CAPP CANADA'S OIL & NATURAL GAS PRODUCERS

December 12, 2017 *letter sent electronically*

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Offshore Petroleum Management Division
Natural Resources Canada
Atlantic Canada Energy Office
1801 Hollis Street, Suite 700
Halifax, NS B3J 3C8

Dear Ms. Phillips:

Re: CAPP Comments on the Atlantic Offshore Occupational Health and Safety Initiative Proposed Policy Intent for Phase 3 of the Atlantic OHS Regulations dated 01 November 2017

The Canadian Association of Petroleum Producers (CAPP) is pleased to have this opportunity to provide comments on the Proposed Policy Intent for Phase 3 of the Atlantic OHS Regulations dated 01 November 2017. CAPP members have been operating in the Atlantic offshore region for almost fifty years and 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 collective operating experience in Canada and around the world.

The following discussion pertains to specific areas which CAPP believes need further consideration in policy intent and future regulation.

Section 4 OHS Program Reviews

In reference to Section 4, the requirement to review and revise the OHS Program every three years is prescriptive and will create substantial work without meaningful enhancements to an Operators management system or improvement in OHS performance. Management systems utilized by offshore Operators are comprehensive and complex and it would be unreasonable to attempt to conduct reviews every three years. Documents, procedures and processes that comprise these management systems are subject to prioritized periodic review based on the criticality of the document, procedure or process. The offshore Petroleum Boards are fully aware of the complex nature of our management systems and Program Reviews are best placed in guidance.

In reference to Section 4 (a) (i) *"where there is a change of circumstances that may affect the health and safety of persons in the workplace".* CAPP believe the inclusion of this policy intent will be difficult to apply consistently by the regulator and industry resulting in challenging deliberations that consume valuable time and resources in an effort to arrive at a mutually acceptable interpretation. It is important to define what would constitute "a change of circumstances" that would warrant the review.

In reference to Section 4 (a) (ii), *"where the Operator makes changes to its management system"*, this policy is extremely vague and again open to interpretation for application. Any change to an Operators management system is subject to internal control measures such as a management of change process, document control processes and document management systems. These management system components facilitate the identification of impacts of any change to a document, form, practice or process to ensure effective implementation of the change and avoidance of any adverse effect with particular emphasis on risk to health and safety. In reality changes to any element or component of a management system are typically the result of periodic reviews, lessons learned, incident investigations, regulatory change and the adoption of good oilfield practice and continuous improvement. As stated above it will be important to define what would constitute "a change to a management system" that would warrant the review.

This section should only state that management system reviews or assessment must be conducted with sufficient regularity to ensure their suitability and applicability for the facilities, equipment and personnel to whom they are intended to apply.

Transit by Helicopter

In reference to Subsection 96.4 and the policy intent *requiring "the Operator must carry-out a risk assessment to determine whether it is practicable for the injured employee to don the suit, and where it is not practicable for the injured passenger to don the suit, another means of protection must be provided".*

Where it is necessary to transport an injured or ill worker there are two modes available either via helicopter (provided by Industry or DND) or by Support Craft, both modes require transport over water.

The transport of an injured or ill person is at the discretion of the attending physician in consultation with the onboard Medic and OIM. These professionals consult with the Helicopter Service provider to evaluate the medical condition and transport limitations. Each of these individuals are experienced professionals tasked with the authority for making the appropriate decision given the medical condition of the individual and any delays that may cause the condition to worsen. Additionally, where necessary a SarTec may be utilized where the protection of the worker is compromised due to an inability to wear protective clothing. In any case, medical attention must take precedence. Thus, the decision to conduct a medical evacuation must not be delayed for the performance of a risk assessment.

In the case of a medical evacuation under the authority of the Department of National Defense Search and Rescue division, the decision to proceed is made under the authority of DND in consultation with their designated medical professional, the OIM and onboard Medic.

CAPP proposes that the transporting an injured or ill offshore worker should not be subject to a risk assessment and the decision should be under the attending physician authority, in consultation with the offshore Medic and OIM. The ability to provide thermal protection will be of secondary importance when the primary objective is to obtain urgent medical care for the individual as a Medivac as per Transport Canada Aviation Regulations.

Expanded Role of OHS Committee

CAPP believes that the Policy intent Document describes expectations for the committee /coordinator that extend beyond the intended role and function under the Act. The responsibility for day to day ongoing administration and implementation for health and safety at workplace must remain with the employer and the Operator.

The committee or coordinator have unrestricted and ready access to all aspects of the OHS Program and contribute positively to its development and continually identify opportunities for improvement. However, the current policy intent implies that the committee should be included in numerous OHS processes when there is no basis for committee intervention or involvement and the expectation may have the adverse effect of assigning added responsibilities to these individuals. The committee and coordinator have important roles and responsibilities while employed in their actual jobs offshore and the placement of additional expectations is not necessary and creates additional burden and workload for these individuals. The following are several examples where CAPP believes direct involvement is unnecessary:

Hazard Identification
Section 4 (2) (l) (v) *".....a hazard identification system that includes procedures for reporting by the Employer to the committee or coordinator all identified hazards".*

The policy as stated above creates the requirement for the reporting of "all hazards" to the Committee or Coordinator which is beyond the expectations and functions of their role. It is the employers' responsibility to monitor workplace hazards through appropriate processes and resources; and, where particular hazards are not suitably addressed or corrected in a timely manner should the committee or coordinator become engaged and work with the employer to develop a solution.

Hazardous Substances
Section 21 (b) states, *"....the Employer must for the purposes of providing for the participation of the workplace committee or coordinator, as the case may be, in the hazardous substance assessment, notify either of the proposed hazardous substance assessment and of the name of the competent person appointed to carry out that hazardous substance assessment".*

There are numerous assessments of hazardous substances that would occur over the operations period of a facility and it is impractical and unreasonable for the committee or coordinator to be engaged in individual assessments. There may be occasion to review the process or a particular assessment where a significant change or incident was related to the substance.

Workplace Committees
Section 7 (b) *"In addition to what is required by the Act, the Committee rules of procedures shall address, at minimum: Composition of the committee to ensure that all Employers, providers of service, etc. have employee representation....".*

It is unreasonable to expect that all providers of service on an offshore facility be required to participate on the committee. Service providers may have only one or two persons on board at a time and may only be onboard the facility for short durations to perform specific scope of work. The current practice where service companies are represented by one or two individuals from service companies who form part of

the permanent crew is considered acceptable practice and the most practical approach. Any worker on the facility will always be aware of the composition of the committee and have access to the committee or coordinator to present concerns or ideas for improvement.

Industry fully supports the role and functions of the committee and coordinator and recognizes their valuable contribution to offshore health and safety. However, it is important to be considerate when placing additional responsibilities for committees or coordinators in regulation when in fact those functions truly remain the responsibility of the Employer and Operator.

Foreign Flagged Vessels & Installations

CAPP continues to emphasis that a performance based international regulatory perspective is required to support the development of the OHS Regulation. This permits industry to utilize the internationally based resources and infrastructure, which are unique and technically complex in their function.

The regulatory query process has been and continues to be a burdensome process for both the regulator and industry. This process typically contemplates internationally recognized standards and guidelines to demonstrate equivalency to prescribed regulations and standards, further emphasizing the fact that international standards should be accepted through the performance based approach.

Similar to Canadian flagged vessels, foreign flagged vessels 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 Class 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. Organizations such as CSA, CGSB and UL must be encouraged to develop standards that reflect both Canadian and international requirements.

Conformity Assessment

As per the definitions for Phase 3 policy intent, *"Conformity assessment"* means a process or processes for demonstrating that your product, service or system meets the requirements of a standard.

It is CAPP'S view that the this approach may provide a more effective and efficient alternative to the current regulatory query process and recommends that a collaborative approach be proactively adopted to ensure this process is designed to the mutual benefit of and is fully understood by industry and regulators.

Currently, policy intent does not provide any information on the timeline or process for demonstrating conformity, decision making criteria and the mechanism for resolving areas of non-conformity and agreeing to the severity and applicably of any non-conformity. Also clarity on the level of independence of the assessment must be understood such as whether a credible conformity assessment body must be utilized to conduct the assessment or would an internal process for conducting the gap analysis is acceptable.

Policy Overlap between FORRI & OHS

In our review of the both OHS policy intent and the policy intent for the Framework regulations CAPP have observed a significant number of areas that should be reviewed for unnecessary duplication and redundancy as this overlap could result in misinterpretation and incorrect application of the regulations. The following section of the OHS Phase 3 Policy Intent document outlines policy intent that CAPP believe would be better suited to the Framework Regulations as the policy equipment or system design. For example, section 38 – Hazardous Substances: aspects of hazardous substance storage rooms; and section 117 – Fire Protection: design aspects for fire escapes, exits and stairways.

Also, please see attached comparison of potential overlap between the FORRI and OHS Policy Intent Documents (PID).

Conclusion

CAPP's attached detailed comments and previous submissions identify those sections of the Document in which consideration of performance based policy text pertaining to equipment maintenance and inspection must be incorporated into regulation in order to meet the intent of policy based regulation.

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 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
Director, Atlantic Canada and Arctic

c.c. Fred Allen, FORRI Co-Chair, NL Department of Natural Resources
Kim Himmelman, FORRI Co-Chair, Nova Scotia Department of Energy

Attachment

Comparison of Potential Overlap between the FORRI and OHS Policy Intent Documents (PID)

FORRI PID	OHS PID
S3.2 (P1) – Management System S3.4 (P1) – Safety Plan	TBD (P3) – OHS Management System
S3.6 (P1) – Contingency Plans S4.2 (P1) – Emergency Procedures	TDB (P3) – Emergency Preparedness and Response
S4.1 (P1) – Availability of Documents	TBD (P3)
S4.4 (P1) – Storage & Handling of Consumables / S4.5 (P1)Handling of Chemical Substances & Waste	S11-14 (P1) – Waste Materials TBD (P3) – Hazardous Substances S73 (P2) – Storage of Materials
S4.6 (P1) – Tampering with Equipment	S1(b) (P2) – General Requirements
S14.4 (P2) – Management and Access of Records * All stipulated records requirements throughout PID	S3 (P2) – Records of Inspection, Maintenance, Repairs and Modifications to Equipment * All stipulated records requirements throughout PID
S14/7/14.8 (P2) – Incident Notification / Investigation Reporting	TBD (P3) – Haz. Occurrence Reporting
S6.20 (P3) – Ventilation of Hazardous & Non-Hazardous Areas	S65-77(P1) – Ventilation S?? (P2) – Ventilation of ETS areas
S6.21 (P3) – Electrical Standards	S85 (P2) – Electrical Safety Program
S7.13 (P3) – Cranes and Handling Devices	S35 (P2) - Design, Installation and Protection of Materials Handling Equipment and Areas S50 (P2) - INSPECTION, TESTING,MAINTENANCE, CERTIFICATION AND REPAIR S60 (P2) – Crane Operations
Definitions – Accidental Event	TBD (P3)
Definitions – Diving Operations	TBD (Diving Phase)
Definitions – Hazardous Areas	Definitions (P2) – Hazardous Areas
Definitions – Qualified Person	Definitions (P1) – Competent Person / Qualified Person Definitions (P2) – Qualified Person (this is now a combination of the two terms in Ph1)

