perform the same bench test on a regulator at a compressor station, which is a pipeline facility, the task would be a covered task and the individual would need to be qualified.

12 – Do emergency responders need to be qualified under the operator’s program? (§§ 192.801, 195.501)

PHMSA recognizes that emergency responders may arrive on scene before operator personnel. Section 192.615 requires operators to establish and maintain relationships with fire, police, or other appropriate public personnel, and § 195.403 requires operators to conduct advance emergency response planning with emergency responders. Any emergency responder who could be reasonably expected to perform manual valve closures or any other covered tasks must be qualified under the operator’s OQ program.

Emergency responders who act on behalf of an operator during emergency situations, as an extension of the operator’s workforce, similar to a contractor acting at the request or direction of an operator, are required to be qualified under the operator’s OQ program. 64 FR at 46861.

Furthermore, any emergency responder who could be reasonably expected to perform manual valve closures or any other covered tasks must be qualified under the operator's OQ program.

Emergency responders need not be qualified by the operator to act on their own accord consistent with their job responsibilities to protect public safety. See 64 FR 46855-56.

13 – Will the PHMSA Office of Pipeline Safety urge, strongly recommend, or encourage inspectors to use a master list of covered tasks to inspect operators? (§§ 192.801(b), 192.805(a), 195.501(b), 195.505(a))

No, the PHMSA Office of Pipeline Safety does not develop or maintain a master list of covered tasks applicable to all pipeline operations.

Evaluation Method(s) (Demonstration of Knowledge, Skill, and Ability) and Their Relationship to Covered Tasks

14 – What are acceptable evaluation methods, and what is observation of an individual? (§§ 192.803, 195.503)

Acceptable evaluation methods can be found in 49 CFR 192.803 and 195.503. The evaluation methods selected must be appropriate for the covered task. Operators must be able to describe the evaluation method(s) associated with each covered task in their written OQ programs used to determine whether an individual is qualified to perform that task. Evaluation methods for initial and subsequent evaluations must also be specified.

Observation of on-the-job performance is an acceptable method of evaluation but may not be used as the sole method of evaluation under §§ 192.809(e) and 195.509(e). In order to determine an individual's ability to perform a covered task, observation must include methods of assessing the individual's knowledge of the task, as well as the individual's ability to perform it. The evaluation method must include adequate interaction between the observer and the observed to determine that an individual is qualified. For example, when observing performance of a covered task the observer may request the individual to describe the abnormal operating conditions associated with the performance of the covered task.

15 – What capabilities should be evaluated to qualify an individual to perform covered tasks? (§§ 192.805(b), 195.505(b))

The qualification process, whether for an initial qualification or a requalification, should address the following factors: (1) the individual's knowledge of the task (e.g., knowledge gained through self-study, classroom training, or computer-based training); (2) the individual's skill in performance of the task (e.g., craftsmanship in performing the steps of the task); (3) the individual's ability (e.g., proficiency/physical capability, to include vision, strength, or agility; or mental comprehension and understanding) to perform the covered task; and (4) the individual's ability to recognize and react to an abnormal operating condition. See 64 FR at 46861-62. The definition of "evaluation" in §§ 192.803 and 195.503 of the OQ regulations provides acceptable methods of evaluating these capabilities.

16 – *When evaluating individuals to ensure they are qualified, under what conditions will individuals be considered to have passed their evaluations? (§§ 192.805(b), 195.505(b))*

The evaluation of an individual's qualifications should be an objective, consistent process that documents an individual's ability to perform the covered task and recognize and react to an abnormal operating condition. The operator should establish the acceptance criteria for the evaluation method used. Individuals must demonstrate they have met the acceptance criteria. See 64 FR at 46861.

17 – *If an individual seeking qualification to perform a covered task fails the evaluation process, how many times can the individual be reevaluated? (§§ 192.803; 192.805(b), (h); 195.503; 195.505(b), (h))*

The operator should determine and specify in its OQ program the number of times an individual can be reevaluated. Remedial training should be considered prior to subsequent reevaluation.

18 – *What is a reasonable time between failure to pass an evaluation and reevaluation? (§§ 192.805(b) and (h), 195.505(b) and (h))*

While the regulation does not specify the period of time that may elapse between evaluations, the operator should establish requirements for reevaluation after an individual's failure to pass an evaluation. If fundamental knowledge, skill, or ability gaps are identified as reasons for the failure, the operator should consider additional training prior to reevaluation. In addition, if the examination process reveals a systematic series of failures over multiple evaluations, an operator should evaluate its training and qualification programs and/or procedures, in the spirit of continuous improvement.

19 – *Should operators implement measures to ensure that the procedures on which qualification is based are consistent with the operator's O&M procedures and the actual practices implemented in the field? (§§ 192.805, 195.505)*

Yes.

