

# Discussion Paper

## Section 1. OPR – Lessons Learned

The OPR requires regulated companies to establish, implement and maintain management systems and protection programs in order to anticipate, prevent, manage and mitigate conditions that may adversely affect the safety and security of the company's pipelines, employees, the public, as well as property and the environment. A management system is a systematic approach designed to effectively manage and reduce risk.

The OPR requires that a management system:

- be clear;
- have good documentation and be understood by all employees, at all levels;
- apply to all areas of work and include every regulated activity conducted by the company; and
- be proactive, able to anticipate issues and adjust course.

With this performance-based approach, the goal is for companies to strive to do better than a minimum requirement. A carefully designed and well-implemented management system supports a strong culture of safety, and is fundamental to keeping people safe and protecting the environment.

The CER conducts inspections and audits to confirm compliance with the CER Act, the OPR and other regulations, and conditions on authorizations, using a risk-based compliance verification

approach. The CER focuses its compliance verification on those things that pose the highest risk of harm to people and the environment. Where non-compliance occurs, the CER will take necessary compliance and enforcement action to promote compliance, and deter future non-compliance based on a stepped enforcement approach. Through the OPR Review, the CER is seeking feedback on the OPR and its implementation.

### **1. What's working well in relation to the OPR, and its implementation, and what could be improved?**

The systems must be working well as there haven't been any pipeline management catastrophes within the last 2 years. The pipeline explosion in the Prince George area, appeared to be quickly handled and appropriately managed for public safety and environmental protection. An Improvement might be that a safety whistle or horn could be installed along the pipeline at critical locations for early warning IF the pressure is rising. This should happen where there are small towns, Indian reserves or off grid populations. Safety response takes longer and with less human resources when a disaster happens far from an urban area. I'd like to know what was learned from the Prince George area explosion. Is there a report available to the public?

## **Section 2. Reconciliation with Indigenous Peoples**

The Preamble of the CER Act states that the Government of Canada is committed to achieving Reconciliation with First Nations, the Métis and the Inuit through renewed nation-to-

nation, government-to-government and Inuit-Crown relationships based on recognition of rights, respect, cooperation, and partnership. The CER is committed to advancing Reconciliation with Indigenous peoples in a manner that is consistent with the [United Nations Declaration on the Rights of Indigenous Peoples](#). The CER, working alongside its Indigenous Advisory Committee, is in the early stages of working through how to implement Canada's [United Nations Declaration on the Rights of Indigenous Peoples Act](#). The CER's development of regulatory tools responsive to issues raised during engagement with Indigenous peoples represents a part of this work.

Reconciliation is a strategic priority for the CER with a focus on enhancing involvement of Indigenous peoples in decisions and oversight; enhancing relationships; building CER cultural competency and humility; and driving meaningful change in the CER's requirements and expectations of regulated industry. The CER is also committed to advancing the [Truth and Reconciliation Commission of Canada's Calls to Action](#). Calls to Action 43, 44 and 92 call the government and business sector of Canada to adopt the [United Nations Declaration on the Rights of Indigenous Peoples](#) as a reconciliation framework and to apply its principles, norms, and standards to policy and core operational activities involving Indigenous peoples and their lands and resources.

### **Working Differently**

The CER is working toward enhancing the involvement of Indigenous peoples in how it implements its mandate recognizing their unique cultures, knowledge and histories. For example, the CER has worked with Indigenous Advisory and Monitoring Committees (IAMCs) since 2017 to develop an [Indigenous](#)

[Monitoring Program](#), and is in the process of further developing the involvement of Indigenous peoples in pipeline oversight. This provides a more holistic approach to regulation, enhancing awareness and understanding of the diversity of Indigenous peoples, while at the same time keeping energy infrastructure safe and protecting people and the environment.

The CER has an [Indigenous Advisory Committee](#) which advises the CER on how to build a new relationship with Indigenous peoples and how best to enhance the involvement of Indigenous peoples and organizations with respect to CER-regulated infrastructure. The Indigenous Advisory Committee facilitates the integration of Indigenous perspectives, knowledge, teachings, values, use of air, land and water, oral traditions, and world views to enhance the involvement of Indigenous peoples in regulation of CER-regulated energy infrastructure. The Indigenous Advisory Committee has highlighted the importance of early and inclusive involvement of Indigenous peoples as the work to transform the OPR commences, and in Canada's energy transition more broadly.

