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Scope and Employee Responsibilities

Scope

The following inspections are in and out of scope.

In scope	Out of scope
<p>Unprogrammed Inspections:</p> <ul style="list-style-type: none"> • Imminent danger inspections. • Fatalities and catastrophe investigations. • Hospitalization of one or more employees has occurred as a result of a work-related incident. • Formal complaint inspections. <p>Programmed Inspections.</p> <ul style="list-style-type: none"> • Environmental Agency Inspections. • Multi-Media Audits (MMA). • Complaint inspections. • Probable Cause Inspections. 	<ul style="list-style-type: none"> • Voluntary Compliance Program Visits. • Administrative Inspections. • Ecosystem Health Visits. • Custody Metering Inspections. • Drilling Rig Inspections.

Line Employees

Line Employees have the following responsibilities:

- **Feel free** to request to have supervisor present, if you wish.
- **Resist** the temptation that sometimes arises to talk excessively.
- Generally, an employee is not required to talk to an Agency Representative.
- **Treat** the agency Representative—with courtesy and respect.
- **Tell the truth.** Respond directly and succinctly to questions. If unclear about a question, ask for clarification. Answer questions that are asked, use factual responses (do not speculate or embellish answers).
- **Do not** admit to a violation of the law. Such a determination should be made by Legal.
- **Do not** dispute an alleged violation. Only correct facts.
- **Listen** carefully and take written notes.

On-site COPA Supervisor of affected area

The on-site COPA Supervisor has the following responsibilities:

- **Participate** as an agency Escort.
- **Implement** corrective action resulting from inspection.
- **Brief** employees on inspection procedures and employee responsibilities before inspection (if time allows).



Security

Asset Security has the following responsibilities:

- **Do not** unnecessarily impede agency representatives who properly identify themselves and state that they are here for a compliance inspection.
- **Verify** the identity of persons presenting themselves as agency representatives.
- **Follow** facility visitor sign in procedures.
- **Escort** agency Representatives to a conference room until management/HSE Director arrives and agency escorts are assigned.
- **Identify** specific destinations of agency representatives and what contractor will be inspected (if applicable).
- **Make direct contact** with the Asset or functional HSE Director or designee by phone or page and inform the Director of the agency visit and destinations.
- If unescorted agency representatives are encountered onsite, contact the Director as described above.
- **Refer** media contacts to COPA External Affairs.

COPA Legal Representative

COPA Legal has the following responsibilities:

- **Assign** a Representative to participate in the inspection.
- **Assist** in preparations for an agency visit (when notice is provided).
- **Participate** in conferences and meetings.
- **Provide** guidance on responses to records request and confidential business information.
- **Provide** guidance of the release and storage of confidential or attorney-client privilege documents.
- **Provide** guidance on employee and company rights during an inspection.
- **Review** inspection reports and/or notices of violations and determine with the COPA agency Visit Team what Post Inspection steps will be required.
- **Review** and approve written submittals to agency representatives.

Operations Manager

The Operations Manager of the Asset has the following responsibilities:

- **Coordinate** with agency Escorts, COPA Legal Representative, and HSE Director and submit responses to agency requests for information, citations, and violation notices.
- **Participate** in Escort Team or designate management representative.
- **Comply** with employee responsibilities.



Agency Escorts

Agency Escorts have the following responsibilities:

- **Participate** in conferences and meetings.
- **Always use** most direct route to area or operation to be inspected.
- If not present, **inform** the COPA area supervisor upon arrival and request that they accompany the team during inspection.
- **Collect** duplicates of information that agency representatives collect (e.g. photographs, samples, records) and provide to COPA Legal.
- **Ask** agency what they sample or photograph and why.
- **Keep** a list of all records provided to agency.
- **Record** areas and activities observed, comments and allegations made, personnel interviewed, and any actions taken by agency.
- **Inform** agency representative when observations are being made of contractors.
- **Ensure** that notes, samples, and pictures correctly identify the employer, controlling authority, or operator.
- **Do not create** evidence for the agency Representative. They cannot require personnel to stand or work in a given location to make a case.
- **Do not provide** documents concerning a third party, such as a contractor, without first contacting the Legal Department.
- **Conduct daily meetings** with COPA management and legal. Provide thorough updates on all daily activities and documentation.
- **Submit** post inspection summary to COPA management and legal.
- **Provide** all documents provided by the agency to COPA Legal.
- **Provide** copies of citations and notices of violations to HSE Director.
- **Draft** initial responses to agency and submit for senior/legal review prior to issuance to the agency.
- **Advise** Legal Department on what portions of a citation or notice of violation are believed to be in error and why.
- **Politely** receive and document requests, but do not make commitments COPA cannot or will not meet.
- **Do not enter** an area where you do not have the appropriate training or PPE to safely escort the agency Representative.
- **Do not authorize** expanding the inspection or scope of a search warrant. Inform the agency Representative when areas or activities are outside the scope of the inspection or warrant. If the agency representatives continue with their activities, note objection in your records and bring it to the attention of the Legal Department. Do not confront the Agency Representative.