20 – *What credentials should a person have to be an evaluator? (§§ 192.805, 195.505)*

Operators' OQ programs may establish criteria that an individual should satisfy to be an evaluator. Although regulations do not specifically define what credentials are required, evaluators should possess the knowledge required to ascertain an individual's ability to perform covered tasks and to substantiate an individual's ability to recognize and react appropriately to abnormal operating conditions (AOC) that might occur while performing these activities. The evaluation process should be objective and consistent.

21 – *Is third-party evaluation a mandatory method? (§§ 192.805, 195.505)*

No.

Development and Documentation of Areas of Qualification for Individuals Performing Covered Tasks

22 – Are qualified individuals required to carry cards to show the covered tasks for which they are qualified? (§§ 192.805, 195.505)

No. The operator is responsible for maintaining a record of the current qualification status for individuals performing covered tasks.

23 – Must plumbers and independent installers performing covered tasks on customer-owned curb-to-meter service lines be qualified? (§ 192.805(b))

If the piping under consideration is subject to regulation by part 192, the plumber or anyone else performing the covered task for the operator must be qualified under the operator's OQ program.

Covered Task Performed by an Unqualified Individual

24 – Can new employees work under the guidance of other qualified crewmembers for a period of time? If so, how long? (§§ 192.805(c), 195.505(c))

The pipeline safety regulations allow for unqualified individuals to perform covered tasks only if they are directed and observed by a qualified individual. While not required by regulation, the operator may establish limitations on the amount of time and the number of unqualified individuals that may perform certain covered tasks under the direction and observation of a qualified individual.

25 – Should an OQ program specify the maximum distance a qualified individual must be from an unqualified individual who is performing a covered task? (§§ 192.805(c), 195.505(c))

Operators are not required to specify a maximum distance in their OQ program. However, the qualified individual should be close enough to direct and observe the unqualified individual so that, among other actions, the qualified individual can recognize and react to abnormal operating conditions and take immediate corrective action.

26 – What is the maximum number of unqualified individuals performing a covered task that a qualified individual can direct and observe? (§§ 192.805(c), 195.505(c))

Operators should determine the appropriate number of unqualified individuals that can be directed and observed by a qualified individual, which may vary depending on the covered task. The operator should consider all relevant factors, including physical space limitations for multiple individuals to properly and safely perform the covered task, as well as environmental conditions (e.g., noise, visual obstructions, weather, or other on-site conditions).

Work Performance History Review

27 – *What constitutes a work performance history review? (§§ 192.803; 192.809(c), (d); 195.503; 195.509(c), (d))*

A review of work performance history should include a search of existing records for documentation of an individual's past satisfactory performance of covered tasks and verification that the individual's work performance history contains no indications of substandard work or involvement in an incident (as defined in part 191) or accident (as defined in part 195) caused by an error in performing a covered task.

28 – *Under what conditions can a work performance history review be used for qualification of individuals performing covered tasks? (§§ 192.809(d), 195.509(d))*

Work performance history may not be used as the sole method for evaluating individuals performing covered tasks. Operators may use work performance history review in conjunction with other permissible evaluation methods.

Abnormal Operating Conditions (AOC)

29 – *Do qualified individuals need to recognize and react to abnormal operating conditions? (§§ 192.803, 195.503)*

To be qualified to perform a covered task, individuals must not only demonstrate the knowledge, skill, and ability to perform the task, but must also be able to recognize and react to abnormal operating conditions (AOCs) that the operator determines the individuals may be reasonably expected to encounter while performing a covered task. Individuals are not expected to recite a complete listing of AOCs for the covered tasks without referencing manuals or guides provided by the operator. See 64 FR at 46861-62.

Personnel Performance Monitoring (e.g., Determination of Role in Incident)

30 – *Should operators incorporate criteria in their OQ programs regarding the suspension or disqualification of an individual who performs covered tasks? (§§ 192.805(d), (e); 195.505(d), (e))*

The pipeline safety regulations include requirements for operators to (1) evaluate an individual if the operator has reason to believe that the individual's performance of a covered task contributed to an incident (as defined in part 191) or accident (as defined in part 195), and (2) evaluate an individual if the operator has reason to believe that the individual is no longer qualified to perform a covered task.

The operator's written OQ program should describe a process to determine (1) whether an individual is qualified to perform a covered task, (2) when it is necessary to make such a determination, and (3) how the operator will proceed if the process shows that the individual is no longer qualified to perform a covered task.

