

2020 Event Reporting Guidelines	2024 Draft Revised Guidelines	Areas of Improvement	Enbridge Feedback
	4.1 Verbal and written notification within 3 hours	Significant Pollution (under COGOA and OGOA Drilling and Production Regulations) added as an Immediately Reportable Event	The immediate reportable (3 hours) for an unintended or uncontrolled release of sweet natural gas or HVP hydrocarbons >30,000m <sup>3</sup> requires guidance and clarification. Guidance of calculating volume is given later in the guide, however, is provided in the context of 24-hour reporting of the guide. For a 3-hour reporting requirement, the 30,000 m <sup>3</sup> threshold should have a release rate associated with it to trigger the 3-hour reporting timeframe.
5.1.1 “The death of or serious injury to a person”	5.2.1 The death of or serious injury to a person	Added sternum and rib as “major bone”	<p>Enbridge acknowledges and agrees with the importance of notifying the CER of instances of a death or serious injury associated with the construction, operation, or abandonment of its pipelines. In cases where the death or serious injury occurs or is recognized following a person’s time on an Enbridge worksite, this notification responsibility should not be dependent upon a time period (72 hours, as proposed) but, rather, as a result of the conclusion of appropriate investigation.</p> <p>Companies have no control or visibility of events that occurred outside of their worksite or after hours. In most cases, companies are also not able to gather confidential medical information nor are they able to speculate on the extent of an injury or cause of death.</p> <p>Suggested wording as follows:</p> <p>The OPR does not differentiate between different types of persons. Therefore, companies must report a death or serious injury to any person relating to the construction, operation, or abandonment of its pipeline regardless of whether the death or serious injury was to a pipeline company employee, a contractor working for the pipeline company, or a member of the public. Examples include:</p> <ul style="list-style-type: none"> <li>• Death or serious injury to a person that has been confirmed it has resulted due to pipeline construction, operation, or abandonment activities</li> <li>• Death or serious injury to a person that occurred or discovered on company owned/leased property</li> <li>• Death or serious injury to a person involving a vehicle or mobile equipment confirmed to being operated in relation to pipeline construction, operation, or abandonment activities</li> </ul> <p>If the extent of an injury related to pipeline construction, operation, or abandonment cannot be confirmed within the reporting time frame, companies are expected to apply the precautionary approach. Examples include:</p> <ul style="list-style-type: none"> <li>• medical aid is given to a person suspected of a serious injury and medical follow-up is expected</li> <li>• a person is being transported to a hospital with a suspicion of a serious injury</li> </ul> <p>Any obligation to report, real or precautionary, beyond these examples should only be completed once a company receives confirmation through an investigation (e.g., contractor investigation, internal investigation, medical professional assessment, or other) that the death or serious injury was related to the construction, operation, or abandonment of pipeline.</p>
5.1.2 “Significant adverse effect on the environment”	5.2.2 Significant adverse effect on the environment	Clarified the CER’s expectations in relation to Significant Adverse Effect on the Environment. Improved examples of events that require notification.	<p>For the proposed examples given, the following comments are being provided.</p> <ul style="list-style-type: none"> <li>• A release of sediment by itself does not necessarily cause a significant adverse affect. Suggest rewording guidance example to “a release of sediment that results in a consequence of significant adverse affect (e.g., HADD)”</li> <li>• For the unintended physical alteration of a fish-bearing watercourse (e.g., subsidence/collapse of the bed or banks, unplanned instream work, or a failed isolation), Suggest adding more consequence in line with a significant adverse affect (e.g., “that results in a HADD or an impediment to navigation.”</li> <li>• For fish/wildlife mortality, suggest moving away from numbers and suggest giving one example such as “Any mortality of a listed Endangered fish/wildlife species within Schedule 1 of the Canadian Species at Risk Act.” This example is in line with a significant adverse affect.</li> </ul>
5.1.4 “An unintended or uncontrolled release of gas or high-vapour pressure (HVP) hydrocarbons”	5.2.4 Unintended or uncontrolled release of gas or HVP hydrocarbons	Updated formula that companies can use for the purposes of estimating release rate	Enbridge appreciates the allowed use of the most applicable calculation in determining rate of release and total volume.
5.1.5 “Operation of pipeline beyond its design limits...”	5.2.5 Operation of a pipeline beyond its design limits	Added definitions for Approved MOP, Qualified MOP, Amended MOP, Restricted MOP, and Self-Imposed Pressure Restriction	<p>Definitions proposed in the guidelines are unnecessary as they are confusing, inconsistent with CSA Z662, inconsistent with individual companies’ integrity management programs, and does not affect reporting. Suggest removing “definitions” and reducing guidance to state the following:</p> <p>Any pressure exceedance greater than 110% of the most restrictive operating pressure of the following:</p> <ol style="list-style-type: none"> <li>1. Design pressure as per CSA Z662</li> </ol>