SECTION	POLICY INTENT	CAPP COMMENTS
	OHS POLICY, MANAGEMENT SYSTEM, PROGRAM, COMMITTEES AND INFORMATION MANAGEMENT	
1	OHS Policy 1) OHS policy shall contain: a) the commitment of the Operator to cooperate with any committee or coordinator, as the case may be, with regard to health and safety; b) a statement of the responsibilities of supervisors, employees and other workplace parties with regard to health and safety. 2) The OHS policy must be endorsed by the senior corporate official accountable.	The Senior corporate official accountable – this should align with the term used and definition in the Framework Regulation
2	OHS Management System 1) The Operator shall appoint an accountable person, as defined within Section 2.3 of the Framework Regulations (draft Phase 1 policy intent) on its behalf to ensure that its management system complies with all statutory and regulatory obligations. 2) The management system shall: a) be systematic, explicit, comprehensive and proactive, with controlled documentation that is set out in a logical and systematic fashion to allow for ease of understanding and efficient implementation. b) correspond to the size, scope, nature and complexity of the Operator's activities, and to the hazards and risks associated with those activities. 3) The Operator must have a documented organizational structure that enables it to: a) meet the requirements of the management system and meet its obligations under this section; b) determine and communicate the roles, responsibilities and authority of the corporate officials and employees at all levels of the company; 4) The management system shall include, in addition to those laid out in the Act, the processes for: a) setting goals for the improvement of health and safety; b) setting objectives and specific targets that are required to achieve the goals established under (a) and for ensuring their annual review; c) coordinating and controlling the management and operation of activities among Employers, suppliers, the Operator and others;	It is not clear how the employer / contractor group is integrated into the Management System and any responsibilities this group may have under the Management System. Also, how this requirement for a Management System and the scope different than the Framework Regulation? Is it necessary to have this section in the OHS Regulations as an Operator's responsibility when the pending Framework Regulation which also has similar policy text that places this requirement on the Operator? This duplication will likely create conflict and misinterpretation. Section (3) It is not clear what is meant by a "documented organizational structure"; if this is interpreted as a chart, not clear how the expectation can be met. Section (4) It is uncertain as to what "..those processes laid out in the Act" are being referred and their relevance to this policy text on OHS Management Systems? Section 4(d) As previously stated it is unclear what a conformity assessment means and why this is the Operator's responsibility. The

SECTION	POLICY INTENT	CAPP COMMENTS
	d) conducting formal conformity assessments against all applicable statutory requirements demonstrating equivalency (or better) of any alternate standards used in the workplace (where conformance is permitted) e) ensuring that employees are: i. trained and competent to perform their duties; ii. aware of their responsibilities in relation to the processes and procedures required by this section; iii. supervised to ensure that they perform their duties in a manner that is safe; and, iv. aware of the activities of others and has the information that will enable them to perform their duties in a manner that is safe; f) ensuring that all documents associated with the system are current and valid and readily available at all points of use; g) collecting and managing data, including ensuring that data management systems are established and maintained for monitoring and analyzing data and identifying trends associated with personnel and operational health and safety, including hazards, incidents; h) internal reporting, investigation and root cause analysis of nonconformities, hazards, and incidents, and for taking corrective actions to prevent their re-occurrence; i) maintaining training and competency records, including membership of workplace committee training. 5) Where dive activities are expected to take place, the Operator's OHS Management System must take into account the necessary systems and documentation to conduct safe diving operations	Operator can assess compliance but that should be an internal process not required by regulation. Also suggest the term "or better" be removed – why is it needed and it is subjective. 4(h) – Does this apply only to incidents that meet the definition in the Policy Intent? There is potential for confusion if the regulation defines an incident and internally an Operator has a different one. Since the implementation of emergency response procedures (e.g. a muster for a spurious alarm) is an "incident" then a root cause analysis may not be warranted. 4i) maintaining training and competency records, including workplace committee or coordinator training.
3	Operator must maintain a list of all standards used as alternatives to those that are prescribed (where conformance is permitted) and where the Operator wishes to make a subsequent change to the list, the CSO must be accepted prior to the change occurring.	The ending statement in Section 3 is believed to be incorrect. Proposed text: Operator must maintain a list of all standards used as alternatives to those that are prescribed (where conformance is permitted) and where the Operator wishes to make a subsequent change to the list, the change must be accepted by the CSO. It should be clarified where / when alternative standards can be applied and the process to "conform" or demonstrate conformance.

SECTION	POLICY INTENT	CAPP COMMENTS
4	OHS Program 1) The OHS Program shall correspond to the size, scope, nature and complexity of the Employer's activities, and to the hazards and risks associated with those activities. 2) An occupational health and safety program required under section 205.02/210.02 of the Act shall be signed and dated by the Employer and shall include: a) the arrangements for coordinating and controlling the management and operation of activities among the Operator, Employers, suppliers and providers of services and others at the workplace; b) the processes for ensuring that persons contracted by the Employer or for the Employer's benefit comply with the program developed under this section and the Act and regulations; c) a list of any alternate standards used as alternatives to the prescribed standards (where conformance is permitted); d) conformity assessments demonstrating equivalency (or better) of any alternate standards used in the workplace (where conformance is permitted); e) all the programs required under these regulations f) identification of the types of work, including those required pursuant to the Act, the regulations or by order of an officer, for which written safe work procedures are required; g) the preparation of those written safe work procedures; h) an emergency response plan; i) a plan for orienting and training employees and supervisors in workplace and job-specific safe and healthy work practices, plans, policies and procedures, and ensuring that employees are: i. trained and competent to perform their duties, ii. made aware of their responsibilities in relation to the processes and procedures required by this section, iii. made aware of the activities of others and provided the information that will enable them to perform their duties in a manner that is safe; j) the processes for supervising employees to ensure that they perform their duties in a manner that is safe; k) processes for maintaining all records; l) a hazard identification system that includes:	Section 4 is redundant to the detailed requirements which are currently outlined in the FORRI policy intent. Recommend ensuring that no redundancy and duplication exist that creates confusion and conflict. It is not clear who develops this program (the Operator, the employer / contractor, the short-term service provider). How these programs are to be aligned in a workplace with multiple employers is not clear (which one applies, how do they work together?) Also, the difference between this OHS Program and the OHS Management system is unclear. 2(c) - is already captured in 3 above. 2(d) - remove the "or better" (see previous comment on this) 2(h) - emergency response plan – for who or what and how do these align and link on a facility with multiple employers? 2(k) - "all records" – too broad, needs some context / definition 2(l)(iv) - "persons accountable" – would be better to have a process to manage the hazard including assigning responsibility to follow up (as opposed to simply identifying someone who may not be aware of the item) 2(l)(v) - "all identified hazards" – too broad / needs some further definition

SECTION	POLICY INTENT	CAPP COMMENTS
	i. procedures and schedules for regular inspections ii. procedures for the prompt investigation of incidents to determine cause(s) of the incident and action(s) necessary to prevent a recurrence; iii. procedures for ensuring the reporting of hazards by employees and other persons in the workplace; iv. identification of those persons accountable for the correction of hazards; v. procedures for reporting by the Employer to the committee or coordinator all identified hazards ; m) a system for workplace occupational health and safety ongoing monitoring, and if changes in hazards are identified, the prompt follow-up and control of identified hazards; n) provisions for establishing and operating an occupational health and safety committee, including provisions respecting: i. maintenance of membership records; ii. procedural rules; iii. access by the committee to management staff with the authority to resolve health and safety issues; iv. access to information about the health and safety matters required under the Act and the regulations; and v. a plan for training committee members as required under the Act and these Regulations. 3) An Employer that is required to develop, implement and maintain an occupational health and safety program under section 205.2/210.02 of the Act shall: a) review and, where necessary, revise the occupational health and safety program at least every 3 years, or: i. where there is a change of circumstances that may affect the health and safety of persons in the workplace; ii. where the Operator makes changes to its management system; and iii. where a health and safety officer requires a review.	
	Workplace Committees	
5	All committee members shall be provided training that permits them to competently carry out their function on the committee.	Section 5 as per previous comments replace committee members with ”workplace committee or coordinator”.

SECTION	POLICY INTENT	CAPP COMMENTS
8	OHS Coordinators OHS Coordinators shall be provided training that permits them to competently carry out their function on the committee.	Section 8 recommend remove wording of “on the committee” as the role and function is singular.
9	Information Sharing and Management 1) Records and reports and other types of prescribed information must be retained in a form and manner acceptable to the Board. 2) Records and reports shall be made readily available for examination by a health and safety officer and by the workplace committee or coordinator	Section 9 (1) recommend removing the wording of “and other types of prescribed information”. It is unclear on what type of records or reports are involved therefore difficult to provide a full comment; this should have some greater definition. At this point it is unclear what would be a “manner acceptable the Board.”
10	1) The Operator or Employer, as the case may be, shall ensure that all document required to be posted under Section 205.097(1)/210.098(1) shall be posted for a minimum of 45 days. 2) Where an application for determination has been made under subsection 205.1(1)/210.1(1), all related documents created under subsections 205.097(1)(a)-(c)/210.098(1)(a)-(c) shall remain available until a decision or order has been made under subsection 205.1(6)/210.1(6), and shall accompany the decision or order for the duration of time that the decision or order is required to be posted under section (1) above.	The reporting timelines under Section 10 do not align with Act timelines. Section 205.097 (4) of the AAIA pertaining to Posting and Providing of Certain Documents states: (4) An obligation imposed on an operator or employer under subsection (1) is satisfied if (a) the operator or employer, as the case may be, ensures that the document is posted for the time necessary, which is at least 30 days or any longer period that is prescribed, to enable employees at the workplace to inform themselves of the content; or 45 days for an appeal. (b) (b) the operator or employer, as the case may be, provides a copy of the document to each employee at the workplace.