HSE Director

Before Inspection	<ul style="list-style-type: none"> • Manage preparations for an agency visit (when notification is provided). • Advise security where to meet agency Representative(s) and obtain business cards of each member of the agency inspection team or make a copy of their credentials/identification. • Verify what area(s), and if a specific contractor(s) is being inspected. If the inspection is conducted under a warrant, verify the exact scope of the warrant with COPA's Legal department. • Inform Senior Onsite Manager and request management representative be present if the agency requests an opening conference. If a contractor is being inspected, ensure that the contractor's management is informed of the inspection. • If agency requests an opening conference, inform COPA Legal Department and request participation (907-265-6987 or 907-265-6542). • Notify COPA External Affairs (if appropriate). • Contact each inspection area's supervisor to determine if abnormal operations are underway (such as construction), and if there are any safety exclusion. If abnormal operations are underway or if the inspection area is in an exclusion zone, alert the agency representative of this fact and request a deferral of the inspection until normal operations resume. • Determine if equipment will be used in a classified area and arrange for a Hot Work Permit. • Determine if samples will be collected and arrange for duplicate samples to be taken. • Arrange a conference room for the agency's use during the inspection. • Provide pre-field safety briefing to agency Representatives. • Designate agency Escorts.
During Inspection	<ul style="list-style-type: none"> • Participate in additional tasks as described in agency Escorts. • Ensure agency representative have appropriate PPE for the areas subject to inspection. • Review written submittals to agency
After Inspection	<ul style="list-style-type: none"> • Arrange for posting of violations when required. • Track Corrective Actions resulting from inspection.



Regulatory Agency Inspection Requirements

Pre-inspection checklist

Management should use the pre-inspection checklist to ensure records are easily accessible.

Item	Check
Provide agency escorts with background training, COPA and employee rights during an agency visit, and relevant COPA policies.	<input type="checkbox"/>
Organize records in an easily reviewable format such as chronologically by media.	<input type="checkbox"/>
Pre-designate a room where agency will review records. Ensure it is free of unassociated records, paperwork, and computers.	<input type="checkbox"/>
Separate records that are requested by the agency from other records and maintain the files (both electronic and hard copy) separately from records that are not in the scope of the inspection.	<input type="checkbox"/>
Ensure permits and records are up to date.	<input type="checkbox"/>

Opening Conference Process

If an opening conference is to be held, follow this process.

Step	Action
1.	Request the agency begin inspection after the opening conference.
2.	Remain in a waiting area until the nature and scope of the inspection is communicated to COPA management and personnel.
3.	Wait until all appropriate COPA representatives are assembled (see list below.)
4.	Create an attendee log
5.	Collect copies of agency Representatives' business cards or credentials.
6.	If the inspection is conducted under a warrant, forward a copy of the warrant to the COPA Legal Department and HSE Director
7.	If there is any question on the validity of the inspection, warrant, or the credentials, contact the agency's office to verify the inspection.

COPA attendees of the opening meeting (in person or by phone) should include:

- Senior Management Representative,
- HSE Director,
- Affected Area Supervisor,
- Affected Safety Specialist,
- COPA Legal representative.
- If a Contractor will be inspected, Contractor management should also attend.



Opening Conference
Agenda

Opening Conference agenda items include:

- The agency Representative will explain the nature, purpose, and scope of the inspection and should identify what documents are to be reviewed and if specific employees are to be interviewed. Request a copy of the complaint or warrant if not already provided.
- **Conduct** a safety briefing. Ensure agency representatives have appropriate PPE.
- **Determine** the schedule of the inspection and request a daily opening and closing meeting.
- If the facility is undergoing construction or other abnormal activities or conditions, alert the agency representative. If an inspection will adversely affect the operation of the facility, encourage deferral of the inspection until the facility conditions return to normal.
- **Determine** if sampling is to be conducted. If equipment for collecting duplicate samples is not available at the Site, request that sampling be postponed until the facility can obtain the necessary equipment.
- COPA Legal will determine with agency representative how confidential business information will be identified and how confidentiality claims should be asserted on gathered documents, photographs, and similar items. Determine if a confidentiality agreement needs to be completed.
- **Assign** agency escorts.
- **Assign** personnel to gather documents.
- **Designate** a work area for the agency to use.

