



June 23, 2021

TechnipFMC
131 Kelsey Dr.
St. John's, NL
A1B 0L2

Attention: Jade Doyle, QHSES Coordinator
Paul Pearson, Operations Manager

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 submit 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,

Kim Phillips
Senior Regulatory Officer
Natural Resources Canada
kim.phillips@canada.ca
(902) 402-0285

Attachment: [Technip Comments and Responses]

Summary of Comments and Responses

Summaries of the comments received from TechnipFMC are below, each followed by a 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 Canada-Newfoundland and Labrador Offshore Occupational Health and Safety Regulations that was provided for review on March 8, 2021.

1. Diving Physician Specialist Definition

TechnipFMC:

Stakeholders noted the value in the future Diploma in Hyperbaric Medicine (Diving Medicine Stream), but raised concern that it is not yet fully approved/established and, as such, have no visibility on the uptake of the diploma by qualified individuals hence the concern that there may be times when there is not a person available, with the requirements outlined in the definition, to support the diving program.

NRCan 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 practice medicine in Canada who meets the competencies of a Level 3 physician set out in CSA Z275.2 *Occupational Safety Code for Diving Operations*. Additionally, the regulations 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.

2. Elevators, section 96(1)

TechnipFMC:

Any foreign vessel or rig would have elevators that are designed, constructed and maintained in accordance with other international standards such as ISO, BS EN etc. There have been many Regulatory Query approvals of these standards in the region. The concern here would be that if these standards are not identical, and without the opportunity to submit for an exemption, the elevator may not be able to be used while in Canada. This would then introduce additional hazards such as extensive manual handling, fatigue etc.

NRCan response

Technical review during drafting included a discussion with the C-NLOPB on RQs received to date. Class rules that the Board are most familiar with do not fully address all aspects (design, installation, use, operation, maintenance and inspection) of elevators and person-lifts that was being considered in the original policy intent. Almost all RQs pointed to standards (e.g. ISO 8383, EN 81 series, CSA or ASME) in

addition to class rules. Some RQs were limited to design, construction and installation, while others only pertained to cargo elevators or other devices and not personnel lifting elevators.

We followed up with CAPP, who also confirmed that class rules (DNVGL, LR and ABS) were limited to design, installation and certification and that they did not address or set requirements related to the use, operation, maintenance, and inspection of elevators and person-lifts. For this reason, it didn't make sense to reference class rules for all aspects (design, installation, use, operation, maintenance and inspection).

The language in the draft regulation requires that elevator and person-lifts be designed, maintained, tested, inspected and used in conformance with ASME A17.1/CSA B44 and CAN/CSA-B311, respectively. Note, the incorporation of these standards is not to be interpreted as 'certified to' This approach allows equipment certified to another standard to be used, provided it conforms to the minimum requirements laid out in the ASME/CSA standards for design, maintenance, testing, inspection and use. For equipment that does not conform to the requirements established in those sections of the referenced standards, an application for regulatory substitution may be submitted for consideration by the Chief Safety Officer, who may permit the use of other equipment in lieu of what is required by the regulations, if s/he is satisfied that protection of the health and safety of employees at the workplace would not be diminished (s.205.069).

3. Other feedback and clarifications on interpretations and expectations

Applicable Section	Summary of Feedback/recommendation	NRCAN response
28(1)	<p>Any foreign vessel or rig would have Fire team equipment in accordance with other international standards such as IMO, SOLAS, BS EN as well as class requirements. The vessel crews are trained and drilled with the use of the fire fighting gear that is onboard. The types and quantities are also included on the Class/Flag state approved Fire and Control Plans. Any changes to the type and quantity also voids this plan. Transitional Regs allow for additional standards to be considered if the workplace is a ship used for construction or for geotechnical or seismic work.</p> <p>Suggest including internationally and industry recognized standards or classification society endorsement. Particularly for vessels/rigs inducted for short term programs. Introducing new life saving equipment to which the crews are trained and familiar with adds risk with no added value.</p>	Section 28(3) permits the use of alternate equipment for some types of workplaces.

