

## Spicer, Roberta (NRCAN/RNCAN)

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**From:** Debbie Pestell <drdeb1@ns.sympatico.ca>  
**Sent:** 19-Mar-21 8:44 PM  
**To:** Phillips, Kim (NRCAN/RNCAN)  
**Subject:** RE: Draft Offshore Occupational Health and Safety Regulations  
**Attachments:** Comments on the 2021 Atlantic OHS Draft Regulations, Mar 2021.pdf  
  
**Importance:** High

Hi Kim,

As promised, here are my comments (attached).

These include my current comments and recommendations, as well as the summary of events, definitions and comments from the May 2018 Stakeholder Meeting in St. John's.

I hope this helps. Please let me know if there is anything else that I can do to help.

Best regards,  
Debbie Pestell

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**From:** Phillips, Kim (NRCAN/RNCAN) [mailto:kim.phillips@canada.ca]  
**Sent:** Friday, March 05, 2021 2:31 PM  
**To:** Phillips, Kim (NRCAN/RNCAN) <kim.phillips@canada.ca>  
**Subject:** Draft Offshore Occupational Health and Safety Regulations  
**Importance:** High

**\*\* EXTERNAL EMAIL / COURRIEL EXTERNE \*\***

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Hello,

As you are aware, Natural Resources Canada, together with federal and provincial partners and regulators, have been working to develop new Occupational Health and Safety (OHS) regulations for the Canada-Newfoundland and Labrador and Canada-Nova Scotia offshore areas.

You have been identified as a key stakeholder who contributed comments in earlier phases of engagement that took place between 2016 and 2018. We are interested in obtaining your input on the draft regulations now, to ensure we have captured all perspectives ahead of pre-publishing in *Canada Gazette*, Part I, which is anticipated in summer 2021.

To ensure the regulations are completed as quickly as possible, you will have **2 weeks** to review and provide comments by **March 19, 2021**.

Attached is a short paper that provides further detail, a copy of the draft regulations, and a template to be used for submitting your comments.

I am available in the coming weeks if you wish to discuss the regulatory process or the regulations further.

Kind Regards,

Kim Phillips  
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## **Comments on the 2021 Atlantic OHS Draft Regulations, 19 Mar 2021**

Dr. Debbie Pestell

These comments and recommendations should be read in conjunction with the attached '**Atlantic OHS Initiative Stakeholder Engagement, May 2018**' comments and recommendations that were presented in St. John's, NL on 29 May 2018 regarding physician qualifications and diver medical support to offshore diving operations in Newfoundland and Nova Scotia.

Part I, Section 1: Definitions of the **Canada-Newfoundland and Labrador Offshore Occupational Health and Safety Regulations Draft** states that a:

**diving physician specialist** means a physician who

- (a) is licensed to practise medicine in Canada;
- (b) possesses a diploma in hyperbaric medicine with a focus on diving medicine from the Royal College of Physicians and Surgeons of Canada; and
- (c) has completed training in saturation diving medicine that is recognized by the Royal College of Physicians and Surgeons of Canada.

I have spoken with Dr. Geoff Zbitnew, the Vice-Chair of the Royal College Area of Focused Competence Diploma Committee for Hyperbaric and Diving Medicine. As of today's date, there remains no approved Diploma in Hyperbaric and Diving Medicine in Canada. This is unchanged from the situation in May 2018 when it was hoped that the Diploma would go 'live' within a matter of weeks.

At such time that there is a Royal College Diploma in Hyperbaric and Diving Medicine, there will be two pathways by which to become certified in this discipline: the PER (Practice Eligibility Route) and the residency/fellowship route. Although there will be a few physicians in Canada that may qualify for the Diploma through the PER, it will take time months for their qualifications and experience to be assessed by a Royal College appointed review panel before a Diploma can be awarded. Even then, there will only be a handful of physicians with the necessary credentials to be awarded the Diploma through this pathway.

The 2<sup>nd</sup> pathway by which the Diploma may be awarded is by completion of an approved training program at a medical school in Canada. In the future, it is hoped that these training programs will be offered in Atlantic Canada, Quebec, Ontario and British Columbia, but at this time, there is no medical school that is even close to establishing a training program that would lead to a Royal College Diploma in Hyperbaric and Diving Medicine. It will be 4-5 years before any such training programs are established.

***A diving physician specialist cannot be defined based on a diploma from Royal College of Physicians and Surgeons of Canada that does not yet exist, and through which there are no established programs to become certified.***

The current standard by which diving physicians are defined in Canada comes from the CSA Z275.4-17 standard 'Competency Standard for Diving, Hyperbaric Chamber and Remotely Operated Vehicle Operations'. In summary, a Level 1 physician has the training and experience to conduct diver medical examinations. A Level 2 physician meets the competency requirements of a Level 1 physician and has

the training and experience to diagnose and treat diving accidents. And a Level 3 physician has all of the competencies of Level 1 and 2 physicians, but also has the knowledge and experience to provide medical support to offshore diving operations, including saturation diving.

