Spicer, Roberta (NRCAN/RNCAN)

From: Matthews, Jennifer <jennifer.matthews@capp.ca>
Sent: 19-Mar-21 5:00 PM
To: Phillips, Kim (NRCan/RNCan)
Cc: Barnes, Paul; Gardiner, Timothy (NRCan/RNCan); Thibbidao, Kelly A; Jeff Jenkins; Jay McGrath; Ben Balan; 'collette.horner@bhp.com'; Stacy Belbin; Sullivan, Shelley
Subject: CAPP submission to NRCan in response to draft Canada-Newfoundland and Labrador Offshore Occupational Health and Safety Regulations.
Attachments: CAPP submission to NRCan in response to the draft OHS Regulations_March 19_ 2021_FINAL.pdf; Copy of Comment tracking table 2021_March 19_2021.xlsx

Good afternoon Kim,

On behalf of CAPP Newfoundland members I am writing to submit a collective response to the draft Canada-Newfoundland and Labrador Offshore Occupational Health and Safety Regulations. The comments provided in the attached table are outlined in two sections for consideration: section 1 includes comments deemed high priority and that have a direct impact on offshore operations; and, section 2 contains comments that require clarification.

We appreciate the opportunity to review draft OHS regulation and look forward to continued engagement with NRCan during the development of final regulation.

Best regards,

Jennifer

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CAPP CANADA'S OIL & NATURAL GAS PRODUCERS

CANADA'S OIL & NATURAL GAS PRODUCERS

March 19, 2021

Kim Phillips
Senior Regulatory Officer
Offshore Petroleum Management Division
Natural Resources Canada
Atlantic Canada Energy Office
1801 Hollis Street, Suite 700
Halifax, NS B3J BC8

Dear Ms. Phillips:

Re: CAPP Comments on the draft Canada-Newfoundland and Labrador Offshore Occupational Health and Safety Regulations

The Canadian Association of Petroleum Producers (CAPP) is pleased to have this opportunity to provide comments on the draft Canada-Newfoundland and Labrador Offshore Occupational Health and Safety Regulations in advance of publication in *Canada Gazette I* later this year. CAPP members are committed to the safe and responsible exploration, development and production of Canada's petroleum resources. Our comments, provided in this letter and in the attached table, are founded upon our members' collective offshore operating experience in Canada and around the world.

The comments provided in the attached table are outlined in two sections: Section 1 includes comments deemed high priority and that have a direct impact on offshore operations; and, Section 2 contains comments that require clarification. If not addressed, sections of the regulations noted in the enclosed submission could trigger the Offshore Boards' regulatory query process which is concerning and has been and continues to be a burdensome process for both the regulator and industry.

In addition to the issues noted above, the following pertains to specific areas which need further consideration in regulation.

Codes and Standards – Equivalency
The prescriptive code or standard requirements such as those in Sections 126(1) and (2) are at odds with the goal based requirements in the FORRI Framework Policy Intent and removes the operator's ability to select appropriate internationally based codes and standards. CAPP suggests removing these references where FORRI provides for appropriate selection.

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CAPP also recommends the addition of a provision for acceptance of the rules, codes or standards acceptable to a recognized classification society and previously accepted as part of the Offshore Boards' regulatory query (RQ) process. CAPP continues to emphasise that an international regulatory perspective is required to support the development of effective OHS Regulation. This permits industry to utilize the internationally based resources and infrastructure, which are unique and technically complex in their function. This would also help alleviate industry concerns with regulatory queries as this process typically contemplates internationally recognized standards to demonstrate equivalency.

Similar to Canadian flagged vessels, foreign flagged vessels and mobile units are governed by comprehensive technical and regulatory regimes that includes statutory requirements established under the Flag state as well as globally adopted international requirements that include SOLAS, International Maritime Organization, Maritime Labour Convention as well as Classification Society Rules. These vessels and installations are designed and constructed to internationally recognized standards and should receive equivalency when verification and monitoring is conducted by a recognized classification society.

It is CAPP's view that the regulations should permit the adoption of codes and standards that have been accepted by flag states and classification societies for foreign flagged vessels and installations.

A Means for Accepting Arrangements for Existing Facilities

There are numerous sections of the draft regulations that outline specific requirements that could have a direct impact on the operations of existing facilities. CAPP is recommending that the regulations provide a means to demonstrate equivalency for existing facilities, including in the following sections which are not an exhaustive list:

- Cold stress – Section 40
- Accommodations area – Section 56 (1) (d)
- Facilities – Section 11.56
- Washrooms - Section 57 (3) (b)
- Lockers - Section 61
- Sleeping quarters – Section 62 (1) (a) (i)
- Smoking areas – Section 64
- Lighting – Section 72(b)
- Fixed ladders - 104

Prescriptive language, such as in the sections noted above, can create unintended consequences for existing facilities without added occupational health and safety benefits. Existing facilities already have approved RQs in place that should be considered.

Living Accommodations

In reference to Section 11.62 (3) which states: "If the workplace is a marine installation or structure that is used for drilling or production or is a living accommodation, the maximum number of persons that an employer may assign to sleep in the same sleeping quarters at that workplace at the same time is one and the maximum number that it may assign to sleep in the same sleeping quarters at different times is two."

