

TNPI Topic Paper Specific Comments

CER Topic Paper & Section Heading	Recommendation/Comment	Rationale to Support Recommendation/Comment
<p>Topic Papers Specific to Reconciliation with Indigenous Peoples including:</p> <p>Topic Paper B Deactivation and End of Lifecycle</p> <p>Topic Paper D Environmental Protection - Subtopic 3: Section 21 of the OPR – Participation in development of environmental monitoring by Indigenous Peoples</p> <p>Topic Paper H Reporting Harm</p> <p>Topic Paper I Rights and Interests of Indigenous Peoples, Socio-economic Effects, and Engagement</p> <p>Topic Paper K Filing Manuals - Environmental and Socio-Economic Assessment Topic Paper</p> <p>Topic Papers M Filing Manuals - Rights and Interests of Indigenous Peoples</p>	<p>Reconciliation with Indigenous Peoples is extremely important for the Government of Canada and is referenced in the CER Act.</p> <p>Reconciliation with Indigenous Peoples is best guided with a consistent approach under other mechanisms such as the United Nations Declaration Act and associated Action Plan to ensure national advancement of Reconciliation rather than a potentially disconnected approach limited to the pipeline industry.</p> <p>Individual Indigenous communities may have differing recommendations to industry regarding the use and protection of Indigenous knowledge.</p> <p>Indigenous communities will not necessarily always disclose Indigenous sites of cultural significance.</p>	<p>Existing Management framework within OPR is sufficient to be inclusive of Indigenous Reconciliation and expanded through the existing programs.</p> <ul style="list-style-type: none"> Engagement with Indigenous Peoples can be expanded in the existing OPR by way of including a reference in OPR s6.5(1)(m) <p>Allow for individual Indigenous communities and industry to establish Indigenous knowledge sharing and protection protocols that work for each party.</p> <p>Indigenous knowledge integration needs to be fit for purpose and consider that the level on Indigenous knowledge integration will differ between new construction and existing operating pipeline(s) as well as the location of a pipeline(s) in urban densely populated areas as opposed to rural or less densely populated areas.</p> <p>Avoid being overly prescriptive to ensure all parties have the ability to situationally adapt to different projects and various activities.</p> <p>A one-size-fits-all approach can inadvertently overlook the uniqueness of Indigenous cultures and of individual Indigenous communities, creating challenges when applying broad principles to all.</p>
<p>Topic Paper A. Damage Prevention</p>	<p>No need for additional requirements CSA Z662 provides the expectations through Patrols, Exposed pipelines and facilities (s.10.6.6), Safety and Lost Management Systems (s.3),</p>	<p>CSA Z662 Section 10.6.2.1 already requires Operating companies to periodically patrol their pipelines in order to observe conditions which includes -</p>

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	Operating, maintenance, and upgrading (s.10) & Integrity Management Programs (s. 10.3.1)	<p>g) soil slides; h) subsidence; i) loss of cover;</p> <p>Review other Provincial Regulatory Jurisdictions for alternative approaches such as the AER Pipeline Rules respecting minimum earth cover – it allows for protection of the pipeline from a safety perspective and considers the option to complete an engineering assessment to demonstrate if current cover sufficiently protects the pipeline in situations where depth of cover is lost.</p>
Topic Paper B Deactivation and End of Lifecycle	<p>Subtopic 5: Surveillance and Monitoring No need for additional requirements as CSA Z662 provides the expectations through Right of way inspection, monitoring, maintenance (10.6) Patrols (10.6.2), Safety and Lost Management Systems (s.3), & Integrity Management Programs (s.10.3.1),</p>	Refer to CSA Z662 sections 10.6, 10.6.2, 3, 10.3.1
	<p>Subtopic 6: Records Retention No need as CSA Z662 provides the expectations on records</p>	Refer to CSA Z662 sections 10.4, 10.4.1, 10.4.2, 10.4.3, 10.4.4
Topic Paper D. Environmental Protection	<p>Subtopic 1: Duty to report and manage contamination Not clear on how this requirement differs from the current NOC process? Is it just meant to make the NOC submission more efficient, or will this be separate from the formal NOC submission?</p>	No need to duplicate expectations and current reporting requirements as outlined in the CER Remediation Process Guide
	<p>Subtopic 2: Section 21 of the OPR: Reclamation, Vegetation Management, and Restoration D2. The revised requirements and wording enhances environmental protection and clarifies the CER expectations in the areas of reclamation and vegetation management.</p>	Recommended that definitions of reclamation and restoration be incorporated into the OPR for increased clarity.