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			<ol style="list-style-type: none"> <li>2. Hydrostatic test pressure as per CSA Z662</li> <li>3. Company self-imposed restricted operating pressure</li> <li>4. Regulatory imposed operating pressure</li> </ol> <p>With respect to other events requiring notification, Enbridge notes that companies are required to develop, implement, and maintain an integrity management program (IMP). IMPs utilize a hazards and risk-based approach to managing integrity threats to the pipeline, including mechanical damage due to natural hazards or third-party activity, geohazards (slope movements), corrosion, and pipe exposures.</p> <p>Pipeline exposures and slope movements are managed on a routine basis and are typically risk-ranked low relative to other pipeline integrity threats yet require reporting under the ERG. Enbridge recommends removal of reporting of pipe exposures and slope movement that are in the tolerance of a company's IMP established criteria or that do not require immediate action. The CER could include the review of these instances as part of the annual integrity information exchanges to understand and evaluate if companies are appropriately managing these exposure and slope movement threats.</p> <p>Also, Enbridge recommends removal of the tariff limit exceedance as an example. A tariff limit exceedance may still be within design limits of the pipeline, and as such, no pipeline safety issue or non-compliance with CSA Z662 is triggered. Suggest that only inappropriate product as it relates to CSA Z662 design be considered an event example in this section.</p>
		New Suggested Material	<p>Enbridge recommends adding a section to provide clarity on CLC and OHS reporting obligations - HOIR guidance. The following is guidance provided by the CER to Enbridge in the past.</p> <p>Although associated by the fact they can result from the same event, CLC reports are separate from the CER Act incident reports and handled independently from them. The main reason for this is that the Acts that require these are independent of one another, and the CLC requires independent handling by the officer delegated for receiving, examining, or following up on them.</p> <p>Although annual reports now go directly to ESDC: <a href="https://www.canada.ca/workplace-health-safety-annual-reports">Canada.ca/workplace-health-safety-annual-reports</a>, companies are to send the CLC 14-Day Hazardous Occurrence Investigation Reports (HOIR) report to the CER via general deliver mailbox <a href="mailto:HOIR.Documents@cer-rec.gc.ca">HOIR.Documents@cer-rec.gc.ca</a>. If sensitive, you can contact the CER to make another arrangement, such as taking information over the phone.</p> <p>In addition to the 14-day HOIR, companies must also consider <b>immediate reports</b> (as soon as feasible but within 24-hour). Immediate CLC reports are required for criteria found in the <a href="#">Canada Occupational Health and Safety Regulation Part XV</a>. In addition to an officer delegated under the CLC, the CER On Call Responder (OCR) is also delegated to receive these immediate reports, which can be submitted by calling the OCR at the 24/7 number: 403-299-2773, also published online here: <a href="#">CER – Emergency Management (cer-rec.gc.ca)</a>.</p>
		New Suggested Material	<p>Our experience in talking with TSB staff is that they are only getting initial reports from the OERS but do not receive OERS updates. This may need to be discussed between the TSB and CER.</p> <p>Also, Enbridge suggests listing out the TSB required fields in the Event Reporting guide and the OERS instructions. It is currently difficult to identify all the appropriate fields across all the forms of the OERS by just relying on the "A" indicator.</p>

25 April 2024

Chioma Izugbokwe Acting Vice-President Energy Adjudication  
Canada Energy Regulator  
Suite 210, 517 10 ave SW  
Calgary, AB T2R 0A8

Via email

**RE: Energy Connections Canada Comments on the Draft 2024 Event Reporting Guidelines  
CER File: 4689957**

Dear Ms. Izugbokwe;

Energy Connections Canada (ECC) appreciates the opportunity to comment on the Canada Energy Regulator's (CER) Draft 2024 Revised Event Reporting Guidelines (ERG). ECC is the association of Canada's oil and gas pipeline owners and supporting industries. ECC is dedicated to achieving performance excellence through member and partner collaboration. Our members are global leaders in the safe and responsible delivery of energy products that fuel life in Canada and around the world. For more information, visit [www.energyconnectionsCanada.com](http://www.energyconnectionsCanada.com).

Following consultation with its CER-regulated members, ECC respectfully provides its feedback on the ERG as detailed below in order of importance to us.

### **S. 5.2.1 The Death of or Serious Injury to a Person**

Safety of employees, contractors and the public is of critical importance to ECC members.

ECC observes the CER has clarified in the ERG what constitutes a major injury, expanding the definition of major bone to include sternum and rib. The CER has also elaborated on its expectation for companies to undertake precautionary reporting, detailing types of events that would require notification to the CER, including:

- *“Death or serious injury to a company employee or company contractor that occurred during or was discovered within 72 hours of completing work related to pipeline construction, operation or abandonment;*
- *Death or serious injury to a person that that occurred or was discovered on company owned or leased property; and*
- *Death or serious injury to a person involving a vehicle or mobile equipment being operated in relation to the pipeline construction, operation or abandonment.”*

Of importance is whether or not the death or serious injury is *related* to the construction, operation or abandonment of the pipeline or facilities. For the CER's edification, the factors that the company would consider in rendering a decision as to whether the event is attributable to construction, operation or abandonment of the pipeline or facilities are significant and are not limited to the following considerations:

- Was the worker on shift when the event occurred?
- Was the worker on personal time when the event occurred?
- The date of the last shift?
- Was the worker involved in any incidents within the past 24 hours while on shift?
- On the last shift, was the worker exposed to any hazards or contaminants that could have

- contributed to this incident?
- Has the worker disclosed any prior health conditions that could have impact the incident?
- What is the worker's role in the organization?

If through the company's assessment, given criteria such as the above, it is determined that an event is not attributable to the construction, operation or abandonment of the pipeline or facilities, in ECC's view it is not a reportable event under the ERG.

Further, the expectation that companies are able to or should monitor personnel activities occurring outside of active work sites or after hours including weekends, for the purpose of potential reporting is challenging and not achievable.

Once an employee or contractor leaves the workplace the company has no control over their personal choices or activities. Additional consideration needs to be given to a company's limitations on access to personal and secure confidential medical information given privacy restrictions (and out of respect to the impacted person or their family).

In the case of a contractor, reporting is further challenged as the owner operator is potentially removed from insight to the event if it happened offsite and after hours given provincial oversight and also the reality of the contractor's direct relationship between to the company she or he works for, and not necessarily the owner operator.

To resolve the above considerations, ECC requests that the CER change the draft language of the ERG to restrict reporting obligations to only after, and if, a medical professional or emergency medical services (EMS) official communicates to the company that the event was attributable to the construction, operation or abandonment of pipeline or of the pipeline company's workplace.

Finally, the addition of 'rib' to the definition of 'major bone' may result increased reporting for minor events, such and slip and falls, for which there is limited opportunity for corrective action on the part of the company. ECC asks the CER to reconsider its inclusion of rib.

