



## Canada - Nova Scotia Offshore Petroleum Board

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# Safety & Conservation Directive

## Regulatory Queries

**File 20,100.25**

amended 31 December 2014

The federal *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act* and the provincial *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act* specifies that the Chief Safety Officer (CSO) and the Chief Conservation Officer (CCO) may authorize the use of equipment, methods, measures or standards in lieu of any required by regulations, where those Officers are satisfied that the use of that other equipment and those other methods, measures or standards would provide a level of safety, protection of the environment and resource conservation equivalent to that provided by compliance with regulations. They may also grant an exemption from any regulatory requirement in respect of equipment, methods, measures or standards, where those Officers are satisfied with the level of safety, protection of the environment and resource conservation that will be achieved without compliance with that requirement.

### Submitting a Regulatory Query

Applicants (i.e. Operators, vessel owners or installation owners) are therefore directed to submit a regulatory query (RQ) to the applicable Chief (CSO or CCO) when applying for authorization of an alternative to a regulatory requirement, or for the granting of an exemption to a regulatory requirement as follows:

- Apply using the CNSOPB 'Regulatory Query Form' 10120-F1.
- Although the extent of supporting documentation will depend on the query, there should be sufficient documentation for Board staff to understand what is being proposed, why it is being proposed and the rationale for the proposal, including:
  - The reason for the RQ should be clearly stated, including whether it is to apply for authorization of regulatory deviation, or for the granting of an exemption to a regulatory requirement;

- A clear description of how a proposed alternative would provide an equivalent or better level of safety, environmental protection and resource conservation, or in the case of an exemption request, details describing why safety, environmental protection and resource conservation (as applicable) are not compromised;
- Information with respect to the consequences to health, safety, environment and/or resource conservation that might reasonably be anticipated if the permission is granted.
- Technical information sufficient to enable the CSO and/or CCO to make a decision on the application, including legible drawings and figures describing the proposal where appropriate;
- The rationale for the proposed action should include examples of recent practices or trends that may support the request;
- When the proposal relates to an approved scope of work for a certifying authority, the proposal should include a statement of concurrence from the certifying authority. The concurrence of the certifying authority should clearly state that the alternative arrangement or exemption will meet fitness for purpose requirements under Section 4(1)(a)(ii) of the Nova Scotia Offshore Certificate of Fitness Regulations.
- Where a proposal pertains to Regulations under Part III.1 (federal) and Part IIIA (provincial) of the Accord Implementation Act:
  - Although the Accord Implementation Act requires workforce notice at the time of a RQ application, the workforce should be consulted *prior to* submitting an RQ application to the CSO. An appropriate period of time should be afforded to receive submissions from any employee, committee or union prior to application, i.e. for a period of at least two crew rotations. At the end of the consultation period, the Applicant should provide all original submissions together with any measures to be taken to address the submissions in their RQ application. Written acknowledgement of worker consultation is requested from the committee's workforce co-chair on RQ Form 10120-F1.
  - A copy of the RQ application shall be posted in printed form by the Operator at a prominent place at the applicable workplace. A copy shall also be provided to any committee established for that workplace and to any union representing employees in the offshore area.

- Public Posting Period:
  - Upon receipt of any Part III.1 (federal) or Part IIIA (provincial) RQ application, the CSO will make it available to the public for a submission period of 30 days by posting it on the Board's website. Any submissions received during this period will be considered by the CSO and also referred to the Applicant and Operator for their consideration. A response from the Applicant summarizing the manner in which the public's submissions have been addressed, including possible RQ application amendments, is to be provided to the CSO for a final decision on the RQ application.

### **Annual Reporting**

Each Operator holding a valid work or activity authorization is directed to provide a RQ status report annually by September 30<sup>th</sup> to the Chief Safety Officer and the Chief Conservation Officer describing the following:

- a listing of the status of all RQs submitted by the Operator, and those submitted by other RQ applicants whose vessels and/or installations remain active under an Operator's work or activity authorization.
- a listing of all associated RQ commitments and/or conditions and their individual status.

If you have any questions regarding this Directive, please contact:

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