



May 31, 2021

David Bambrick
Senior Surveyor
DNV Canada Ltd.
200-121 Kelsey Drive
St. John's, Newfoundland and Labrador, A1C 5X4

Re: Responses to DNV 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.

Some of DNV's comments were simple to address and will be reflected in the final draft regulation (sections 24, 25(1), 26(2), 28(4), 46(3), 73(2)(b), 122(1)(l)). The other comments provided require a bit more of a response or explanation, and those are provided in the attachment.

With regards to the two comments that you made in the part on ventilation (sec. 78(d) and 79)), if you have completed that gap assessment, we would be interested to know if there are any issues with achieving conformance that could possibly be resolved through the regulation without lowering the minimum levels of safety.

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: [DNV Comments and Responses]

Summary of DNV Comments and Responses

Comments received from DNV are summarized 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. Alternative Inspection Scheme Approved by the CSO (Section 81(c))

DNV: This regulation does not indicate any acceptance of alternative inspection regimes such as Condition based inspection or Risk Based Inspection of pressure vessels as is accepted by industry and approved by the CNLOPB via RQs currently. Some Pressure Vessels have a greater than 5 year internal inspection frequency if in good condition Propose addition of an alternative inspection scheme clause that can be approved on a case-by-case basis by the CSO.

NRCan response

Risk based inspection programs or other alternative inspection schemes may still be employed; however, the regulations will set the minimum expectations of those programs.

In regards to pressure equipment inspections Part III.1 provides clear regulation-making authority to prescribe requirements establishing the standard for maintenance of boiler and pressure vessels. Upon review with provincial partners, it was determined that specifying a minimum frequency for the internal inspection of pressure equipment is a consistent approach with other federal and provincial OHS and/or technical regulations. Risk based inspection programs may still be employed; however, the regulations will set the minimum expectations of those programs, as they pertain to pressure equipment.

2. Other DNV Comments and responses

Section	DNV Feedback/recommendation	NRCan response
28(1)(c)	Confirmation that the helmet and visor are covered in NPFA 1971. The last regulations had an incorrect reference for the helmet and visor and we want to confirm this is the right Standard Reference.	Confirmed, reference is correct.
30(2)(d)(ii)	The intension is to ensure the integrity and operation of the Lifeboats. Each jurisdiction has a differing approach to this requirement. Consideration shall be made for the different lifeboat	A revision has been proposed to drafters to allow both the Can-NL and Can-NS version to be the same. Technical advice from our regulators indicated that the opportunities for weather windows for this activity to

	<p>arrangements. This requirement is related to davit launched lifeboats. Free fall lifeboats are not launched annually. Recovery of Lifeboats offshore can be a risky operation and is not undertaken in the NL sector for a number of years. The MODU have a requirement of putting the lifeboats in the water when in sheltered waters or every 5 years. And the maintenance and testing is not always dictated by the Manufacturer. Sometimes maintenance requirements change under new IMO requirements are past. There are IMO circulars that address the maintenance and launching requirements of the lifeboats and could be referenced in regulations.</p>	<p>occur differs between the Can-NL and Can-NS offshore area. If it can be done safely within the prevailing environmental conditions, it should be. If it is not feasible, the employer must, with prior approval of the Chief Safety Officer, complete additional requirements.</p>
57(3)(b)	<p>Wall requirement is very specific, and in some situations the wall partitions do not meet that height requirement. This could be very costly on owners or operators if they have to raise the partition requirements since they would not have an avenue to accept something lower. Some tech specs wall partition is 100 mm. Lower the requirement to the international standard or not have a specific height requirement for this regulation.</p>	<p>No change to the 150 mm; others did not raise this issue, and it has been in the transitional OHS regulations and not been subject to any RQs</p>
62(1)	<p>IMO MLC/ILO have requirements outlining Sleeping Quarters. Ensure that the New Regulations are aligned with these requirements in order to accept International Vessels and MODUs.</p>	<p>No change. Consulted with TC-MOSH to confirm that what we have is consistent with Canada's maritime authority requirement, which is also consistent with what is in international convention (for sleeping quarters)</p>
64(3)(c)	<p>We are not aware of any maritime/international requirements for ventilation systems to have design rate of 24L/s per occupant. This is a specific requirement that may require ventilation fans for international ships and MOUs to be changed or upgraded. Suggest to remove the 24 L/s specific requirement</p>	<p>No change. Rate is in line with smoking requirements in NS legislation.</p>
76(1)(c)	<p>The Audiologist testing was removed from the most recent CAPP medical.</p>	<p>The proposed requirement for audiometric testing every two years lends itself well for inclusion in the offshore medical. Ideally,</p>