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	<p>D3. The intent of the restoration expectations is well intentioned, however, the wording in the discussion paper is open to interpretation.</p> <p>D4. Establishing restoration goals in consultation with potentially impacted parties may pose challenges. Pipeline operators, landowners and Indigenous communities may have differing opinions on restoration goals making restoration planning difficult to achieve an agreeable resolution.</p>	<p>OPR s.6.5(1)(m) and CER Remediation Process Guide s.7 already requires companies to establish and implement a process for the internal and external communication including notification & engagement of potentially affected Persons and Communities.</p>
	<p>Subtopic 3: Section 21 of the OPR – Participation in development of environmental monitoring by Indigenous Peoples</p> <p>From an Operations & Maintenance perspective in unpopulated areas and within defined Indigenous communities knowledge and guidance should be shared between the Community and the Company.</p> <p>Need to consider pipelines operating in urban, highly developed areas, utility and transportation corridors that are already highly disturbed as lower priority than less disturbed areas.</p>	<p>OPR s.6.5(1)(m) and CER Remediation Process Guide s.7 already requires companies to establish and implement a process for the internal and external communication including notification & engagement of potentially affected Persons and Communities.</p>
	<p>Subtopic 4: Environmental Protection Plan required for Construction and Operation and Maintenance Activities</p> <p>D8. There is benefit to the development of an EP plan for nonroutine and more complex work provided it is scalable to the scope of work for construction, operations and maintenance activities. These plans will ensure that environmental factors are anticipated and mitigated during project planning.</p>	<p>There is benefit to the development of an EP plan for nonroutine and more complex work provided it is scalable to the scope of work for construction, operations and maintenance activities.</p>

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	D10. For nonroutine and complex projects an EP Plan would be a useful tool to be used during engagement activities with impacted communities.	
	<p>Subtopic 6: Climate resiliency No need to incorporate additional requirements.</p>	<p>OPR s6.5(1)(c) to (f), (i),(m),(r),(t),(u) already establishes expectations for a company’s management system. In addition, the protection programs (e.g. Integrity, Environmental, Safety) incorporate monitoring and that anticipates, prevents, manages and mitigates conditions that could adversely affect safety or the environment during the design, construction, operation, maintenance or abandonment of a pipeline.</p> <p>CSA Z662 also outlines expectations in s.3 Safety and Loss Management Systems and s.10 Operating, Maintenance, and Upgrading</p>
	<p>Subtopic 7: Incorporation of ISO environmental standards No need to incorporate ISO 14001 environmental standards</p>	<p>OPR s6.5(1) and s.48 Environmental Protection Program (EPP) requires companies to develop, implement and maintain an environmental protection program that anticipates, prevents, manages and mitigates conditions that could adversely affect the environment. Companies already refer to established environmental criteria as best management practices.</p> <p>OPR s. 55 and CSA Z662 s. 3.5 establishes expectations for Audits which includes the specific programs such as EPP</p>
<p>Topic Paper E Human & Organization Factors</p>	<p>E.8 The CER has not provided a definition of Human and Organizational Factors (HOF)</p> <p>E.9 CSA EXP16:22 already provides guidance and recommended best practices for the application to integrate human and organizational factors (HOF) in all aspects of the pipeline life cycle, including management system(s), and</p>	<p>Provide guidance on what CER defines as HOF. Clear differentiation would help prevent misunderstanding. CER could reference CSA EXP16:22 for the definition.</p> <p>The Pipeline Industry is increasingly focused on Human and Organizational Performance and HOF. CSA EXP16:22 to be used</p>

