



National Energy Board
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Re: Notice of Proposed Regulatory Change (NOPRC) 2013-01 – National Energy Board Damage Prevention Regulations

Thank you for the opportunity to comment on the Notice of Proposed Regulatory Change (NOPRC) 2013-01 – National Energy Board Damage Prevention Regulations. The CFA appreciates the NEB efforts to enhance and modernize regulations to ensure the continued safety for those who live and work near NEB-regulated pipelines. It is essential to the CFA that issues directly impacting landowners and the need to effectively manage risk associated with pipeline damage prevention are captured in the draft regulations.

Effective and Timely Communication – One-call centres

Providing clear rules and protocols for third parties to request a pipeline locate is an essential element to ensure pipeline safety. The CFA believes that the one call centre should be the first contact option for third parties and that it should be integrated with existing provincial one-call systems whenever possible. Landowners should be able to receive information about NEB and provincially regulated pipelines from a single source. It is important that the number of communication decisions (such as who to contact and when) are minimized and a clear protocol is developed.

Management System Approach

The NEB proposal to require pipeline companies to have a damage prevention program that clearly outlines their responsibilities and requirements to communicate to landowners is fully supported by CFA. Timely, efficient and effective communication and a clear understanding of responsibilities is a key element to ensure regulatory certainty, compliance and the management of risk for both companies and landowners. The management system approach should be fully integrated with one-call centres so that all emergency situations relating to pipelines can be directed through the centres. Having a single portal for landowners and first responders in the event of an emergency - particularly when details on the pipeline and the company responsible for it are needed – is an important element of the management system approach.

Low Risk Crossing by Agricultural Vehicles

If the intention of order MO-21-2010 is to be captured in regulations, it is necessary to further clarify certain parts of the Order, particularly vague terms such as 'large harvesters' or 'large grain transporters'. The NEB should work with farmers, pipeline companies and equipment manufacturers to develop a more comprehensive assessment of the risk 'large' equipment may pose to pipelines and a more thorough understanding of current and future advances in agriculture vehicles. The regulations should be flexible and where possible, vehicle classes should be incorporated by reference so they can be changed as new equipment and vehicle types are utilized on farms. The CFA strongly feels that a more accurate understanding of the risk created by 'large' vehicles, depth of cover and other pipeline factors needs to be developed so third parties and pipeline companies have a clear understanding of low-risk situations where leave is not required. While damage prevention is of paramount importance, it is important that regulatory certainty is increased by better prescribing these low risk situations.

We look forward to working with the NEB as the regulations are developed.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ron Bonnett', with a stylized flourish at the end.

Ron Bonnett, President
Canadian Federation of Agriculture