The current OPR is focused on company management systems and safety, security and environmental protection outcomes. The CER aims to make meaningful change in the CER's requirements and expectations of regulated industry to advance Reconciliation. The CER expects regulated companies to work differently to support Reconciliation with Indigenous peoples.

**2. How can the OPR contribute to the advancement of Reconciliation with Indigenous peoples? OPR contributions are limitless. The best work was to initiate an Indigenous Advisory Committee. The problem with the Committee is that FN communities don't receive newsletters or have input into what the committee**

**members are involved with. Another way is to start a Scholarship or bursary aimed at having FN youth/young adults join that trade or field. This would be especially important for females or transgender individuals. Possibly another idea is to have the FN community do or share an annual needs assessment so the company could assist in whatever what it deems appropriate. FN have been struggling with the lack of clean drinking water; it's possible that the pipeline might adopt a water system from an affected community and help with that. Housing has always been a problem – Maybe the pipeline could build a community 2 houses per year (based on the community's needs assessment). Help us develop economic development opportunities by sending us a planner or professional experts to help us design something that could sustain us into the future.**

### **Heritage Resources**

The CER's Filing Manual sets out information requirements and guidance for applicants regarding the potential impacts a project or regulated activity may have on heritage resources, as well as the CER's expectations for engagement with Indigenous peoples regarding any potential impacts. Heritage resources include cultural materials (such as archaeological sites and materials); cultural sites (such as burial sites, ceremonial sites, cultural landscapes); and historical places and structures. The company is expected to identify mitigation approaches and must develop heritage resource discovery contingency plans for the possible discovery of heritage resources once construction is underway.

Companies must follow applicable federal, provincial or territorial requirements when their activities can impact heritage resources.

Indigenous peoples have expressed concern about potential impacts to heritage resources when companies construct pipelines, or conduct operations and maintenance activities on the pipeline right-of-way. The CER has received feedback from Indigenous peoples that the CER should improve its oversight of actions taken by companies to identify and protect potential heritage resources of Indigenous peoples during construction, and during operations and maintenance activities.

**3. How can the OPR contribute to the protection of heritage resources on a pipeline right-of-way during construction, and operations and maintenance activities? The company could use the assistance of FN archeology companies by region or location. There are so many FN communities in BC and not all FN are the same, so the company has to be cognizant of which tribe they are dealing with before going into the traditional territory. Each FN community should have protocols that must be followed prior to a company entering the territory; find out what that protocol is. Constant communication with FN communities is key to good communication and relationship building. Make an Agreement with the FN and review it annually (maybe this could be an item to include in the Indigenous Advisory Committee's mandate).**

### **Traditional Land and Resource Use, and Sites of Significance for Indigenous Peoples**

At the project application stage, the CER Act requires the Commission to consider the rights, interests and concerns of

Indigenous peoples, including with respect to their use of lands and resources for traditional purposes. The CER's Filing Manual sets out information requirements and guidance for applicants regarding how lands and resources in relation to a project area are used by Indigenous peoples for traditional purposes, as well as the CER's expectations for engagement with Indigenous peoples regarding any potential project impacts on their rights and interests.

The CER has received feedback from Indigenous peoples that the CER can improve its oversight of actions taken by companies to protect sites of significance for Indigenous peoples and lands and resources used for traditional purposes, particularly during a company's operations and maintenance activities.

**4. How can the OPR contribute to the protection of traditional land and resource use, and sites of significance for Indigenous peoples on a pipeline right-of-way, during construction, and operations and maintenance activities? Each FN community should have protocols that must be followed prior to a company entering the territory; find out what that protocol is. Constant communication with FN communities is key to good communication and relationship building. Make an Agreement with the FN and review it annually (maybe this could be an item to include in the Indigenous Advisory Committee's mandate). One part that is missing is the inclusion of high monetary penalties for destroying lands and natural resources or not abiding by the CER's Filing Manual. The other problem is leaving garbage along the pipeline route...this is destruction. There has to be close inspection of the route after the work is done; preferably with a FN person.**

## Indigenous Knowledge

The Preamble of the CER Act states that the Government of Canada is committed to taking into account Indigenous knowledge in decision-making. Indigenous peoples have advised the CER that Indigenous knowledge should be considered and included in decision-making throughout the lifecycle of the pipeline. For example, Indigenous peoples have recommended that Indigenous knowledge experts be included in developing emergency response plans to protect sites of significance for Indigenous peoples and traditional use sites such as for medicinal plants.

