



May 31, 2021

Joe Rousseau
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Director – Offshore Technology
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Re: Responses to Comments on the Draft Canada-Newfoundland and Labrador Offshore Occupational Health and Safety Regulations

Thank you for taking the time to review and submitting comments on the draft *Canada-Newfoundland and Labrador Offshore Occupational Health and Safety (OHS) Regulations*. This type of feedback from industry expertise is what will help to ensure that these new OHS regulations are effective in setting requirements that address the unique characteristics and hazards in remote marine workplace settings, providing optimal protection for the health and safety of offshore workers.

Please see attached responses which include some changes that were made to the draft and clarifications that pertain to the comments you submitted.

The formal public review and opportunity to provide written feedback on the draft regulations is expected to occur in summer 2021, when they are pre-published in [Canada Gazette Part I](#).

We will also be posting all comments received on the draft and updated information on this initiative on the Natural Resources Canada website for the Atlantic Occupational Health and Safety Initiative: <https://www.nrcan.gc.ca/energy/offshore-oil-gas/18883>

Thank you again for your feedback.

Sincerely,

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Attachment: [ABS Group Comments and Responses]

Summary of ABS Group Comments and Responses

Comments received from the ABS Group are provided below, each with a corresponding response from Natural Resources Canada (NRCan) that includes clarifications and outcomes from discussions with the Governments of Newfoundland and Labrador and Nova Scotia, as well as technical advisors at the C-NLOPB and CNSOPB. References below to particular sections in the regulations correspond to the consultation draft of the *Canada-Newfoundland and Labrador Offshore Occupational Health and Safety (OHS) Regulations* that was provided for review on March 8, 2021.

1. Incorporating CSA Standards by Reference in the Regulation and Conformance

ABS Group: CSA standards are referenced for equipment, in most cases as the only option. Particularly for MODUs and vessels which are not purpose-built for Canada, this has been an issue requiring repeated equivalency requests in the past for equipment meeting foreign or international standards.

NRCan response

The majority of provision with CSA standards incorporated by reference in these regulations expressly permit conformance.

Substitutions (via an RQ) are not required where conformance is permitted within the regulation and the employer has determined that the equipment being used does indeed conform to the regulatory requirement. As with any regulatory requirement, a Board health and safety officer may ask the operator or employer, as the case may be, to demonstrate that what they are doing/using meets the regulatory requirements; however, governments do not expect this will be a formalized process for each instance.

NRCan and its provincial partners acknowledge that many of the offshore workplaces work internationally and that other international standards may already be in use in these workplaces when they come to Canada. In recognition of this, conformance in several provisions is expressly permitted in the proposed Regulations. Where specified, conformance permits foreign-flagged ships and MODUs to use equipment certified to other standards as long as they meet or exceed the minimum performance requirements outlined in the specified section(s) of the standard that has been incorporated by reference into the proposed Regulations. Care has been taken to ensure only the relevant sections of a standard have been incorporated by reference, and in many cases, the elements related to 'marking' of equipment to the particular standard have been intentionally excluded from the reference to ensure that the provision remains flexible.

2. Other ABS Group Comments and responses

Section	ABS Group Feedback/recommendation	NRCan response
1(1)	Definition of 'Dropped object' only includes vertical drop. Industry includes incidents with a horizontal or rotational component, as in an object toppling over. May result in non-identification of storage and	Definition revised to be more consistent with industry definition, moved into the relevant Part of the regulations,

	securing needs. Adopt language from dropsonline.org Dropped Object Prevention Scheme: ... includes an object or material “that falls down or over from its previous position.”	and includes in description, ‘falling over or from its previous position’
1(1)	Definition of ‘potable water’; Potential for misinterpretation: is this Health Canada or may provincial standards be applied if any? Specify the governmental authority by name.	No change made. This is how federal departments are referred to in federal legislation. The definition of ‘potable water’ includes the source document. The referenced guidelines are developed by the Federal-Provincial-Territorial Committee on Drinking Water and have been published by Health Canada.
85	Guard-rail is presumably relative to working spaces only as the criteria are not sufficient to meet Load Line requirements. Guard-rails at the edges of exposed decks must comply with the Load Line requirements which have different criteria. Clarify that the section refers only to guard-rails for protection from (or within) work spaces.	No change was made. After discussions, the decision was made to keep language as is and rely on the CSO's power to grant a substitution, based on sufficient technical demonstration, if it is needed.
2(1), multiple sections	Specific IMO resolution numbers are cited for LSA and FSS Codes. These remain in force but have been (and remain) subject to amendments by later resolutions. The intent of 2(1) is that the latest versions of regulations are applied, but the draft makes reference only to the original version in a specific resolution. Add “as amended” to the LSA and FSS Code references.	Revision made to the provision 2(1) on ‘Incorporation by reference’, to clarify avoid any possible confusion.