### **S. 5.2.2 Significant Adverse Effect on the Environment**

Unchanged from the current ERG (revised October 2020), the CER requires regulated companies to report an event that results in a significant adverse effect on the environment. In section 5.2.2 of the ERG, the CER clarifies that a "*significant adverse effect on the environment* means an irreversible, long-term, or continuous change to the ambient environment in a manner that causes harm to human life, wildlife or vegetation." The ERG goes on to state "*In cases where the company has a reasonable expectation that a significant adverse effect on the environment may occur if conditions continue or escalate, or the significance of an adverse effect is not known at the time of incident reporting, companies are expected to apply the precautionary approach.*"

This guidance recognizes that an environmental event, depending on the nature of the event, the environmental feature(s) to which it interfaces, its respective environmental value, and the extent and length of impact are all factors to which would determine significance. As such, the guidance acknowledges that not all environmental events are significant, and companies - supported by qualified environmental professionals - are best positioned to make that determination, along with the associated consistent and aligned reporting.

In the experience of ECC's membership, the CER has required regulated companies to report events that are not irreversible, long-term, or have resulted in a continuous change to environmental features. ECC asks the CER to ensure it acknowledges corporate determination of what is significant as a pre-condition for reporting. ECC is of the view that reporting on insignificant events is not in the public interest.

### **5.3 OPR Incident Reporting Timelines**

ECC is in favour of extending the Inspection Officer powers to relieve a company of further reporting obligations after the submission of a preliminary incident report if there is demonstration that the event is not attributable to the construction, operation or abandonment of the pipeline.

The inclusion of this provision ensures that the resources of both the CER and the company are focused on events that are attributable to its activities, where actions or mitigations can be employed as a result.

An additional improvement would be to implement process steps to ensure consistent evaluation of all preliminary incident reports and to also set timelines at the CER for when a determination is made.

#### **S. 5.2.5 Operation of a Pipeline Beyond its Design Limits**

ECC acknowledges that the CER has not made changes to this reporting requirement but would like to offer the following feedback.

In section 5.2.5 of the ERG, the CER defines operation beyond design limit to mean the operation, for any amount of time, of a pipeline beyond the criteria for which the pipeline was designed and/or the operation of the pipeline beyond criteria imposed by the CER to mitigate a condition on the pipeline. The ERG lists the types of events that would fall under this definition, including operation of a pipeline at a pressure above the maximum operating pressure (MOP), restricted operating pressure, self-imposed pressure restriction or temperature greater than design temperature. It also includes unintended exposures of pipeline in waterbodies or on land.

Companies are required to develop, implement and maintain an integrity management program (IMP) under OPR s.40 that anticipates, prevents, manages and mitigates conditions that could adversely affect safety or the environment during the design, construction, maintenance or abandonment of a pipeline. CER regulated pipelines have an IMP in place that takes a risk-based approach to managing integrity threats to the pipeline, including mechanical damage due to natural hazards or third-party activity, corrosion, and pipe exposures.

ECC members note that pipe exposures are one potential risk area that companies manage on a routine basis and are typically risk-ranked fairly low relative to other pipeline integrity threats, yet pipe exposure occurrences require reporting under the ERG. The requirement to report on all pipe exposures – including those that carry very low risk to the integrity of the pipeline – is unnecessary and inefficient.

ECC proposes that the CER remove reporting of pipe exposures as they are managed under the IMP required under OPR s.40. Alternatively, the CER could implement a threshold for reporting, such as an exposed pipeline length of 5 metres or more.

#### **S. 7.2.2 Damage to Pipe**

ECC acknowledges that the CER has not made changes to this reporting requirement but would like to offer the following feedback.

Companies are required to report discovery of all damaged pipe. Often times, the majority of reporting is the result of historical damage to coating or to the pipe discovered during inline inspection tool runs, and/or integrity digs. Such damage is addressed through scheduled or routine maintenance and repair activities.

Reporting the discovery of historically damaged pipe has little value, as the company would take appropriate action under its IMP to identify and address the damage. In ECC's view, reporting should be limited to recent damage, such as mechanical damage due to recent third-party activity or natural hazard event, both of which are already reportable under the ERG, and which is likely to carry greater risk to the pipeline.

#### **S. 4.1 Verbal and Written Notification within 3 hours**

ECC acknowledges that the CER has not made changes to this reporting requirement but would like to offer the following recommendation.

In the early stages of responding to a hydrocarbon release, pipelines companies prioritize the containment and clean up of the released product, and the safety and protection of people and the environment. The CER requires immediate reporting of the event, and submission of the preliminary incident report follows, as soon as reasonably practicable.

At this early stage in reporting the volume of released product, the company would typically have a volume estimate, but the total volume would not be known until clean up and possibly, remediation, is complete. As a result, the company may need to provide ongoing volume estimate updates or reconcile earlier estimates in its detailed incident report. This is inefficient.

In lieu of a constant volume estimate reconciliation exercise, ECC recommends for the CER consider the introduction of ranges of volumes to be reported in the preliminary incident report, for example: 0 to 1.5 m<sup>3</sup>, 1.5 to 10 m<sup>3</sup>, and 10 to 100 m<sup>3</sup>, and greater than 100 m<sup>3</sup>. This approach would allow the CER to have an indication of the magnitude of the release, at a time when the volumetric information is limited. Alternatively, the CER in cooperation with the company, may want to consider setting schedule for the company to provide volume updates as the clean-up and reclamation is proceeding. As such, the CER is then receiving information on a timely and expected basis, reducing the requests for information during a time when the company is focused on containment, clean up and remediation. Specific final volumes will be appropriately reported in the detailed incident report.

Thank you for considering our input. ECC welcomes further discussion with the CER on this matter. Should you have any questions or wish to meet, do not hesitate to contact me at (403) 669-8664 or at [EBahry@energyconnectionsCanada.com](mailto:EBahry@energyconnectionsCanada.com).

Sincerely,



Evan Bahry  
Executive Director

26 avril 2024

PAR COURRIEL

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Paula Futoransky  
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**Objet : Période de commentaires de 90 jours sur la *Version préliminaire des lignes directrices révisées de la Régie sur les rapports d'événements (2024)***

Madame Futoransky,

Nous avons pris connaissance le 29 janvier 2024 de la *Version préliminaire des lignes directrices révisées de la Régie sur les rapports d'événements (2024)* (les « Nouvelles Lignes Directrices ») et nous vous remercions pour cette initiative. Par la présente, Hydro-Québec souhaite informer la Régie de l'énergie du Canada (la « Régie ») à l'égard notamment de ses commentaires préliminaires et de ses préoccupations.