**5. How can the use of Indigenous knowledge be addressed in the OPR? There has to be a similar policy for the CER's Filing Manual that addresses how and/or when Indigenous knowledge is used, consented to and how it is stored. The working group for the amendments to the Wildlife Act is now working on a policy. Contact: [Terry.Ahern@gov.bc.ca](mailto:Terry.Ahern@gov.bc.ca)**

## Involvement of Indigenous Peoples in Pipeline Oversight

The CER is committed to enhancing the involvement of Indigenous peoples in pipeline oversight. The CER has worked with the IAMCs to develop an [Indigenous Monitoring Program](#) where Indigenous monitors are trained and participate in CER inspection and other oversight activities for several pipeline systems and projects. This has provided the opportunity for values and priorities of Indigenous peoples to be directly addressed, relationships between all involved to be built



(regulator, company, Indigenous peoples), and the considerations for heritage resources and sites of significance for Indigenous peoples to be addressed proactively.

**6. How can the OPR address the participation of Indigenous peoples in pipeline oversight? For Esketemc, it is sufficient that the Indigenous Monitoring Program has addressed this question in a general sense.**

**Locally, the pipeline employees must contact each community to determine heritage resources and sites of significance for Esketemc. Esketemc has also identified “no go” zones that currently has fauna, flora and habitat that are sensitive and may possibly be on the species at risk list.**

## **Section 3. Engagement and Inclusive Participation**

The Preamble of the CER Act affirms the Government of Canada’s commitment to transparent processes that are built on early engagement and inclusive participation. The CER is committed to fostering trust and confidence through robust communications, transparency, collaboration and inclusive engagement. The CER expects the companies it regulates to take a proactive approach to communication and engagement as they conduct regulated activities.

### **Planning for Pipelines and Related Company Activities**

The CER has received feedback from Indigenous peoples, municipalities, landowners and other stakeholders that improvements can be made in how companies interact with them

as companies conduct their activities. Indigenous peoples and others have provided feedback that the ability to participate in company planning for operations and maintenance activities, and in emergency planning and response exercises, is important. Landowners have expressed concerns about the potential impacts of company activities to property and about the adequacy of reclamation activities. Municipalities have noted the need for two-way, proactive communication with companies when pipelines are being planned and designed.

**7. How can the OPR support collaborative interaction between companies and those who live and work near pipelines?**

**The companies must meet with the Indigenous people whose traditional territory may accommodate a pipeline. The local people know their land and resources. It would be beneficial for both parties to work together to minimize possible risks.**

**Proactive Communication and Engagement**

The CER expects that companies communicate and engage proactively with those potentially affected by company activities. The OPR requires a company to have processes in its management system and programs for communication of all safety, security, emergency management, damage prevention and environmental protection matters with those who may be affected. The OPR requires that a company proactively plans and engages with first responders and the public on emergency response measures. The OPR does not currently require a company to have an engagement program in place but in some recent pipeline authorizations the Commission has added incremental engagement responsibilities as conditions.

The CER has received feedback that improvements can be made on engagement and communication requirements. For example, the CER has received input from Indigenous peoples that clarity is needed on requirements for company communication and engagement on planning and implementing activities related to pipeline construction, operations and maintenance. For emergency preparedness and response, the CER has received feedback from Indigenous peoples, first responders, and others that there is a desire for greater understanding of, and involvement in, a company's emergency management processes.

**8. How could communication and engagement requirements in the OPR be improved?** The OPR must include a clause that requires a company to have an engagement program in place. This plan ought to involve those populations that will be affected by the construction of a pipeline. The Plan must be implemented immediately at the "concept" stage or "sooner rather than later."

### **Trust and Confidence**

As noted in the CER's [Strategic Plan](#), the CER aims to foster the trust and confidence of Canadians through robust communications, transparency, collaboration and inclusive engagement. The CER is working to deliver a regulatory system that Canadians can trust by being open and transparent about CER decisions, data, engagement, regulatory framework approaches, and being more inclusive in who the CER listens to and learns from, in all phases and parts of the CER's work.