Email correspondence provided to Natural Resources Canada on March 18, 2021 describes the difficulty, in detail, that current operators will have in complying with this clause. CAPP suggests using language similar to clause 62(6) which uses “if feasible” or Clause 154(2)(b), which says “to the extent practicable,” in reference to Section 11.62 (3). The current practice offshore is to minimize the occurrence of two people sleeping in a cabin at the same time, where feasible. Offshore facilities normally increase the number of personnel on board (POB) during maintenance turnarounds to more than two people per room to efficiently execute scopes of work. The draft regulation pertaining to the maximum number of persons sleeping in a cabin requires improvement so that there is no room for misinterpretation on intent.

Performance and Risk Based Maintenance and Inspection

The draft regulations outline prescriptive requirements for equipment maintenance and inspection and frequency limits for equipment inspections and maintenance. For example, Section 19.89(1)(e)(i) as written, implies that all equipment, machines and devices are subject to a brief visual inspection before each use by the person using it. It is unrealistic to assume that all equipment used on an installation is inspected prior to each use. Most equipment is designed and intended to be used as a complete system and in an automatic fashion and is essentially in service at all times although may not be called into action for any reason (e.g. duty fire pumps, emergency generators, etc...). Additionally, not all equipment requires annual inspection. 19.89 (1)(e)(i) requires "a thorough safety inspection at least one each year." There are often standards, best practices and original equipment manufacturer (OEM) requirements that govern the frequency of inspections.

Industry’s maintenance and inspection approach for equipment is based on good oilfield practice which necessitates the inclusion of operations experience, safety and risk criteria as well OEM specifications. Industry has advanced from simply adhering to strict prescriptive maintenance plans

and has adopted the use of risk based principles for inspection and maintenance of all equipment and specifically safety critical equipment. For example, the use of risk based principles has been approved by the regulator for their application to the inspection of pressure vessels. Operators ensure OEM requirements are considered in the development of operational procedures and inspection and maintenance plans. Management systems are common practice in industry and form the basis for providing assurance that equipment is maintained, inspected and operated as intended. These systems are subject to audits and are assessed by regulators and other third parties such as Certifying Authorities or Classification Societies.

Specifying the frequency of inspection in regulation does not lead to a higher quality state for equipment and facilities. CAPP proposes that the regulations state the desired outcome that stems from sound maintenance and inspection philosophies and consider that the frequency of inspections and maintenance campaigns may be adjusted accordingly to meet the desired outcome.

Part 33 Diving

In our review of Part 33 Diving, and in consultation with subject matter experts, CAPP continues to identify significant areas in this section where further development is required to ensure that the regulation provides clarity, consistency and can be reasonably implemented by industry and enforced by regulatory authorities. CAPP believes that additional working sessions should be conducted to address the concerns outlined in this submission concerning Part 33.

Industry Recognized Standards

Section 201.13(1) "Operators code of practice" under the *Atlantic Accord* makes provision for an Operator, under the direction of the Offshore Boards' Chief Safety Officer, to establish a code of practice in respect of occupational health and safety, or to adopt a code of practice in respect of occupational health and safety that is specified by the chief safety officer.

Other international jurisdictions such as the United Kingdom, maintain guidelines for their core oil and gas regulations and these guidelines frequently reference industry developed standards or other acceptable standards, providing flexibility in the application of the regulations. By allowing this flexibility, industry can take a more responsive approach to choosing the best methods or equipment available at the time, facilitating the incorporation of new technologies, techniques or work practices more rapidly. Subsequently, it is necessary that regulation and supporting guidelines contain minimal prescriptive technical requirements. As stated previously, it is imperative that longstanding regulations such as the OHS Regulations and supporting guidance be written to permit regulatory bodies and industry to readily adapt to change and to recognize industry best practices which have been adopted by the offshore boards as *Codes of Practice.*

Policy Overlap between FORRI and OHS

There remain areas of overlap between FORRI and OHS which are noted in the comments provided. Occasionally, the OHS regulation remove the flexibility provided in FORRI such as reference to specification of codes and standards and frequency of maintenance of equipment (asset integrity). Given that stakeholders will not have the opportunity to review both FORRI and OHS in tandem we request that Natural Resources Canada and its partners review these regulations in tandem to ensure overlap is minimized in the application of the regulations.

Conclusion

CAPP continues to emphasize that an international regulatory perspective is required to support the development of effective OHS Regulation. Regulation that outlines the minimum requirements without flexibility in the application does not necessarily provide an inherent level of safety.

We look forward to continued engagement with Natural Resources Canada, the Provinces of Newfoundland and Labrador and Nova Scotia and members of the Project Team as they further develop the Occupational Health and Safety Regulations.

If you have any questions, please do not hesitate to contact me at 709-724-4200.