Au terme de la lecture des Nouvelles Lignes Directrices, nous croyons respectueusement que celles-ci devraient notamment s'arrimer de façon plus étroite avec les obligations actuellement prévues dans le *Règlement sur la prévention des dommages aux lignes internationales et interprovinciales de transport d'électricité (obligations des titulaires de permis et de certificats)* DORS/2020-49 (ci-après, le « Règlement ») et le *Règlement sur la prévention des dommages aux lignes internationales et interprovinciales de transport d'électricité (régime d'autorisation)* DORS/2019-347, et utiliser le vocabulaire prévu par ces derniers. Ainsi, certains articles des Nouvelles Lignes Directrices semblent créer de nouvelles obligations non prévues dans les encadrements législatifs et réglementaires actuels et ainsi donc, outrepasser ces encadrements.

Ainsi, la formulation proposée de la section 4.2 des Nouvelles Lignes Directrices se lit ainsi :

*4.2 Avis écrit dans les 24 heures*

*Pour tous les autres événements qui ne répondent à aucune des définitions de la section 4.1, les sociétés ne sont pas tenues d'appeler au numéro d'urgence du BST, mais elles doivent tout de même les signaler dès que possible et, quoi qu'il arrive, dans les 24 heures suivant leur découverte.*

Ainsi, cette section rend obligatoire le signalement des infractions « *dès que possible et, quoi qu'il arrive, dans les 24 heures suivant leur découverte* ». À notre avis, cette formulation aurait pour effet de créer de nouvelles exigences en termes de signalement des infractions qui ne sont pas actuellement visées par le Règlement.

En effet, l'exigence de signalement découlant du Règlement est prévue à l'article 6 du Règlement qui prévoit une obligation de faire rapport à la Régie, lequel se lit ainsi :

*Obligation de faire rapport*

*Rapport à la Régie*

*À compter de l'année 2021, le titulaire fournit à la Régie, au plus tard le 31 janvier de chaque année civile, un rapport annuel pour l'année civile précédente, lequel comprend les renseignements suivants :*

- a) les détails des contraventions au Règlement sur la prévention des dommages aux lignes internationales et interprovinciales de transport d'électricité (régime d'autorisation);*
- b) les détails des dommages à ses lignes internationales ou interprovinciales, notamment la cause et la nature des dommages et leur incidence sur la fiabilité de la ligne internationale ou interprovinciale;*
- c) les préoccupations du titulaire au sujet de la sûreté, de la sécurité ou de la fiabilité de la ligne internationale ou interprovinciale par suite de la construction d'installations, de l'exercice d'activité qui occasionne un remuement du sol ou du franchissement de la ligne internationale ou interprovinciale avec un véhicule ou de l'équipement mobile;*
- d) toute mesure que le titulaire a prise ou entend prendre ou demander relativement à ces contraventions ou à ces dommages.*

Hydro-Québec est satisfaite de la formulation actuelle du Règlement et l'applique de façon rigoureuse dans ses activités afin de s'y conformer.

Nous comprenons que la modification des lignes directrices actuelles par la Régie est probablement motivée par un souhait d'harmonisation de ses meilleures pratiques et de ses façons de faire entre les règlements liés aux hydrocarbures et les règlements liés aux lignes internationales et interprovinciales de transport d'électricité. Hydro-Québec ne souhaite toutefois pas que cette harmonisation se fasse au détriment des lois et règlements auxquels elle est assujettie actuellement.

Ainsi, Hydro-Québec suggère donc notamment que la section 4.2 soit modifiée pour qu'il soit rendu explicite que cette dernière ne concerne pas les activités liées aux lignes internationales et interprovinciales de transport d'électricité. Nous croyons respectueusement que la proposition actuelle a pour effet de créer de nouvelles obligations dans un contexte où, à notre connaissance, il n'y a pas eu de modifications législatives et/ou réglementaires adoptées pour les proposer.

Dans l'éventualité où la Régie ne partagerait pas la position d'Hydro-Québec à ce sujet et afin de nous permettre de bien comprendre les intentions réelles de la Régie, Hydro-Québec estime qu'il serait utile d'obtenir de votre part un complément d'information. Nous souhaiterions obtenir des précisions concernant les fondements législatifs et réglementaires appuyant cet ajout du paragraphe 4.2 actuellement proposé dans les Nouvelles Lignes Directrices.

En nous fournissant ces informations, Hydro-Québec se réserve par la suite le droit de vous soumettre de nouveaux commentaires prochainement à cet égard.



Par ailleurs, la formulation proposée à la section 13.8 rend obligatoire l'utilisation du système de signalement en ligne (ci-après, le « SSEL ») dans le contexte du rapport faisant l'objet de l'article 6 du Règlement. Hydro-Québec rappelle qu'en respect des dispositions de cet article, elle dépose auprès de la Régie un rapport chaque année par voie de courrier électronique. Elle est d'avis que ce rapport, dans son format actuel et dans sa méthode de communication actuelle, est adéquat pour s'acquitter de ses obligations réglementaires et suffisant vu la portée de l'article 6 du Règlement.

Hydro-Québec a pu consulter le formulaire du SSEL dans le cadre d'une consultation de la Régie en 2020. Elle estime que, dans le cadre de ses activités, remplir ce formulaire, lui occasionnerait un fardeau réglementaire disproportionné et injustifié au regard de ses activités et du Règlement.

À l'occasion de la consultation de 2020, Hydro-Québec avait des préoccupations à propos du formulaire du SSEL. Celles-ci portaient, notamment, sur plusieurs questions outrepassant à notre avis le cadre réglementaire fixé par les règlements DORS/2019-347 et DORS/2020-49. De plus, certaines questions portaient sur des informations confidentielles, telles que des questions sur l'atteinte à la fiabilité du réseau, l'obtention du numéro de téléphone personnel de la personne remplissant le formulaire. Enfin, d'autres questions portaient sur des facteurs d'ordre personnel, tel une interprétation quant à l'intention, la santé de la personne ou sa capacité mentale, pour lesquelles les lois en vigueur au Québec ne permettent pas, dans plusieurs de ces cas, à Hydro-Québec d'avoir accès à ces informations ni de les transmettre. Hydro-Québec estime par ailleurs qu'il serait utile d'obtenir de votre part un complément d'information, sous la forme de la liste des questions actuelles du SSEL.