SECTION	POLICY INTENT		CAPP COMMENTS
	Type of Record	**Retention Period**	
	1. Records and reports related to: a) occupational exposure b) potential occupational exposure c) diseases or illnesses that may be occupational related	Minimum 25 years after the exposure, disease or illness was documented	
	2. Records and reports related to incidents	Minimum 10 years after the date the record was documented	
	2. Records and reports related to: a) minor injuries b) any other hazardous occurrence [including violence/harassment in the workplace]	Minimum 5 years after the date the record was documented	Sub-section (2) contradicts #2 above as these would be also considered incidents. *"Incident"* means any event that caused or, under slightly different circumstances, would likely have caused harm to personnel, an unauthorized discharge or spill or an imminent threat to the safety of an installation, vessel or aircraft. It includes, but is not limited to events which may or may not have resulted in the following….
	3. Records related to inspection maintenance, repair, modification of the equipment or tools	For as long as the tool or equipment is in use and minimum 3 years after the date the tool or equipment is taken out of service	The reference to "tools" is unclear in this context as it implies all tools. Also, is it intended that records be retained for any inspection, maintenance, repair, or modification to equipment and tools? Proposed text: Records related to tools or equipment which require inspection, maintenance, repair or modification.
	4. Records related to the OHS program or any programs developed under the OHS program	Minimum 3 years after the date the program is replaced or repealed	Operator management systems are comprised of integrated policies, procedures, work practices and forms that pertain to all aspects of the business including occupational health and safety. Operators typically do not develop OHS Programs. It is also unclear how an OHS program is replaced or repealed. Proposed text:

SECTION	POLICY INTENT		CAPP COMMENTS
			Records related to the management of occupational health and safety.
	5. Records Related to training and Competency	Minimum 3 years after the date a person ceases to be employed to carry out their duties	
	6. Diving log books	Minimum 5 years after the log book is complete	The expectation is unclear – is it the diving contractor that is expected to retain these (as the Diving Policy Intent Document described specific expectations for diving contractors) or the Operator as the holder of the authorization for a diving program.
	7. Records of drills and exercises	Minimum 3 years after the date the drill or exercise is carried out	Clarification required – are these records for drills and exercises on the facility / installation only (excludes records for onshore exercises or support for offshore exercises)?
	8. Written procedures, plans or codes of practice	Minimum 3 years after the date the procedure, plan or code of practice is replaced or repealed;	
	9. Work permits and associated documentation	Minimum 3 years after the date the document is made	The 3-year period seems excessive given the number of work permits issued each day and that almost all activities require a permit. A one-year retention period would be more reasonable or certain classes of permits (entries for example) could, based on the nature of the activity require a longer retention period while others (hot work) could require less or no retention.
	10. Orders received from the CSO	As long as the project is in operation under authorization	
	11. Blasting and explosives records	Minimum 5 years after the date of the blast.	This work is carried out under a work permit. Please refer to the comment on #9 above.
	GENERAL TRAINING, PERSONAL CONDUCT, EMPLOYEE WELLNESS AND FATIGUE MANAGEMENT		
12	General Training 1) Prior to an employee entering any workplace, the Operator shall ensure that employees are provided, and the Employer shall provide training, in, at minimum: a) offshore survival training, in accordance with a training program accepted by the CSO; b) regulatory awareness, including Employee rights and responsibilities (and reprisal);		Section 1(b) recommend a better description on reprisal (i.e. reprisal for what?) Section 12 (1) (c) is misleading and should be re-worded. The use of H_2S Safety implies that it is a specific course.

SECTION	POLICY INTENT	CAPP COMMENTS
	c) H2S (hydrogen sulfide) Safety, for drilling and production activities; d) Hazardous substances as per the Part on Hazardous Substances; and, e) First Aid as per the Part on First Aid and Medical Supplies. 2) Prior to commencing work in any workplace, employees must be provided an orientation to the workplace in relation to hazards and emergency procedures and be provided training in any emergency duties that may be assigned.	Proposed text: c) hydrogen sulfide safety for drilling and production operations;
13	Personal Conduct A person shall not engage in horseplay, scuffling, unnecessary running or jumping, practical jokes or other similar activity or behaviour that may create or constitute a hazard to any employee.	The reference to scuffling, running or jumping seems to be inappropriate and not suitable for regulatory text. The intent is to prevent behaviour that may constitute a hazard. Proposed text: A person shall not engage in horseplay, boisterousness or other disruptive behaviour that may create or constitute a hazard to any employee.
14	14 Loose-fitting clothing, long hair, dangling accessories, jewellery or other similar items that are likely to be hazardous to the health or safety of an employee in a workplace must not be worn unless they are so tied, covered or otherwise secured as to prevent the hazard.	CAPP request clarification that rings under gloves, necklaces under coveralls is acceptable. Proposed text: Loose-fitting clothing, long hair, dangling accessories, jewellery or other similar items that may be hazardous must be tied, covered or otherwise secured as to prevent the hazard.
15	1) An employee must not work when that employee's ability to function is impaired in a manner that may be hazardous to the health or safety of any employee at the workplace as a result of fatigue, injury, illness, alcohol, drugs or any other condition. 2) Subsection (1) does not apply in the event of an emergency at the workplace that may be hazardous to the health or safety of employees.	Section 15 (2) implies that persons in command of an emergency or that have emergency roles can be fatigued or impaired.

SECTION	POLICY INTENT	CAPP COMMENTS
16	An Employee with a medically documented physical or mental impairment shall not be assigned to work where those impairments endanger the health and safety of that employee or other persons in the workplace.	This section is not required based on the section above (15)
17	Fatigue Management A Fatigue Management Program shall be established and maintained ~~to effectively manage fatigue and to reduce incidents, injuries and damage where fatigue is recognized as a factor~~. The program shall address, at minimum: a) Identification of the factors that may impact fatigue, including work scheduling, task type and length, work and workplace conditions, employee health and stress; b) Maintaining an appropriate work shift design that allows adequate recovery periods; c) Maintaining records related to persons working excessive hours or without the minimum rest periods; d) Roles and responsibilities of all workplace parties in managing fatigue; e) Training for all workplace parties on safe work practices and procedures related to fatigue as a hazard; f) Regular monitoring of the workplace, including reviews of incidents reports, ergonomic and environmental factors, work hour exceedances, employee complaints and workplace committee reports to identify any trends of fatigue; g) Consideration of fatigue as a hazard in all safe work practices and procedures; h) Consideration of fatigue when investigating incidents preventative action(s) used to eliminate fatigue or reduce the impact of fatigue.	Section 17 CAPP suggest to remove the excessive and prescriptive language and simply state the requirement for fatigue management. Additionally, these prescriptive requirements may potentially conflict with any code of practice pertaining to fatigue management. Proposed text: Establish processes or procedures for the effective management of fatigue including the use of risk assessment where necessary.
18	1) Every employee shall be provided with a minimum 11 consecutive hours of rest in any given 24hour period. 2) The Employer may allow a person to work without the rest period referred to in subsection (1) provided that: a) the Employer has assessed the risk associated with the person working the extra hours and determined, in consultation with the employee(s), that such work can be carried out without increased risk to safety or to the environment; and,	In reference to Section 18 CAPP recommend that the requirements for consecutive hours of work and related rest periods are prescriptive and may conflict with the provision of the Labour Relations Act applicable under the Act. The policy text is inconsistent with the accepted work shifts, rotation schedules and control measures that currently exist on all offshore installations to manage worker fatigue.

SECTION	POLICY INTENT	CAPP COMMENTS
	b) the employee is provided with compensatory rest period(s) afterwards 3) If an Employer allows a person to work without the rest period referred to in subsection (1), the Employer shall ensure that a description of the work, the names of the employees performing the work, the hours worked and the risk assessment referred to in subsection (2) are recorded. 4) Subsection (1) does not apply in the event of an emergency at the workplace that may be hazardous to the health or safety of employees.	Section 205.008 (1) of the AAIA states: Despite section 4 of the *Canada Labour Code* and any other Act of Parliament, *the provisions of the Labour Relations Act, R.S.N.L. 1990, c. L-1, as amended from time to time, and any regulations made under it, apply to and in respect of* (a) a marine installation or structure that is situated within the offshore area in connection with the exploration or drilling for — or the production, conservation or processing of — petroleum within the offshore area and that is in the offshore area for the purpose of becoming, or that is, permanently attached to, permanently anchored to or permanently resting on the seabed or subsoil of the submarine areas of the offshore area; (b) any workboat used by an employee, and operated from a marine installation or structure, to perform routine maintenance or repair work in connection with a work or activity for which an authorization has been issued; and (c) a dive site from which, and any underwater area at which, a diving operation is conducted by an employee In reference to Section 2 (b) Compensatory rest needs to be better defined.
19	Employee Health and Wellness A Health and Wellness Program shall be established that conforms to CSA Z1003 Psychological Health and Safety in the Workplace that addresses, at a minimum: a) substance abuse; b) working remotely; c) mental health; d) Illness management; e) Healthy lifestyle;	The introduction to the Standard contains the following statements: *'This **voluntary** Standard has been developed to help organizations strive towards this vision as part of an ongoing process of continual improvement.'* The referenced CSA Standard is "Voluntary" and it is not clear how a voluntary standard can be transitioned into a regulation and thereby become a mandatory requirement. This is a new concept

SECTION	POLICY INTENT	CAPP COMMENTS
		and requirement that does not presently exist and introduces additional burden unnecessarily. In reference to section 19, please advise (a) if this standard is prescribed similarly in any other sector OHS jurisdiction as a regulation, (b) if so which one(s), and (c) the basis for prescribing it in a regulation. While the control of the hazards impacting psychological health attributed to workplace conditions outlined in the referenced CSA standard may be within the intent of the Act, some of the items prescribed to be included in a health and wellness program (particularly illness management and healthy lifestyle) do not necessarily fall within the scope of the regulation. Additionally, the development of a psychological health and safety management system described in this standard is certainly overly prescriptive and particularly onerous for short-term offshore operations. Given the voluntary basis of the standard coupled with the introduction of additional regulatory burden and uncertainty, CAPP suggests that this section be excluded from the OHS Regulation; or if it is the intention to draw special attention to the control of psychological hazards in the workplace then CAPP propose the following text. Proposed text: Employers shall ensure a system is in place to control the risks associated with psychological hazards in the workplace. These systems shall ensure that that legal confidentiality of personal data related of such activities is maintained

SECTION	POLICY INTENT	CAPP COMMENTS
	HAZARDOUS SUBSTANCES	General Comment on these sections – It would appear simpler and clearer to state the sections of the Hazardous Products Act that are applicable for the purposes of this OHS Regulation rather than try to repeat it here.
20	DIVISION I – GENERAL Hazardous Substances Control Program 1) If there is a likelihood that the health or safety of an employee in a workplace is or may be endangered by exposure to a hazardous substance, an Employer shall implement a hazardous substance program commensurate with the associated risk for chemical, biological and physical agents exposures. 2) Hazardous Substance Program shall include: a) assessment of each hazardous substance in the workplace; b) necessary controls to mitigate levels of hazard; c) plan for monitoring; d) ongoing employee education and training; e) Investigation procedures; f) Change management for introduction of a new hazardous substance into the workplace; g) health surveillance, as appropriate; and, h) periodic evaluation of program and results, and revise where required.	In reference to the content outlined under Section 20 (2) it is understood that these components would exist within the Employers or Operators integrated management system and not have to exist as a standalone program or independent elements.
21	In regard to subsection 20(1), the Employer must: a) appoint a competent person to carry out the hazardous substance assessment; and, b) for the purposes of providing for the participation of the workplace committee or coordinator, as the case may be, in the hazardous substance assessment, notify either of the proposed hazardous substance assessment and of the name of the competent person appointed to carry out that hazardous substance assessment.	In reference to Section 21, please refer to CAPP letter in respect to the role of the committee or coordinator in respect to the involvement in hazardous substance assessments.
23	On completion of a hazardous substance assessment and after consultation with the workplace committee or coordinator, as the case may be: a) the competent person shall set out in a written report, signed by the competent person, their: i. observations respecting the criteria considered;	In reference to Section 23 (a), please refer to CAPP letter in respect to the role of the committee or coordinator in respect to the involvement in hazardous substance assessments. CAPP request clarification in what constitutes a signature?