Sincerely,

R. Paul Barnes

R. Paul Barnes
Director, Atlantic Canada and Arctic

c.c. Chris Carter, NL Department of Natural Resources
Heather McDougall, NS Department of Mines and Energy

Attachment

CAPP Review draft OHS Regulation - March 2021					
Part	**Section Title**	**Section #**	**Type of Concern (select from drop down menu)**	**Proposed Solution/Changes CAPP High Priority Items**	**Status**
3	**Reporting and Investigation**				
	Notification of Chief Safety Officer	3.13	(b) Technically challenging	Section 3.13 states "An operator that is required under subsection 205.017(1) of the Act to notify the Chief Safety Officer of an occupational disease, accident, incident or other hazardous occurrence must do so in writing". Section 3.14 (1) States "An operator that is required, under subsection 205.017(2) of the Act, to investigate an occupational disease, accident, incident or other hazardous occurrence must obtain, within 14 days after the day on which it becomes known to the operator, report, prepared by a competent person and accompanied by supporting documentation, that sets out, in respect of the disease, accident, incident or other occurrence and to a level of detail that is proportional to its severity" The definition of "incident" listed in the regulations includes more than "occupational" incidents as was previously implied. An incident, as defined in Section 2 means "any event that resulted in any of the following occurrences or in which any of the following occurrences were narrowly avoided: (a) death; (b) serious injury within the meaning of subsection 205.017(5) of the Act; (c) missing person; (d) fire or explosion; (e) collision; (f) exposure to a hazardous substance in excess of the threshold limit value for that substance; (g) impairment of any structure, facility, equipment or system critical to the safety of persons; or (h) implementation of emergency response procedures. *CAPP response:* This definition is significantly expanded from what is stated in the Atlantic Accord Act, which states "205.017 (1) Every operator shall, as soon as it becomes known to the operator, notify the Chief Safety Officer of (a) any occupational disease at any of its workplaces; or (b) any accident, incident or other hazardous occurrence at any of its workplaces, or on a passenger craft going to or from any of those workplaces, that causes a death or serious injury or in which a death or serious injury is narrowly avoided." This requirement will be very difficult to complete within the time granted.	High
5	**Emergency Preparedness and Response**				
	Emergency Drills and Exercises	5.30	(a) Does not	Section 5.30 (2) (d) (i) states "each employee participates, during their first rotation and then at least once every six months, in a drill that requires them	High
	Employer obligations	6.32	(a) Does not significantly protect	Section 6.32.1(e) "keep conspicuously posted at the workplace (ii) near every first aid kit and in every medical room, a list of all medics and first aiders at the workplace, as well as information on how and when they may be contacted and where they may be located"	High
11	**Facilities**				
	Sleeping quarters	11.62	(c)Commercially challenging to implement	Section 11.62(3). Maximum occupancy — drilling, production and accommodation states: "If the workplace is a marine installation or structure that is used for drilling or production or is a living accommodation, the maximum number of persons that an employer may assign to sleep in the same sleeping quarters at that workplace at the same time is one and the maximum number that it may assign to sleep in the same sleeping quarters at different times is two" *CAPP response:* The email provided to NRCan on 18 Mar 2021 describes the difficulty current operators will have complying with this clause. Similar to Clause 62(6) and numerous other instances, which use "if feasible" or Clause 154(2)(b), which uses "to the extent practicable"; either are two suggestions for addition to Clause 62(3). The practice offshore is to minimize two people sleeping in a cabin at the same time, where feasible. In addition, clarification is required on CNLOPB position on this requirement as it pertains to both normal operations and turnaround up manning. Assumption is that exceptions would be approved for up manning for turnarounds, under 62(4).	High
17	**Pressure Equipment**				
	Definitions	17.80	(d) Other	*CAPP response:* Section 81(b) - Recommend adding language to Section 81(b) to the effect, "unless subject to alternative inspection arrangements considering risk based inspection, condition based monitoring techniques, etc. and as agreed by the Certifying Authority". This also overlaps with the Framework Policy Intent, Section 7.3(13) which includes inspection requirements for pressure systems.	High
	Inspection	17.81	(b) Technically challenging	Section 17.81 states " Every employer must ensure that all pressure equipment at a workplace under its control is, despite paragraph 89(1)(e), subject to (b) an external inspection at least once a year or more frequently if recommended under paragraph 82(c); (c) an internal inspection at least once every five years or more frequently if recommended under paragraph 82(c). *CAPP response*: There is no provision for risk based inspection (RBI) of pressure equipment. Recommend introducing a provision similar to 89(2) to permit a RBI program (subject to approval by relevant authority defined in 80).	High
19	**Equipment, Machines and Devices**				