Outre cette demande, Hydro-Québec suggère que la section 13.8 soit modifiée pour qu'il soit rendu explicite que l'envoi d'un rapport annuel par voie de courriel électronique est admissible pour s'acquitter de ses responsabilités face à l'article 6 du Règlement.

Nous tenons à vous souligner que nous apprécions la sollicitation de la part de la Régie pour notre participation au développement de ses lignes directrices, d'autant plus que nous comprenons que le souhait de la Régie est de simplifier l'application de ses règlements sur l'ensemble des infrastructures énergétiques qui lui sont assujetties.

Souhaitant le tout conforme et dans l'attente de vous relire, veuillez agréer, Madame Futoransky, nos salutations les plus distinguées.

Stéphane Verret

Directeur — Affaires réglementaires et services de transport d'électricité

cc. Mme Ramona Sladic, Secrétaire de la Commission  
M. Pierre Chabot, avocat — Affaires juridiques  
Mme Wahiba Salhi, cheffe — Stratégies et affaires réglementaires et tarifaires - Transport

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**From:** [REDACTED]  
**Sent:** Friday, April 26, 2024 11:06 PM  
**To:** Event Reporting Guidelines <Event.ReportingGuidelines@cer-rec.gc.ca>  
**Cc:** Animal of BC <adavsocietyofbc@gmail.com>  
**Subject:** CER Event Reporting Guidelines Draft 2024 Revised Guidelines

You don't often get email from [REDACTED]. [Learn why this is important](#)

**CAUTION:** This message was sent from outside of the organization.  
**MISE EN GARDE:** Ce message a été envoyé de l'extérieur de l'organisation.

Due April 27.  
<https://www.cerdialogue.ca/event-reporting-guidelines>

Dear CER,

The draft guidelines are really good. There are strong protections for humans, including mandatory reporting to an ambulance. I like that harm or death to a wildlife member of a species at risk in the case of a leak or explosion must be reported. I would suggest reporting harm or death to any animal, wild, domestic, common, or rare, and also mandatory reporting to an animal ambulance or rescue service to save any injured animals. I would also suggest that only Non Animal Methods be used to report or monitor pollution. Please do not use animal testing for pollution and effluent monitoring. <https://www.change.org/p/stop-testing-sewer-water-on-laboratory-fish>

Please work with the Canadian Centre for the Alternatives to Animal Methods. <https://www.uwindsor.ca/ccaam/>

Sincerely,

[REDACTED]

April 25, 2024

Paula Futoransky  
Acting Executive Vice President, Regulatory  
Canada Energy Regulator  
517 10<sup>th</sup> Avenue SW  
Calgary, Alberta, T2R 0A8

**Re: Canada Energy Regulator (“CER”) Draft 2024 Revised CER Event Reporting Guidelines (“Draft Guidelines”)  
Pembina Pipeline Corporation (“Pembina”) on behalf of Alliance Pipeline Ltd., Pembina Energy Services Inc., Pembina Prairie Facilities Ltd., PKM Cochin ULC, Pouce Coupé Pipe Line Ltd., and Veresen NGL Pipeline Inc.**

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Dear Ms. Futoransky,

Pembina is in receipt of your letter dated January 29, 2024 and is pleased to provide comments on behalf of the above noted Pembina subsidiaries owned and operated by Pembina and regulated by the CER. Where Pembina has not responded directly to a specific proposal within the Draft Guidelines, agreement should not necessarily be inferred.

Pembina encourages and would support further industry consultation on the feasibility of certain amendments proposed in the Draft Guidelines and the serious potential reporting impacts of the proposed amendments discussed below.

#### **Section 5.2.1**

Pembina is concerned that the three bullets at the end of the section will likely cause confusion, and that they will not produce the added clarity for which it is assumed they were intended.

Bullet #1. The first part of the bullet is already a requirement in the preceding paragraphs stating “...occurred during...”, meaning if a reportable event happened while work was taking place, it needs to be reported. The second part of the sentence regarding the 72 hour timeframe introduces an element of uncertainty in that it could be interpreted to mean if there is a serious injury or death within 72 hours after anybody happened to be on a CER regulated site it needs to be reported to the CER, regardless of how the serious injury or death may have occurred (i.e. work related or not). On the basis that this bullet is redundant in the first part and unclear in the second, Pembina would recommend that it be removed.

Bullet #2. Pembina submits this bullet should also be removed because it does not define the scope of activity. For example, if a member of the public died or was seriously injured due to events not related



to the construction or operation of a pipeline, it is Pembina's view that this scenario would be reported to and handled by local law enforcement authorities and not reportable to the CER.

Bullet #3 - Vehicle incidents related to the operation of a pipeline which result in serious injury or death require reporting to the CER if the individual impacted is a pipeline company employee or a contractor working for the pipeline company. However, requiring reporting of impacts to all members of the public is not feasible. Companies will likely not be able to ascertain information regarding potential and actual injuries of non-company employees or contractors because of privacy concerns and other potential limitations. Consider the example of an employee involved in a collision with another vehicle. The employee may not be injured, but the operator of the other vehicle may be. It is more likely than not that Pembina would not know the extent of the public individual's injuries related to the collision, and Pembina could not obtain or disclose the information in any event because of privacy requirements. This bullet is too broad in scope and Pembina suggests it should be removed.

### **Conclusion**

Pembina believes the paragraphs in section 5.2.1 preceding the three bullets sufficiently explain the requirements. The bullets in section 5.2.1 are unclear or will likely cause confusion and should be removed or, alternatively, revised to provide clear and fulsome guidance that would address reasonable situations which may arise. Pembina respectfully requests additional stakeholder consultation for industry to more fully understand both the practical and operational impacts of section 5.2.1.