SECTION	POLICY INTENT	CAPP COMMENTS
	ii. recommendations respecting the manner of compliance with this Part, including recommendations respecting sampling and testing methods; b) the Employer shall develop and maintain a written procedure for the control of the concentration or level of the hazardous substance in the workplace; c) An Employer must, as soon as reasonably practicable, implement recommendations made pursuant to subsection (a)(ii) or, i. Clearly demonstrate why the recommendation cannot be implemented; and ii. implement controls that afford an equivalent level of protection.	Does distribution of report originating from a single user email address meet this intent? Is electronic signature acceptable?
24	Control of Hazardous Substances 1) Hazardous substances must be eliminated from the workplace, where practicable. 2) Where it is not practicable to eliminate, the hazardous substance shall be substituted with a less hazardous substance. 3) Where a hazardous substance continues to exist, the atmospheric contamination of the workplace by the hazardous substances must be kept as low as is reasonably practicable using engineering and administrative controls, where practicable. 4) PPE shall be utilized only as a last line of defence.	Section 24(4) is vague and not suitable to be included in regulation text. Please clarify what is intended as “a last line of defense”.
25	Exposure to Hazardous Substances An Employer shall ensure that a) an employee is informed of the nature and degree of health effects of the hazardous substances to which the employee is exposed; b) exposure of an employee to hazardous substances is as minimal as is reasonably practicable, and where a threshold limit value has been established by the ACGIH, exposure shall not exceed the threshold limit value; c) an employee is not exposed to a substance that exceeds the ceiling limit, short-term exposure limit or 8-hour TWA (time weighted average) limit prescribed by ACGIH;	Section 25(g) it is not clear which standard or method is used and who verifies that it is acceptable when *“another validated methodology and procedure must be used.”*

SECTION	POLICY INTENT	CAPP COMMENTS
	d) Where the work period is more than 8 hours in a 24 hour day, the 8 hour exposure shall be adjusted in accordance the ACGIH Threshold Limit Values (TLVs) Manual; e) where a substance referred to in subsection(c)has an 8-hour TWA limit, an employee's exposure to the substance does not exceed TWA limits prescribed by ACGIH; f) when two or more hazardous substances have a similar toxicological effect on the same target organ or system i. their combined effect rather than that of each individually, must be given primary consideration; ii. the additive mixture formula from the ACGIH TLV Manual shall be applied; g) If there is a likelihood that the concentration of an agent may exceed the value referred to in (c), the air must be sampled and the concentration of the agent determined by a competent person by a test that conforms to the United States National Institute for Occupational Safety and Health in the NIOSH Manual of Analytical Methods, or where NIOSH doesn't provide a methodology or where the methodology isn't applicable, another validated methodology and procedure must be used.	
26	Where an employee may be exposed to a substance which is designated as a reproductive toxin or a sensitizer, an Employer shall develop policy and procedures appropriate to the risk, which may include protective reassignment.	In reference to Section 26, the policy text only considers reproductive toxins and sensitizing agents. CAPP request clarification as to why other toxic agents in this category are not considered. CAPP believes that all hazard effect should be considered and that the policy text should reflect the categories for health hazards prescribed under the Global Harmonized System of Classification and Labelling of Chemicals (GHS). Is the “sensitizer” based on an individual that may be sensitive to a substance or if it is identified on the SDS as a possible sensitizer? In the case of an individual, how does the employer know (or is expected to know) that the individual has the sensitivity?

SECTION	POLICY INTENT	CAPP COMMENTS
32	The quantity of a hazardous substance used or processed in a workplace must, as far as reasonably practicable, be kept to a minimum.	
37	A designated storage area for a hazardous substance shall be a) designed and constructed to provide for the safe containment and protection of the contents; b) clearly identified by signs, placards or similar means; c) designed and maintained to allow the safe movement of employees, equipment and material; d) provided with the required ventilation and lighting; e) in a location not normally occupied by employees, including a living accommodations; f) equipped with a suitable fire suppression system if a flammable or combustible substance are stored in the designated storage area; g) clearly identified on emergency response plans or in procedures for the purposes of emergency response teams; and, h) designed with emergency response capabilities in place.	Please confirm that Section 37 is intended for bulk and reserved quantities referred to in section 33?
38	Where a flammable or combustible substance is dispensed or transferred inside a hazardous substance storage room or area, a) the storage room ventilation shall conform to the National Fire Prevention Association publication NFPA 30: Flammable and Combustible Liquids Code, as applicable; b) exhaust air shall be discharged to the outdoors area that does not create a hazard, and makeup air provided; c) makeup air duct passing through a fire separation shall be equipped with an approved fire damper; fire damper should be fitted to close automatically on fire detection or arming of a related fire suppression system; and d) doors shall be self-closing.	CAPP recommends that the content in Section 38 is more intended for the Framework Relation. In reference to Section 38, please refer to CAPP letter in respect to the potential overlap and conflict with the OHS and FORRI policy intent.
42	Assembly of Pipes Every assembly of pipes, pipe fittings, valves, safety devices, pumps, compressors and other fixed equipment that is used for transferring a hazardous substance from one location to another shall be a) marked, by labelling, colour-coding, placarding or any other mode, to identify the hazardous substance being transferred and, if appropriate, the direction of the flow;	In reference to Section 42, please refer to CAPP letter in respect to the potential overlap and conflict with the OHS and FORRI policy intent.

SECTION	POLICY INTENT	CAPP COMMENTS
	b) fitted with valves and other control and safety devices to ensure its safe operation, maintenance and repair; and, c) designed to control static electricity.	
43	Employee Education 1) Every Employer shall, in consultation with the workplace committee or coordinator, as the case may be, implement an employee education and training program with respect to hazardous substances in the workplace. 2) The employee education and training program shall include a) the education and training of each employee who is likely to handle or be exposed to a hazardous substance, with respect to i. the product identifier of the hazardous substance; ii. all hazard information disclosed by the supplier or by the Employer on a safety data sheet or label; iii. all hazard information of which the Employer is aware or ought to be aware; iv. the observations referred to in subsection 23(a)(i); v. the information disclosed on a safety data sheet referred to in section 55 and the purpose and significance of that information; and vi. in respect of hazardous products in the workplace, the information required to be disclosed on a safety data sheet and on a label under Division III and the purpose and significance of that information; b) the education and training of each employee who installs, operates, maintains or repairs an assembly of pipes or any other equipment referred to in section 42, with respect to i. every valve and other control and safety device connected to the assembly of pipes; ii. the procedures to follow for the safe installation, maintenance, repair and use of the assembly of pipes; and iii. the significance of the labelling, colour-coding, placarding or other modes of identification that are used; c) the education and training of each employee who is referred to in paragraph (a) or (b), with respect to i. the procedures to follow to implement sections 29 and 34;	In reference to Section 43 (2) (b) it is not reasonable for a worker to know everything about every assembly of pipes on the installation as implied in the policy text. Tradespersons and special technical personnel manage these tasks and the knowledge requirements would be detailed to the systems and equipment that are relevant to the work. Section 43(3)(a) – an annual review seems excessive especially when the workplace is stable in terms of no significant change in materials handled or turnover in the workforce; suggest a five-year review cycle is more appropriate.

SECTION	POLICY INTENT	CAPP COMMENTS
	ii. the procedures to follow for the safe storage, handling, use and disposal of hazardous substances, including procedures to be followed in an emergency involving a hazardous substance; and iii. the procedures to follow if an employee is exposed to fugitive emissions; and d) the education and training of each employee on the procedures to follow to access electronic or paper versions of reports, records of education and training given and safety data sheets. 3) Every Employer shall, in consultation with the workplace committee or coordinator, as the case may be, review and, if necessary, revise the employee education and training program a) at least once a year; b) whenever there is a change in conditions in respect of the presence of hazardous substances in the workplace; and c) whenever new hazard information in respect of a hazardous substance in the workplace becomes available to the Employer.	
46	The Employer, having consulted a physician who has confirmed the necessity for a medical examination, shall not permit an employee to work with the hazardous substance in the workplace unless a physician acceptable to the employee has examined and declared the employee fit, or fit with specified restrictions, to work with the hazardous substance.	CAPP believe the physician should be familiar with the hazardous substance involved and its potential health effects. Additionally, it is not clear why the physician needs to be “acceptable to the employee”; this seems to be suggesting that there may be a bias with some physicians; since physicians are licensed professionals, qualified and regulated the “acceptable to the employee “ is not necessary; this may also preclude the possibility of engaging specialized physicians with direct knowledge of the workplace conditions. CAPP propose that the statement “acceptable to the employee” be removed. Proposed text: The physician must also have specialized knowledge in the employee’s workplace as well as knowledge of the hazardous substance and its potential health effects.

SECTION	POLICY INTENT	CAPP COMMENTS
51	If recommended as a result of the assessment under section 50 or as required by the CSO, an Employer shall establish and maintain a program for the surveillance of the health of employees, which shall conform to following guidelines a) the International Code of Ethics for Occupational Health Professionals; and b) the International Labour Organization's Technical and Ethical Guidelines for Health Surveillance.	The basis for an assessment being required by the CSO should be established and defined.
	DIVISION II – HAZARDOUS SUBSTANCES OTHER THAN HAZARDOUS PRODUCTS	
	DIVISION III – HAZARDOUS PRODUCTS (WHMIS 2015)	Suggest that a reference be made to the Hazardous Product Act and Regulation and Federal Labour Code, as applicable, instead of regurgitating language in other regulations. This section could then focus only on key differences, if any. If none then the section could be removed to provide clarity, certainty and consistency.
56	Application 1) This Division does not apply in respect of any a) manufactured article as defined in section 2 of the Hazardous Products Act; or b) wood or a product made of wood. 2) This Division, other than section 69 does not apply in respect of hazardous waste.	
58	Supplier Safety Data Sheets 1) If a hazardous product, other than a hazardous product referred to in paragraph 57(1)(c), is received in the workplace by an Employer, the Employer shall, without delay, obtain a supplier safety data sheet in respect of the hazardous product from the supplier, unless the Employer is already in possession of a supplier safety data sheet that a) is for a hazardous product that both has the same product identifier and is from the same supplier; b) discloses information that is current at the time that the hazardous product is received; and c) was prepared and dated less than three years before the day on which the hazardous product is received.	In reference to Section 58 (2) & (3); three yearly reviews are not required under WHMIS 2015 and should be removed. This 3-year requirement is inconsistent with the GHS. GHS guidance on updating labels and safety data sheets recommends that suppliers should respond "*new and significant*" information about a chemical hazard when it becomes available.

