



Canada Energy
Regulator

Régie de l'énergie
du Canada

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TO: Companies regulated under *Canada Oil and Gas Operations Act*, *Oil and Gas Operations Act*, rights holders, government departments and agencies, Indigenous organizations, and interested parties

Subject: Requests for equivalency to, or exemptions from, certain regulatory requirements under the [Canada Oil and Gas Operations Act](#) or the Northwest Territories' [Oil and Gas Operations Act](#).

The *Canada Oil and Gas Operations Act* - COGOA (R.S.C., 1985, c. O-7) section 16 and the Northwest Territories' *Oil and Gas Operations Act* - OGOA (S.N.W.T. 2014, c.14) section 54 provide for equivalent standard and exemptions. Specifically, Both the COGOA and the OGOA enable the Chief Safety Officer (CSO) or the Chief Conservation Officer (CCO), as applicable, to authorize the use of equipment, methods, measures or standards in lieu of any required by regulations, where those Officers are satisfied that the use of that other equipment and those other methods, measures or standards would provide a level of safety, protection of the environment, and resource conservation equivalent to that provided by compliance with regulations¹. They may also grant an exemption from any regulatory requirement in respect of equipment, methods, measures or standards, where those Officers are satisfied with the level of safety, protection of the environment and

¹ COGOA sub-section 16 (1) and OGOA sub-section 54 (1) state that, subject to subsection (2), the Chief Safety Officer and Chief Conservation Officer may

- (a) authorize the use of equipment, methods, measures or standards in lieu of any required by regulation, where those Officers are satisfied that the use of that other equipment and those other methods, measures or standards would provide a level of safety, protection of the environment and conservation equivalent to that provided by compliance with the regulations; or
- (b) grant an exemption from any regulatory requirement in respect of equipment, methods, measures or standards, where those Officers are satisfied with the level of safety, protection of the environment and conservation that will be achieved without compliance with that requirement.

resource conservation that will be achieved without compliance with that requirement.

To provide clarity on regulatory expectations in the interpretation and use of these provisions, the Canada Energy Regulator (CER) has prepared draft [guidance](#) on this matter. By way of this announcement, the CER is seeking feedback on these draft guidance for a period of 60 days – till 10 September 2021. After this comment period, CER will consider the suggestions for improvements and issue revised guidance. Some of the features of note include the provision of submitting requests for regulatory equivalency or exemptions to be made through our on-line submission portal LiveLink, request for a written consent to disclose² such requests, the availability to provide input to the regulator and the applicant that is accessible and transparent for a defined period of time (commensurate with the degree of departures from the regulatory requirements and the potential effect on any requested departure on safety, environment or conservation of oil and gas resources), and posting of the CCO and/or CSO decision on such requests.

Any question or comments on the proposed approach and the draft guidance can be sent to Mr. Jess S. Dunford, Director, Central and Northern Team in our Energy Adjudication Business Unit at jess.dunford@cer-rec.gc.ca.

Yours truly

Original signed by

T. Keith Landra M.Sc.(A), P.Eng., CRSP
Chief Safety Officer

Original signed by

Iain R. Colquhoun P.Eng., Ph.D.
Chief Conservation Officer

² If the applicant believes that any part of the request is confidential and the release may cause harm to their competitive position, they must identify what part of the request they wish to keep confidential along with documentation supporting the proposed request for confidentiality using the Request for Confidentiality procedure on the 'Submit Applications and Regulatory Documents' on our [website](#). The Regulator would then make a determination on what part, if any, could be granted confidentiality.