Pembina appreciates the opportunity to provide these comments and looks forward to participating in the process as it continues. Please contact Neil Guay at [nguay@pembina.com](mailto:nguay@pembina.com) with any questions on this submission or the next steps in the CER process.

Sincerely,

Brian Troicuk  
Manager, Regulatory Finance & Controls



**Plains Midstream Canada ULC /  
Aurora Pipeline Company LTD**  
Suite 1400, 607 8 Avenue S.W.  
Calgary, Alberta T2P 0A7

April 26, 2024

**BY ELECTRONIC FILING**

Attn: Chioma Izugbokwe  
Acting Vice President, Energy Adjudication  
Canada Energy Regulator  
[erg-dre@cer-rec.gc.ca](mailto:erg-dre@cer-rec.gc.ca)

**Re: Plains Feedback on CER Draft 2024 Revised Event Reporting Guidelines**

Plains Midstream Canada ULC and Aurora Pipeline Company LTD ("Plains") is pleased to provide comments on Canada Energy Regulator's ("CER") proposed changes to the *Event Reporting Guidelines* (the "Guidelines"). Over the public comment period announced by the Government, Plains has engaged relevant internal stakeholders to review the updated regulatory processes that will impact the company and its assets.

Plains supported industry members through Energy Connections Canada (ECC) to compile a list shared of concerns. Plains re-iterates the below comments as shared concerns and additional detail on these can be viewed in ECC's letter.

- Regarding Section 5.2.1 (The Death of or Serious Injury to a Person), Plains highlights the importance of the death or serious injury being *attributed* to the construction, operations or abandonment of the pipeline or facilities. Plains is concerned the current wording in the draft Guidelines is overly broad and would encompass events that are outside a company's control.
- Plains supports ECC's stance on Section 5.2.2 (Significant Adverse Effect on the Environment) that not all events are considered significant, and companies should be able to utilize their corporate determination in understanding an events significance. Additionally, this helps prevent the administrative burden associated of reporting insignificant events.
- Regarding Sections 5.2.5 (Operation of a Pipeline Beyond its Design Limits) and 7.2.2 (Damage to Pipe), Plains re-iterates that these types of events, specifically pipe exposures and historical damage, are covered under the Integrity Management Program (IMP), which is a requirement under the Onshore Pipeline Regulations. Plains requests the reporting requirement for pipe exposures and historical damage are removed from the Event Reporting Guidelines.
- Regarding Section 4.1 (Verbal and Written Notification within 3 Hours), Plains agrees with ECC in instituting a volume range of released product in the preliminary incident report. This will help both the company and the CER understand the magnitude of a release while enabling the company time to focus on containment, clean up and safety of people and the environment.

Plains supports the development, review, and update of compliance requirements, as well as service standards or other guidance provided by the CER. Properly designed, documents such as these enhance regulatory process clarity,



# PLAINS

predictability, and timing certainty. Please consider the comments and suggestions raised by Plains and its various stakeholders when undergoing the final review of the Guidelines.

Sincerely,

**Plains Midstream Canada ULC and Aurora Pipeline Company LTD (Plains)**



# COMMENTS TO *Canada Energy Regulator ON Draft 2024 Revised CER Event Reporting Guidelines*

TC Energy Submission | 26 April 2024

## NATURAL GAS PIPELINES

**75 %**

of Canada's demand

...

Our 93,700-kilometre network serves the largest, most competitive resource basins and the highest-value demand markets spanning Canada, the U.S. and Mexico. In Canada, LNG exports facilitated by our Coastal GasLink pipeline could reduce global CO<sub>2</sub> emissions by 60-90 million tonnes by displacing higher carbon-emitting energy sources, such as coal.

## LIQUIDS PIPELINES

**20 %**

of Canadian exports to markets served

...

Our 4,900-kilometre liquids pipeline system directly connects one of the largest global oil reserves, the Western Canadian Sedimentary Basin, to the largest refining markets in the U.S. Midwest and Gulf Coast. This irreplaceable system serves a highly strategic corridor.

## POWER AND ENERGY SOLUTIONS

**30 +**

years of experience

...

We own or have interest in facilities in Canada and the U.S. providing approximately 4,600 megawatts of capacity, over 75 per cent of which is emission-less. We continue to progress power and energy solutions initiatives, including at our Bruce Power nuclear facility.

## General Comments to the Canada Energy Regulator

TC Energy is writing to provide comments to the Canada Energy Regulator (CER) in response to the 90-day Comment Period for *Draft 2024 Revised CER Event Reporting Guidelines* (the Guidelines). TC Energy supports the CER's commitment to continuous regulatory improvement and oversight.

With more than 65 years of experience, TC Energy is a leader in responsible development and reliable operation in North American energy infrastructure. As a highly regulated enterprise, we have experience working within the existing regulatory frameworks in Canada and elsewhere in North America. With over 41,000 km of CER regulated pipelines, TC Energy is well suited to provide comments as the CER looks to update the Guidelines. We follow principles that guide and measure our corporate performance in these areas, and we are committed to continuously improving our performance on safety and environmental protection.

TC Energy offers the following comments on specific sections of the Guidelines:

1. The death of or serious injury to a person (5.2.1)
2. Significant adverse effect on the environment (5.2.2)
3. Unintended fire or explosion (5.2.3)
4. Contraventions of DPR–A (7.2.1)
5. Damage to Pipe (7.2.2)
6. Incident Costs (13.1.3)
7. Preliminary Event Report (PER)(13.6.1)
8. Detailed Event Report (DER)(13.6.2)

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### The death of or serious injury to a person (section 5.2.1)

The draft ERG states *“If the extent of an injury or its relation to pipeline construction, operation, or abandonment is suspected but cannot be confirmed within the reporting timeframe (e.g., medical aid is being rendered or a person is being transported to a hospital), companies are expected to apply the precautionary approach. This means events that require notification to the CER include but are not limited to:*

- *Death or serious injury to a company employee or company contractor that occurred during or was discovered within 72 hours of completing work related to pipeline construction, operation, or abandonment;”*

We are seeking clarification on the rationale for reporting within the 72-hour timeframe. TC Energy recommends considering a 24-hour timeframe as sufficient to determine if an incident meets the threshold for “serious” and is related to company activity having regard to an assessment of the mechanism of injury.