SECTION	POLICY INTENT	CAPP COMMENTS
	2) If the supplier safety data sheet in respect of a hazardous product in a workplace is three years old or more, the Employer shall, if possible, obtain from the supplier a current supplier safety data sheet. 3) If it is not practicable for an Employer to obtain a current supplier safety data sheet, the Employer shall update the hazard information on the most recent supplier safety data sheet that the Employer has received, on the basis of the ingredients disclosed on that supplier safety data sheet and on the basis of any significant new data of which the Employer is aware. 4) The Employer is exempt from the requirements of subsection (1) if a laboratory sample of a hazardous product is received in the workplace from a supplier who is exempted by the Hazardous Products Regulations from the requirement to provide a safety data sheet for that product.	
59	Workplace Safety Data Sheets 1) Subject to section 68, if an Employer produces in the workplace a hazardous product, other than a fugitive emission or an intermediate product undergoing reaction within a reaction or process vessel, or imports into Canada a hazardous product and brings it into the workplace, the Employer shall prepare a workplace safety data sheet in respect of that hazardous product. 2) Subject to section 68, if an Employer receives a supplier safety data sheet, the Employer may prepare a workplace safety data sheet to be used in the workplace in place of the supplier safety data sheet if a) the workplace safety data sheet discloses at least the information disclosed on the supplier safety data sheet; b) the information disclosed on the workplace safety data sheet does not disclaim or contradict the information disclosed on the supplier safety data sheet; c) the supplier safety data sheet is readily available for examination by employees in any form, as determined in consultation with the policy committee or, if there is no policy committee, the workplace committee or coordinator, as the case may be; and d) the workplace safety data sheet discloses that the supplier safety data sheet is available in the workplace.	Section 59 91) the term “reaction” is not defined in the Policy Intent; this would be helpful in assessing the implication of this in a potential regulation.

SECTION	POLICY INTENT	CAPP COMMENTS
	3) An Employer shall review the accuracy of the information disclosed on a workplace safety data sheet referred to in subsection (1) or (2) and update it as soon as practicable after new hazard information or significant new data becomes available to the Employer. 4) If the information required to be disclosed on the workplace safety data sheet is not available or not applicable to the hazardous product, the Employer shall, in place of the information, insert the words “not available” or “not applicable”, as the case may be, in the English version and the words “non disponible” or “sans objet”, as the case may be, in the French version, of the workplace safety data sheet.	
70	Information Required in a Medical Emergency For the purposes of subsection 205.023(1) / 210.023(1) of the Act, a medical professional is a registered nurse registered or licensed under the laws of a province or a medic.	The title of this section and the text below it do not appear to be aligned so therefore difficult to comment.
	COMPRESSED GAS STORAGE AND HANDLING	
75	1) An Employer shall ensure that a portable compressed gas cylinder is stored a) in a well-ventilated storage area where the temperature does not exceed 52oC; b) with cylinders grouped by types of gas and the groups arranged to take into account the gases contained; c) with full and empty cylinders separated; d) at a safe distance from all operations that produce flames, sparks or molten metal or result in excessive heating of the cylinder; e) securely with appropriate securing devices that can withstand a fire; and f) with protective devices in place. 2) An Employer shall ensure that a portable compressed gas cylinder is a) not exposed to corrosive materials or corrosion-aiding substances; b) protected from excessive heat or fire; and c) protected from falling and from impact. 3) An Employer shall prominently post in a storage area for portable compressed gas cylinders the names of the gases stored.	In reference to Section 75 (1) (a) what is the basis or origin of the limit for the storage of compressed gas cylinders at 52° Celsius?

SECTION	POLICY INTENT	CAPP COMMENTS
	RECHARGEABLE BATTERIES	
76	1) Where the electric charging of rechargeable batteries is routinely performed, and there are reasonable grounds to believe that contaminants are likely to be generated during the charging process, an Employer shall obtain an assessment in writing from a competent person, who shall determine whether the charging is likely to cause an explosive mixture of hydrogen or the release of another hazardous substance. 2) Where the assessment referred to in subsection (1) determines that the charging of rechargeable batteries is likely to cause an explosive mixture of hydrogen or the release of another hazardous substance, an Employer shall ensure that appropriate controls are put in place to mitigate against the hazard.	CAPP request clarification if it is intended that section 76 apply to designated battery rooms as "Battery Lockers" have ventilation systems and are designated as hazardous areas. CAPP propose that Section 76 (1) and (2) shall not apply to purpose built and designed Battery Storage Rooms. Please clarify what "contaminants" are being referenced.
78	All personal protective equipment a) must be designed to effectively protect the person from the hazard for which it is provided; b) must not itself create a hazard; and, c) Must be compatible so that one item of protective equipment does not make another item ineffective.	Sections 78 and 79 can be combined into one section.
79	All personal protective equipment must be a) inspected and tested by a competent person; and b) maintained in good working order and in a clean and sanitary condition by a competent person.	
	PERSONAL PROTECTIVE EQUIPMENT	
80	Protective Work Wear 1) Appropriate protective work wear must be selected and worn with consideration given to the hazards within the work area. 2) Where layering of work wear occurs, then all layers of the work wear must be compatible and it must continue to protect against the hazard.	CAPP recommend that section 80 (4) and (3) seem to be duplicate statements and should be combined as follows: Proposed text: Where there is a hazard from moving equipment or loads, work wear must be selected and conform to CSA Z96 High-Visibility Safety Apparel.

SECTION	POLICY INTENT	CAPP COMMENTS
	3) Where there is a hazard from moving equipment or loads, work wear must be selected and conform to CSA Z96 High-Visibility Safety Apparel. 4) Work wear must be selected in accordance with the Appendix on selection in CSA Standard Z96 High-Visibility Safety Apparel. 5) Where there is potential for exposure to fire or radiated heat emitting from fire, fire resistant work wear must be worn that conforms to CSGB 155.21 Recommended Practices for the Provision Against Hydrocarbon Flash Fire or NFPA 2112: Standard on Flame-Resistant Garments for Protection of Industrial Personnel. 6) Where there is potential for arc flash, clothing worn beneath the fire resistant work wear must not be made of a synthetic material and they must not contain, or the employee wear, anything that can act as a conductor.	
82	Protective Footwear 1) An employee's footwear shall be of a design, construction and material appropriate to the protection required. 2) If there is a hazard of a foot injury or electric shock through footwear, protective footwear must be provided that conforms to CSA Standard Z195, Protective Footwear.	The current Transitional OHS regulations recognize ASTM, ANSI and ISO standards. Suggest this be retained in the new regulation as equivalent or alternative standards.
84	Eye and Face Protection 1) If there is a hazard of injury to the eyes, face, ears or front of the neck of an employee in a workplace, the Employer must provide eye or face protectors that conforms to CSA Standard Z94.3, Eye and Face Protectors. 2) An eye or face protector must be selected in accordance with Annex A of CSA Standard Z94.3 Eye and Face Protectors.	Section 84(1) allows for conformance to the CSA Standard while 84(2) requires selection in accordance with the CSA Standard – unclear which prevails (conformance or selected in accordance).

SECTION	POLICY INTENT	CAPP COMMENTS
	3) Adequate precautions must be taken where a hazardous substance or condition may adversely affect an employee wearing contact lenses.	
86	Respiratory Protection 1) A respiratory protection program must be developed, maintained and implemented and must include the following, at minimum: a) a risk assessment completed by competent person to determine the respiratory hazards present; b) the respirator selection criteria considering the hazards identified in the risk assessment; c) fit testing requirements; and d) the respirator care, use and maintenance requirements. 2) Respiratory protective equipment must be: a) selected in conformance with CSA Standard Z94.4, Selection, Use and Care of Respirators; and b) listed in the NIOSH Certified Equipment List published by the United States National Institute for Occupational Safety and Health. 3) If air is provided for the purpose of a respiratory protective equipment: a) the air must be certified to CSA Standard Z180.1,Compressed Breathing Air and Systems; and b) the system that supplies air must be tested, operated and maintained in conformance with the CSA Standard referred to in paragraph (a). 4) If there is a possibility of exposure to hydrogen sulphide or combustible gases the Employer must provide, at a readily accessible location: a) on the drill floor: i. at least one self-contained positive pressure breathing devices for each employee normally employed on the drill floor or an air manifold equipped with a face mask for each such employee; ii. at least two hydrogen sulphide detectors; and iii. at least two combustible gas detectors. b) in the area of the shale shakers:	In reference to Section 86.4 (a) & (b) CAPP request the following clarifications: 1. Are these gas detection devices intended to be portable or is it required to have fixed detectors or monitors? 2. Is it acceptable to utilize gas detection devices (portable or fixed) that comprise two or more sensors (i.e. H_2S & Combustible Gas)? CAPP request clarification as to why Section 86.4 is specific to drilling installations, what about production or other facilities where hazardous gases including hydrogen sulphide may be present. Drilling and production installations are required to have gas detection devices as required under current Installation regulations and pending Framework Regulations, thus these requirements would be redundant and overlap and possibly conflict with other regulatory requirements. For Section 86.4 to avoid unnecessary prescription CAPP recommend that policy text state the requirement to ensure adequate methods or instrumentation for the detection of hazardous atmospheric gases to: a) prevent unsafe accumulations b) protect workers from harmful exposure to the hazard; and, c) provision of suitable respiratory protection where necessary In reference to 86 (4b) it is unclear why there is a specific reference to shale shakers and why it is so prescriptive. In reference to 86.5 this statement is not required in a regulation as seal checks are a single component of an individual's training for

SECTION	POLICY INTENT	CAPP COMMENTS
	i. at least two self-contained positive pressure breathing device for each employee normally employed in that area; ii. at least two hydrogen sulphide detectors; and iii. at least two combustible gas detectors. 5) Seal checks must be performed prior to each use to ensure a tight fitting respirator.	respiratory protection. If retained the text should be revised to reflect that it is the integrity of the face seal that is the purpose of the seal check and not the tightness. Additionally, as an alternative to this sub-section, we suggest that fit testing in accordance with a CSA Standard would be appropriate as it is more important and verification of compliance is more practical and consistent with current practice as well as the CSA standard. Subsection 86 (5) should be removed.
87	Respiratory Protection for Emergency Egress 1) Emergency Escape Breathing Devices (EEBDs) that conform to the IMO's FSS Code shall be placed strategically throughout the marine installation or structure to facilitate the escape of personnel working in remote areas such as engine rooms. 2) Smoke hoods to protect against smoke inhalation must be provided in sleeping quarters and machinery spaces. 3) For escape from IDLH atmospheres respiratory protection for emergency egress shall be provided that has a rated service time in excess of the anticipated time needed to reach the nearest temporary safe refuge or muster point. 4) In addition to subsection(3): a) a Pressure-Demand SCBA must be equipped with an audible alarm that sounds when the air supply has diminished to 20% the capacity of the unit; and b) a Multifunctional SCBA/Airline Respirators must have an auxiliary self-contained air supply with a sufficient rated service time to allow for escape by way of the planned escape route, but must not have less than a 15 minute rated service time.	In reference to Section 87.5 and the use of emergency escape hoods, CAPP propose that the statements "may be used for a limited period of time" be removed. Proposed text: 5) Notwithstanding subsection (3) and (4), emergency escape hoods shall be used in accordance with manufacturer's specifications, for an employee to access the respiratory protection required under (3).