**9. How could the CER improve transparency through the OPR? Public need access to information and plans of the company at regular intervals. Involvement should be from day 1 to the**

**end of the project. We need data and financial information in a readable (no technical or legalise language) report.**

### **Gender-based Analysis Plus (GBA Plus)**

The Preamble of the CER Act expresses the Government of Canada's commitment to assessing how groups of women, men, and gender-diverse people may experience policies, programs, and projects, and to take action that contributes to an inclusive and democratic society and allows for all Canadians to participate fully in all spheres of their lives. Gender-based analysis plus (GBA Plus) is an analytical tool used to assess the potential impacts of policies, programs, services, and other initiatives on diverse groups of women, men, and people with other gender identities. The "plus" in GBA Plus acknowledges that GBA goes beyond biological (sex) and socio-cultural (gender) differences. Everyone has multiple identity factors that intersect to make people who they are; GBA Plus also takes into account many other identity factors, such as ethnicity, language, geographical region of residence, disability status, religion, age and family status.

**10. Gender and other intersecting identity factors may influence how people experience policies and initiatives. What should the CER consider with respect to:**

- **a. those people implementing the OPR; or**
  - **b. those people who are impacted by the operational activities addressed in the OPR?**
- a) GBA Plus should be treated with the same consideration as anyone implementing the OPR. Rules and regulations are put in place to keep everyone safe.

**b)** IF there are barriers or possible impacts that are not addressed in the OPR, this must be completed asap. There are numerous organizations in BC that advocate for people with disabilities, biological and socio-economic or GBA Plus barriers.

## **Section 4. Global Competitiveness**

The Preamble of the CER Act states that the Government of Canada is committed to enhancing Canada's global competitiveness by building a system that enables decisions to be made in a predictable and timely manner, providing certainty to investors and stakeholders, driving innovation and enabling the implementation of sound projects that create jobs for Canadians. The CER's objective is to provide regulatory clarity and efficiency with clear, transparent expectations and processes. The CER supports innovation as companies adjust to changes in government policies, societal expectations, and global markets. In light of the commitment to enhancing Canada's global competitiveness, there may be areas for improvement in the CER's regulatory framework, including the OPR.

### **Predictable and Timely Regulatory Oversight**

Predictable and timely regulatory oversight is important to industry. The CER is committed to implementing a regulatory system that is predictable, transparent and efficient. The CER is working to continue to improve its regulatory oversight by providing clarity on its requirements and streamlining processes. For example, the CER has provided clear guidance through its [Event Reporting Guidelines](#) for submitting information on events required by regulation to be reported to the CER, and a

one-stop reporting portal through its online Event Reporting System.

**11. How can the OPR support a predictable and timely regulatory system that contributes to Canada's global competitiveness?**

**The created system must be created to operate in "real" time in order to give intended results that "enables decisions to be made in a predictable and timely manner, providing certainty to investors and stakeholders, driving innovation and enabling the implementation of sound projects that create jobs for Canadians." Often, systems are created and left to operated in static time thus eventually rendering these systems and the results required from them as no longer functioning at its optimum intended use.**

**Innovation and Flexibility**

The OPR's management system requirements provide companies the flexibility to continually improve and innovate to meet regulatory requirements in a way that aligns with company-specific risks and the systems needed to address them. Several Canadian Standards Association standards for matters such as pipeline design, storage, transport, and security are incorporated by reference in the OPR to provide specific technical rules that companies must follow. These standards allow for the use of up-to-date processes and technologies.

The CER supports innovative approaches and the use of equipment, processes, and procedures that are based on new technologies. The CER has seen development of technologies in several areas related to pipeline design, operation, and

monitoring, such as new leak detection technologies, pipeline inline inspection technologies, and new defect assessment procedures. The CER has also been involved in reviewing a number of these new technologies through the current regulatory framework.

