

What happens if an inspector finds a problem?

If an Inspection Officer (under the NEB Act) or a Safety Officer (under the COGO Act) finds that a condition or commitment is not being met, or there is a situation that needs to be addressed for safety, security or environmental reasons, he or she may try to resolve the problem by:

- addressing the issue by talking with the company; or
- issuing a notice with corrective action to the company; or
- issuing an order to the company or any person(s) involved with the company either to stop work or take specific actions; or
- referring it to the Board for consideration and action.

When enforcing regulations and conditions of its authorizations, the Board has a great deal of flexibility to select the most effective means of enforcement. If a company's operation represents a threat to safety, security or the environment, the Board may:

- direct that work at the facility be stopped;
- conduct specific testing/investigation;
- require specific remedial action;
- implement a pressure restriction;
- stop operation of the facility until remedial actions or testing is complete; or
- issue administrative monetary penalties.

In addition, the Board has the ability to revoke the company's authorization to operate.

It is also an offence to fail to comply with the Board's regulations or disregard the order of an Inspection Officer. Such an offence can result in the company, or its officers, being subject to fines or imprisonment.

Working Together

The NEB has federal, provincial and territorial partnerships in place to address overlapping and adjoining jurisdictions, common regulatory objectives, and the need for effective communication. The Board has several Memorandums of Understanding in place and continues to develop formal working agreements with its government partners.

The NEB will always attempt to work cooperatively with other agencies and respect overlapping or concurrent jurisdictions.

Integrated Approach

During a multi-agency and/or multi-jurisdictional emergency, the NEB, as part of the Unified Command and the lead federal regulatory agency, provides an integrated approach both during and after the emergency phase, by:

- liaising with stakeholders and considering their concerns as part of the decision making process during both the emergency and remediation phase;
- participating in the Environmental Unit;
- reviewing all communication between stakeholders and the company;
- confirming that the company continues to communicate with stakeholders and addresses their concerns; and
- gathering stakeholder comments and concerns regarding the Initial Clean-up Plan, Remedial Action Plan and Remediation Closure Report and providing these to the company.

The NEB and the Transportation Safety Board

The NEB is the lead federal regulatory agency for all incidents that occur on NEB-regulated facilities or activities.

The TSB may investigate an incident that occurs on an NEB-regulated pipeline. For these incidents, the TSB is the sole agency that determines the cause and contributing factors leading to the incident. During these investigations, the NEB conducts a concurrent and co-operative investigation to determine factors relating to regulatory compliance, trends within industry, and actions necessary to prevent similar occurrences.

Where the TSB does not investigate, the NEB, as the lead investigator:

- ensures the preservation of failed materials for investigation;
- observes the site, equipment, protective systems and wreckage;
- interviews witnesses and company personnel;
- collects pertinent information;
- reviews documentation;
- requires operational safety prior to a facility being returned to service;
- determines the cause and contributing factors;
- enforces compliance to regulations and company commitments;
- determines whether existing regulations, codes or enforcement and monitoring programs should be changed; and
- recommends appropriate enforcement actions

The NEB also determines whether additional remedial measures should be implemented by the company involved in the incident, or by all NEB-regulated companies, in order to prevent a similar incident.



National Energy
Board

Office national
de l'énergie

Responding to Emergencies



Canada

Who is the NEB?

The National Energy Board (NEB or the Board) regulates inter-provincial and international pipelines, energy development and trade in the Canadian public interest. The Board's goal is to see to it that NEB-regulated facilities and activities are safe and secure and the environment is protected throughout their lifecycles¹.

The NEB's main regulatory responsibilities are defined in the *National Energy Board Act* and the *Canada Oil and Gas Operations (COGO) Act*.

The NEB also has environmental responsibilities under the *Canadian Environmental Assessment Act 2012* and the *Mackenzie Valley Resource Management Act*. In addition, certain Board inspectors are appointed Health and Safety Officers by the Minister of Labour to administer Part II of the Canada Labour Code as it applies to facilities and activities regulated by the Board.

What are NEB-regulated companies responsible for?

Regulated companies are responsible for anticipating, preventing, managing and mitigating incidents of any size or duration.

Each regulated company is required to have a management system that applies to its emergency management program. The emergency management program includes an up-to-date Emergency Procedures Manual² and/or Contingency Plan³. These manuals and plans must outline each company's emergency management, environmental protection and worker and public safety management procedures to be followed during an incident. Additionally, companies are required to develop training and exercise programs for achieving the coordination and competency of workers who are responding to incidents.



What happens when a significant incident occurs?

The general sequence of events would be:

- the incident is discovered and reported by the NEB-regulated company to the appropriate 24-hour incident line such as the:
 - Transportation Safety Board (TSB) incident line for onshore pipelines;
 - Spill Report Line for spills from a COGO Act or NEB Act exploration or production facility (including a pipeline facility) in the Northwest Territories, Nunavut or in Canadian Arctic waters (out to the Exclusive Economic Zone); or
 - directly to the National Energy Board incident line.
- the NEB is notified by the TSB or the Spill Report Line;
- the NEB-regulated company will determine the incident classification (Level I, II or III) based on the level of severity of the incident and the potential hazards to the public and the environment, and determine the appropriate response;
- the NEB will also determine the incident classification based on similar criteria and determine the appropriate response.

How does the NEB respond when an emergency occurs?

The NEB's top priority in any emergency is to make sure that people are safe and secure, and that property and the environment are protected. The NEB has a comprehensive emergency management program which can include a field response. Any time there is a serious incident on an NEB-regulated energy facility, NEB staff may attend the site to oversee the company's response. The NEB will require that all reasonable actions are taken to protect employees, the public and the environment. Further, the NEB will verify that the regulated company conducts an adequate and appropriate clean-up and remediation of any environmental effects caused by the incident.

NEB emergency response staff are trained to use the Incident Command System (ICS).

The NEB also maintains an Emergency Operations Centre in Calgary to coordinate its Incident Management Team at the incident site and provide situation reports to the Government of Canada's Emergency Operations Centre in Ottawa.



What is the NEB's role when an emergency occurs?

As the lead federal regulatory agency, the NEB:

- holds the company responsible for responding appropriately by monitoring, observing and assessing the overall effectiveness of the company's emergency response;
- participates in single or unified command and other roles within the ICS framework (or similar framework if ICS is not used);
- investigates the event, either in cooperation with the Transportation Safety Board, under the Canada Labour Code, or as per the NEB or COGO Acts (whichever is applicable);
- inspects the pipeline or facility;
- examines the integrity of the pipeline or facility;
- requires that appropriate repair methods are being used;
- requires that an appropriate environmental remediation of contaminated areas is conducted;
- coordinates stakeholder⁴ and First Nations feedback regarding environmental clean-up and remediation through an integrated approach both during and after the emergency phase;
- confirms that a company is following its Emergency Procedures Manual commitments, plans and procedures and NEB regulations, and identifies non-compliances;
- initiates enforcement actions as required;
- coordinates post-incident follow-up meetings with the company to further enforce compliance and to share knowledge obtained during the emergency; and,
- approves the restart of the pipeline.



Contact the NEB

For more information on the NEB's emergency management program, please call
or call 1-800-899-1265

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¹ Includes the design, pre-application, application, construction, operation and abandonment

² Requirement under the NEB Onshore Pipeline Regulations

³ Requirement under the Canada Oil and Gas Drilling and Production Regulations

⁴ Stakeholders may include, but are not limited to: international, federal, provincial, municipal and territorial agencies, as well as affected parties, including landowners.