

MEMORANDUM OF UNDERSTANDING

BETWEEN:

**THE MINISTER OF TRANSPORT, as represented by
Transport Canada Civil Aviation
(hereinafter referred to as "TCCA")**

AND:

**THE CANADA-NOVA SCOTIA OFFSHORE PETROLEUM BOARD
(hereinafter referred to as "the Board")**

(hereinafter referred to as the Participants)

WHEREAS, the Participants wish to establish a cooperative framework with respect to transportation by air of personnel for offshore petroleum related activities;

AND WHEREAS, pursuant to the *Accord Acts*, the Board has legislative and regulatory responsibilities for petroleum related activities conducted in the Canada-Nova Scotia offshore area, including ensuring the health and safety of personnel transported to the workplace by aircraft;

AND WHEREAS, pursuant to the *Aeronautics Act*, TCCA has legislative and regulatory responsibilities respecting aviation safety including those related to operations, safety and aviation personnel;

AND WHEREAS, TCCA is prepared to support the Board, when possible, in carrying out its mandate respecting the safety of helicopter passengers being transported to Marine Installations or Structures and other vessels engaged in offshore petroleum related activities;

AND WHEREAS, the Participants share a common perspective that, in the first instance, the safety of helicopter passengers is the responsibility of the Air Operator Certificate holder and Operator in accordance with the *Accord Acts* and the *Aeronautics Act* and *Canadian Aviation Regulations* (CARs);

AND WHEREAS, the Participants wish to clarify and coordinate their respective roles and activities, and in particular, how they will cooperate to ensure that those who are providing helicopter transportation for offshore petroleum related activities maintain a prudent regime for achieving aviation safety.

NOW THEREFORE the Participants concur as follows:

1.0 Definitions

In this Memorandum of Understanding (MOU) unless the context otherwise requires:

"Accord Acts" means the federal *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act*, S.C. 1988, c.28, as amended from time to time, and the provincial *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act*, 1987, c. 3, s. 1., as amended from time to time;

"Aeronautics Act" means the Aeronautics Act, R.S.C., 1985, c. A-2, as amended from time to time;

"Air Operator Certificate" has the same meaning as defined in the CARs;

"Authorization"- means an authorization issued by the Board pursuant to the Accord Acts¹;

"CARs" means the *Canadian Aviation Regulations* (SOR/96-433), as amended from time to time;

"Exemption" has the same meaning as defined in the Civil Aviation Directive (CAD) No. REG-003, in accordance with section 5.9(2) of the Aeronautics Act;

"Marine Installation or Structure" as defined in the *Accord Acts*²;

"Offshore Area" means the Canada-Nova Scotia offshore area pursuant to the *Accord Acts*;

"Operator" means the holder of an operating licence and an Authorization issued pursuant to the *Accord Acts*;

"Passenger craft" has the same meaning as defined in the *Accord Acts*³;

"Substitutions" means equivalencies pursuant to the *Accord Acts*⁴; and

¹ Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act (Federal), section 142(1)(b); Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act (Provincial), section 135(1)(b)

² Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act (Federal), section 210.001(1); Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act (Provincial), section 202A(1)(l)

³ Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act (Federal), section 210.001(1); Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act (Provincial), section 202A(1)(r)

⁴ Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act (Federal), section 210.07; Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act (Provincial), section 202BS(1)

2.0 Authority and Purpose

- 2.1 This MOU is entered into pursuant to section 46(1) of the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation Act* and section 50(1) of the *Canada-Nova Scotia Offshore Petroleum Resources Accord Implementation (Nova Scotia) Act*.
- 2.2 The purpose of this MOU is to facilitate harmonization of the activities of mutual interest with respect to each Participants regulatory mandate, where it is possible, and to avoid duplication of work in relation to the following areas relating to offshore petroleum related activities (e.g. passenger safety, heliport and helidecks).
- 2.3 It is not intended, nor will it be interpreted, that this MOU creates, imposes, or implies any statutory or legal duties, rights, obligations, liabilities, claims or actions on or against the Participants. It is further not intended, nor will it be interpreted that this MOU gives to the Participants any power or authority that they do not otherwise hold nor does it relieve, exclude or prohibit the Participants from performing any duties that they are responsible for under the applicable statutory authority by which they operate. For greater certainty, this MOU is not legally binding.
- 2.4 This MOU does not address any aviation security issues.