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	<p>related pipeline protection programs (e.g. safety, security, integrity, emergency management, damage prevention, and environmental protection).</p> <p>E.10 It is important for the CER to clarify that the intent is not to regulate organizational culture, but rather to focus on specific performance-influencing factors related to HOF.</p> <p>Recommend that Indigenous knowledge integration not be regulated. This should remain part of a companies' relationship building/maintenance. Refer to comments noted on the Topic Papers Specific to Reconciliation with Indigenous Peoples.</p>	<p>as guidance for inclusion of Human and Organizational Factors (HOF) principles but should not be regulated.</p>
	<p>E11. The proposed requirements to strengthen organizational learning and continual improvement. May result in unintended consequences that place undue burdens on companies without delivering proportional benefits.</p>	<p>While the intention behind fostering continual improvement and learning is acknowledged, we recommend that these objectives are better achieved through a culture of voluntary engagement and company-led initiatives, rather than through prescriptive regulatory requirements.</p>
	<p>E13. No additional oversight is required by the CER as the Safety Program requirements are built on a management system framework - PDCA - which already has learning built into the process.</p>	<p>OPR already outlines the expectations of a management system and its components (s6.1 – 6.5) and pipeline protection programs including the Safety Program (s 32, 37, 40, 47, 47.1, 47.2, 48).</p>
	<p>E14. Each company's needs, challenges, and culture differ, and a one-size-fits-all regulatory approach could reduce the capacity of organizations to tailor solutions that work best for them, thus diminishing the potential for real, sustainable improvements.</p>	<p>Recommend that these objectives are better achieved through a culture of voluntary engagement and company-led initiatives, rather than through prescriptive regulatory requirements.</p>
<p>Topic Paper F MS & contractor Management:</p>	<p>Subtopic 1 Management System Requirements Adoption of Management System requirements of CSA Z662 section 3.1.2</p>	<p>CER already requires companies to follow CSA Z662. No need to add additional requirements to OPR. Eliminates any</p>

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		redundancies between the OPR and the CSA standard and is consistent.
	<p>Subtopic 2: Management of Contractors Providing Services and/or Products Across the Pipeline Lifecycle Contractor management is best suited in Guidance rather than explicit requirements</p>	<p>Must be scalable to accommodate organizations of all sizes. A one-size-fits-all approach will not be effective, particularly for smaller businesses. While contractor management is crucial, each organization should have the flexibility to determine the approach that best suits its unique needs and operational context. This flexibility would include allowing each organization to determine the different tools they use to manage different types of contractor work with their operations.</p> <p>Recommend the CER’s development and implementation of “Contractor Oversight Guidance for CER-Regulated Companies” be leveraged as a Guidance document.</p>
Topic Paper G. OPR – Pipeline Integrity	<p>Subtopic 2: Use of technologies for which no standard is set out in the OPR</p>	<p>Agreement of adding a new requirement to section 5.1 to include a notification to the CER where a company plans to use a technology for components, processes, or systems is a positive integration that will benefit companies. Electronic submission Notification to CER deemed confidential allows for flexibility and is efficient.</p>
	<p>Subtopic 6: Definitions connected to operating pressures</p>	<p>Ensure alignment and consistency of the definitions between different CER publications including the Event Reporting Guidelines 2024</p>
Topic Paper H Reporting Harm	<p>Subtopic 1: Definition of Incident — General</p>	<p>The definition of “incident” is clear and does not need to be updated.</p>
	<p>Subtopic 2: Environmental Effects</p>	<p>Risk Matrix is company-dependant and should not be standardized nor included in technical guidance.</p>

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	<p>Subtopic 3: Definition of Incident — Loss of Operational View and Control of a Pipeline Loss of Operational View does not mean there is a loss in control of the pipeline or that there is an impact to the pipeline from a safety or security point of view.</p> <p>Reporting of applicable events should be once the cause has been determined after the investigation not at the time of loss and be limited to significant events based on Risk and controls rather than every event.</p> <p>If the loss of operational view or control is confirmed as a result of a cyber related event this could be reported through the event reporting requirements after the investigation confirms it to be true.</p>	<p>Factors may vary between internal and external, e.g. it may not be caused by a cyber security related event, it could be a temporary loss of power or internet interruption which controls are in place to manage.</p> <p>Reporting or preliminary reporting of every event which is low risk constrains resources and is time-consuming. E.g. Event related to a power outage where back-up generators are used should not be reported if the situation is resolved in a timely manner and the safety and security of the pipeline is not compromised.</p> <p>CER OPR Section 4(1)(d) & (e) already requires companies to follow CSA Z662 and CSA Z246.1 Security management for petroleum and natural gas industry systems.</p>
	<p>Subtopic 5: Reporting — High-Potential Near Misses Potential HiPo can be subjective unless extremely prescriptive on what is the potential. Being too prescriptive becomes unmanageable</p>	<p>“Potential” considers likelihood of the consequence occurring, which can be subjective. It can be very company-dependent and linked to the Risk Matrix of a company.</p>
	<p>Subtopic 6: Reporting — Information Sharing Information between Industry Peers should be voluntary and not mandated.</p>	<p>Industry already shares learnings through different industry associations.</p> <p>CER already reports on Industry Performance which includes pipeline incidents.</p>
	<p>Subtopic 7: Reporting — Sites of Historic and Cultural Significance H16. Sites of historical or cultural significance are defined in provincial & territorial historical/heritage resources acts/regulations. Refer to these definitions in the OPR and apply them depending on which jurisdiction the asset is</p>	<p>Sites of historical or cultural significance are defined in provincial and territorial historical/heritage resources acts/regulations.</p> <p>What defines a site of cultural significance can differ by culture group and/or by community.</p>