	Requirements	19.89	(b) Technically challenging	*CAPP response:19.89 (1) states that any equipment, machine or device provided for use is subject to a through safety inspection at least one each year if.... (c) it is subject to degradation over time that could affect its safety and (3) we must keep records on inspections.* This is broad for equipment and too general (i.e.. hand tools, etc.). *19.89 1)(e)(i) as* written, it is implied that all equipment, machines and devices are subject to 19.89 (1)(e)(i) a brief visual inspection before each use by the person using it,". It is unrealistic to think that all equipment used on an installation is inspected prior to each use. Most equipment is designed and intended to be used as a complete system and in an "automatic" fashion and is essentially in service at all times although may not be called into action for any reason (i.e. duty fire pumps, emergency generator, etc...). Additionally, not all equipment requires annual inspection. 19.89 (1)(e)(i) requires "a thorough safety inspection at least one each year". There are often standards, best practices and OEM requirements that govern such frequency. This also aligns with comments regarding section 81(b) as this also overlaps with Framework Policy Intent scope where risk based inspection, condition based monitoring techniques can be considered acceptable.	High
	Standards	19.94	(b) Technically challengi	CAPP response: CAPP proposes that the reference to these North American standards be considered with performance based requirements; or state provisions for acceptance of the rules, codes or standards acceptable to a recognized classification society. A suggestion would be to have a process to recognizer the various codes and standards referenced in the RQ process potentially in guidance. In the case of any foreign flagged vessel or installation, where applicable, they must conform to and be used according to the rules or codes of a recognized classification society Standards. Where it becomes necessary for international vessels and installations conducting short term or seasonal operations to adopt Canadian or North American requirements the impact of this requirement extends beyond the substitution of equipment. There is also a competency matter when equipment is substituted or standards are changed as personnel have to be re-trained and competencies are then impacted. In addition, developed and implemented inspection, maintenance and management systems are impacted as well. Thus the consequence of imposing adherence to a Canadian or North American standard may not result in safer systems of work when considered in totality.	High
25	**Materials Handling**				
25	Inspection	25.129	(a) Does not significantly protect from a hazard	*CAPP response:* Section 25.129 (1) states "The competent person who carries out the "thorough inspection" referred to in subparagraph 89(1)(e)(ii) in respect of materials handling equipment must be independent of the manufacturer of the equipment, the operator and the employer. Section 89 (1) states "every operator and employer must ensure, with respect to any equipment, machine or device that that operator or employer provides for use at a workplace, including any part of or accessory used with one of those things, that (e) it is subject to (ii) a thorough safety inspection at least one each year if (A) it preserves or protects life, (B) its use would, in the absence of any controls, pose a risk to the health or safety of persons at the workplace, or (C) it is subject to degradation over time that could affect its safety; In addition, 129 (1) refers to "competent person" independent of equipment manufacturer, operator and employer but does not refer to certifying authority, class society or flag authority - conclude but to be confirmed that this would be addressed in Certification Plan / CA Scope of Work to indicate alternatives. This is inconsistent with Part 17 Pressure Equipment. Section 25.129 (1) implies that an independent 3rd party outside of the OEM, employer or employee complete the inspection of materials handling equipment, including crane operations. It is industry best practice to have the OEM complete maintenance and inspection of equipment, machines, or devices where possible. Most operators for example, utilize Liebherr for significant inspections and maintenance with routine scopes carried out by offshore staff. With this section, it is implied that this would not be permitted. Is the intent to rule the OEM out of inspection and maintenance? Presently 3rd parties are used for structural and weld inspections on the crane, however section 89 (1) states "including any part of or accessory used with one of those things" which would imply such inspections would be holistic of the piece of equipment. "Thorough Inspection" is referenced again. This is ambiguous language that can lead to interpretation. This sort of language requires clarification.	High
26	**Confined Spaces**				
26	Entry and occupation requirements	26.134		Section 26.134 (1) states "Every employer must ensure that no person is permitted to enter or remain in a confined space at a workplace under its control unless: (k) a drill must be completed simulating emergency rescue from the confined space." *CAPP response:* Is the intent here to ensure that a drill is completed prior to every entry to a confined space? Prior to entering for the first time? Prior to entering for this campaign? In addition, it may not be practical to simulate emergency rescue drills without increasing the risk to personnel on the Rescue Team even when its been proven that the rescue can be completed through approved rescue plans, etc... Similar rationale has been used for emergency drills such as the launching of lifeboats where it has been deemed that the risk is greater than the reward of launching a lifeboat with personnel inside. Previous comments were submitted regarding the completion of a drill prior to entry to a space. We recommend the wording be updated to state that where feasible, any confined space being entered for the first time, or if there is a change to protocols, have a drill completed to prove the effectiveness of the rescue plan. It is not practical to complete a confined space entry drill prior to any entry to a confined space.	High