While the CSA Z275 standards are not perfect, they are an established, well-known standard in the commercial/professional diving community in Canada, and are a more appropriate reference to use when defining diving physicians in the ***Canada-Newfoundland and Labrador Offshore Occupational Health and Safety Regulations*** at this time. The current CSA Z275 standards are also comparable to international diving standards (in particular, the IMCA standards) especially in regards to the definition of diving physician competencies. Should a Royal College Diploma in Hyperbaric and Diving Medicine become available through established training programs within Canada in the future, any changes to the definition of diving physician specialists could be incorporated into future CSA Z275 standard updates.

Please do not hesitate to contact the undersigned if I can be of any further assistance.

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## Atlantic OHS Initiative Stakeholder Engagement, May 2018

Dr. Debbie Pestell

In follow-up of the Stakeholder Engagement Session held in St. John's, NL on 29 May 2018, I make the following recommendations with respect to the qualifications of physicians providing diver medicals, and physicians providing medical support to offshore diving operations.

### Terminology

The current occupational safety code for diving operations, and the competency standard for diving, hyperbaric chamber and ROV operations most widely accepted within Canada as a national standard are the CSA Z275.2-15 and CSA Z275.4-12, respectively. These standards state that occupational divers must have a current diver medical conducted by a Level 1 diving physician – a physician trained to conduct medical fitness to dive assessments. Level 2 diving physicians have received additional training in the diagnosis and treatment of diving casualties, and physicians who have gained experience providing medical support to diving operations, including saturation diving, are referred to as Level 3 physicians. Similar terminology and training standards for physicians is used in the international diving community.

In the current draft of the Consolidated Revised Policy Intent for the Atlantic Offshore OHS Regulations, a physician providing medicals to offshore divers is referred to as a 'Diving Physician Examiner' (DPE) which most closely corresponds to CSA Z275 Level 1 physicians. A physician providing medical support to offshore diving operations (including saturation dives) is referred to as a 'Diving Physician Specialist' (DPS), which most closely corresponds to CSA Z275 Level 3 physicians.

Diving and hyperbaric medicine was recognized by the Royal College of Physicians and Surgeons of Canada as a distinct specialty in April 2013. An Area of Focused Competence (AFC) leading to a Diploma in Hyperbaric Medicine (with emphasis in either diving or hyperbaric medicine) is currently under development. There will be two routes by which this diploma may be earned: the training route followed by medical residents which would be similar to a fellowship, and the practice eligibility route (PER) followed by qualified physicians already working in the field of diving and/or hyperbaric medicine.

### Current Recommendations

The current draft of the Atlantic Offshore OHS Initiative recommends that **both** a DPE and DPS possess the Royal College Diploma in Hyperbaric Medicine – Diving. This Diploma corresponds to the CSA Z275.4 Level 3 physician, as it requires knowledge and extensive experience conducting medicals for divers working in all types of diving environments, including saturation, and also requires experience providing medical support to remote/offshore diving operations. The recommendation that a DPE – who conducts diver medicals only, and which corresponds to the CSA Z275.4 Level 1 physician – requires the Royal College Diploma in Diving Medicine is both **unnecessary** and **unattainable**. It is also confusing. If a DPE is only qualified to conduct occupational diver medicals, and a DPS is qualified to conduct diver medicals and provide medical support to offshore diving operations, yet both are required to hold the Royal College Diploma, then what is the difference in their qualification level since the diploma is already equivalent to the CSA Z275.4 Level 3 physician?

In addition to this confusion, requiring both a DPE and DPS to hold the Royal College Diploma in Hyperbaric Medicine – Diving creates two major issues:

1. First, this requirement would place Canada grossly out of step with the requirements of the rest of the international offshore diving community, including the 60+ member nations of the International Marine Contractors Association (IMCA). The Diving Medical Advisory Committee (DMAC) which advises IMCA, identifies two levels of diving physicians: Level 1 physicians who are approved diving medical examiners, and Level 2 physicians who in addition to providing diver medicals, also manage diving accidents and illnesses and provide medical support to diving operations. Divers working for IMCA member nations require their occupational diver medicals to be conducted by Level 1 physicians only. If Canada requires a DPE to possess the Royal College Diploma, IMCA-approved diver medicals would be invalid in Canadian waters and would require these divers to undergo another diver medical by a Royal College qualified DPE before they can dive here. The UK, Ireland, the Netherlands and Norway all have mutual recognition agreements with each other with respect to diver medicals, and none require a fellowship-type Level 3 qualified physician to conduct their offshore medicals.