SECTION	POLICY INTENT	CAPP COMMENTS
	5) Notwithstanding subsection (3) and (4), emergency escape hoods may be used for a limited period of time, in accordance with manufacturer's specifications, for an employee to access the respiratory protection required under (3).	
92	Immersion Suits 1) Appropriately fitted immersion suits must be provided to all employees in the event they are required to abandon the workplace. 2) Risk assessment to be carried out by Employer who has control over the workplace to determine the number and type of suits required, selection of sizes of suits necessary, and location of suits in the workplace. 3) Risk assessment must consider: a) Maximum personnel on board (POB); b) Anthropometric (sizing) profile of the employees in the workplace; c) Location within the workplace that employees are generally located for work and leisure activities; d) Potential incidents that may result in emergency evacuation: e) Configuration of the workplace and potential hazards that could be encountered as a result of an incident and evacuation; f) Time it takes for rescue operations to reach the area; g) Environment and conditions of the location of the workplace; 4) Notwithstanding the above, the following minimum number of immersion suits is required: a) 2 immersion suits for every person on board a normally attended production, drilling or accommodation installation; b) one immersion suit for every person on board a vessel, plus two extra suits in each of the bridge and the engine control room (consistent with SOLAS requirements); c) one immersion suit for every person on board a normally unattended installation. 5) Immersion suits must conform to a) CGSB 65.16 Immersion Suit Systems; b) UL 15027 Standard for Immersion Suits; or	In reference to Section 92.1 CAPP suggest that the policy text should reflect the use of helicopter transportation suits utilized on offshore installations. In reference to 92.3 CAPP believe the requirement for a risk assessment is very prescriptive and will not result in any incremental improvement in protection.

SECTION	POLICY INTENT	CAPP COMMENTS
	c) the International Maritime Organization's International Life-Saving Appliance (LSA) Code and Resolution MSC.81(70), Revised Recommendation on Testing of Life-Saving Appliances; and 6) Where the immersion suit conforms to either subsection 5(b) or 5(c), the immersion suit must additionally conform to Part I, Chapter I, Section 1.2.1; and Part II, Section15 of the Canadian Life Saving Appliance Standard - TP 14475, published by Transport Canada.	
93	Firefighter PPE Refer to section on Firefighting Protective Equipment in the Part on Emergency Preparedness and Response	Not clear why this section is included here since it simply refers to something elsewhere. Section should be deleted as it adds no value.
	PASSENGERS IN TRANSIT	
96	Transit by Helicopter 1) The Operator shall ensure all passengers in transit to/from/in-between workplaces by helicopter are supplied with a flight suit that conforms to CSGB 65.17 Helicopter Passenger Transportation Suit. 2) All passengers must wear the provided suit during transit. 3) Training in the use of the suit, including practice in donning, shall be provided to all passengers. 4) Notwithstanding subsection (1) and (2), where an employee is ill or injured the Operator must carry-out a risk assessment to determine whether it is practicable for the injured employee to don the	In reference to section 96.4 the assessment to determine whether it is practicable should consider the nature of the injury, the potential for further injury arising from using the suit and the potential equivalency that would be afforded by an alternative; the assessment should include the appropriate medical consultations. Additionally, there is no method available at this time for the certification and approval of any other means of protection. Refer to the attached CAPP letter for a discussion in regards to the performance of a risk assessment for the transport of an ill or injured worker.

SECTION	POLICY INTENT	CAPP COMMENTS
	suit, and where it is not practicable for the injured passenger to don the suit, another means of protection must be provided.	
97	Passengers shall be provided with a means of communicating directly with the pilot in order to alert the pilot of an emergency.	In reference to Section 97, CAPP request clarification in determining what constitutes “means for communicating directly with the pilot”. Is this a headset or a mechanical or electronic method (i.e., push button on each row of seats or head set)? Presently passengers are instructed to get up and go alert the pilot.
100	For personnel transfer from a ~~helicopter or~~ vessel to a marine installation or structure (or vice versa) that occurs over water other than by fixed gangway or fast rescue craft, passengers must wear either a helicopter transportation suit (per the above specification) or an immersion suit (per the above specification).	In reference to Section 100 the inclusion of “helicopter” is incorrect given the context of the policy intent and should be removed.
102	Life Boats and Life Rafts (Transportation by Helicopter and Vessel 1) When determining maximum occupancy and their launching appliances, space requirements related to persons wearing survival suits, in addition to weight, must be considered. 2) Life boats and life rafts shall have a means of location tracking.	Section 92 is not considered to be OHS content and potentially conflicts with IMO and SOLAS requirements It is unclear in section 2 what is intended by location tracking (i.e. determine the physical location of the craft or emitting a location signal for rescue purposes). The lifesaving appliances are approved by Transport Canada as part of the vessel or craft certification. This requirement is an overlap with established processes.
103	Training	In reference to Section 103 (1) policy text must make provision for the transporting of marine personnel for medical or compassionate reasons. As these events rarely happen it is not practicable or

SECTION	POLICY INTENT	CAPP COMMENTS
	1) All passengers in transit shall possess a valid offshore survival training certificate, acceptable to the CSO, unless granted an exception from Transport Canada under the Canada Aviation Regulations. 2) All persons shall receive a visual Helicopter/Vessel Safety Briefing prior to being given transport to or from an offshore installation. The briefing must be repeated for each trip and should include, at a minimum, the following information: a) helicopter/vessel awareness; b) demonstration of donning of the helicopter transportation/marine abandonment suit; c) cautionary measures when embarking, disembarking and while enroute; d) the role of passengers during emergencies; e) the location and use of emergency exits and equipment (including compressed air Helicopter Underwater Emergency Breathing Apparatus (HUEBA); and f) escape/abandonment procedures, including meaning of alarms, location of muster stations and location and deployment procedures for survival craft. 3) All passengers transferred by vessel shall be provided with a safety briefing in the procedures and precautions to be observed when transiting from a vessel to an installation or another vessel and vice versa, including at a minimum the following information: a) Description of the transfer system (Billy Pugh, FROG, offshore gangway, FRC, etc); b) PPE to be worn; and c) Emergency procedures.	reasonable to send marine personnel (seafarers) for additional training that they may never use. Section 103 (2) (b) should include “donning and doffing” Section 103 (2) (f) CAPP suggest additional wording as follows: “..escape/abandonment procedures for the helicopter or vessel, including meaning of alarms, location of muster stations and location and deployment procedures for survival craft”. Section 103 (3) CAPP recommend that the policy text does reflect current offshore best practice and limits the types of device or system that may be employed for personnel transfers. Proposed text: a) Description of the personnel transfer device and/or system;
	FIRST AID	
105	Physicians Every Employer shall ensure that a physician who has specialized knowledge in the treatment of the health and safety hazards that may be encountered in the oil and gas industry is readily available at all times for medical consultation or for transportation to the workplace to provide medical treatment.	CAPP request clarification as to what would constitute “specialized knowledge in the treatment of the health and safety hazards that may be encountered in the oil and gas industry”? Physicians are expected to treat the injury or illness that may result from exposure to a hazard and the nature of hazards of working offshore are not necessarily any different from other workplaces. The exception would be the remoteness and immediate access to advanced medical facilities.

SECTION	POLICY INTENT	CAPP COMMENTS
		Does the Operator need to sign agreements with specialists?
106	Medics 1) A medic shall: a) be assigned to a first aid room; b) be readily available to render first aid; and c) if required, accompany an injured or ill employee to shore and render first aid in transit. 2) In providing care to an injured or ill employee, not be overruled by anyone other than a physician. 3) The medic shall not be assigned duties that will interfere with the prompt and adequate rendering of first aid.	In reference to 106 (1) (a) is the first aid room considered the same a medical room described under section 110. Offshore installations do not maintain first aid rooms and medical rooms. Typically an offshore installation would maintain first aid stations and a medical facility. Section 106 (1) (a) implies that the medic does not leave the first aid room In reference to section 106 (1) (c) it is not really practical for this to occur. If the medic was permitted to leave the platform the remaining personnel would be without medical support and the Operator would be non-compliant with regulations. This policy text is unnecessary and should be removed.
110	Medical Rooms 1) The Employer shall ensure that a medical room is provided and that it is clearly identified by a conspicuous sign where the workplace is normally occupied. 2) Every medical room shall be: a) under the supervision of a medic, or where a medic is not required, the first aider available in the workplace who is the holder of the highest level of first aid certificate; b) located within easy access to a toilet room; c) constructed to allow for optimum ease of access to persons carrying a patient on a stretcher; d) maintained in an orderly and sanitary condition; e) contains information regarding hazardous substances in the workplace and the first aid required to treat exposure to the hazardous substances; f) maintained, if reasonably practicable, at a temperature of not less than 18°C and not more than 24°C;	Is a medical room the same as a first aid room (see section 106).

SECTION	POLICY INTENT	CAPP COMMENTS
	g) have surfaces that are easily cleaned; h) equipped with: i. A treatment table accessible from both sides and at least one end; ii. an adjustable medical lamp iii. An arrangement to secure an occupied stretcher in place horizontally iv. a washbasin supplied with cold water and hot water; v. a storage cupboard and a counter; vi. a separate cubicle or curtained-off area with a cot or bed equipped with a moisture protected mattress and two moisture-protected pillows vii. a table and two or more chairs; viii. a lockable medical chest or cabinet; ix. a waste bin and a means to safely dispose of biohazards and sharps; i) have sufficient electrical outlets with appropriate voltage configuration for the equipment to be used; j) be within easy access to the helideck; k) located and constructed to permit ease of manoeuver of an occupied stretcher between the medical room and helideck; l) be provided with effective means of hands-free communication and an up-to-date list of appropriate emergency contacts and telephone numbers for use in emergencies; and m) the first aid supplies and equipment set out in this Part.	
	EMERGENCY PREPAREDNESS AND RESPONSE	
115	Emergency Procedures The emergency procedures developed and maintained as part of the Emergency Plan must contain a full written description of the procedures to be followed by the employees, including but not limited to a) A process for updating the list of the personnel on board; b) a statement of the maximum number of people who can safely occupy the workplace under normal conditions; c) the duties of the employees during the execution of the procedures, including an indication of the station at which each crew member is to report;	The section is prescriptive and is inappropriate for a regulation to explicitly state content requirements for an emergency procedure. Itemizing requirements for emergency response documents in policy intent is limiting and will result in the omission of key information or processes. There is also the potential to conflict with relevant standards as they evolve.

