

National Energy Board Modernization Expert Panel
NEB Modernization Engagement session
Saint John, New Brunswick
March 21, 2017

Presentation by Chief Kevin Clifford, Saint John Fire Department

Good morning, co-chairs and members of the NEB Modernization Expert Panel. My name is Kevin Clifford. It is a pleasure to appear before you today in collaboration with Mayor Darling.

I am the chief of the Saint John Fire Department and also the Director of the Saint John Emergency Measures Organization (EMO). My remarks today are focused on keeping the people of Saint John safe when federally-regulated facilities are being constructed, operated or abandoned.

Saint John's Fire Service has been operating since 1786. The citizens of Saint John remain extremely supportive of their Fire Service; they recognize the risks that are inherent in the oldest incorporated city that is the most industrialized in eastern Canada.

The Fire Services' strategic focus areas include the further development of response capabilities to better support refining, processing, manufacturing and energy related industries, and the further development of community and industrial partnerships. My remarks today are aligned with these strategic focus areas.

I have organized my remarks in accordance with some of the topics you have included in your Discussion Papers no. 6 and 7.

Under Discussion Paper no. 6, "Safety and Environmental Protection", you ask a number of questions. I am citing some of these questions here and providing the Fire Department's views on them.

1. What are your views with respect to the existing compliance and enforcement tools available to the NEB for safety and environmental protection? *Based on our experience with existing NEB-regulated facilities in the City of Saint John, we find these tools to be satisfactory.*
 - a. What are your views as to adherence to these tools? *The NEB must continue to monitor companies' compliance and when necessary enforce and prosecute. It has the tools already. They are listed on the Compliance and Enforcement page of the NEB's website (see <http://www.neb-one.gc.ca/sftnvrnmnt/cmplnc/index-eng.html>) . They include inspections, audits, administrative monetary penalties, incident investigation, Board orders and directives, and implementation of corrective action plans. The toolbox is well supplied. Having said that, the government needs to ensure through the appropriations*

process that the NEB has the resources, financial and human, to use these tools effectively.

- b. *What are your views as to the current use of these tools to advance risk management and any barriers or remedies that would enhance safety? We see the NEB currently using its toolkit effectively, subject to the NEB continually improving its processes. We would offer while recognizing that the NEB does a cumulative effect assessment as part of its Environmental Assessment it is also important to understand the cumulative risk that a NEB regulated operation introduces to a community. To this end perhaps the Legislation should make explicit the introduction of a risk assessment where cumulative risk is of concern.*
 - c. *What are your views as to the safety and environmental performance reporting that is currently done and areas for improvement? We find the reporting to be satisfactory, subject to the NEB continually improving its processes. In that respect, something could be learned from the rail sector. Our Fire Department receives regular reports from railroad companies on the situation on the ground with railway crossings and other hazards and what they are doing about them. Information is frequently exchanged with us and the ongoing dialogue is very worthwhile and promotes positive safety outcomes and emergency preparedness. Similarly, I would see a more frequent exchange of information between pipeline companies and municipalities about what is happening on the ground, creating a richer monitoring process. We would support a new legislative provision in the NEB Act directing the NEB to lead this ongoing dialogue, and requiring the NEB to monitor and publish reports about its own performance and that of the pipeline companies in that regard.*
2. *Are there additional initiatives the NEB could undertake to help promote a positive culture for safety and environmental protection? We would support any legislative amendment that would support, if not require, the NEB to lead an ongoing dialogue between regulated companies, the NEB and its staff, first responders and municipalities to make sure the best local expertise and the most current regional and local data and information is available to promote safety and protect communities and their environment. This may require provisions to more explicitly allow the NEB staff to have informal, ongoing conversations with companies, first responders and municipalities, something which may not strictly align with the quasi-judicial character of the NEB. A specific provision in the NEB Act to support this kind of activity may facilitate the NEB staff's work and protect against criticism that the NEB is not following the same rules it uses during public hearings. The rules for ongoing dialogue with NEB staff should be different, while still being consistent with the principles of natural justice and procedural fairness.*

More specifically, with respect to emergency response, we would support a legislative provision directing the NEB to lead a collaboration between pipeline companies and those municipalities that are interested in being involved and active. The City of Saint John would have such an interest and would want to be part of the creation and implementation of

emergency response. By being involved early, at the design stage, we would be well connected to the realities of the pipeline on the ground and be effective when an emergency occurs and requires a team effort combining the resources of the pipeline company, the NEB, and the City. While we would expect cost recovery for this role, it is clear to me that the value of our contribution would be at least as positive, if not greater, than consultants or other third parties, and certainly less costly.

This improved collaboration would be in keeping with recent action taken by the NEB. We recently had discussions with NEB staff on liaison and consultation activities of NEB-regulated companies with those who may be involved in an emergency response. We answered a questionnaire and had an excellent exchange of ideas. We applaud this initiative. Having NEB leadership in this area codified in the legislation would help make sure the dialogue continues and its effectiveness gets measured.

3. What are your views on monitoring committees? *The concept appears to us to be positive. The City of Saint John and its Fire Service are willing to participate in them.*

I will now answer the first question the Expert Panel is asking in Discussion Paper no. 7, "Emergency Prevention, Preparedness and Response: Tools and Requirements"

1. In your opinion, are the existing emergency preparedness and response tools and requirements sufficient? If not, what additional tools or requirements are needed? *In keeping with my response to Question 2 under Discussion Paper no. 6., what would be worthwhile would be a more rigorous and formal system of collaboration and coordination between pipeline companies, the NEB and regional and local authorities. A specific provision in the legislation would make it mandatory. The City of Saint John and its Fire Department would be willing to contribute to this system of collaboration and coordination.*

Overall, as you can tell, and consistent with the Mayor's comments to the effect that the current regulatory framework is working well subject to continual improvements, I believe the NEB has many of the tools it needs to do its job to help communities remain safe and to protect their environment. Adding legislative provisions to promote and support collaboration and coordination with local authorities such as the Saint John Fire Department and regulated companies would be a much-welcomed improvement.

Thank you for considering the City of Saint John's Fire Department remarks.