In addition to problems within the international community, the Diver Certification Board of Canada (DCBC), which promulgates medical requirements for occupational divers in Canada, requires that divers undergo periodic diver medicals conducted by a Level 1 diving physician only. There are currently 85 Level 1 or higher dive physicians listed with DCBC with decades of experience conducting inshore and offshore occupational diver medicals in Canada. If a regulation is passed requiring physicians conducting offshore diver medicals to hold the Royal College Diploma, all 85 DCBC physicians will be rendered unqualified to conduct offshore medicals because qualifying for and obtaining the Royal College Diploma will be a major undertaking and few will choose to do it. The vast majority of DCBC-listed dive physicians in Canada are family physicians who conduct diver medicals within the scope of their family practice. They are not full-time diving and hyperbaric medicine consultants, and will not have the time, qualifications or desire to pursue the Royal College Diploma. And since many occupational divers in Canada dive both inshore and offshore, they will be forced into a situation where a diver medical conducted by a DCBC-listed Level 1 physician is good for inshore diving only; the divers will have to find a Royal College dive physician and pay for a separate diver medical if diving offshore.

All of this is completely unnecessary as there have been no problems with Level 1 physicians conducting offshore diver medicals in the past; indeed conducting diver medicals is what Level 1 dive physicians are specifically qualified to do. Even the Canadian Armed Forces (CAF) only requires a Level 1 physician to conduct diver medicals on their most elite clearance diver and Special Forces diver populations.

**Recommendations:**

- a) It is unnecessary and prohibitive for diving physician examiners (DPE) to hold the Royal College Diploma in Hyperbaric Medicine – Diving. DPEs shall hold Level 1 qualification in accordance with CSA Z275.4. This requires them to hold a license to practice medicine in one of the

Canadian provinces or territories, and have completed a training course in diving medicine qualifying them to assess medical fitness to dive and conduct occupational diver medicals.

- b) In order to maintain their Level 1 qualification, physicians shall be required to undergo mandatory refresher training/continuing medical education (CME) every 3 years by attending diving medicine courses or conferences that have been accredited by either the Royal College or the Canadian College of Family Physicians (CCFP). This will align Canada with IMCA standards and has been the goal of DCBC for many years.
  - c) Canada should consider joining the mutual recognition agreement with the UK, Ireland, the Netherlands and Norway in recognizing each other's diver medicals, as long as the medical is:
    - i. written in English
    - ii. a copy of the diver medical and fitness to dive certification is hand-carried by the diver to the Canadian offshore dive site and held by the team's lead DMT in the event the information is needed to treat them for a medical condition. If the diver arrives without a current diver medical conducted within the past 12 months by a Level 1 diving physician, they will be required to undergo a new occupational diver medical conducted by a qualified Canadian DPE at his or her own expense.
2. The second major issue with the current recommendation that both a DPE and a DPS hold the Royal College Diploma in Hyperbaric Medicine – Diving, is that there are **currently no physicians in Canada who hold this qualification**, and there will not be for the foreseeable future.

As previously stated, there will be two routes by which to earn the diploma: the training route and the practice eligibility route (PER). Although the educational program for the training route was approved by the Royal College in Jan 2017, there are as yet no accredited training programs at any medical schools in Canada, and there are no applicants for the Diploma. As such, there are no residents currently undergoing training, and once there are, it will take 3-4 years for them to complete the Diploma. The main reason that there are currently no accredited training programs, is that these programs should be developed and overseen by physicians who hold the diploma via the PER route. Due to internal delays within the Royal College this past year that have affected all of the new AFC programs in Canada, the PER competency portfolio was not approved until 29 May 2018. Although one physician has now applied for the PER route, applicants will need to have their portfolio assessed by a 2-person subject-matter-expert panel, and to date, no physicians have been approved by the Royal College as assessors. Several physicians will need to earn the Royal College Diploma via the PER route before medical-school based training programs can be established; it will then be 3-4 years before resident trainees will qualify for the Diploma.

So while it is laudable that a DPS providing medical support to offshore diving operations should hold the Royal College Diploma in Hyperbaric Medicine – Diving, and this should be the long-term goal, at present no one holds the Diploma and it will be years before a critical mass of physicians across Canada hold the qualification and can provide the required support to the offshore industry. I have spoken with Dr. Geoff Zbitnew, the Vice-Chair of the Royal College Hyperbaric Committee; this committee is responsible for rolling out the Royal College diving diploma. His estimate is that it will

be 3-5 years before the training program eligibility route begins to produce any graduates, and at present there is no mechanism in place by which to assess those applying for the PER eligibility route. If more information is required, Dr. Zbitnew can be contacted at (709) 746-3801.

**Recommendations:**

- a) Diving physician specialists (DPS) should ideally and ultimately hold a Royal College Diploma in Hyperbaric Medicine – Diving. This will provide optimum safety for divers when providing medical support to offshore diving operations, including saturation diving. However, requiring industry to meet this standard now is unattainable and will cripple their ability to dive in the offshore environment at present. Once assessors are available to evaluate physicians applying for the Royal College Diploma via the PER route, a critical mass of physicians have been awarded the diploma, university-based training programs are established to train residents in hyperbaric and diving medicine, and a number of residents have applied for and completed their training, it would be reasonable to require the Royal College diploma to qualify as a DPS. It is recommended that this situation be reviewed and potentially revised in 4 years' time.

Please do not hesitate to contact the undersigned if I can be of any further assistance.

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