SECTION	POLICY INTENT	CAPP COMMENTS
	d) instructions that inform people of the emergency alarm signals, including a description of how the order to abandon is given; e) the name, position, usual location and contact information of each person responsible for the execution of the procedures and their delegates; f) the name, address and contact information of the holder of the operating licence for which the workplace is working under g) a list of agencies, companies or organizations, including those operating in the nearby vicinity, that could render assistance in the event of an emergency and their contact information h) Contact information for support craft or other means of transport to be used to evacuate the workplace; and i) a drawing illustrating the arrangement of the workplace that will clearly show i. the location of all exits, stairways, elevators, corridors, fire escapes and any other routes of exit; ii. location of life saving appliances, muster stations and survival crafts; iii. a list and location of the emergency and protection equipment required to carry out the procedures; iv. the location of the main emergency shut-down switches for the lighting, heating, ventilation, air conditioning and elevator systems and other electrical equipment v. the location, quantity and type of all communications equipment; vi. the location of first aid areas and casualty clearing areas; and vii. scale of the drawing and the name of the person who verified the drawing; j) the estimated amount of time required to complete the execution of the plan.	CAPP request clarification on the intent of item (f) as this is a requirement under the OA. What is the relevance of this information for the emergency response plan. Suggest that section (g) & (h) state to have contact information available, posted and current and not prescribed to be written into procedure. This will result in unnecessary updates and revisions to procedures that are regulatory controlled documents. These details are managed externally to the emergency response plan. It is also unclear whether these emergency procedures would be subject to public disclosure under the Accord Act. The contact information requirements would be considered personal information and therefore would either be excluded from or redacted from the released documentation Proposed text: Section i) (i) the location of all exits, stairways, elevators, corridors, and fire escapes; Section i) (iv) the location of emergency shut-down devices ~~switches for the lighting, heating, ventilation, air conditioning and elevator systems and other electrical equipment~~ (Note: the prescriptive list is not comprehensive and should not be included) Section (i) (vi) – what is meant by “casualty clearing area” and how is it determined? Section j) Suggest to identify estimated **maximum** time…

SECTION	POLICY INTENT	CAPP COMMENTS
116	A copy of the emergency plan and procedures, including associated station bills, muster and personnel on board lists, must be kept up to date and readily accessible to all employees at the workplace, including a) Muster Lists to be posted in conspicuous places on every deck; b) Station bills to be posted in each cabin; and c) POB must be updated daily and posted by muster points so that head count can be taken on mustering.	This is repetitive to Section 115. For Section 116 (a) CAPP request clarification why a muster list needs to be posted on every deck? Muster lists are required to be posted at each Muster Station and responsibility for updating is assigned to a member of the emergency response team. Requiring these documents to be posted on every deck adds no value and is an administrative burden. For Section (b) What is the intent for this item? Does the station bill need to be posted in every room? Emergency information posted in cabin should focus on the specific information relevant for the occupants of the cabin. The Station Bill contains significant information to ERT roles that may confuse personnel. Information for cabins should focus on emergency alarms, actions and escape routes and muster location for occupants and simplicity is important. Station Bill should be posted conspicuously on each deck and muster locations.
118	Fire or Explosion Hazard Areas 1) In areas that have been identified as Hazardous Areas, a person shall not use an open flame or other source of ignition or perform any hot work, unless in accordance with Part on Hotwork. 2) Signs must be posted in conspicuous places at all entrances to a Hazardous Area, identifying the area as an area at risk for fire and explosion.	Section 118 describes occupational health and safety requirements for fire and explosion hazard areas and should not be included under the section for emergency preparedness and response. This section should be removed from Phase 3 policy intent as “Hot Work” has been addressed in OHS Phase 1 and the inclusion of this policy text creates potential overlap and conflict. Also, these statements potentially conflict with the requirements under the pending Framework regulations for hazardous areas.

SECTION	POLICY INTENT	CAPP COMMENTS
120	Fire Team Personal Protective and Associated Equipment 1) The Employer must ensure that fire team is provided with personal protective and associated equipment for fighting fires in an appropriate quantity and size, as determined by the risk assessment carried out in section 114 and Contingency Plan required under the Framework Regulations, where applicable. 2) Notwithstanding the above, the minimum number of personal protective and associated equipment required on a normally attended installation involved in the drilling for or production of hydrocarbons is 10. 3) Personal Protective equipment for the purpose of fighting fires must include, at minimum: a) a self-contained breathing apparatus that i. is capable of functioning for at least 30 minutes; ii. conform to the requirements of: 1. Canadian Standards Association CAN/CSA-Z94.4, Selection, Use, and Care of Respirators, 2. NFPA 1981 Standard on Open Circuit Self Contained Breathing Apparatus for the Fire Service; and 3. CSA Z 180.1, Compressed Breathing Air and System iii. Is equipped with a personal distress alarm device; iv. has two spare bottles readily available; b) a portable electric safety lamp that i. will operate safely in the conditions anticipated; ii. capable of operating for at least three hours; iii. can be easily attached to the clothing of a firefighter, at or above the waist level; c) an axe with an insulated handle and a carrying belt; d) a fire-resistant life and signalling line and a safety belt and harness that meet the requirements of National Fire Protection Association 1983 Standard on Fire Service Life Safety Rope, Harness and Hardware;	This section is very prescriptive and refers to contingency planning while emergency preparedness is a contingency.

SECTION	POLICY INTENT	CAPP COMMENTS
	e) protective clothing, including boots, gloves, helmet and visor, coat and trousers that conforms to National Fire Protection Association 1971 Standard on Protective Clothing for Structural Fire Fighting, and that i. protects the skin from being burned by heat radiating from a fire and by steam; ii. has a water-resistant outer surface; iii. in the case of boots, is made of rubber or other electrically non-conducting material; f) in the case of gloves, conforms to National Fire Protection Association 1973 Standard on Gloves for Structural Fire Fighting. 4) Fire Team Personal Protective and associated equipment must be kept ready for use and stored in a place that is easily accessible and at least one set must be easily accessible from the helicopter deck. 5) Firefighters wearing respiratory equipment must be accompanied by another firefighter similarly equipped with the same air capacity.	
121	Emergency Alert Systems 1) Every workplace must be equipped with an public address and alarm system , which shall be audible in all areas of the workplace where employees may be present at any given time that warns all employees when a) the safety of the workplace is threatened; b) the workplace has to be abandoned (evacuated) immediately; c) a fire; there is a malfunction of a mechanical ventilation system provided for an area where concentrations of toxic or combustible gases may accumulate; and d) there is a person overboard, and any other condition or event is likely to threaten the health or safety of employees at the workplace. 2) In areas where noise levels may prevent a person from being alerted of an emergency, both audible and visual alarms shall be installed.	Section 121 should be considered for inclusion in the Framework Regulation.

SECTION	POLICY INTENT	CAPP COMMENTS
122	Emergency Electrical Power Every workplace must be equipped with an emergency electrical power supply sufficient to operate the following for safe occupancy and /or egress from the workplace, a) the alarm system and warning devices b) the emergency lighting system; c) internal and external communications systems; and d) light and sound signals marking the location of the workplace.	Section 122 should be considered for inclusion in the Framework Regulation.
123	Emergency Descent Control Devices 1) An emergency descent control device that is equipped with a brake mechanism that controls the descent of persons using the device must be provided in the derrick of a drilling rig and on elevated parts of a production facility. 2) The system must be capable of operating following loss of main power. 3) The Employer must set out in writing working instructions for the use of the device referred to in subsection (1) and keep them in a conspicuous place on the drilling rig or production facility. 4) An emergency descent control device referred must be installed, inspected and maintained by a competent person.	
124	Emergency Equipment If, in a workplace, there is a hazard of entering the ocean a) Appropriate emergency equipment must be provided and held in readiness; b) a competent person to operate all the emergency equipment provided must be readily available; c) unless a standby vessel is in the vicinity at all times, a fast rescue craft meeting the requirements of the LSA Code must be provided and held in readiness; d) written emergency procedures for all scenarios where a person may fall into the ocean must be prepared by the Employer containing	Section 124 (b) is an all-encompassing statement and impractical for implementation. Please provide clarification as to what the competency expectation is for this individual. Section 124(c) requires clarification - the standby vessel is within 20 minutes as per another section of the regulation; unclear whether this is sufficient to meet the intent. Section 124(d) suggest adding the word “foreseeable” prior to “… all scenarios”. It would be impractical to identify “all” scenarios.

SECTION	POLICY INTENT	CAPP COMMENTS
	i. a full description of the procedures to be followed and the responsibilities of all persons in the workplace; ii. the location of any emergency equipment; and iii. Training in the rescue procedures and the use of rescue equipment.	
125	Instructions and Training 1) Every employee must be instructed and trained in a) the procedures to be followed by the employee in the event of an emergency; and b) the location, use and operation of any emergency and fire protection equipment that they are reasonably expected to use. 2) Any employee assigned to an emergency response team must be educated, trained, and competent in their roles and responsibilities enabling them to safely and effectively carry out their assigned emergency team duties	
126	**Emergency Drills and Exercises** 1) There must be a plan in place which describes the various emergency drills and exercises to be conducted, the types of scenarios and frequency, based on the risk assessment carried out in Section 110 and must include, as applicable: a) Well control drill; b) Ballast control drill; c) Person overboard/fast rescue boat drill; d) First aid drill; e) Anchor quick release drill; f) Maritime security drill; g) Collision; h) Helicopter crash; i) loss of containment; j) rescue from height; k) Confined space drill; l) Electrical incident rescue; m) spill response.	Section 126(d) - Suggest "medical response" as opposed to “first aid drill”. In section 2(d)(i) it is unclear how short term / interim / non-regular staff meet the 3-month requirement; a person could be on facility 4 or 5 times over the course of a year and not necessarily be present when the boarding exercise is scheduled. Suggest this be revised to allow flexibility in planning and scheduling For sections 2(d)(ii), (iii) and (iv) – Launching and retrieval of a lifeboat for drill purposes represents safety risks to personnel. The East Coast offshore sea state and environmental conditions considered necessary to complete this activity safely are the exception as opposed to the norm. There have been and could be in the future instances of work refusals due to the nature of these risks. Recognition that the lifeboats are maintained in accordance with manufacturer requirements should be the alternative to annual launching. The C-NLOPB Interpretation Note 11-01 dated February

SECTION	POLICY INTENT	CAPP COMMENTS
	2) Notwithstanding the above, the following drills and exercises must be conducted at the minimum frequency specified below a) A fire drill conducted monthly; b) A drill to practice mustering must be conducted weekly; c) A drill to practice evacuation and abandonment of the workplace, including lowering of davit launched lifeboats (without launching) where applicable, must be conducted at least monthly; and, d) Where the workplace is equipped with lifeboats: i. lifeboats must be boarded by employees wearing survival suits and securing themselves on a seat in a manner that ensures that each employee participates in this exercise at least every 3 months; ii. An annual drill with lifeboat lowering, launching and operation/manoeuvering, type dependent; iii. davit-launched lifeboats are launched and manoeuvred in the water annually; iv. Free fall lifeboats are launched and manoeuvred annually either: a. By free fall; or b. Secondary means (e.g. crane), coupled by simulated launching. 3) Everyone in the workplace must participate in the applicable drills, so scheduling must account for the various shift rotations to ensure everyone is familiar with how to respond and proficient in carrying out their duties during an emergency. 4) Drills and exercises related to potential scenarios that require donning of marine abandonment suits must require new employees, during their first rotation, to practice donning the suit. 5) The drills and exercises noted above must be carried out after any significant change in the activities of a program or in the emergency plan or procedures.	3, 2016 recognizes the concerns with launching and retrieving lifeboats for drill purposes and should be considered in drafting a regulatory requirement in this area. CAPP proposes that his requirements be removed or be revised to be consistent with C-NLOPB Interpretation Note 11-01. **Interpretation Note 11-01 "Supplementary Guidance"** Effective upon the issuance of the *"Drilling and Production Guidelines"* May 31, 2011, the C-NLOPB has rescinded the *"Guidelines Respecting Drilling Programs"*. These guidelines contained provisions that are not included in the *"Drilling and Production Guidelines"* but are still valid. Further, recent events and developments have necessitated the update of some guidance. The purpose of this information bulletin is to provide necessary guidance, which the Board has not published elsewhere. **Evacuation Systems** Operators should demonstrate that installations are fitted with the best practicable evacuation technology available. Unless otherwise agreed, the Board expects operators to ensure that installations are equipped with an enhanced evacuation system. If operators are unable to regularly lower and launch lifeboats and run lifeboat engines under load, operators should, in consultation with the manufacturer and Certifying Authority, test or complete additional inspections of all components normally tested by regular lifeboat launches. This includes but is not limited to the development of ways to run engines for extended periods, test sprinkler systems, test hydrostatic release mechanisms, test or inspect stuffing boxes, etc. It is the Board's expectation that release gear be function tested at least every six months.

