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Claudine Dutil-Berry

Secretary of the Board
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(By Email: damageprevention@neb-one.gc.ca)

PROPOSED DAMAGE PREVENTION REGULATIONS & DRAFT GUIDANCE
NOTES, FEBRUARY, 2009

Dear Ms. Dutil-Berry:

Let me first introduce myself, along with my background, and then follow with my rationale for comment regarding the NEB's proposed DPR's.

I am a very recently retired professional with over 25 years of buried facility damage prevention experience. Back in 1983, I was contracted by the Alberta One Call (then Alberta First Call) Board of Directors to implement the first province wide One Call System in Canada. That being successfully accomplished, in 1989, I moved on to implement a One Call System in Ontario, quickly followed by the province wide BC One Call System. I have consulted to the Board of Saskatchewan's One Call System which is now a success, and am currently involved assisting Manitoba in the implementation of their System.

Throughout those many years of One Call, I enjoyed an excellent relationship with staff of the NEB. Those that come to mind include Franco Vallee, Ernie Giordano, Rick Seaman, and following the relocation to Calgary, Mike Sullivan and current individuals such as Kent Rowden and Steve Berthelet.

Two of my most memorable and proud moments were to host, in Canada, the only two OCSI (One Call Systems International) annual symposiums ever held outside of the U.S. – Calgary (Banff) in '88 and Vancouver in '98. Both had record attendance. During my latter years with OCSI, I was involved in the initiation of "Dig Safely", the "Common Ground Study" and the "Common Ground Alliance".

Shortly following my “semi” retirement in 2004, I was asked to implement and serve as Executive Director of the British Columbia Common Ground Alliance, a project successfully completed and “re-retired” at the end of 2008.

We (BC Common Ground Alliance) hosted in Vancouver, the founding meeting of what became the Canadian Common Ground Alliance. I was honoured to accept the position of initial Chair of “C”CGA. It was very disappointing at that meeting when the attending NEB representative declined an invitation to become our first “Federal Champion”, an attitude which prevailed until fairly recently. This was particularly troubling, having witnessed the enthusiastic participation in the USA by the Office of Pipeline Safety (now PHMSA). I felt then, and continue to feel that the NEB is the best match as “Federal Champion” for the Canadian Common Ground Alliance. It is my humble opinion that the NEB began its regressive approach to working with industry about the time it discontinued the successful annual “Awareness” workshops, and initiated the notoriously lengthy and irritating process of implementing the new “Damage Prevention Regulations”. I use the term “irritating”, due to the fact that the NEB has consistently requested input from industry, and then just as consistently, issued draft DPR’s *essentially ignoring the offered input*. The erosion of a once positive relationship began with the seemingly “non inclusive” approach during the development of the DPR’s.

Research informs me that, from the land owners viewpoint, there has been dissention as addressed by CAPLA in an earlier communication. Further, through my network at CCGA, One Call and the Pipeline Industry, I am aware that other organizations and individuals have already, or are contemplating submitting letters of concern. Rather than inundate you with specific details, (I have heard the concerns of the Pipeliners, One Call and Canadian CGA), I am proposing suggestions for resurrection of relationships and respect within the NEB and its family of Pipelines.

With regard to “Regulation”, “Legislation”, “Education” and “Consequences”, the NEB (as well as some provinces) could certainly benefit from the experiences in Minnesota and most recently the state of Virginia. I’d be pleased to supply further details and contacts regarding these jurisdictions.

With regard to “Listening to Industry”, it’s time that the NEB lived up to its stated wish!

With regard to “Canadian CGA”, please have a look at the initial and ongoing support by OPS and now PHMSA for the parent US CGA and its “Best Practices”.

My years in the Damage Prevention industry in Canada and North America have been very personally rewarding. Contact within All Stakeholders - the NEB, Pipeline, Utility, Regulatory, and One Call industries has always been professional, positive and productive. The focus from day one, has always taken the “common ground” approach – ie: “We are all in this ground together”!! I would be prepared to work with you to bring our “Family” back to the mutually respectful environment that I recall during the “Awareness” days, and prior to the era of the new, draft DPR’s.

This transmittal is submitted as a result of my passion for protecting the workers, facilities and public who live in proximity to our “Common Ground”. Surely my 25 years of successful networking throughout North America in the interest of damage prevention and worker safety could be put to good use in this instance. Your response and comments will be welcome and reviewed with extreme interest.

I continue to sit on CSA’s active committee creating a new standard “S250 – Mapping of Underground Utility Infrastructure” which will contribute to more accurate recording and locating of buried pipelines.

Yours in safety and damage prevention,

Scott

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25 Years



Member

