

1. I have quoted the text from the REGULATORY IMPACT ANALYSIS STATEMENT below. The analysis is incorrect, misleading and naïve in multiple regards.
2. Multiple physicians have their application for the Royal College of Physicians and Surgeons of Canada Diploma already completed and submitted and this qualification will be awarded to sufficient physicians prior to the end of 2021. Multiple further applications are in preparation and will be submitted and approved prior to the end of 2021 and well before there is any offshore diving in Canada. The analysis has been unduly influenced by false information and opinions that are not focused on diver safety or medical care.
3. The Diploma program is fully approved and operational and this can be readily confirmed by directly contacting the Royal College of Physicians and Surgeons of Canada or by examining the website of the Royal College. Natural Resources Canada should have done due diligence by confirming this. Any submission to the contrary is false and should raise concerns regarding the motives of any person making such false claims, including potential conflicts of interest.
4. The regulatory process is lengthy and cumbersome and unlikely to be revised in the near future. There will be no offshore diving in Atlantic Canada until well into 2022 at the earliest. It is entirely possible that there will be no offshore diving until 2023 or later. It is profoundly unwise to ignore the medical standard for physicians due to false claims there will not be qualified physicians in adequate time. For the foreseeable future offshore saturation in Atlantic Canada will be restricted almost entirely to Newfoundland and Labrador. Objections raised in Nova Scotia should not determine the new regulations as physicians in that province will not be involved.
5. Failure to require the Diploma for physicians will result in virtually no offshore diving medical assessments being performed in Canada. Only medicals performed by a Diploma certified physician have the opportunity of being recognized by other jurisdictions. In recent years fewer than 10 offshore diving medicals per year are known to have been performed in Canada for this reason. The most up to date estimate is that the actual total number is less than six such medicals. This is much fewer than the minimum number required by the UK Health and Safety Executive and other advanced diving nations in order to maintain approval for undertaking diver medical assessments.
6. There is no mechanism of quality control for diving medical assessments in Canada, as required in other jurisdictions, other than the Diploma. The Analysis will create the dangerous situation of there being inadequate numbers of diver medicals being performed in Canada to maintain physician competence.
7. The reason divers will have their medical performed in other jurisdictions is that there are no offshore saturation diving companies based in Canada. These divers travel the world for work and must have their medical assessments accepted by international diving companies and authorities in other jurisdictions. Canadian medicals are not and will not be accepted unless the requirement for the Diploma is implemented. Divers do not want to pay for medical

assessments in multiple countries so they find it more effective and less costly to have the medical done when they are in Europe or other jurisdictions that meet European standards.

8. It is misleading to state that the practice of the past 30 years is to accept Canadian dive medicals meeting Category 1 CSA. The fact is that very few of these medicals are done in Canada for the reasons stated above. It does not really matter even if regulations require acceptance of Canadian medicals that do not meet international standards because the divers are not going to have the medicals done in Canada for the reasons stated above.
9. The Analysis should only be considering issues related to offshore diving under federal-provincial jurisdiction. The proposed requirement for the Diploma would not apply to inshore diving operations. Natural Resources Canada should disregard false claims that there will be insufficient physician to undertake offshore diving medicals.
10. Unless there is a restriction to Diploma physicians for offshore diving medicals then no physician will undertake sufficient offshore diver medicals to maintain competence. The consequences of this will be verity serious.
11. The Diploma certification is the only training available that provides certification of physician competence in saturation diving. Other training programs and lists of physicians do not provide any form of certification of competence recognized by medical authorities. It is essential that the Diploma be required for recognition as a diving physician specialist. There is no other form of recognition.
12. The Analysis also makes a further false statement: *“Limiting dive medicals to be performed only by a dive physician specialist would serve to reduce the number of qualified physicians to a very small number (approximately two, at this point in time). The suggested approach would also be inconsistent with other federal and provincial diving regulations.”* This statement is simply not true. In fact, a good example of the falsehood of this statement pertains to Aviation Medicals and Aviation Medical Examiners. Transport Canada specifically limits the number of Aviation Medical Examiners so that each physician can be adequately trained and maintain their competence by seeing sufficient numbers of pilots. There are many more pilots than offshore saturation divers. Furthermore, Transport Canada has been greatly involved in supporting the development of the Royal College Diploma in Aerospace Medicine. Natural Resources Canada should not be making this type of misleading statement that are demonstrably false when considering other federal departments. Other international jurisdictions specifically limit the number of approved Diving Medical Examiners for these same reasons.
13. An additional very important issue is that there is a clear need for a mechanism for ongoing expert diving medical advice to the regulators from a physician or physicians that are actually involved in provision of diving medical coverage to offshore diving operations. The only offshore saturation diving likely in the near future is in Newfoundland and Labrador and due weight must be given to this reality. No physician outside of Newfoundland and Labrador has provided significant coverage of offshore saturation diving for years.
14. There is likely to be some saturation exposures in British Columbia as part of tunneling operations but this will not be under federal jurisdiction. Those operations are overseen by an experience hyperbaric physician.
15. Natural Resources Canada would be well advised to revisit its disastrous conclusions and the serious long term consequences that will result. In doing so there should be due consideration of the practices in other federal agencies such as for Aviation Medical Examiners and Aerospace