26	Entry and occupation requirements	26.134	(a) Does not significantly protect from a hazard	*CAPP response:* We are concerned that the way this section 134 (2) is worded may not offer the safest approach when dealing with fluids under pressure or at a high temperature. This section is too prescriptive without looking at all systems and should be reworded to include appropriately rated blank or blind. (2) The engineering controls referred to in paragraph (1)(g) must, with respect to a pipe containing a hazardous substance or a substance under pressure or at a high temperature, consist of a blank or blind in conjunction with valves or other blocking seals that are secured in the closed position — using a positive mechanical device that is designed to withstand inadvertent opening, other than as a result of excessive force — to prevent the substance from reaching the blank or blind. The employer must ensure that the pipe is clearly marked to indicate the location of the blank or blind and that the valves or seals are clearly marked as being closed.	High
28	Hazardous Energy	28.144	(d) Other	*CAPP response:* Section 144 (3) (a) (ii) is very prescriptive and specifically calls out only 2 means of isolating piping on an installation. This is very restrictive, is neither feasible, nor practical and does not align with industry best practice where the risks associated with physical and chemical properties of the fluid, gas, or other contents dictate the level of isolation that would be applied. Current installations would be unable to comply with the regulation during normal operations due to facility design to industry codes and standards that align with industry best practice isolation philosophies. In order to comply, installations would require more frequent process, equipment and installation shutdowns to facilitate both preventative and corrective maintenance.	High
33	**Diving**				
	Dive contractor obligations	33.170	(a) Does not significantly protect from a hazard	*CAPP response:* Section 170 which sets out to list dive contractor obligations, covers a wide area of topics, such as diving equipment, Dynamic positioning vessels and diving, diving near remotely operated vehicles, diving medical physicians, communication systems, to name a few. Many of the regulations applied to those various topics are necessary in reducing risk relevant to each of those topics. However, there are many additional safeguards and mitigations, relevant to each of those topics, which already exist in industry best practice references, such as CSA 275.2, IMCA D 014 and IOGP RP 411. This regulation is missing the opportunity to reference the industry practices which are relevant to the topics in this section (170), and is only drawing upon some of the mitigations. This section is concerning as it only outlines a small portion of the 100's of safe guards that must be in place to ensure safe operations. All requirements are covered in CSA 275.2 and subsequently IMCA D014. This section could be significantly revised by mapping and adopting what is already in regulation and best practice.	High
	Dive contractor obligations	33.170(1)(a)		CAPP response: The conformance to IMO 831(19) code of safety for diving systems does not provide sufficient level of safety for dive equipment and does little for dive plant integrity. This alone does not provide sufficient risk reduction, and this regulation does not provide additional industry common reference/best practice to accommodate. Applying the IMO 831(19) code of safety for diving systems to any dive system requires the utilization of the flag state authority, or a registered organization (RO) on behalf of the flag state authority. In Canada this will likely be DNVGL, a class society. Owner/operators of the diving systems seeking compliance with the IMO resolution could be exposed to significant cost increase to; (1) – procuring, having resource, for new diving systems which can meet the code; (2) – getting retrospective certification of existing dive systems. In addition to IMO Res.A 832(19) CoS for diving systems, there should also be the requirement to meet; CSA-Z275.1 and International Marine Contractors Association (IMCA) guidance documents (IMCA D 023, IMCA D 024, IMCA D 040, IMCA D 053) which are relevant to the type of diving system used. This will add significant risk reduction to dive system mechanical failures and increase integrity assurance.	
	Existing Facilities				
			(b) Technically challenging	*CAPP is requesting clarification on the following sections (list is non-exhaustive). Specifically, what is the process for the acceptable of existing facilities to demonstrate equivalency going forward?* 61 (c) "has a sufficiently sized locker for each employee at the workplace to store their personal clothing while working and their work clothing and equipment while not working" - Does this allow for shared lockers? 85 (a) (i) "a horizontal top rail, cable or chain not less than 900 mm and not more than 1100 mm above the working surface" What if the top rail is above 1100 mm - would it be considered unsafe? 104 (1) (a) states that Fixed ladders are to be installed vertically - there is no allowance for areas where clearance problems may required ladders to be sloped. Suggested add: "Ladders should be vertical when possible. Where clearance problems require the ladder to be sloped, the slope shall not exceed 15 degrees forward and shall not slope backward under any circumstance. Fixed ladders shall be straight throughout their length." 21.104(1)(g)(iii) This regulation requires that when landings are installed that they reduce the fall height to at least 6m. Certain structures on existing facilities (i.e.. flare towers) are designed with 9m between landings. 7.40 Will there be a means to demonstrate equivalency for our current survival gear? (i.e.. escape hoods currently conform with NIOSH 42 CFR 84 and EN 403:2004) Will other global standards be included? 11 56 (1) (d) ANSI/ASHRAE standard 55 is cited - will other standards be added?(i.e. Canada CSA Air Quality standard Z204-94)	High

Part	Section Title	Section #	Type of Concern (select from drop down menu)	Proposed Solution/Changes - Points that Require Clarification	Status
1	**General**				
	Definitions	1.1			
	Diving physician specialist		(b) Technically challenging	*CAPP response:* All DSV's entering Canadian waters, for the most part, have foreign divers who have obtained their medicals within other global jurisdictions. CAPP is suggesting there be an means for accepting alternative qualifications.	Clarification
2	**Occupational Health and Safety Management and Oversight**				