Agency
Representative remit

During the inspection the agency representative is permitted to:

- **Observe** existing conditions,
- **Talk** to employees,
- **Collect** samples,
- **Take** photographs,
- **Review** or **copy** documents.

Field Inspection
Process

During the field inspection:

- Only take agency representative to the area or operation to inspect.
- **Always "duplicate"** samples or photographs in the same manner and condition as the agency representative.
- **Discuss** the use of photographs or videos with the agency representative and suggest that they are for agency use only, not for publication without the explicit written permission of COPA. Any prints or video, which show Company confidential or trade secret information, must be appropriately marked.
- Information may not be withheld because it is confidential. Information obtained during an inspection is not automatically entitled to confidential treatment. A confidentiality claim must be asserted at the time the information is given to the inspector.



Closing conference
agenda and
guidelines

During the closing conference:

- Agency Escorts, COPA Supervisor (or designee), HSE Director, COPA Legal and Operations Manager must attend.
- Agency Representative will describe the apparent violations found during the inspection and indicate for which violations a citation may be issued. COPA should be advised of their rights to participate in any subsequent conferences, meetings or discussions, and their right to contest any violations.
- The HSE Director may elect to record the closing conference. If this is done, a duplicate copy must be made available to the agency, along with a letter certifying its authenticity.
- Take careful notes on conditions or practices which in the opinion of the agency representative violate the law.

If the compliance officer requests that a condition or practice be abated, remember these guidelines:

- Do not make any promises that COPA cannot or will not keep.
- Any obvious violations that can be abated per COPA standards should be completed. Do not admit that a violation exists.
- Do not dispute an alleged violation in the closing conference. It is acceptable to correct the compliance officer's facts at this time.
- Request copies of sample results as soon as they are available (if applicable).
- Request a receipt or copy of the log indicating what documents were copied or reviewed. Compare the receipt with the group's internal log and resolve discrepancies.
- Request a copy of the agency personnel's photograph log.
- Request a copy of the inspection report.

Agency escort off-
site and debrief

Following the Closing Conference:

- Agency representatives should be escorted off of the facility
- COPA agency escorts should conduct an internal follow up meeting to compare notes on the visit, their impressions on the focus of the visit, plan post inspection documentation, and plan responses to agency requests or notices of violation.
- A summary of the closing meeting and impressions should be provided to the Operations Manager, HSE Director, and the Legal Department.

Citations and
Contests

If a citation, compliance order, etc. is received notify the HSE Director and the Legal Department immediately.

- Advise the Legal Department as to what portions of the citation are believed to be in error and why.
- A copy of an OSHA citation must be posted at or near the place where the alleged violation(s) occurred for at least three working days or until the matter has been corrected, whichever is longer.



Post-inspection
report by HSE
Director

The HSE Director must prepare a report immediately following the inspection. Include the following:

- Date, time, duration and purpose of the inspection.
- Names and affiliations of the regulatory agency personnel including copies of business cards or credentials.
- Names of COPA and/or Contractor personnel who participated.
- Areas inspected.
- Files reviewed and/or documents requested.
- List of samples and/or photographs taken.
- Employees interviewed.
- List of preliminary findings.
- Anticipated follow-up actions from the agency.

Post inspection
actions

After the inspection, the HSE Director must ensure the following actions are completed:

- If not provided, **confirm** in writing any requests for documents made by agency personnel and the date when they will be forwarded.
- **Investigate** any controversial findings. Once verified, conduct a root cause investigation and determine actions needed for compliance.
- All agency communications should be submitted by the Facility Operations Manager after review by the HSE Director and the Legal Department.
- Work with the Legal Department to request an extension of compliance deadlines. Deadlines set by the agency are often negotiable if good faith progress towards compliance is shown. Determine what violations (if any) or information requests can be met, and which ones would require more time.
- Institute Corrective Actions as agreed to in formal written response to agencies. Ensure that the corrective action includes a process to verify compliance in the future to avoid reoccurring violations.