3.0 Roles Respecting Occupational Health and Safety During Air Travel

- 3.1 The Minister of Transport has the legislative and regulatory responsibilities respecting aviation safety including operations and aviation personnel;
- 3.2 Transport Canada Atlantic Region administers its regulatory services and safety oversight program through aviation licensing, certification, audits and inspections pursuant to the *Aeronautics Act*;
- 3.3 The Board administers its regulatory oversight of passenger transportation through compliance monitoring, inspections, audits, investigations, and enforcement pursuant to the requirements within the Accord Acts and associated regulations.
- 3.4 Some of the respective roles and responsibilities of the Board are set out in the table "Roles Respecting Occupational Health and Safety during Air Travel", attached as Annex 1. This table is provided as guidance only for the purposes of this MOU. TCCA's role is to apply and oversee the regulatory requirements related to aviation (e.g. *Aeronautics Act*, CARs and exemptions).

4.0 Coordination of Activity

- 4.1 To the extent it is permitted by law and where possible, the Participants will keep each other informed of any inspection, compliance, enforcement and audit activities that could impact the activities of the other.
- 4.2 TCCA and the Board are committed to open communications and sharing information with each other, as appropriate, to create an environment that fosters continuous improvement.

5.0 Technical Advice and Consultation

- 5.1 When practical, the Participants will engage each other in the application of regulations, and the development or application of standards, guidelines/guidance materials, safety zone notices, directives, or policies pertaining to aviation safety aspects of offshore petroleum related activities, including personnel requirements and certification and the development and implementation of codes of practice.
- 5.2 The Board may request the technical advice and/or assistance of TCCA in:
 - a) the review of Substitutions;
 - b) the execution of the CNSOPB's mandate respecting passenger craft in Part III.1(Federal version) and IIIA (Provincial version) of the *Accord Acts* (i.e. inspections, audits, investigations, oversight, compliance monitoring, enforcement).

TCCA will provide such assistance to the extent possible.

- 5.3 TCCA may request the technical advice and/or assistance of the Board in:
 - a) Exemption requests that relate to offshore operations;
 - b) the execution of the TCCA's mandate (i.e. inspections, audits, investigations, oversight, compliance monitoring, enforcement).

The Board will provide such assistance to the extent possible.

- 5.4 TCCA agrees to consider extending invitations to the Board, as appropriate, to attend Regional and National Canadian Aviation meetings and forums pertaining to aviation safety aspects of offshore petroleum related activities.
- 5.5 The Board agrees to consider extending invitations to TCCA, as appropriate, to attend meetings and forums pertaining to aviation safety aspects of offshore petroleum related activities.
- 5.6 When the Board requests technical advice or assistance in accordance with this MOU and where specific training courses and refresher training courses are identified, that are deemed mandatory by the Board, and such courses (and refresher) are not mandatory for TCCA Inspectors, the cost of these courses (and

refresher) will be paid by the Board. Any additional health assessments required for these Board specific courses are also to be paid by the Board. All such costs will be pre-approved by the Board.

6.0 Principal Contacts

The Associate Director Operations in the Regional Office (Moncton) is the contact for TCCA and the Director, Operations/Health, Safety and Environment is the contact for the Canada-Nova Scotia Offshore Petroleum Board. These are identified and included in this MOU as Annex 2. TCCA regional operations are the primary contact at TC and will liaise with TCCA HQ as required (e.g. regulatory interpretation).

7.0 Notices and Information

7.1 The address for notices and information to the Board is:

Canada- Nova Scotia Offshore Petroleum Board
1791 Barrington Street
8th Floor, TD Centre
Halifax, Nova Scotia B3J 3K9
ATTENTION: Director, Operations/Health, Safety and Environment

7.2 The address for notices and information to TCCA is:

Transport Canada Atlantic Region
95 Foundry Street
P.O. Box 42
Moncton New Brunswick E1C 8K6
ATTENTION: Regional Director, Civil Aviation

8.0 Review

The Participants will meet to review this MOU at least every 5 years.