	Occupational health and safety management system	2.5	(d) Other	*CAPP response:* Occupational health and safety management system Part 2.5 which may be embedded within an integrated management system which may not be specific to OH&S. This does not appear to be addressed in the Act or Regulation, but is assumed to be acceptable. Most Operators will have an integrated management system.	Clarification
	Occupational health and safety management system	2.5	(d) Other	*CAPP response:* Please clarify the intent of "as soon as feasible". Section 2.5(3) states "The operator must implement any improvements identified during the audit referred to in paragraph 205.015(2)(g) of the Act **as soon as feasible."** Use of term feasible is open to interpretation and potential misalignment with Regulator. Consider clarifying that improvements shall be implemented within a reasonable time (technical and commercial considerations) as proposed by the employer and possibly subject to the acceptance of the Chief Safety Officer that risk is maintained as low as reasonably practicable. Frequent uses of ambiguous language throughout Regulation (e.g. feasible, thorough, etc.) is open to interpretation, create potential for misalignment with Regulator, and should be avoided where possible.	Clarification
	Occupational health and safety management system	2.5	(d) Other	Clarification: Need to clarify OH&S mgmt. "program" vs an OHS mgmt. system within the Definition section. Program seems to reference WPC and procedures.	Clarification
4	**Training — General**				
	Records	4.17	(d) Other	*CAPP response:* Clarification required. Is this is the same as the contingency plan requirement? Section 4.16 states "Every employer must ensure that all instruction and training that it is required to provide under the Act is delivered by a competent person." Section 4.17 states "Every employer must retain records of all instruction and training provided to an employee under the Act for at least five years after the day on which the employee ceases to be employed at any of the employer's workplaces." Regulation does not distinguish between instruction and training. Regulation requires records to be maintained for both. Some instruction may be imparted informally through videos, handbooks, safety meetings, without records. There are numerous references throughout Regulation to "instruction and training".	Clarification
				CAPP response: As per Section 4 - Instruction and training needs to be provided by a "competent person". Is there an allowance for Computer-Based training or alternative training delivery?	Clarification
5	**Emergency Preparedness and Response**				
	Emergency response plan	5.18	(d) Other	Subsection (2) describes the required content of an emergency response plan. The contents listing has a significant overlap with the description of a Contingency Plan in FORRI Framework Regulations Policy Intent section 3.6. *CAPP response:* These respective requirements should be consistent, aligned, and harmonized.	Clarification
	Posting of Information	5.19	(a) Does not significantly protect from a hazard	Section 5.19 (1) states "Every employer must ensure that the following items are posted in the specified locations, separately from the emergency response plan, at each workplace under its control that is a marine installation or structure: (a) muster lists containing the information referred to in subsection 7(1) of the Fire and Boat Drills Regulations, (i) in conspicuous places on every deck, and" *CAPP response:* POB lists are available at each muster stations and the ECC. The purpose of maintaining a muster list on every deck is not understood. This will add administrative work that adds no value and does not reduce risk.	Clarification
	Emergency Alert System	5.23	(b) Technically challenging	*CAPP response:* Regs state "is equipped with a public address and audio-visual alarm system that is audible and visible in all areas of the workplace where a person may be present" . There are areas on offshore facilities where there is audible or visible alarm but not necessarily both. Can this be amended to "audible and/or visible" as it's currently not practical to have visual in "all areas of the workplace".	Clarification
	Emergency Decent Control	5.25	(b) Technically challenging	Section 5.25 (1) states "Every employer must provide, at each workplace under its control that is a marine installation or structure at which persons may be working at heights, a device, equipped with a brake mechanism, that may be used in an emergency to control a person's descent from the derrick or any other elevated part of the marine installation or structure". *CAPP response:* There is no reference in this section which refers back to elevated work areas that may have both primary and secondary access to that area. As a result, the reference to "working at heights" could result in misinterpretation of this section. Fixed primary and secondary access and egress shall be used rather than an emergency decent device. What is meant by working at heights within this section? This should be clarified. Elevated parts of a Marine installation or structure where approved primary and secondary escape routes/methods have been established should not require a emergency descent device unless some other hazard dictates such. In addition, how does this clause apply to temporary elevated structures such as scaffolding? The requirement for emergency descent control devices introduces new equipment which must be maintained and for which employees require training, and which is unlikely to be used so possibly adds risk rather than recuing risk.	Clarification
	Emergency Drills and Exercises	5.30	(a) Does not significantly protect from a hazard	*CAPP response:* Will industry be engaged further pertaining to emergency drills and exercises as the regulations differ from the Atlantic Canada Standard Practice for personnel training and qualifications and will this Code of Practice be taken into consideration? All Atlantic Canada offshore operators do not launch lifeboats and have testing provisions with the CAs and Boards to demonstrate compliance. Annual lifeboat launching introduces a significant level of risk offshore.	Clarification
8	**Personal Protective Equipment**				