SECTION	POLICY INTENT	CAPP COMMENTS
		Historically, a significant number of incidents relate to the improper maintenance of evacuation systems. As a result, the Board expects operators to review the adequacy of the planned and preventative maintenance system for evacuation systems, lifesaving appliances and rescue craft and to monitor and audit these maintenance programs to ensure that they are operating effectively, are safe for the personnel carrying out the maintenance, and comply with all regulatory requirements. It is also expected that the manufacturer's maintenance instructions for the lifeboats, release mechanisms, and launching equipment be available onboard the installation. Lifeboat coxswains shall receive initial and refresher training specific to the evacuation systems used on the installation (davit-launched or free-fall) in accordance with the Atlantic Canada Offshore Petroleum Standard Practice for the Training and Qualifications of Offshore Personnel. Lifeboat coxswains should participate in at least one lifeboat launch each year, at the installation, or, at a shore based facility. In lieu of an annual lifeboat launch, a lifeboat simulator fitted with equipment the same as, or substantially similar to that which is fitted on the installation and which meets industry guidelines, may be used. With regard to the foregoing, operators should refer to sections 19 and 25 of the *"Offshore Petroleum Drilling and Production Regulations"*, section 22 of the *"Offshore Petroleum Installation Regulations"* and the *"Atlantic Canada Offshore Petroleum Industry Escape, Evacuation and Rescue Guide"*.
127	Standby Vessel For every drilling operation and production operation, the Employer must provide a standby vessel that has capacity to reach personnel within 20 minutes and that provides safe refuge for all employees who have evacuated from a workplace.	CAPP request clarification that this requirement encompasses a shared standby vessel?

SECTION	POLICY INTENT	CAPP COMMENTS
128	Notices and Records 1) Notices must be posted at appropriate locations at a workplace setting out the emergency procedures to be followed and the escape routes to be used in the event of an emergency. 2) Every Employer must keep a record of all emergency drills and evacuation drills carried out by the Employer's employees containing: a) the date and time at which the drill or exercise was conducted; b) the drill or exercise scenario(s); c) list of all persons who participated in the drill or exercise; d) the length of time taken to complete the drill or exercise, including length of time to achieve a full muster; and e) observations regarding effectiveness of the drill or exercise, and opportunities for improvement. 3) Records of drills and exercises must be retained in accordance with Section 11.	This is repetitive to section 115 and 116.
130	Incident Notification 1) If an Employer is aware of an incident, or other hazardous occurrence affecting any of the Employer's employees in the course of employment, the Employer must, without delay, a) take necessary measures to ensure the safety of personnel; b) notify the Operator. 2) The Operator shall notify the Board of an incident or other hazardous occurrence, in the form and manner prescribed by the Board, as soon as it becomes known to the Operator. 3) Within 24 hours after the incident or other hazardous occurrence, the Operator must provide written notice of the incident or other hazardous occurrence, in the form and manner as prescribed by the Boards.	CAPP recommend that this be specific to incident reporting since an incident is defined. (2) – the requirement for ASAP reporting is excessive based on the definition of Incident; the regulation should afford some flexibility in reporting time line based on the type of incident.
	INCIDENT REPORTING AND INVESTIGATION	
132	Investigation Report	CAPP recommends that the time requirement for submitting an investigation report be consistent with the pending Framework

SECTION	POLICY INTENT	CAPP COMMENTS
	1) An investigation report identifying the causal factor(s), root cause(s), corrective and preventative action(s), and other information of the incident or other hazardous occurrence must, within 14 days after the occurrence, be submitted to the: a) Operator; b) committee or the coordinator; and c) Board. 2) The report to the Board must be in the form and manner prescribed by the Board.	Regulation. Currently, the OHS Transitional Regulations state 14 days while the Drilling and Production Regulations state 21 days. The 14-day report requirement is not aligned with the current D&P Regulations and given the rotational shift nature of offshore work is too short; suggest this be revised to 21 days to allow sufficient time to conduct an investigation and recognize the offshore schedule
	BLASTING	
135	General 1) An Employer must ensure that each person involved in any blasting activity under this Section is competent all persons who are authorized to have access to explosives are designated by the Employer. 2) All blasting activity requires a permit to work as per Part XX (Permit to Work). 3) Safe work procedures must be developed and must include the following: a) a detailed description of how the planned blasting activity will be safely performed; b) provisions for the safe prime of a charge; c) identification of when non-sparking tools are required; d) consideration of possible effects from weather conditions; e) provisions for oversight of explosives by a competent person; f) provisions for the safe storage and handling of detonators; g) provisions for the safe transportation, storage, handling, preparation and loading of explosives; h) provisions for the protection of people and property; i) provisions for misfires; and j) provisions for storage of loaded perforating guns.	Section 135 (3) (j) refers to perforating guns whereas the definition in blasting activity talks about loading a well with explosives.

SECTION	POLICY INTENT	CAPP COMMENTS
136	Explosives 1) A detonator must not be stored with an explosive that is not a detonator. 2) A detonator must not be stored with a detonator of a different type. 3) Not more than 75 kg of explosives must be stored on a drilling unit or offshore production facility. 4) Explosives must be stored in a locked container that is accessible only to a qualified person.	The requirements outlined in Sections 136 (3) and (4) have required that a RQF for all MODUs, storage of explosives is kept at a minimum required for activities performed or contingencies. Proposed text: 4) Explosives must be secured and ~~stored in a locked container~~ ~~that is~~ accessible only to a qualified person.
	DEFINITIONS	
	"*Advanced first aid certificate"* means the certificate issued upon successful completion of a training program that conforms to the curriculum for advanced first aid outlined in CSA Z1210 First Aid Training for the Workplace – Curriculum and Quality Management for Training Agencies .	
	"Blasting activity" includes all of the following: a) storing, handling, transporting, preparing and using explosives, b) drilling at a blasting area or in combination with the use of explosives, c) loading a well with explosives.	Why is this referred to as blasting? Explosive activity would be more suitable. Blasting area is not defined.
	"*Explosive"* means a substance, including a detonator or primed explosive, that is manufactured or used to produce an explosion by detonation or deflagration and that is regulated by the *Explosives Act* but does not include ammunition for weapons, fireworks or explosive-actuated tools.	Include flare igniters, signalling devices etc.
	"Fatigue" means a state of reduced mental and physical alertness or functioning caused by sleep related disruption or deprivation as a result of extended work hours, insufficient sleep or the effect of sleep disorders, medical conditions or pharmaceuticals which reduce sleep or increase drowsiness.	
	"Incident" means any event that caused or, under slightly different circumstances, would likely have caused harm to personnel, an unauthorized discharge or spill or an imminent threat to the	Replace an unauthorized discharge or spill to harm to environment and replace imminent threat to the safety of an installation to damage to property

SECTION	POLICY INTENT	CAPP COMMENTS
	safety of an installation, vessel or aircraft. It includes, but is not limited to events which may or may not have resulted in the following: a) fatality; b) missing person; c) serious injury; d) occupational illness; e) fire/explosion; f) collision; g) pollution; h) leak of hazardous substance; i) loss of well control; j) implementation of emergency response procedures; k) the impairment of any structure, facility, equipment or system critical to the safety of persons, an installation or support craft; l) the impairment of any structure, facility, equipment or system critical to environmental protection; and m) imminent threat to the health or safety of a person, installation or support craft.	
	"Fugitive emission" means a hazardous product in gas, liquid, solid, vapour, fume, mist, fog or dust form that escapes from processing equipment, from control emission equipment or from a product into the workplace.	The definition could be improved if it better differentiated between a fugitive emission and an unplanned release (i.e. a spill or release under the Board's incident investigation guidelines or current D&P Regulations)
	"Incident" means any event that caused or, under slightly different circumstances, would likely have caused harm to personnel, an unauthorized discharge or spill or an imminent threat to the safety of an installation, vessel or aircraft. It includes, but is not limited to events which may or may not have resulted in the following: a) fatality; b) missing person; c) serious injury; d) occupational illness; e) fire/explosion;	Rather than use the term "may or may not have" – suggest add a definition of a near miss and ensure this definition aligns with the Framework regulations; also align the incident and near miss definitions with the current D&P Regs.

SECTION	POLICY INTENT	CAPP COMMENTS
	f) collision; g) pollution; h) leak of hazardous substance; i) loss of well control; j) implementation of emergency response procedures; k) the impairment of any structure, facility, equipment or system critical to the safety of persons, an installation or support craft; l) the impairment of any structure, facility, equipment or system critical to environmental protection; and m) imminent threat to the health or safety of a person, installation or support craft.	
	"Medic" means a competent person who a) has experience with helicopter or fixed-wing aircraft evacuation for medical purposes, b) is the holder of an advanced cardiac life support certificate or basic cardiac life support instructor's certificate issued by a body recognize by the International Liaison Committee on Resuscitation (ILCOR), and c) is the holder of: i. a license to practice medicine in Canada and have at least two years' clinical experience in intensive care or emergency practice, or ii. a Registered Nursing Certificate issued by a provincial regulatory body and have at least two years' clinical experience in intensive care or emergency practice, or iii. a Paramedic III (P3) Certificate issued by a college accredited by the Canadian Medical Association and have at least three years' experience as an advanced life support provider.	
	"Personnel on Board (POB) List" means a written document containing the overall count of all persons at the facility on a given day.	Suggest change the word "facility" with "installation" to align with the Frame work Regulation
Serious Injury	*"Serious injury"* (defined in the Act) means an injury that a) results in the loss by an individual of a body member or part of a body member or in the complete loss by an individual of the usefulness of a body member or part of a body member; b) results in the permanent impairment of a body function of an individual; or c) prevents an employee from reporting for work or from effectively performing all the functions connected with their regular work on any day subsequent	Question the need for a repeat of the definition – if it is in the Act then is it needed here

SECTION	POLICY INTENT	CAPP COMMENTS