**12. How can the OPR support innovation, and the development and use of new technologies or best practices? This can be done by ensuring hiring practices for these types of employees also keep up with the technology. Technology is not a stagnant field; things change daily at a super speed! In order to keep abreast of these changes; the company must hire people that are champions, energetic and passionate about their technological work and stay ahead of, and can predict, what is happening in the technical world.**

### **Data and Digital Innovation**

Over the past few years, the CER has worked to create a data and digital innovation culture and systems that enable the effective delivery of the CER's mandate. Data technology allows results to be tracked over time and analyzed to contribute to continual improvement. The OPR requires a company to have a data management system in place to monitor and analyze the trends in hazards, incidents and near-misses. The OPR requires a company to submit incident reporting to the CER, and the CER tracks incident data to support company performance monitoring, oversight planning and related regulatory actions. Industry tracking measures such as the Total Recordable Injury Frequency Rate (TRIFR) are helpful to review the number of fatalities, lost time injuries, substitute work, and other injuries requiring treatment by a medical professional per million hours worked.

Global indicators such as these can contribute to data trending and support the development of an effective regulatory oversight system as well as public awareness. In another recent initiative, CER has used data to provide an [interactive pipeline map](#) and to identify events of interest to the public and potentially affected parties.

**13. What company-specific or industry-wide performance metrics could the CER consider to support enhanced oversight and transparency for CER-regulated facilities?**

**14. Are there opportunities within the OPR for data and digital innovation that could be used by the CER and by companies regulated by the CER?**

**13) I'm not familiar with company-specific or industry-wide performance metrics the CER could use for its intended uses.**

**14) Yes, the possibilities for using an OPR data and digital innovation are endless. We are in a technical world that will not go backward so we have to use technology whenever this is possible. There would have to be laws updated or created for the use of technology ie) mitigate liabilities.**

### **Change in Pipeline Use and Status**

To support Canada's transition to a low carbon economy, clear processes are key for the change of use and change in status of energy infrastructure. Changing market patterns will require the ability to quickly adapt systems to respond.

Changes in pipeline use could include change of product in the system or change of product flow direction. The CER has seen an increase in instances where companies are seeking to change the type of product being carried or the direction of flow of the



product that was initially approved for the pipeline. These changes can have impacts on pipeline integrity. For these situations, the OPR contains requirements that a company must follow to ensure safety and protection of the environment.

For a change in pipeline status, when a company plans to permanently end the operation of a pipeline, or part of one, the company must submit an application to the Commission. The legal term in the CER Act is seeking “leave to abandon” the pipeline. The company must follow the requirements of the OPR and the Commission’s conditions on the authorization to ensure that the pipeline is properly cleaned, removed if appropriate, and that required environmental remediation and reclamation is completed.

When a company plans to end the operation of a pipeline, or part of one, but it is located in the footprint of pipelines and facilities that continue to operate, such that all remediation and reclamation cannot be completed at that time, the company may submit an application to decommission the pipeline and take it out of use. The CER has seen several situations over the past years where a company has not been clear whether it should apply to decommission the pipeline or for leave to abandon a pipeline.

### **15. How can the OPR be improved to address changing pipeline use and pipeline status?**

**The OPR needs to make firm, clear and actionable regulations that hold the company accountable for whether they decommission or seek “leave to abandon” a pipeline. Look at the environmental damage that abandoned pipelines have caused to date. Sadly, Canada continues to have abandoned pipeline litter in the country. Primarily, pipeline litter is more**

**prevalent on Indian Reserves than in any other places in Canada. There must be strict rules and high penalties about this now!**

**There's current anger and anxiety about the pipelines whose owners have gone bankrupt and abandoned their equipment at their point of origin. What can the OPR do about this NOW?**

**There has to be strict rules and high penalties for this recklessness and lack of consideration for other people's rights. It's a costly activity to clean up someone's mess!**

**There should be a list of pipeline companies that have gone bankrupt and morphed into another company. This list should include who abandoned pipelines and left equipment litter!**

**This way the public and First Nations will know who not to allow within the territory!**

## **Section 5. Safety and Environmental Protection**

The OPR provides requirements for safety and environmental protection outcomes through management system and program requirements. This approach allows for companies to innovate and develop systems and programs in the way that best addresses their situations. In consideration of learnings from implementing the OPR, there may be areas for improvement in safety and environmental protection requirements.