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	located in or establish an overarching definition that applies across jurisdictions.	Recommend adopting an overarching definition similar to Alberta , ‘Historic resources include archaeological sites, palaeontological sites, Indigenous traditional use sites of a historic resource nature (burials, ceremonial sites, etc.), historic structures.’
Topic Paper J Subtopic 1: Process Safety Management	Subtopic 1: Process Safety Management Process safety is imbedded in the current Safety Program outlined in OPR.	Process Safety audits and inspections should continue to be included with the Safety Protection Program and not defined separately. CSA Z767 should not be mandated, but rather, be referenced as guidance.
Topic Paper K Filing Manuals - Environmental and Socio-Economic Assessment Topic Paper	Subtopic 1: Restructuring the ESA Section K2.CER to review as it is may already be established in valued Components (VCs)	CER to consider the incorporation of guidance for Indigenous-led ESAs
	Subtopic 2: Environmental and Socio-economic Assessment K4. It can be difficult to include Indigenous knowledge in the selection of Valued Component, due to engagement timelines.	Recommend the CER include guidance that Valued Components (VCs) need a mechanism for change if and when engagement provides new information that needs to be incorporated into VCs A description of how Valued Components were established and potentially modified through engagement can be part of the ESA. Allowances should be made for incorporating Indigenous knowledge into Valued components at various stages of the ESA and following ESA submission.
	Subtopic 2: Environmental and Socio-economic Assessment 2.4 Cumulative Effects Need to clarify what environmental events would apply to each area (not all environmental effects apply equally to all parts of Canada).	Climate change should not apply - pipelines are not substantial producers of GHG emissions. Not supportive of cumulative effects study for the pipeline. CER to provide applicability for pipelines.

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<p>Topic Papers M Filing Manuals - Rights and Interests of Indigenous Peoples</p>	<p>M1. This option reverts back to the early days of consultation where Indigenous rights and interests and environmental factors are considered separate when they should be integrated.</p>	<p>Not supportive of split.</p> <p>Indigenous concerns and environmental considerations (i.e., considering Indigenous knowledge systems and western scientific systems together) can inform each other for more holistic assessments and separating into sections doesn't support clarity in the end-result (report) of an ESA.</p>
<p>General Feedback</p>		
<p>OPR General Compliance – Audits & Inspections specifically s53 and s55</p>	<p>OPR requirement to conduct audits which includes the noted programs with a maximum interval of three years and is inclusive of</p> <ul style="list-style-type: none"> (a) Parts 2 and 3 of the Act; (b) Part 6 of the Act as it relates to the safety and security of persons and for the protection of property and the environment; (c) these Regulations; and (d) the terms and conditions of any certificate or order issued by the Commission, as it relates to the safety and security of persons and for the protection of property and the environment. 	<p>Ability for industry to complete a risk-based approach in assessing compliance with the requirements, in addition to reviewing previous non-conformances, rather than auditing the same clauses on a three-year cycle. Similar to how the CER conducts audits and reports on industry performance currently.</p>
<p>CER Regulatory Oversight Tools</p>	<p>Overlap or duplication of requests from different CER groups/teams for Audits, Compliance Verification Activities (inspections), Information Exchanges, Information Requests</p>	<p>In many cases the information being requested is a duplication which contributes to resource constraints within an organization. CER internal groups/teams should collaborate on areas of oversight and coordinate on the information being requested to reduce duplication at the planning cycles. Acknowledging the CER has an important role in verifying compliance with the regulations, there is opportunity to collaborate internally on predetermined/preplanned activities that would reduce duplication and resource-draws, in particular with small- to mid-sized companies.</p>

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		In addition, where Corrective Action Preventive Action plans are already in place, this information should be readily available within the CER teams/groups for review rather than the companies submitting again.