Medicine physicians. Transport Canada and the airlines would not consider approving unqualified physicians for providing medical services.

I urge Natural Resources Canada to reconsider its conclusions based upon facts and the realities outlined above. The approach outlined by Natural Resources Canada would ensure that Canadian diving medicals become irrelevant and medical coverage will be of uncertain quality and competence. That would result in offshore diving operations always maintaining “shadow” medical coverage and all the conflicts and confusion that would result.

Yours Sincerely

Dr. Kenneth M. LeDez

Quoted from the Analysis:

“Offshore diving safety

Feedback: Multiple diving stakeholders commented on the proposed regulatory approach to addressing various dive team and other personnel competencies, and in particular, their concern with incorporating by reference the competencies for dive team personnel in standard CSA Z275.4, Competency Standard for diving, hyperbaric chamber, and remotely operated vehicle operations. Multiple stakeholders expressed concern over the perceived lack of offshore representation at the Canadian Standards Association (CSA) diving standard committees and suggested that some mechanism be considered that would protect against the dilution of competency requirements for offshore personnel.

Response: NRCan, Nova Scotia Labour and Advanced Education, and both offshore Boards hold seats at the CSA diving technical committees and continue to monitor the potential changes to the diving standards, particularly as they pertain to offshore diver competencies. CSA Z275.4 is currently under revision and the provisions related to offshore diving personnel are being closely monitored to ensure they continue to reflect the minimum standard desired.

Feedback: Stakeholders acknowledged the value in the future Diploma in Hyperbaric Medicine (Diving Medicine stream) but raised concern that it is not yet fully adopted and, therefore, there are no physicians in Canada currently in possession of this diploma/qualification. Stakeholders noted that it is unlikely that the program will be established, and physicians granted the diploma, by the end of 2021, when the proposed regulations would come into force.

Response: Although NRCan and its provincial partners see value in recognizing the diploma program, the proposed regulations cannot point to a program that does not currently exist. The definition of “dive physician specialist” has been revised to mean a physician who is licensed to practise medicine in Canada who meets the competencies of a level 3 physician set out in CSA Z275.4, Competency Standard for diving, hyperbaric chamber, and remotely operated vehicle operations. Additionally, the proposed regulations would require that a diving physician specialist is readily available at all times to provide remote medical advice from location within the province where the dive activity is taking place, and to be transported to the dive site, if necessary.

Feedback: Stakeholders noted that most dive support ships entering Canadian waters have foreign divers onboard who have obtained their certification of medical fitness to dive within other global jurisdictions, and suggested that a means for accepting alternative qualifications be included. One stakeholder suggested that medical fitness to dive examinations should be limited to dive physician specialists only.

Response: The draft regulations that were shared with stakeholders included this flexibility. Every diver must be certified as being medically fit by a Canadian dive physician or, where they received their medical fitness certification in a foreign jurisdiction, a dive physician specialist has reviewed the foreign certification and confirmed medical fitness.

The practice for the past 30 years of offshore diving has been to accept medical fitness to dive examinations/certification by a Canadian dive physician that meets the competencies set out in a level 1 physician in CSA Z275.2. Limiting dive medicals to be performed only by a dive physician specialist would serve to reduce the number of qualified physicians to a very small number (approximately two, at this point in time). The suggested approach would also be inconsistent with other federal and provincial diving regulations.”