### **Management Systems**

The OPR was amended in 2013 to clarify management system requirements, and the CER has conducted audits that have identified areas for improvement in company management systems. The CER recently published a [guide for management](#)

system requirements with a protocol for conducting management system audits. Based on past audit results, feedback from industry, and learnings collected through various forums over the past several years, the CER recognized that the previous audit guidance could be further refined. With this updated guidance, the CER anticipates that companies will be in a better position to evaluate their respective management systems because they will have a clearer understanding of CER expectations for future audits. Company development and implementation of well-designed and effective management systems are fundamental to keeping people safe and protecting the environment.

**16. What further clarification, in either the OPR (e.g. structure or content), or in guidance, would support company interpretation and implementation of management system requirements?**

**For Esketemc. adding a clause(s) that clearly defines “shared decision making” procedures, the inclusion of Indigenous knowledge and meaningful collaboration with the community.**

### **Human and Organizational Factors**

Through the CER Act, the CER may now include human and organizational factors in management systems required by the OPR. Human and organizational factors affect how people make decisions and perform their work. Human and organizational factors include matters such as individual capabilities and limitations (e.g. fatigue, decision-making and competence), group dynamics and team coordination (e.g. critical communication, workload distribution), work and job factors (e.g. task complexity,

human-machine interface), and organizational influences (e.g. cultural characteristics, priorities, organizational structure). When managed well, human and organizational factors set individuals, teams and companies up for success. When they are poorly managed or have not been considered, safety and environmental protection outcomes can be compromised. The human and organizational factors discipline considers the interaction of all these things and applies tools, data, methods, and training to optimize human and organizational performance. There is a growing awareness and understanding that examining human and organizational factors enables better anticipation and management of hazards and risks to prevent pipeline system failures. The Canadian Standards Association and the American Petroleum Institute now include references to human and organizational factors, in connection with recommended best practices for pipeline safety management systems. In 2021, the Canadian Standards Association began developing an Express Document providing guidance on human and organizational factors for pipeline systems. The CER supports this work with leadership and expertise. Providing direction and guidance on human and organizational factors can assist in promoting and advancing:

- identification of all types of hazards including those related to hardware, software, environment, human limitations, and organizational functioning and effectiveness;
- continual learning and improvement; and
- development and maintenance of a robust culture of safety across regulated companies, for both employees and contractors.

**17. How should information about human and organizational factors, including how they can be integrated into a company's management system, for both employees and contractors, be provided in the OPR, and/or described in related guidance?**

**Firstly – part of the orientation of every employee must include a strong statement about racism in the workplace and how it will be managed. Experience has shown that many minorities are fearful to work in pipeline companies because of the structural racism and the lack of discipline by the employer when this occurs. Some are fearful that if they report the incidents; they will lose their job.**

**Secondly, that every employee attend a racism workshop to understand the culture and how history plays a role in who Indigenous people are today.**

**Thirdly, hire an Indigenous elder/mentor/counsellor for the crews.**

### **Programs and Plans for Safety**

The OPR requires a company to have a Safety Management Program in place that anticipates, prevents, manages and mitigates any conditions that may affect safety during all company activities. The OPR also requires a company to develop a Construction Safety Manual and a Maintenance Safety Manual to provide for safety during all company activities throughout the project lifecycle.

The CER has found that better connections can be made between company safety manuals and the Safety Management Program. A company's safety manuals should reflect the implementation of

the company's management system and Safety Management Program, and should apply to the full lifecycle of the project, for both employees and contractors.

**18. How can the OPR improve the connection between company safety manuals and the overarching Safety Management Program, for both employees and contractors? Reading this should be a part of the orientation and becoming an employee of the company.**

**Most organizations have a Health and Safety committee so there ought to be regular connection between them and the Safety Management Program.**

### **Respect and Workplace Safety**

The CER is aware that CER Inspection Officers, CER Indigenous monitors, and members of the Indigenous Advisory and Monitoring Committees have experienced discrimination and harassment while conducting work on CER-regulated infrastructure. The CER recently issued a [letter to all companies](#) regarding conduct in the field and reminding them of their legal obligations with respect to protecting employees and preventing occurrences of workplace harassment and violence. On 1 January 2021, the Government of Canada's new [Work Place Harassment and Violence Prevention Regulations](#) made under [Part II of the Canada Labour Code](#) (CLC), came into effect. These regulations apply to all employers and workplaces covered under Part II of the CLC, including the federal public service and the federally regulated private sector. The CER expects that companies have policies and processes in place to meet the requirements and intent of legislation and regulations for

workplace safety and for safety matters related to company activities. The CER is seeking to understand whether further requirements or guidance are needed to address this issue.