Bullet 1 in the OPR Incident Reporting Timelines (5.3) of the draft ERG states, *“Reasons for granting relief may include but are not limited to:*

- *the inspection officer is satisfied that the company has determined pipeline construction, operation, or abandonment was not a cause or contributing factor in the death or serious injury and the company has attested that the same determination has been made independently (e.g., by coroner, physician, provincial occupational health and safety).”*



The draft ERG allows an inspection officer to partially or completely relieve a company from further reporting on the basis of independent determination by third party subject matter experts or authorities. TC Energy suggests adjusting language to allow for retractions on the basis of a determination other than a third-party independent report. For example, where a worker refuses a physician’s assessment or TC Energy cannot obtain a copy of the physician assessment due to privacy, TC Energy would rely on the company or contractor internal investigation as the basis for requesting relief which relief would remain subject to the approval of the inspection officer.

### Significant adverse effect on the environment (5.2.2)

TC Energy agrees with the changes to the definition of “significant adverse effect on the environment” to broaden it by removing references to chemicals or physical substances. TC Energy further agrees with the application of the precautionary principle to guide reporting decisions.

TC Energy is concerned that some of the examples in the list of reportable events do not reflect irreversible, long-term, or continuous changes that cause harm to human life, wildlife, or vegetation per the definition in the reporting guideline and will therefore drive unnecessary reporting of events that have no impact or have impacts that are specifically contemplated in an environment and socio-economic assessment reviewed and accepted by the CER. Specific examples can be found below. This concern could be addressed by revising the introductory statement to the example list as follows: “This means events that require notification to the CER **may** include but are not limited to:”.

However, if the CER prefers to include strict examples of events that must be reported rather than qualifying the introductory statement, TC Energy requests the CER consider changes to certain examples as follows:

- release of a toxic substance as defined in the OPR. The OPR definition conflicts with CER’s definition of “significant adverse effect on the environment” in the guideline because it includes any substance that “may have an immediate... adverse effect on the environment” and therefore would include events that are not irreversible, long-term, or continuous changes. This would include very minor sediment releases that dissipate in minutes. TC Energy has several examples of such minor incidents that were initially reported and then approved by the CER to be retracted. To avoid unnecessary reporting of incidents that do not have a significant adverse effect TC Energy recommends either deleting this bullet in favour of the general definition of significant adverse effect on the environment or revising as follows:
  - release of a toxic substance as defined in the OPR where such release has a significant adverse effect on the environment
- release of drilling fluid or sediment into a sensitive location or ecosystem (e.g., watercourse, wetland, or critical habitat). Similarly, this example includes events that are not irreversible, long-term, or continuous changes and that cause no harm to human life, wildlife, or vegetation. It could include streams that are not fish bearing and would include past reported events that the CER approved retraction of. It may also include very minor releases that are specifically contemplated as potential effects in an environment and socio-economic assessment reviewed and accepted by the CER in respect of a project. If the introductory statement isn’t qualified with “may”, TC Energy recommends a change as follows:
  - release of drilling fluid into a sensitive location or ecosystem (e.g., watercourse, wetland, or critical habitat) or unexpected release of sediment into a sensitive location or ecosystem (e.g., watercourse, wetland, or critical habitat) that causes irreversible, long-term, or continuous changes, that causes harm to human life, wildlife, or vegetation and that is not a predicted effect reviewed and accepted by the CER
- unplanned or unpermitted destruction of critical habitat, including movement of a physical substance such as movement of earth, vegetation, clearing, brushing or instream disturbance.

- mortality of an individual special status wildlife or fish species (including species at risk, provincially or territorially listed species of concern). TC Energy is supportive of the protection of all biodiversity but we note that this definition will include reporting of very minor mortality even where specifically contemplated as an effect of a project and accepted as such by the CER. For example, Western Toad is listed as special concern under the Species at Risk Act and is commonly encountered. One of our mitigations to protect the species is to salvage western toad tadpoles from areas of the RoW prior to construction activities. This process is completed through a provincial wildlife permit where a small number of mortalities are expected and reported to the province - typical direction from the provinces involves salvage until a threshold below a percentage of the highest daily catch totals is achieved for two consecutive days (e.g. catch totals below 20% of the highest daily catch total for two consecutive days). Additional reporting for every single tadpole mortality would be duplicative with provincial permitting and reporting and would also involve reporting of effects specifically identified in our CER applications and accepted by the CER as a potential effect of the project. TC Energy recommends removing this reporting requirement and then expanding the last example to include special status, or, alternatively, qualifying this example to those not resulting as expected projects effects and for which all required permitting is in place.

For continuity, it is recommended to move the highlighted paragraph to after the bullets.

In cases where the company has a reasonable expectation that a significant adverse effect on the environment may occur if conditions continue or escalate, or the significance of an adverse effect is not known at the time of incident reporting, companies are expected to apply the precautionary approach.

### **Unintended fire or explosion (section 5.2.3)**

The draft ERG has been updated to include an additional reporting requirement for “arc flash/blast.” TC Energy requests that the definition of an arc flash/blast incident be specifically focused on process equipment, rather than more minor arcing events like those that can occur when plugging in an appliance. TC Energy recommends the definition to include details on the magnitude and scope of these arc flash/blast incidents, such as the voltage of the electrical system involved. This level of detail is important, as arc flash/blast events on process equipment can vary significantly in their impacts compared to smaller arcing events.

### **CER Pipeline Damage Prevention Regulations (CER DPR) (7.0)**

#### **Contraventions of DPR–A (7.2.1)**

The draft ERG has been updated to exclude examples of items listed under Construction of Facility. TC Energy seeks clarification on whether the previous examples (skating rinks, irrigation ditches, irrigation lines) are no longer reportable.