	Records	8.49	(d) Other	Section 8.49 states "Every employer must, in respect of each piece of personal protective equipment that it provides that is likely to require maintenance or repair during its life span or be in use for longer than one year, make and keep, for as long as the equipment is in use, a record that (a) describes the equipment and sets out the date the employer acquired it; and (b) sets out all information referred to in paragraph 89(1)(f) in respect of each inspection, test, maintenance or repair of the equipment since the employer acquired it" *CAPP response:* As worded, this requirement would appear to apply to consumable PPE issued directly to individuals that is likely to last longer than a year, including coveralls, boots, hard hats, hearing protection devices, etc. It is left to the individual to maintain their own personal PPE and have replaced as required, and would not be practical for the employer to keep records on such equipment. Clarification required as to intent and suggest revision to wording to ensure misinterpretation mitigated. Is consumable PPE recordable?	Clarification
9	**Passengers in Transit**				
	Transport by Helicopter	9.50	(c)Commercially challenging to implement	*CAPP response: Clarification requested on definition of "position indicating devices" referred to in Section* 50 (2) (b) & (c).	Clarification
14	**Lighting**				
	Emergency lighting	14.73	(d) Other	*CAPP response:* General Conformance clarification - Emergency lighting 73 (2) (a) is considered safety and environmental critical equipment is maintained according to a performance standard. Inspection topic should add language to allow for RB equipment strategies and performance standards. Our members have had reliable response from testing and most correctives are minor in nature i.e. missing tags. The change to monthly will be very laborious and result in a backlog management scenario. We also recommend this section be reflected in FORRI regulation.	Clarification
15	**Sound Levels**				
	Noise	15.76	(b) Technically challenging	Item 1(b) appears to be making reference to ACGIH TLVs for noise limits, but this is not explicitly clear. It had been clear in the Policy Intent. *CAPP response* : The ACGIH TLV are less "accessible" to an international design team because the standard must be purchased in order to see the maximum exposure levels. However, the Transitional OHS Regulations (and the Petroleum OHS before them), the Maritime OHS Regulations, the Canadian OHS Regulations, and IMO/Classification Society rules all simply prescribe the exposure levels, numerically. This approach would also be preferred for the Offshore OH&S. (It is also done for levels of lighting.)	Clarification
16	**Ventilation**				
	Air quality	16.77	(b) Technically challenging	*CAPP response* : Section 16 there is no mechanism for exemption of limit (H2S, current ACGIH TLV is 1 ppm) however there are several instances whereby the "suggested" TLV's selected by ACGIH have had exemptions issued against them. The Government of NL did so when the ACGIH changed the TLV for H2S to 1ppm from 10ppm. Clarification required. There is also no exception clause noted within this section. Suggest exception clause be added to allow for industry best practice or other standard be used with justification or equivalent level of safety outlined.	Clarification
19	**Equipment, Machines and Devices**				
	Instruction and Training	19.91	(d) Other	*CAPP response:* Section 19.91 states "The instruction and training that every employer must provide to an employee **w**ho uses equipment or a machine or device in the course of their work includes instruction and training, before the employee uses the equipment, machine or device, on its safe and proper use, inspection and maintenance in accordance with the Act and these Regulations."	Clarification.
22	**Scaffolding and Platforms**				
	Elevating work platforms	22.109	(d) Other	Every employer must ensure, with respect to any elevating work platform at a workplace under its control, that (e) if it is self-propelled or mobile, it is used only with the approval of the Chief Safety Officer. *CAPP*	Clarification
25	**Materials Handling**				
	Rated Capacity	25.121	(b) Technically challenging	*CAPP response:* Clarification sought: Re: Section 121 Rated Capacity stats that a "competent person who is independent of the operator, employer and manufacturer certifies in writing, on the basis of an inspection and proof testing of the equipment..." conflicts with current industry practice. Rigging lofts are changed out on a 6 month basis. The equipment is certified by the Rigging Contractor who keeps records on their inspections. The section does read as if to say the Rigging contractor would need to proof test the equipment. The proof test is provided by the Manufacturer. A secondary proof test is never conducted upon receipt of equipment. It is recommended that the regulation be rewritten to provide clarity to the proof load requirement and better align with common industry practice (I.e. third party to review/witness Proof testing and load documentation). Suggested language: "on the basis	Clarification
	Cranes and hoists	25.123	(d) Other	(4) Every employer must ensure that, when a helicopter is landing or taking off, any crane at a workplace under its control that could pose a physical or visual hazard to the helicopter or its crew remains stationary and, if feasible, has its boom stowed. The term "visual hazard" is not defined in this regulation or in related standards such as CAP 437. It may be better to use the phrase "physical hazard or visual distraction".	Clarification

	Additional Standards	25.126	(b) Technically challenging	*CAPP response:* Section 126(1) - The prescriptive code requirements in Section 126(1) are at odds with the goal based requirements in the Framework Policy Intent Section 7.13 and removes the operators ability to select appropriate internally based codes where more appropriate. Suggest removing code references where Framework provides for appropriate selection. (2) Every employer must ensure that the construction, inspection, testing, maintenance and use of all loose lifting gear used at a workplace under its control conforms to the following standards, as applicable: (a) American Society of Mechanical Engineers (ASME) standard B30.9, Slings; (b) American Society of Mechanical Engineers (ASME) standard B30.10, Hooks; (c) American Society of Mechanical Engineers (ASME) standard B30.20, Below-the-Hook Lifting Devices; and (d) American Society of Mechanical Engineers (ASME) standard B30.26, Rigging Hardware.	Clarification
	Signalling	25.128	(d) Other	Section 25.128 (1) (a) states" Every employer must ensure, before any materials handling equipment is used at a workplace under its control, that (a) all persons at the workplace know the hand signal for “emergency stop” *CAPP response:* This would require updates to training/ orientation etc… as this is not something that would be communicated to "ALL" persons, just those who would be involved in materials handling work which was what was previously outlined within the transitional OHS regulations. It is not understood how this would achieve an increased level of safety.	Clarification
26	**Confined Spaces**				
	Occupational health and safety program	26.132	(b) Technically challenging	*CAPP response:* Section 26.132 states "The occupational health and safety program referred to in section 205.02 of the Act must, in respect of the various confined spaces at the workplace and the various types of work that may need to be carried out in them, (a) identify the personal protective equipment, including full body harness, that is to be used or worn by employees in the confined space; (b) set out measures to be taken to prevent the entanglement of lifelines and other equipment used by employees in a confined space;"	Clarification
	Entry and occupation requirements	26.134		*CAPP response:* 134 (1) (a) Consider Change wording to "they are wearing a full body harness unless it presents a potential hazard of obstruction or entanglement. 134 (2) Helpful to include that if "Positive Isolation cannot be performed due to design or an increased hazard of installing blinds, blanks or spades then a risk assessment must be performed and authorized to an acceptable isolation method"	Clarification
	Confined space atmosphere	26.135		*CAPP response:* 135 (b) - Text should note this applies for entry without respiratory protection. Section 26.135(2) states "The employer must ensure that a competent person conducts atmospheric testing — and records the results — at intervals appropriate to the hazards in the atmosphere, including (a) every time the confined space goes from unoccupied to occupied;" This requirement does not appear to account for continuous monitoring. If a space has continuous gas monitoring set up via gas detectors and the space is unoccupied for lunch break, will a new gas test be required? Suggest adding provision for continuous monitoring.	Clarification
27	**Hot Work**				
	Work Permit	27.140	(d) Other	*CAPP response:* 140 (1) Suggest adding to this sentence "unless the Hot Work is performed in a safe work shop or location designated for that purpose	Clarification
	Requirements	27.141	(d) Other	*CAPP response:* 141 (1) Suggest adding areas are "free or an effective barrier exists"	Clarification
28	**Hazardous Energy**				
	Work Permit	28.143	(d) Other	*CAPP response:* Suggested wording: 144 (1) (d) "marked with an identification number" and "opened with a corresponding key with controlled access (e.g. Lock Box)" 144 (k) Suggested add "or performing functional or operating tests"	Clarification