**19. How can respect and personal workplace safety be assured at CER regulated sites?**

**While discrimination and disrespect are not easily monitored nor will it ever cease; this understanding that discrimination will not be tolerated must be strongly stated when a person applies for a job at companies. At the first incidence of discrimination; an employee must be terminated!**

**Contractor Management**

Companies are responsible for all activities related to their CER-issued regulatory approvals or certificates. The OPR requires a company to communicate with, and oversee, all personnel including contractors to inform them of all safety and environmental protection requirements and obligations. Due to the nature of the energy industry and work, the majority of personnel working at CER-regulated sites are contractors.

**20. How should the CER be more explicit about requirements for contractor management?**

**IF a Contracting company has been cited for safety infractions; it should be recorded and made public. This will assist the companies understand that safety is important and forefront in all CER regulations.**

**IF a contracting company has been cited several times for infractions; they won't be hired again, will be fined**

**accordingly or must leave a huge deposit at the application level.**

### **Process Safety**

The OPR requires a company to identify hazards, and evaluate and manage risks, in order to prevent incidents. The CER has found that hazard identification often focuses on worker safety. Process safety hazards must also be identified, and risks evaluated and managed, in order to prevent incidents such as unintended releases. Process safety focuses on the prevention of releases of hazardous material or energy that can lead to major accidents such as fires, explosions, and unintended releases. Process safety management is the application of management principles and systems for the identification, understanding, avoidance, and control of process hazards to prevent, mitigate, prepare for, respond to, and recover from process-related incidents.

**21. How should the OPR include more explicit requirements for process safety?**

**Only people designated and licensed to carry, identify and use hazardous material can do so.**

### **Programs and Plans for Environmental Protection**

The OPR requires a company to have an Environmental Protection Program that anticipates, prevents, manages and mitigates any conditions that could adversely affect the environment. As part of the Environmental Protection Program and risk-assessment process requirements in the OPR, companies are expected to review the environmental performance of their systems. This can result in proactive improvements to environmental outcomes. For



example, when a company reviews risks to environmental protection, the results may drive upgrades to the company's infrastructure or practices in way that reduces waste or emissions.

**22. How can the OPR drive further improvement to the environmental performance of regulated companies?**

**OPR should state the acceptable minimum standards of products that will be used on infrastructure and practices. The OPR should be the organization determining what they consider as "minimal acceptable standards" and not the provincial building codes. Also, the building inspector or engineer must be an independent person/company that has final decision whether the correct material is being used.**

Companies typically submit an Environmental Protection Plan for constructing a new pipeline. The Environmental Protection Plan should reflect the implementation of a company's management system and Environmental Protection Program, and apply to the full lifecycle of the project. The CER has found that the Environmental Protection Plan can better describe specifications for reclamation and how environmental protection will be carried out during operations and maintenance activities for all phases following construction. The Environmental Protection Plan is a product that needs to be adapted for specific applications and activities, and so must be closely managed and updated throughout the project lifecycle.

**23. How can the connection between the Environmental Protection Plan, specific to an individual pipeline, and the company's Environmental Protection Program, designed for a company's pipeline system, be improved?**

**The improvement of the environmental protection program must include those first nations whose traditional territory the pipeline affects. The local people know their territory the best. For example – plants of invasive species cannot be planted in some areas deemed as a specific animal’s range, birthing ground or seasonal range. Also, the use of fertilizer is not recommended especially near water. Use of traditional medicine people are recommended.**

### **Management of Contaminated Sites**

Both provincial and federal regulatory frameworks provide for management of contaminated sites. Through the Environmental Protection Program required in the OPR, a company must address contaminated sites proactively. The CER issued a Remediation Process Guide in 2011. Recently, after consultation, CER published an updated [Remediation Process Guide](#) with clear objectives and a process for demonstrating that contamination is being managed in a manner that protects the environment and human health.