#### **Damage to Pipe (7.2.2)**

Recommendation: TC Energy suggests the obligation to report damage to a pipeline should only apply to current damage, such as mechanical damage due to recent third-party activity. Operators accept the obligation to report damage to pipelines when there is third-party activity or an environmental or safety consequence, but do not see the utility of reporting historical damage discovered during integrity digs, where there is no third-party,

environmental or safety impact and the line simply needs repair. Historical damage is addressed through scheduled or routine maintenance and repair activities under the pipeline's Integrity Management Program.

### **Incident Costs (13.1.3)**

TC Energy seeks clarification on the CER's timeline for implementing this requirement, the intended use of the data, and if this data would be shared publicly.

### **Preliminary Event Report (PER)(13.6.1)**

TC Energy provides event location with GPS coordinates to 8 decimal places; however, the report email confirmation GPS coordinates are truncated. TC Energy seeks confirmation that the CER is using 8 decimals.

### **Detailed Event Report (DER) (13.6.2)**

The draft ERG has removed the qualifier "if known" for event reporting related to equipment and parties (bullet 4 "*parties involved information (e.g. type of party, company name, repeat occurrence details if applicable).*") TC Energy seeks confirmation that these fields are only required or applicable if known. TC Energy also seeks clarification on the CER's intended use of party information.

The draft ERG also removed the words "*if applicable*" from bullets 7 and 8 "*Preventive actions completed (or planned for completion) by the pipeline company to prevent similar events across its systems*". TC Energy seeks clarification of whether all incidents require preventive actions completed (or planned) to address systemic causes (e.g. staff or internal communication made across company/system). TC Energy notes that not all incidents require systematic preventive actions.

## **Concluding Remarks**

TC Energy appreciates the opportunity to provide comments on ways to improve the Guidelines in order to achieve the CER's goals for continuous regulatory improvement and oversight. TC Energy's goal is for our pipelines to operate safely every day so that the public, employees and the environment are not affected by an incident involving our assets. This goal is the cornerstone of our safety commitment. We are seeking additional clarification and suggesting changes to certain areas of the proposed ERG as noted above to arrive at the most appropriate level of reporting to support the continued safe operation of the system. We look forward to continuing to work with the CER to improve the Guidelines in a way that achieves our collective goals toward enhancing public and environmental safety.

April 25, 2024

Canada Energy Regulator  
210-517 10 Ave SW  
Calgary AB T2R 0A8

Sent via email: [erg-dre@cer-rec.gc.ca](mailto:erg-dre@cer-rec.gc.ca)

**RE: Trans-Northern Pipeline Inc. Feedback on the Draft 2024 Revised Guidelines  
CER File: 4689957**

Trans-Northern Pipeline Inc. (TNPI) appreciates the opportunity to provide feedback on the Canada Energy Regulator (CER) 2024 Draft Event Reporting Guidelines (ERG). TNPI respectfully provides the following:

**S. 5.2.1 The Death of or Serious Injury to a Person**

The safety of employees, contractors and the public is of critical importance.

The CER has elaborated its expectation for companies to undertake precautionary reporting, detailing types of events that would require notification to the CER, including:

- “Death or serious injury to a company employee or company contractor that occurred during or was discovered within 72 hours of completing work related to pipeline construction, operation or abandonment;
- Death or serious injury to a person that that occurred or was discovered on company owned or leased property; and
- Death or serious injury to a person involving a vehicle or mobile equipment being operated in relation to the pipeline construction, operation or abandonment.

In order for the company to determine or conclude if the death or serious injury is related to the construction, operation, or abandonment of the pipeline for facilities, a meaningful assessment and/or investigation would need to occur. If the assessment or investigation concludes the event is not in result of the construction, operation, or abandonment of the pipeline for facilities, it should not be a reportable event under ERG.

A complication of precautionary or preliminary reporting is the limitation and protection of personal and confidential medical information specifically if it “was discovered within 72 hours of completing work”.

**S. 7.2.2 Damage to Pipe**

The 2020 version of the ERG included the following statement under Section 7.2 Damage to Pipe “If damage to a pipe is unrelated to Contravention of DPR–A (e.g., historical damage), the event can be reported as Damage to Pipe only”.

In the Draft ERG version this statement has been removed. Clarification request, if damage to a pipe is unrelated to a Contravention of DPR–A,

- Is it still to be reported as Damage to Pipe only; Or
- if not related, is reporting not necessary?

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TNPI also contributed and supports the Energy Connections Canada (ECC) comments provided under letter 25 April 2024. Should you have any questions please do not hesitate to contact the undersigned directly.

Sincerely,

A handwritten signature in black ink, appearing to read 'J Fisher', with a stylized flourish extending to the right.

Jennifer Fisher  
Senior Regulatory Compliance Specialist  
Trans- Northern Pipeline Inc.  
Email: [jfisher@tnpi.ca](mailto:jfisher@tnpi.ca)  
Phone: 403-464-9955

cc.  
Gail Sharko, Director Regulatory and External Affairs  
TNPI Regulatory [regulatory@tnpi.ca](mailto:regulatory@tnpi.ca)

---

**VIA EMAIL SUBMISSION**

April 26, 2024

Canada Energy Regulator  
Suite 210, 517 Tenth Avenue S.W.  
Calgary, Alberta T2R 0A8

To: Chioma Izugbokwe, Acting Vice President Energy Adjudication

Dear Ms. Izugbokwe:

**Re: Canada Energy Regulator (CER) Draft 2024 Revised Event Reporting Guidelines (ERG)  
Trans Mountain Pipeline ULC (Trans Mountain) Comment Letter  
CER File: 4689957**

Trans Mountain is in receipt of the CER's January 29, 2024 letter commencing the 90-day comment period of the ERG. Trans Mountain is a member of Energy Connections Canada (ECC) and through that industry organization, has participated in the assembly of the industry response and supports ECC's submission.

Trans Mountain appreciates the opportunity to provide feedback. Should you have any questions or wish to discuss further, please contact the undersigned at [megan\\_sartore@transmountain.com](mailto:megan_sartore@transmountain.com) or (403) 990-2196.

Yours truly,



Megan Sartore  
Manager, Regulatory

cc: Evan Bahry, Executive Director, Energy Connections Canada