

December 8, 2017

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

Re: Noia Comments on the Atlantic Offshore Occupational Health and Safety Initiative Proposed Policy Intent for Phase 3 of the Atlantic OHS Regulations

Dear Ms. Phillips:

The Noia is pleased to have this opportunity to provide comments on the Proposed Policy Intent for Phase 3 of the Atlantic OHS Regulations. Our enclosed comments are aligned with those provided by CAPP with respect to further consideration in policy intent and any future regulation.

OHS Program Reviews

- The Offshore Petroleum Boards are fully aware of the complex nature of operator management systems and Program Reviews are best placed in guidance rather than regulation.
- With respect to where ‘there is a change of circumstances that may affect health and safety’, Noia believes that it will be difficult for the regulator and industry to apply Program Reviews and it is important to define what would constitute “a change of circumstances” that would warrant the review.
- In reference to where the operator makes changes to its management system, this policy intent is vague and open to interpretation. This section could simply 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

- Noia agrees with CAPP that the transporting of 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.

Expanded Role of OHS Committee

- The role should not exceed the intended role and function under the *Act*. The responsibility for day to day ongoing administration and implementation for health and safety at the workplace must remain with the employer and the operators.

Foreign Flagged Vessels & Installations

- As stated in previous submissions, Noia believes a performance-based system with an international regulatory perspective is required to support the continued development of the offshore and particularly for 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.
- Foreign flagged vessels are governed by comprehensive technical and regulatory regimes that include 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.

Newfoundland & Labrador Oil & Gas Industries Association

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Policy Overlap between FORRI & OHS

- Noia has learned that a significant number of areas in FORRI and OHS need to be reviewed for unnecessary duplication and redundancy and that these could result in misinterpretation and incorrect application of the regulations. Additionally, there are sections of the OHS Phase 3 Policy Intent document that would be suited to the Framework Regulations. These need to be addressed.

Noia looks forward to continued engagement with Natural Resources Canada in the development the Occupational Health and Safety Regulations. If you have any questions on this response, please do not hesitate to contact our Senior Policy Advisor Byron Sparkes at 709-758-6698.

Sincerely,



Andrew Bell
Chair, Noia Board of Directors