**24. How can contaminated site management requirements be further clarified, in the OPR or in guidance?**

**It should be clarified in both; the OPR and in guidance.**

**Again, recommend that the FN be involved when contaminated site management is occurring.**

### **Emergency Management Program**

The OPR requires a company to have an Emergency Management Program in place that anticipates, prevents, manages, and

mitigates conditions during an emergency that could affect worker or public safety, the environment, or property.

In consultation conducted in 2016 and 2017, Canadians requested that information on companies' emergency procedures manuals and emergency management programs be made available to the public. As a result, companies are now required to post online their emergency procedures manuals and information related to their emergency management programs.

Emergency management specialists, company representatives, and regulators across Canada have worked over the past few years to develop a standard for emergency preparedness and response for petroleum and natural gas industry systems. The CER has been a leader and contributor in the development of this standard – CSA Z246.2 Emergency preparedness and response for petroleum and natural gas industry systems. CSA Z246.2 allows a standardized approach to be taken across jurisdictions when coordinating an emergency response process.

**25. Are there any matters related to the Emergency Management Program in the OPR that require clarification? If so, what are they? Are there any matters for which further guidance is required?**

**Esketemc is satisfied that the emergency management programs are posted online. IF there are concerns, Esketemc will advise.**

### **Quality Assurance for Pipeline Materials**

The OPR requires a company to have a Quality Assurance Program in place that confirms that the pipe and components purchased by the company meet the company's specifications.

The CER has worked with companies on a number of initiatives to improve quality assurance programs over the past few years. In 2017, the CER led a technical workshop with industry and manufacturers on heat treated fittings. Following that review, the CER issued a [White Paper](#) in 2018 with recommendations for improvements to quality assurance processes and programs. In 2020-2021, the CER worked with the Canadian Standards Association to develop an [Express Document](#) that provides direction on quality assurance for the procurement of pipe and pipe fittings.

**26. How could the requirement for a Quality Assurance Program be improved or clarified in the OPR?**

**Esketemc is satisfied that the CER or OPR has managed this initiative satisfactorily.**

**CER has to ensure that all contractors are aware of this stipulation and must abide by CER standards for quality assurance on certain products.**

**Strength of Steel Pipe Relative to Welds**

The CER has learned that certain welding procedures can cause girth welds (i.e. welds joining pipes) and the pipe steel adjacent to girth welds to have a lower strength than the base steel of the pipes being joined for certain steel types. The CER takes a proactive approach to addressing matters such as these and is continually engaged with the Canadian Standards Association to update and strengthen relevant standards. In February 2020, the CER issued a [Safety Advisory](#) related to girth weld strength. The CER expects companies to know the strength and welding characteristics of the steel they are using and the relative strength

of the girth weld area, and to account for this in the design, construction, and operation of their pipelines.

**27. How can the OPR incorporate the key issues identified in the Safety Advisory regarding the strength of steel and the relative strength of the weld area?**

**OPR will ensure that all contractors are aware of this stipulation and must abide by CER standards as issued in the Safety Advisory related to girth weld strength on certain products.**

## **Section 6. Implementation Objectives**

The following objectives will support implementation of an updated OPR, and we are seeking your input to help us with our planning.

### **Provide a Compliance Promotion Function**

Best practices in regulatory oversight show that compliance promotion can be an important tool for the effective implementation of regulations. Compliance verification and enforcement processes can be supported by compliance promotion activities and tools such as outreach meetings, communication on regulatory requirements and desired end results, and discussion forums. The CER actively implements compliance promotion through activities such as compliance meetings with companies, safety and information advisories, and technical workshops.

**28. What are your recommendations for compliance promotion at the CER?**

**Open discussion on the development of compliance standards and how they will apply, promotion using written material for public distribution, visit FN communities that will be affected by the pipeline.**

**Support the Regulations with Technical Guidance**

Technical guidance can play a role in supporting compliance promotion and effective implementation of regulatory requirements. Technical guidance can assist interested parties in understanding the requirements of the regulations. It can provide examples of how the regulations may apply in certain situations, how harms may be prevented, and how safety and environmental protection outcomes can be achieved. It can also provide information on best practices and learnings from regulators across similar industries.

**29. How do you want to be engaged by the CER in the development of technical guidance?**

**Esketemc wants to be engaged with CER through community visits, zoom meetings/discussions etc on a regular basis.**