<p>46(1)(j)</p>	<p>Foreign vessels and rigs would be outfitted with respiratory protection that meets the requirements of other acceptable standards such as BS EN.</p> <p>Section 47 Respiratory Equipment states that the equipment should conform to CSA. These sections are worded differently. Suggest wording as “conforms to” the CSA standard.</p>	<p>Provision relates to selection and maintenance of the respirator, which should not limit to just CSA certified equipment.</p>
<p>111(1)(d)</p>	<p>Any foreign vessel or rig would have fall arrest systems and components accordance with other international standards such as BS EN. There have been many Regulatory Query approvals of these standards in the region. The concern here would be that if these standards are not identical, and without the opportunity to submit for an exemption, this may not be used. In the event of fixed fall arrest systems, the inability to use these systems would introduce other risks. Suggest including internationally and industry recognized standards or classification society endorsement.</p>	<p>No change – policy intent is to ensure the fall arrest systems and components conform to CSA standards referenced.</p>
<p>126(2)(b)</p>	<p>While ASME are the standards referenced for loose lifting gear, even when fully compliant with these codes there are additional requirements under CAPP guidelines that are enforced. For example the inspection criteria for Loose lifting gear under ASME is annually, however when bringing in a foreign vessel the expectation is that loose lifting gear is inspected every 6 months as per the CAPP guidelines. Get consultation from enforcement party regarding what should be included as regulation.</p>	<p>Absence of reference to industry guidelines for safe lifting practices does not preclude their continued use.</p>
<p>166(1)(b)</p>	<p>Requirement has become too restrictive. Latest text states:</p> <p>...unless they are the installation manager referred to in section 193.2 of the Act or the offshore construction manager.</p> <p>Consider reverting to previously proposed text:</p> <p>The DSS appointed by the dive contractor must not have any other role assigned to</p>	<p>Revised provision which removed titles, clarifies that this person must not have other duties that would interfere with ability to provide prompt advice.</p>

	<p>them for the period of time that the dive activity takes place, unless that role is considered to be a significantly senior role on board.</p> <p>This will allow for a qualified night superintendent, or senior diving supervisor, to act as the DSS if required.</p>	
170(2)(a)	<p>At least one member of the dive team at the dive site at all times holds a valid diving medical technician certificate; Problem occurs if injured diver is the DMT.</p> <p>Consider revising such that a member of the dive team holding a valid diving medical technician certificate must be on site, and on surface, at all times.</p>	<p>Revised to require at least one member of the dive team holding DMT certification to be on the surface at the dive site at all times during a surface supplied dive, and who is not on a mandatory rest period.</p> <p>For saturation programs, all dive team members must hold DMT certification.</p>
170(3)(b)	<p>During a typical offshore dive campaign, the dedicated medic will perform the pre/post medicals. This medic typically does not have a DMT certification.</p> <p>Medic may perform pre/post medicals under guidance/directive of a diving physician specialist</p>	<p>Revised to allow medical checks in surface supplied programs to be carried out by a member of the dive team who holds a diving medical technician certificate, or by a medic under the direction of the diving physician specialist</p>
170(3)(e)	<p>The wording defines that only the Life Support Package meets the requirements of IMCA D 052. Rephrase such that Reception facility is also required to meet IMCA D 052</p> <p>Rephrase such that Reception facility is also required to meet IMCA D 052</p>	<p>We have removed the reference to IMCA D052; however, still require a HES that includes a HRF and SPHLs that are equipped with life support package sufficient to sustain the lives of divers. Additionally, a mating trial of the SPHLs and HRF must be conducted.</p> <p>The Act requires all facilities, equipment, machines, devices, etc. are safe for their intended use, and it is expected that this equipment will be verified by a certifying authority as safe.</p>