	Employer obligations	28.144	(d) Other	CAPP response: Section 28.144 (1f) states "every employee who secures a lockout device affixes to it a tag or sign containing only the following information: (i) the equipment, machine, device or system whose energy source has been isolated and the type of energy that has been isolated, (ii) words or a symbol prohibiting any person from starting or operating the equipment, machine, device or system, (iii) the date and time of the lockout, (iv) the name of the employee who secured the lockout device, and (v) the reason for the lockout The requirement implies that installation of tag or sign is mandatory with the installation of every lock installed by an individual worker. For group lockout situations, this practice does not appear to align with group lockout practices outlined in CSA Z460: Control of Hazardous Energy – Lockout and other methods", referenced in 144(1), under which use of a tag on every individual worker lock is not mandatory. Clause 7.3.7.2 (e) of the Standard references "Authorized individuals then apply their personal lock (and tag if used) to the lockable device." For group lockouts, current practice by most Operators is to install a lock and tag on the main isolation, while individual locks applied by the individual workers would not have individual tags. Any requirement to add individual tags would create additional administrative work and would require revision to Permit to Work systems and training, with no increase in level of safety. Clarification requested that use of individual tags on individual locks is not mandatory for group lockout situations.	Clarification
31	**Explosives**	32.153		CAPP response: 153 (c) the quantity of explosives stored at the workplace is kept to a minimum and does not, in any event, exceed 75 kg unless otherwise authorized by the Chief Safety Officer; All operators have RQs to increase this limit so would like to propose the regs update to 200kg	Clarification
32	**Hazardous Substances**	32.156	(d) Other	*CAPP response:* Ensured there is no overlap with FORRI. 15 6 (d) (i) (i) its ventilation conforms to the applicable provisions of National Fire Prevention Association publication NPFA 30, Flammable and Combustible Liquids Code.	Clarification
33	**Diving**		(b) Technically challenging	*CAPP response:* 163(i)OK with statement provided that it implies during normal operations. There is likely to be materials in a chambers or bell that in a fire scenario as example will produce gases or vapors. (m) depending on how the 'primary thermal control system' is defined the requirement may be overly onerous. Would like to see clarification on of the intent of this clause (n)if the intent is effectively compliance to lock-out tag-out procedures then no concern with clause. If broadened to include divers working subsea then not reasonable or practical (e.g. when working with crane lifts a barrier can not be placed between diver and crane load	Clarification
	Occupational health and safety program	33.163	(b) Technically challenging	CAPP response: SCUBA diving is infrequent but may be necessary (environmental, scientific) and would require CSO approval. Removing SCUBA may increase risk for a certain work. Environmental surveys which require scientists (marine biologist, etc.) to enter the water, are not typically trained/competent in surface diving technique and only use SCUBA. CSA-Z275.2 Occupational diving code allows SCUBA for certain in-water scopes of work. Environmental/scientific diving is a commonly omitted industry of diving, separated from commercial – construction diving. Explore opportunities to exclude scientific/environmental applications of diving from these regulations, or consider SCUBA optional for that application.	Clarification
		33.164	(a) Does not significantly protect from a hazard	*CAPP response:* 167(2) The use of 'all' emergency scenarios is concerning. Recommend that the clause be restated to 'all reasonably foreseeable emergency scenarios'. 167(3). All persons who may have a role is very broad.	Clarification
	Dive Safety Specialists	33.166	(d) Other	CAPP response: Please clarify why the Contractor can use the OCM as the DSS, however an Operator can not use the DSS as a Senior Client Rep. Doesn't seem logical. Competency is the key requirement here.	
	Emergency response plan	33.167	(a) Does not significantly protect from a hazard	*CAPP response:* Suggest "ships propulsion system components and **other hazards** which pose a hazard to the diver and the umbilical", in place of "thrusters". This section seems to only apply to ships propulsion system components. There are many other hazards that need to be considered as part of CAN Z275.2 and IMCA.	Clarification