

July 31, 2022

Sucker Creek Off Reserve Elders Council (the Council)

Comments

Onshore Pipeline Regulations Review

Discussion Paper

1. What is working well in relation to the OPR, and its implementation, and what could be improved?

The environmental protection plan under the OPR has been working well. Including mitigation measures. to. Pipeline spills, old pipes, pipeline leaks, are not working well. There should be a rule where older pipelines need to be replaced. These old pipes need to be modernized quicker. The monitoring should happen on the existing pipelines, should require onsite inspections.

2. How can the OPR contribution to the advancement of Reconciliation with Indigenous peoples?

The proponent and/or the Crown should be required to seek the free and prior informed consent for regulated projects. Indigenous consent is ordinarily not a requirement in satisfying the duty to consult, but it should be the explicit goal of the consultation process to take steps to achieving the free and prior informed consent of Indigenous peoples impacted by the project.

The indigenous people participating in the indigenous monitoring program ought to have some knowledge of the land and resources required for exercising treaty rights and traditional uses. There should be standards of knowledge or expertise required for indigenous monitors and standards of reporting.

The indigenous monitoring program should have opportunities for youth to participate in the monitoring program.

Before the Crown approves any project through the CER, there must be economic benefits for indigenous peoples, not only for Canada, the provinces, and the company.

The monitors' need to be there continuously.

3. How can the OPR contribute to the protection of heritage resources on a pipeline right-of-way during construction, and operations and maintenance activities?

The Council has no comments on this question.

4. How can the OPR contribute to the protection of traditional land and resource use and sites of significance for Indigenous peoples on a pipeline right-of-way during construction, and operations and maintenance activities?

The OPR could have fines and penalties for damaging sites of significance for indigenous peoples on a pipeline right-of-way during construction, and operations and maintenance activities.

There should be early engagement. Elders and monitors need to be involved in the project during the construction, and operations and maintenance.

5. How can the use of Indigenous knowledge be addressed in the OPR?

Indigenous knowledge can be addressed with an Indigenous Knowledge committee or working group made up of appointees from national indigenous organizations and non-government workers.

6. How can the OPR address the participation of Indigenous Peoples in pipeline oversight?

See answer 5.

7. How can the OPR support collaborative interaction between companies and those who live and work near pipelines?

No comment.

8. How could communication and engagement requirement in the OPR be improve?

The CER could hold workshops with regards to the information it wants to collect.

9. How could the CER improve transparency through the OPR?

No comment.

10. Gender and other intersecting identify factors may influence how people experience policies and initiatives. What should the CER consider with respect to:

- a. those people implementing the OPR; or**
- b. those people who are impacted by the operational activities addressed in the OPR?**

No comment.

11. How can the OPR support a predictable and timely regulatory system that contributes to Canada's global competitiveness?

No comment.

12. How can the OPR support innovation, and the development and use of new technologies or best practices?

No comment.

13. What company specific or industry wide performance metrics could the CER consider to support enhanced oversight and transparency for CER regulated facilities.

No comment.

14. Are there opportunities within the OPR for data and digital innovation that could be used by the CER and by companies regulated by the CER?

No comment.

15. How can the OPR be improved to address changing pipeline use and pipeline status?

No comment.

16. What further clarification, in either the OPR, or in guidance, would support company interpretation and implementation of management system requirements?

No comment.

17. How should information about human and organizational factors, including how they can be integrated into a company's management system, for both employees and contractors, be provided in the OPR, and/or described in related guidance.

No comment.

18. How can the OPR improved the connection between company safety manuals and the overarching Safety Management Program, for both employees and contractors?

No comment.

19. How can respect and personal workplace safety be assured at CER regulated sites?

No comment.

20. How should the CER be more explicit about requirements for contractor management?

No comment.

21. How should the OPR include more explicit requirements for process safety.

No comment.

22. How can the OPR drive further improvement to the environmental performance of regulated companies?

No comment.

23. How can the connection between the Environmental Protection Plan, specific to an individual pipeline, and the company's environmental protection program, designed for a company's pipeline system, be improved?

No comment.

24. How can contaminated site management requirements be further clarified, in the OPR or in guidance?

No comment.

25. Are there any matters related to the Emergency Management Program in the OPR that require clarification? If so, what are they? Are there any matters for which further guidance is required?

No comment.

26. How could the requirement for a Quality Assurance Program be improved or clarified in the OPR?

No comment.

27. How can the OPR incorporate the key issues identified in the Safety Advisory regarding the strength of steel and the relative strength of the weld area?

No comment.

28. What are your recommendations for compliance promotion at the CER?

No comment.

29. How do you want to be engaged by the CER in the development of technical guidance?

No comment.