9.0 Amendments and Termination

9.1 Amendments of this MOU will be made in writing and signed by the Participants.

9.2 This MOU will remain in effect until one of the Participants gives written notice to the other Participant of its intention to terminate the MOU and 60 days elapse from the date the notice is received by the other Participant.

10.0 Settlement of Disputes

Any disputes regarding the interpretation or implementation of this MOU will be resolved only by consultation between the Participants and will not be referred to another entity or for settlement.

11.0 Entire Understandings

This MOU supersedes all previous discussions relating to the subject matter unless otherwise incorporated by reference in this MOU.

12.0 Effective Date

This MOU is intended to take effect on the date of the last signature by the Participants.

IN WITNESS THEREOF the Participants have signed, in duplicate, this MOU on the dates indicated below.

THE BOARD

original signed

**Chi Executive Officer
Canada-Nova Scotia Offshore
Petroleum Board**

Date: January 3, 2015

TCCA

original signed

**~~Director General~~ , Aviation Safety Regulatory
Framework Transport Canada**

Date December 12, 2017

original signed

Regional Director General - Atlantic

Date: January 2, 2018

Annex 1

Roles Respecting Occupation Health and Safety during Air Travel

| Subject Matter | Jurisdiction/Roles & Regulations | | |
|--|---------------------------------------|---|---|
| | Transport Canada Civil Aviation | Canada-Nova Scotia Offshore Petroleum Board | Other Gov't Depts./ Agencies |
| OIL AND GAS OPERATOR PROCESSES | | | |
| Aviation Contractor Selection Process | N/A | P | |
| Aviation Contractor Oversight Process | N/A | P | |
| Aviation Equipment Selection Process (helicopter, Search and Rescue (SAR) capabilities) | N/A | P | |
| Offshore Equipment (helidecks, fuelling facilities, etc.) | N/A | P | |
| SAR Arrangements | N/A | P | Joint Rescue Coordination Centre Halifax (JRCC) ¹ |
| Medevac Arrangements | N/A | P | |
| Emergency Response Plans | N/A | P | |
| Offshore Workplace Training (i.e. H ₂ S for Aircraft Crew) | N/A | P | |
| AIR OPERATOR CERTIFICATE | | | |
| Air Operator Certificate Issuance (approving manuals, facility, flight checkrides) | P | N/A | |
| Airworthiness Certification (aircraft import, visual inspection, tech records) | P | N/A | |
| Aircraft Maintenance Organization Rating | P | N/A | |
| Safety Management System | P | S (bridging to oil and gas operator requirements) | |
| Safety Equipment | P | S (beyond CARs requirements) | |

¹ JRCC provide SAR services for offshore oil and gas operators in the region.

| Subject Matter | Jurisdiction/Roles & Regulations | | |
|--|---------------------------------------|--|--|
| | Transport Canada Civil Aviation | Canada-Nova Scotia Offshore Petroleum Board | Other Gov't Depts./ Agencies |
| Emergency Equipment (Medevac helis, SAR equipment and Medevac kits) | P | S (beyond CARs requirements) | |
| Aircraft Crew Training/Competency Requirements | P | S (beyond CARs requirements) | |
| Aircraft Crew Licensing/Competency Assessment | P | S (beyond CARs requirements) | |
| FLIGHT OPERATIONS | | | |
| Flight Safety | | | |
| Flight Crew Occupational Health & Safety - <i>applies when crew is outside the aircraft</i> | N/A | P (offshore) | P (Onshore) Provincial Gov. ² |
| Flight Crew Aviation Occupational Health and Safety (AOHS) - <i>Applies to employees working on board an aircraft while in operation, and the aircraft is moving under its own power for the purpose of taking off from a Canadian or foreign place of departure until it comes to rest at the end of its flight to its first destination in Canada.</i> | P | N/A | Provincial Gov. ³ |
| Setting of Flight Limitations | P | S ⁴ | |
| Flight Planning | P | S | |
| Flight Following/Watch Practices | P | S | NAV Canada ⁵ |
| Standard Operating Procedures | P | S | |
| Passenger Safety and Emergency Procedures | | | |
| Personal Protective Equipment Requirements (Helicopter Passenger Transport Suits, Emergency Underwater Breathing Apparatus (EUBA)) | P | S | |