	Reinstate the Audio test requirement back into the offshore medical.	CAPP will consider reinstating this testing into their guide for medical assessment of fitness to work in the offshore.
85(a)	Specific min./max. requirements that do not align with other international standards. Often we see designs with two intermediate rails. Further, many installations that currently hold a COF are built to comply with NORSOK C-002 and ISO 14122. The minimum height of the top hand rail in these standards is 1100mm, and there is no maximum. Having a guardrail that is higher is not as much of a safety concern as is having it lower, especially if it is protecting personnel from falling overboard.	No change was made. After considerable discussion with the regulator(s), 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. Note, guardrails have not been a significant source of RQs in the past.
94	Many references to conforming to CSA standards. This will create a lot of comparisons to international and ISO or EN standards in order to accept the alternative standard. Hand held remote controls are common for operations of winches/cranes and other lifting devices. A suggestion of accepting European Equivalent Standards to avoid the additional gap reviews.	No change. EN standards were not part of the policy intent, and it is up to operators and/or employers, as the case may be, to do the comparison. Standards that conform to the minimum specifications of a standard incorporated by reference is permitted by the regulations. 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. However, standards that have been determined to conform to those incorporated by reference could be shared in Board guidance or by industry.
94(1)(q)	94 (1) q: What about portable electrical heating equipment used in an enclosed area, also wrt hazardous area rating and ignition source prevention? Not all portable heating uses combustion. This is not really addressed in 26(5) either. Clarification needed.	No change needed, this is addressed by 94(1)(j)
96(1)	International Ships/MOUs would not be in compliance with this code. The DNV Class code would be RULES FOR CERTIFICATION OF LIFTS IN SHIPS,	No change. Provision permits conformity. Removed reference to rules and codes of a class society following subsequent discussion with Boards and CAPP on the topic. Instead,

	<p>MOBILE OFFSHORE UNITS AND OFFSHORE INSTALLATIONS This would require a gap analysis in order to determine conformity. Also some flag states have own requirements for inspection and testing for example LOLER Requirements for UK flag. These may be different than CSA or ASME. This is usually part of an RQ for every Rig, MODU, and Dive Vessel that comes to our area. What if you did a gap and there were differences. There should be acceptance of Class and Flag State design and tested units. Also inspections or inspections carried out on behalf of manufacturers representative.</p>	<p>pointing to the standards that are presently referenced in TOHSR, for which no RQs have been received post-2017, when TOHSR was amended</p> <p>However, standards that have been determined to conform to those incorporated by reference could be shared in Board guidance or by industry.</p>
<p>104(1)(b)</p>	<p>104 1 b: Mobile cranes often have fixed vertical access ladders for inspection or access to operator position and due to crane movement, ladders are not able to be secured at the bottom/ground. Instead they are secured at the top and along the pedestal or gantry as low as is reasonably possible. There is currently no provision for such an arrangement in the regulations, and this should be considered.</p>	<p>No revision necessary This exists in TOHSR and has not been a problem to date.</p>
<p>121</p>	<p>The industry standard on some equipment is that the Manufacturer can certifies some types of manual handling equipment, typically lower rated items. This regulation does not define specific types of equipment that must be certified by the CA, but blankets all materials handling equipment. From CAPP, materials handling equipment includes offshore pedestal cranes, Offshore Containers, drilling hoisting equipment, loose gear, and other lifting devices. For certain types of loose gear for example (spreader beams, hooks below the crane hook), a rating of 10 tonnes and over must be independently certified by the CA, but under 10 T we would accept Manufacturer's Certificate of Compliance with material certificates for load bearing materials in accordance</p>	<p>Section underwent some revision as a result of comments.</p> <p>Note that a specialist from the manufacturer would qualify as a competent person. Further, for simple equipment and simple load tests the CA would qualify as a competent person.</p> <p>It is expected that the schedule for Certificate of Fitness will still have requirements for these types of equipment, but the verification will be against the Act (e.g. safe for intended use).</p>

	<p>with EN 10204, type 3.1. Other items are also listed with Manufacturer's certification of compliance. This will create a gap with the current safe lifting practise. Removal of the Manufacturer for certain size/type Manual Handling Equipment aligned with the CAPP SLP</p>	
<p>135(2)</p>	<p>This would be very cumbersome for respite breaks for personnel and inspectors. It is not encouraging personnel to come out of the confined spaces for small periods of rest and could induce fatigue. Completion of Atmospheric gas testing every time the confined space goes from unoccupied to occupied could mean upwards of 4 times in a 12-hour shift. This was not prescribed in the regulations previously.</p>	<p>Going from unoccupied to occupied is in reference to the first time they are entering the space under the approved work permit, not for breaks.</p>