



INSPECTION OFFICER ORDER NO. DRP – 001 – 2022

IN THE MATTER OF THE CANADIAN ENERGY REGULATOR ACT,
AN ORDER UNDER SECTION 109

COMPANY TO WHOM THIS ORDER IS DIRECTED

NOVA Gas Transmission Ltd. (NGTL) is a company conducting work associated with a regulated facility located near Bear Canyon, AB as part of the North Corridor Expansion Project.

On or about 30-Aug-2022 at 10:30am MST, the undersigned Canada Energy Regulator (CER) Inspection Officer conducted a compliance verification activity (CVA) at the NGTL Bear Canyon stockpile yard in response to an incident that was reported to the CER on 26 August 2022.

RELEVANT FACTS

I, [REDACTED], designated as a CER Inspection Officer (IO) under subsection 102(1) of the Canadian Energy Regulator Act (CER Act), believe the following are the relevant facts relating to the issuance of this Order:

- On 26 August 2022 at approximately 5:20 PM MST a contract worker working at a regulated facility located near Bear Canyon, AB sustained serious injuries after being struck by a 24-meter length of 914 mm diameter pipe weighing approximately 6350 kilograms that fell off a trailer while being unloaded with the aid of a deckhand and excavator.
- The contractor's written work instructions titled *SP.OE16 – Unload Pipe From Trucks Using Deckhand* (referred to by the contractor as the Job Safety Analysis, called JSA) used by workers to carry out the task failed to identify critical steps including the spotters responsibility to ensure workers were out of the line of fire prior to the deckhand making contact with the pipe, and the method by which the spotter communicated with the deckhand operator that it was safe to proceed with unloading the pipe.
- IO interviewed NGTL (Owner) representative on site who was the only NGTL representative present at the location at the time of the incident. When asked by the IO, the owner representative stated he was not familiar with the JSA and therefore was unable to demonstrate adequate knowledge of the pipe unloading work required to fulfill the company's responsibility to oversee worker safety pertaining to the unloading task.
- At the time of the CVA, there was insufficient information provided to the Inspection Officer to demonstrate that the risk associated with the pipe unloading activities for the Bear Canyon stockpile yard and the NGTL North Corridor Expansion Project were sufficiently mitigated, and that NGTL representatives overseeing the work were competent to perform their safety related responsibilities.

PROVISIONS OF ACT OR REGULATIONS THAT ARE ALLEGED TO BE CONTRAVENED – AND ARE CONTINUING – OR ARE LIKELY TO BE CONTRAVENED

GENERAL DUTY – REASONABLE CARE

Pursuant to section 94 of the CER Act, the holder of a certificate or permit must take all reasonable care to ensure the safety and security of persons, the safety and security of regulated facilities and abandoned facilities and the protection of property and the environment.

MEASURES TO BE TAKEN

Based on the facts references herein, the Inspection Officer has reasonable grounds to believe that there is or is likely to be a contravention of Parts 2 to 5 or section 335 of the CER Act, or for a purpose referred to in subsection 102(2) CER Act, the Inspection Officer may, by order, direct a person to

- a) *stop doing something that is in contravention of Parts 2 to 5 or section 335 or cause it to be stopped;*
- b) *take any measure that is necessary in order to comply with Parts 2 to 5 or section 335 or mitigate the effects of non-compliance;*

- c) *stop doing something that may cause a hazard to the safety or security of persons, or damage to property or the environment or cause it to be stopped; or*
- d) *take any measure that is necessary to prevent or mitigate the hazard to the safety or security of persons or damage to property or the environment.*

NGTL is ORDERED pursuant to subsections 109(1) and 109(2) of the CER Act to:

- Take measures specified as per (b) and (d) above
- Stop doing something as per (a) and (c) above
- Suspend work associated with a facility, including a regulated facility, abandoned facility or ground disturbance until the hazardous or detrimental situation has been remedied to the satisfaction of an Inspection Officer or the order is stayed or rescinded

SPECIFIED MEASURES¹



1. Cease pipe unloading activities on the North Corridor Expansion Project until such time that the Inspection Officer has confirmed in writing that it is satisfied that NGTL has demonstrated that:
 - a. contractor(s) unloading pipe on behalf of NGTL have written work procedures that are sufficient to perform the work safely and prevent recurrence of the incident that occurred on 26 August 2022; and
 - b. NGTL representatives (e.g., inspectors) overseeing pipe unloading have the expertise, knowledge, and training to competently carry out their safety related responsibilities.
2. Provide the Inspection Officer a written corrective and preventive action (CAPA) plan by 21 Sep 2022 describing how NGTL will:
 - a. verify all contractors unloading pipe on behalf of NGTL at CER regulated worksites have effectively implemented work procedures that are adequate to perform the work safely and prevent a recurrence of the incident, and
 - b. verify NGTL representatives (e.g., inspectors) overseeing pipe unloading activities at CER regulated worksites are trained and competent to fulfill their inspection role as it relates to worker safety.
3. Implement the CAPA identified in measure 2 and provide the Inspection Officer with written updates every month commencing on 30 Sep 2022 until the CAPA has been completed.

EFFECTIVE DATE OF THE ORDER


This Inspection Officer Order takes effect immediately on 30-Aug-2022 at the time of verbal delivery of the order to the company to whom it is directed. Nothing in this Order shall be construed as reducing, increasing, or otherwise affecting what may be required of the company to whom it is directed to comply with all applicable legislative or legal requirements.

COMPLIANCE WITH THIS INSPECTION OFFICER ORDER IS MANDATORY

Failure to comply with an Inspection Officer Order issued under section 109 of the CER Act is an offence under section 112 of the CER Act.

Inspection Officer		
	IO Designation Number	Signature
	31-Aug-2022	

¹ All documentation provided to meet the terms of the order must be filed with the Secretary of the CER's office with a copy to the undersigned Inspection Officer, unless otherwise specified by the Inspection Officer.

	Date	
	Name (printed)	
	Suite 210, 517 10 th Avenue SW Calgary AB T2R 0A8	

Please note that in compliance with the CER's Enforcement Policy, this Order will be posted on the CER's website.