² Nova Scotia Provincial Government - Department of Labour and Advanced Education enforce OHS legislation applicable when crew are onshore

³ Nova Scotia Provincial Government - Department of Labour and Advanced Education are responsible for mandating OHS policies for the province

⁴ For example, availability/proximity of standby vessel and JRCC; application of Atlantic Canada Standby Vessel (AC-SBV) Guidelines

⁵ NAV Canada operates Canada's civil air navigation service and carries out flight following through the monitoring of aircraft operating in Canadian airspace, and through the opening and closing of Flight Plans

| Subject Matter | Jurisdiction/Roles & Regulations | | |
|---|----------------------------------|---|---|
| | Transport Canada Civil Aviation | Canada-Nova Scotia Offshore Petroleum Board (beyond CARs requirements) | Other Gov't Depts./ Agencies |
| Emergency Training Requirements (Helicopter Underwater Escape Training (HUET), EUBA, Basic Survival Training (BST)) | P | S | |
| Flight Prep (e.g. familiarization, passenger briefings) | P | S ⁶ | |
| Passenger Occupational Safety and Health | N/A | P | |
| Cargo | | | |
| General Requirements | P | S ⁷ | |
| Transportation of Dangerous Goods | N/A | S ¹¹ | Transport Canada Surface ⁸ |
| Incidents | | | |
| Incident Notification/Reporting | N/A | P ⁹ | Transportation Safety Board ¹⁰ |
| Occurrence reviews (outside of TSB) | | | |
| Aircraft / Crew Related | P | S ¹¹ (aircraft) | |
| Passenger Related | P | S | |
| Heliports and Helidecks | | | |
| Helidecks offshore - General Requirements (lighting, visual aids, arrangements, firefighting equipment) | N/A | P | |

⁶ For example, passenger information pre-flight video

⁷ For example, passenger baggage, or carrying cargo and passengers on same flight

⁸ Transport Canada (Surface) provides oversight and gives expert advice on the transportation of dangerous goods by all modes of transport in Canada

⁹ There is an MOU between TSB and CNSOPB for Transportation Occurrences (i.e. releasing the site, notification, investigations etc. related to aircraft and passengers)

¹⁰ The Transportation Safety Board of Canada (TSB) is an independent agency that would investigate occurrences involving marine and air modes of transportation

¹¹ Investigation to ensure Accord Acts have not been contravened

| Subject Matter | Jurisdiction/Roles & Regulations | | |
|---|---------------------------------------|--|------------------------------------|
| | Transport Canada Civil Aviation | Canada-Nova Scotia Offshore Petroleum Board | Other Gov't Depts./ Agencies |
| Heliports – General Requirements (Ops. Manual, certification, Physical characteristics, visual aids, lighting, markers, etc.) | P | S ¹² | |
| PPE Requirements for helideck crew and firefighting offshore | N/A | P | |

P – Denotes Primary responsibility.

S – Denotes Supplementary responsibility. Legislation is supplemental to the primary regulator's responsibility. Accord Acts focus on passenger health and safety and are supplemental to TCCA's responsibilities under the Aeronautics Act and CARs.

N/A – Not applicable.

¹² For example, passenger transportation refusals and posting information for passenger safety

Annex 2

In accordance with section 6.0 of this Memorandum of Understanding, the following persons have been identified as principal contacts for the purposes of maintaining regular contact as stipulated in this MOU:

| Name | Title and Organization | Telephone Number(s) | Email |
|------------------|---|---------------------|---------------------------|
| Dena Murphy | Director, Operations/Health, Safety and Environment <i>Canada-Nova Scotia Offshore Petroleum Board</i> | (902) 221-5698 | dmurphy@cnsopb.ns.ca |
| Keith Whalen | Associate Director Operations Transport Canada Atlantic Region | (506) 851-4512 | keith.whalen@tc.gc.ca |
| Robert Sincennes | Director, Standards Transport Canada Headquarters | (613) 991-2738 | Robert.sincennes@tc.gc.ca |