31 – *How should an operator address a situation in which an individual who is qualified to perform a covered task is performing that covered task incorrectly? (§§ 192.805(e), 195.505(e))*

Each operator should develop written policies for dealing with performance deficiencies. An individual who is found to be incorrectly performing a covered task for which the individual is qualified should be immediately removed from performing that covered task pending a deficiency review, retraining/coaching, reevaluation, suspension, or disqualification in accordance with the operator's policy.

32 – *What must an operator consider in its incident (or accident) investigation and analysis to satisfy provisions of the OQ regulations? (§§ 192.805(d), 195.505(d))*

Operators must have a written process for investigating whether performance of a covered task may have contributed to an incident or accident. The process must identify the individuals who performed the covered task and must include a review of the individuals' actions while performing the covered task.

33 – *How should operators monitor individuals between reevaluation intervals to ensure that the individuals continue to remain properly qualified? (§§ 192.805(e), 195.505(e))*

The regulations require an operator to "evaluate an individual if the operator has reason to believe that the individual is no longer qualified to perform a covered task." The operator must establish and follow a process in its written OQ program to accomplish this.

Reevaluation Interval and Methodology for Determining Same

34 – *How should an operator determine the reevaluation interval for individuals performing covered tasks? (§§ 192.805(g), 195.505(g))*

Necessary reevaluation intervals may be affected by task difficulty or complexity, task importance or safety sensitivity, and the frequency with which a task is performed. Operators may consider existing consensus standards and industry practice, their operating history, and the operational characteristics of their pipeline facilities. For infrequently performed tasks, such as hot tapping, an operator may choose to evaluate and qualify individuals immediately before the task is performed.

Program Performance and Improvement

35 – *How should an operator document compliance with OQ regulations? (§§ 192.807, 195.507)*

The pipeline safety regulations require the operator to maintain records that demonstrate compliance with subpart N of part 192, subpart G of part 195, and with its written OQ program.

All records and documents referenced in the operator's OQ program and necessary to verify compliance with provisions of the regulations must be available and retained for the period specified in the program, consistent with regulatory requirements. Records of prior qualification

and those for individuals no longer performing covered tasks shall be retained for at least five years. 49 CFR 192.807(b), 195.507(b).

36 – Must records be maintained on the methods used to identify which tasks are covered tasks? (§§ 192.805(a), 192.807, 195.505(a), 195.507)

The operator is required to maintain records that demonstrate compliance with the pipeline safety regulations. In order to meet this requirement, the operator must include provisions in its OQ program to identify covered tasks. But operators are not required to demonstrate how each of its covered tasks were identified.

37 – Must records be maintained that show how the operator determined the intervals at which an individual performing a covered task will need to be reevaluated? (§§ 192.805(g), 195.505(g))

Although it is not required by the pipeline safety regulations, operators are encouraged to maintain records that show how the operator determined the intervals at which an individual performing a covered task will be reevaluated.

Management of Changes

38 – What types of changes should be communicated to individuals performing covered tasks? (§§ 192.805(f), 195.505(f))

Numerous changes may occur that impact how a covered task is performed. Changes that need to be communicated to individuals performing covered tasks may include:

- a. Modifications to company policies or procedures;
- b. Changes to State or Federal regulations;
- c. Utilization of new equipment and/or technology; and
- d. New information from equipment or product manufacturers.

The operator should include provisions in its OQ program for communicating changes that affect covered tasks to individuals performing those covered tasks. The OQ program should also describe conditions under which changes are sufficiently substantive to require individuals performing covered tasks to be retrained and reevaluated prior to performing the task subject to the change. See 64 FR at 46863.

Under §§ 192.805(i) and 195.505(i), the operator must notify the PHMSA Administrator or a State agency if the operator significantly modifies its OQ program after the Administrator or State agency verifies that the program complies with the pipeline safety regulations. As defined by the PHMSA Operator Qualification Glossary, “significant” includes (but is not limited to): increasing evaluation intervals and span-of-control ratios, eliminating covered tasks, and changing mergers and/or acquisitions, evaluation methods (e.g. written versus observation methods), and the overall OQ plan. The PHMSA Operator Qualification Glossary may be found here: https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2020-06/OQ_Glossary.pdf.

39 – What will the role of the Federal or State inspector be in evaluating the validity of written examinations and the associated answer keys? (§§ 192.805(b), 195.505(b))

Federal and State inspectors may evaluate all evaluation methods, including written examinations. Operators should ensure the security and confidentiality of exam questions and responses.

Supervisory Personnel

40 – Does a supervisor or foreperson need to be qualified for all tasks carried out under his/her management? (§§ 192.805(b), (c); 195.505(b), (c))

The pipeline safety regulations do not require a supervisor or foreperson to be qualified to perform the covered tasks carried out under his/her supervision. However, he/she must be qualified if he/she performs the tasks or if he/she is the individual assigned to direct and observe an unqualified person who performs the task.