



CANADIAN ASSOCIATION  
OF PETROLEUM PRODUCERS

June 5, 2008

(via email: [Anne.Burch@worksafebc.com](mailto:Anne.Burch@worksafebc.com))

Ms. Anne Burch  
Director  
Prevention Policy & Regulatory Review  
WorkSafeBC  
P.O. Box 5350, Station Terminal  
Vancouver, BC V6B 5L5

Dear Ms. Burch:

**RE: CAPP's Comments – 2008 Proposed Amendments to the Occupational Health and Safety Regulation for Consultation**

On January 31<sup>st</sup> CAPP and its members responded to WorkSafeBC regarding the 2008 proposed amendments to the Occupational Health & Safety Regulations. In our letter we offered specific comments for your consideration, as well as addressing our significant concerns with respect to the inclusion of Industry Recommended Practices (IRPs) in the legislation and language in the proposed amendments. **(23.64.1 “A snubbing operation must be carried out in accordance with the requirements of *Industry Recommended Practice (IRP) Volume 15 – Snubbing Operations* published by Enform Canada”).**

In our letter we also advised WorkSafeBC that CAPP and its members were prepared to work in cooperation with other industry associations, and WorkSafeBC to review the proposed amendments. We also advised that we were currently working with Alberta OHS on the update to the Alberta OH&S Code.

CAPP and its members strongly urge WorkSafe BC reconsider its intention to directly reference any Industry Recommended Practices (IRP's) in the BC Occupational Health and Safety Regulations.

CAPP believes that any direct references to IRP's would be inappropriate for the following reasons:

1. The IRP's were originally developed as guides and learning tools. As a result, the language used in the IRP's, while helpful at the field level, has the potential to be a source of contention in the courtroom. From a legal perspective, the language of IRP's is not always consistent and can be contradictory. IRP's are not written as regulatory documents.
2. It is important to emphasize that IRP's are not without criticism. A major concern of industry practices generally is that they may not necessarily represent the best practices, or most technologically advanced. In some cases, they may perpetuate old, outdated practices.
3. Before an industry practice is elevated to the status of law, it is critically important that any standards and industry practices be carefully reviewed for technical legislative consistency before being adopted. An

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example would be the rigorous review process that the Canadian Standards Association (CSA) applies to its CSA standards.

4. It is also unclear as to what happens once an IRP is referenced directly in regulation. Who controls their amendments? Does it become possible for industry to unilaterally change the minimum standards within the legislation by creating a formal written industry practice?
5. IRP's already have significant importance when used in a due diligence offence in court. In our opinion adding IRP's to the legislation will not be effective in ensuring their use. A legal opinion has been obtained in this matter.
6. IRP's are an important tool for the capture and transfer of industry best practices and knowledge sharing. However, once any IRP is given legislative status, all those involved in its development process will now look at this quite differently. It is our belief that referencing IRP's in legislation will stop the further development of IRP's. Very few companies, if any, will be willing to make a technical contribution to an IRP without first taking legal advice. This will effectively stop any further development of IRP's and the knowledge contained in them will not be updated, or improved. In fact there is a real danger that their content will be stripped to ensure minimum requirements are addressed only.

IRP's are important and are critical to the continued improvements of our industry's safety performance.

CAPP is a strong supporter of Enform and the IRP process. We believe that if IRP's are directly referenced in legislation, there is a very real danger that the intent and value of the IRP will be lost. IRP's are designed and developed by industry groups to share important information and best practices of a mainly technical nature. It is the capture and sharing of knowledge that makes the IRP valuable. Should the IRP become another piece of legislation the groups that develop them will change their focus to a more legal approach. When that occurs, the character and content of the IRP's will change, and this change will not be for the better.

As an alternative, CAPP recommends that the same objective can be achieved by indirect reference to the key hazards and recommendations embodied in the IRP. Using snubbing as an example:

*Snubbing operations must be carried out in accordance with the following requirements:*

- i. *A written snubbing program must be prepared by the Prime Contractor for the planned operations and be available at the worksite;*
- ii. *A pre-job review must be completed prior to commencing operations to verify that all downhole and surface equipment is provided as specified in the program and remains appropriate;*
- iii. *Steps must be taken to confirm that well site supervisors, rig and on-site service personnel are familiar with all applicable industry standards requirements; and*
- iv. *On-site personnel are familiar with and able to perform the operational practices and procedures specific to the equipment being used for the planned operations.*

The above wording would address the objective of the IRP without specifically referencing the IRP.

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Ms. Anne Burch, Director, Policy Prevention & Regulatory Review  
WorkSafeBC

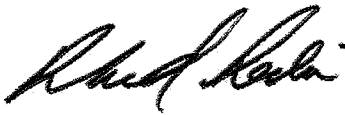
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In closing, we appreciate having the opportunity to comment, and would like to arrange a meeting to discuss the recommendations we have put forward for WorkSafeBC's consideration. We will be contacting you in the next few days to arrange such a meeting.

We look forward to meeting with you, and discussing this very important issue to the upstream industry.

Yours truly,



Richard Leslie,  
Manager, Alberta Operations

cc: David Pryce, Vice President, Western Canada Operations  
Brad Herald, Manager, British Columbia Operations  
CAPP National Safety Leadership Team

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