

Topic Paper

C. OPR – Emergency Management Topic Paper

Subtopic 1: CSA Z246.2 – Incorporating by Reference

Objectives for Improvement

The objectives of new requirements will be to help ensure:

- that companies are clear about the CER’s requirements regarding CSA Z246.2; and
- timely updating of requirements via CSA’s regular internal review and publication process, which the CER is invested in through representation on the CSA Technical Committee.

Proposed Option

To meet the objectives outlined above, the CER is considering incorporating CSA Z246.2 into the OPR by reference

Response

C1. What is your feedback on incorporating CSA Z246.2 by reference in the OPR?

Incorporating CSA Z246.2 by reference would enhance clarity and consistency in regulatory expectations while leveraging CSA’s expertise and review process.

Subtopic 2: Priorities to be Considered within the EM Program

Objectives for Improvement

The objectives of new requirements will be to help ensure that companies:

- are clear that the CER requires sites of historic and cultural significance, both Indigenous and non-Indigenous, to be considered in a company’s EM Program; and
- consider all relevant impacts on people within their EM Program.

Proposed Option

The CER is considering the following options to meet the objectives outlined above:

- replacing the term “safety of workers or the public” with “people”; and
- including adverse effects on sites of historic and cultural significance in subsection 32(1).
For example, the revised provision could be worded as follows:

- A company shall develop, implement and maintain an emergency management program that anticipates, prevents, manages and mitigates conditions during an emergency that could adversely affect people, property, sites of historic and cultural significance, or the environment.

Response

C2. What is your feedback on replacing the term “safety of workers or the public” with “people” in subsection 32(1)?

Replacing "safety of workers or the public" with "people" simplifies and broadens the scope to include all individuals potentially affected, regardless of their relationship to the company. This change fosters inclusivity and ensures comprehensive protection but should be defined within the OPR to maintain specificity and prevent ambiguity in application.

C3. What is your feedback on including adverse effects on sites of historic and cultural significance in subsection 32(1)?

While the inclusion of adverse effects on sites of historic and cultural significance is well-intentioned, it raises significant concerns due to the lack of a clear definition for what constitutes such sites. This ambiguity makes it challenging for companies to consistently identify and protect these sites, leading to potential discrepancies in implementation and compliance.

Additionally, many of these sites are already governed by provincial regulations, which may result in overlap, redundancy, or conflict between federal and provincial requirements. Companies may find it difficult to navigate these layers of regulation, increasing the risk of non-compliance and inconsistencies across jurisdictions.

To address these concerns, clear definitions and federal-provincial coordination are essential to ensure consistency, avoid duplication, and provide companies with actionable guidance.

Subtopic 3: Consolidation of current regulatory framework requirements within the OPR

Objectives for Improvement

The objective of new requirements will be to consolidate EM requirements specified outside the OPR into the OPR.

Proposed Options

To meet the objective outlined above, the CER is considering adding to the OPR the requirements contained in the above-noted CER letters, Amending Orders, Best Practices, and Information Advisory

Response

C4. What is your feedback on this proposal?

While consolidating EM requirements into the OPR can enhance regulatory coherence, it raises concerns due to the inherent rigidity of regulations. Regulations are typically challenging to amend, with lengthy processes required for updates. This is particularly concerning given that some existing regulations have remained unchanged for over 25 years, potentially limiting their relevance in a rapidly evolving industry landscape.

In contrast, guidance documentation offers greater flexibility and can adapt more readily to advancements in technology, industry practices, and emerging risks. Guidance documents, when clearly linked to regulatory expectations, can be equally enforceable and provide companies with the ability to implement best practices while maintaining compliance.

Relying more on guidance documentation, rather than embedding all EM requirements into the OPR, would strike a better balance between providing a robust regulatory framework and ensuring adaptability to industry evolution.

C5. Are there elements of the above-noted documents that should be included in OPR-related guidance rather than in the OPR itself?

Elements that are highly detailed, situational, or subject to frequent updates—such as specific methodologies, case studies, or examples—might be better suited for guidance documents. This approach keeps the OPR concise while allowing flexibility and adaptability in guidance materials.

C6. What is your feedback on elements of the Best Practices that could be incorporated into the OPR versus related Guidance?

Kingston supports the inclusion of Best Practices into Guidance documents rather than into the OPR. This approach will allow for flexibility as industry continues to evolve. Compliance to Guidance documentation is enforced through company audits.

Subtopic 4: Liaison Activities and the Continuing Education Program

Objectives for Improvement

The objective of new requirements will be to help ensure that companies are clear about what is required for liaison activities and a continuing education program.

Proposed Options

To meet the objective outlined above, the CER is considering clarifying requirements for “liaison activities” and “continuing education programs” by deleting those terms and replacing them with new Emergency Response Coordination and Emergency Management Information provisions. Emergency Response Coordination would focus on company interactions with those that may be involved in a response, and Emergency Management Information would focus on those that may be impacted during an emergency.

Response

C7. What is your feedback on clarifying the requirements in sections 33-35 of the OPR, regarding liaison activities and the continuing education program?

Replacing "liaison activities" and "continuing education programs" with clearer terms like "Emergency Response Coordination" and "Emergency Management Information" enhances understanding and focus. It ensures that companies effectively interact with responders and keep affected parties informed. However, the new provisions should be defined clearly to prevent misinterpretation.

Subtopic 5: Involvement of Indigenous Peoples in EM

Objectives for Improvement

The objective of new requirements will be to help ensure that companies appropriately involve Indigenous Peoples in their EM Program.

Proposed Options

To meet the objective outlined above, the CER is considering adding a requirement for a plan to involve Indigenous Peoples in the EM Program.

Response

C8. What is your feedback on clarifying the CER’s requirements within the OPR regarding the Involvement of Indigenous Peoples in a company’s EM Program?

Any requirements for involving Indigenous Peoples EM Programs should be flexible, fit for purpose, and included within Guidance documents rather than the OPR, recognizing that some companies may face challenges in having Indigenous Peoples respond or engage in EM activities due to varying levels of interest, capacity, or availability.

Additional concerns relating to adding requirements within the OPR include:

- 1. Lack of Clarity in Requirements**

Without clear guidance on how Indigenous Peoples should be involved, companies may

struggle to develop comprehensive plans. This ambiguity could result in inconsistent or inadequate practices across companies.

2. Resource and Capacity Constraints

Indigenous communities may lack the resources, capacity, or expertise to engage fully in EM programs. A mandatory involvement of indigenous communities could result in delays of implementation of EM exercises.

3. Potential for Conflict or Misalignment

Misalignment between company objectives and Indigenous community priorities may create conflict, especially if there is a lack of shared understanding or insufficient effort to align the program with Indigenous values and traditions.

4. Compliance Challenges

If the requirements are overly prescriptive or lack flexibility, companies operating in diverse geographic and cultural contexts may find it challenging to comply in a way that satisfies all stakeholders.