

MEMORANDUM OF UNDERSTANDING

BETWEEN:

CANADA-NEWFOUNDLAND AND LABRADOR OFFSHORE PETROLEUM BOARD, a board established by the joint operation of section 9 of the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Act* and section 9 of the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act*

(hereinafter referred to as "C-NLOPB")

AND:

THE DIVER CERTIFICATION BOARD OF CANADA

(hereinafter referred to as "DCBC")

(collectively the "Parties")

CONCERNING THE CERTIFICATION OF COMMERCIAL DIVERS

WHEREAS the C-NLOPB has statutory responsibilities under the *Canada-Newfoundland Atlantic Accord Implementation Act* (C-NAAIA) and the *Canada-Newfoundland and Labrador Atlantic Accord Implementation Newfoundland and Labrador Act* (C-NLAAINLA) collectively the *Accord Acts*;

AND WHEREAS the C-NLOPB has responsibilities under the *Canada-Newfoundland and Labrador Offshore Area Diving Operations Safety Transitional Regulations* ("Diving Regulations") pursuant to the *Accord Acts* respecting the safety of diving operations conducted in the Canada-Newfoundland and Labrador Offshore Area in connection with the exploration or drilling for or the production, conservation, processing or transportation of petroleum by reviewing the qualifications of divers and issuing diving certificates and granting authorizations for diving programs;

AND WHEREAS acknowledging the specialization required to review applications for diving certificates, the C-NLOPB determined, along with other regulators with responsibilities for ensuring the safety of offshore petroleum activities such as the National Energy Board and the Canada-Nova Scotia Offshore Petroleum Board, that it would be appropriate to rely on an organization that would certify the qualifications and competencies of commercial divers;

AND WHEREAS the DCBC is a federally incorporated, non-profit organization established for the purposes of accrediting diver training and certifying the qualifications and competencies of commercial divers;

AND WHEREAS the Parties wish to clarify and coordinate their respective roles and responsibilities as they relate to the certification of commercial divers for work in the Canada-Newfoundland and Labrador Offshore Area;

THEREFORE the Parties agree to coordinate their respective roles and responsibilities respecting the certification of divers as described below:

1. INTREPRETATION

1.1 *Definitions*

In this Memorandum of Understanding (MOU):

"Chief Safety Officer" means the person designated as the Chief Safety Officer pursuant to the *Accord Acts*"

"Diving Operation" has the meaning set out in Section 1 of the Diving Regulations;

"Diving Program" has the meaning set out in Section 1 of the Diving Regulations;

"Diving Safety Specialist (DSS)" has the meaning set out in Section 26 of the Diving Regulations or Section 26 of the CSA Z275.4 Standard;

"Diving Supervisor" has the meaning set out in the CSA Standard Z275.4;

"Canada-Newfoundland and Labrador Offshore Area" has the meaning set out in Section 2 of the *Accord Acts*;

1.2 In this MOU, any reference to a standard or regulation is a reference to that standard or regulation as it may be amended from time to time.

2. PURPOSE

The purpose of this MOU is to coordinate the roles and responsibilities of the Parties respecting the certification of commercial divers.

3. ROLES AND RESPONSIBILITIES

3.1 Diver Certification Board of Canada

3.1.1 *Quality Management System*

- a) The DCBC shall maintain and continuously improve a quality management system, encompassing all the policies, procedures and work instructions necessary to fulfill its stated mission;
- b) The quality management system shall be compliant with the ISO 9001 standard for quality management systems; and
- c) The quality management system shall be certified by a properly accredited registrar.

3.1.2 *Occupational Diver Training Institution Accreditation*

- a) As part of its quality management system, the DCBC shall identify standards that an occupational diver training institution must meet in order to receive and maintain accreditation by the DCBC and develop procedures for processing accreditation applications; and
- b) These standards and procedures shall include those of the CSA Standard Z275.5 (Occupational Diver Training); and
- c) The policies and procedures for accreditation and reaccreditation of occupational diver training institutions and any proposed revisions thereto, shall be submitted to the Chief Safety Officer for review prior to implementation.

3.1.3 *Certification of Divers, Diving Supervisors and Diving Safety Specialists*

- a) As part of its quality management system, the DCBC shall identify standards that occupational Divers, Diving Supervisors and Diving Safety Specialists (DSS) must meet in order to receive DCBC certification, and develop policies and procedures for processing certification applications;
- b) These standards and procedures shall include those of the CSA Standard Z275.4 (Competency Standard for Diving Operations) and the Diving Regulations;
- c) The policies and procedures for certification and recertification of Divers, Diving Supervisors and Dive Safety Specialists and any proposed revisions thereto, shall be submitted to the Chief Safety Officer for review prior to implementation; and
- d) The DCBC shall issue certificates at the appropriate level of competency.

3.1.4 *Diving Physicians*

- a) As part of its quality management system, the DCBC shall establish documented procedures for maintaining a current list of Diving Physicians who meet the competence criteria for Level 1 Hyperbaric Medicine, as prescribed in the CSA

Standard Z-275.4 for the purpose of assessing divers for physical and medical fitness to dive;

- b) The DCBC shall maintain records demonstrating that the Diving Physicians included in the Diving Physicians list meet the specified competence criteria; and
- c) The Diving Physicians list shall be reviewed at least on an annual basis to ensure it remains current and posted on the DCBC's website with its date of (re)issuance clearly identified.

3.1.5 Reporting Requirements

The DCBC shall:

- a) Produce an annual report to the C-NLOPB, due by June 1 of each year, including the following information for the preceding year:
 - i. The names of all DSSs who achieved certification, as well as those whose certificates expired, or were revoked;
 - ii. The names of any offshore Diving Supervisors (air and closed bell) whose certificates were revoked;
 - iii. The names of all Diver Training Institutions that received accreditation as well as those whose accreditation expired, or was revoked;
 - iv. An update on the auditing status of accredited institutions, showing the dates of the initial audit and the dates the intermediate and renewal audits are due, and whether these audits have been completed;
 - v. A list of all initial, intermediate and renewal audits carried out on diver training institutions, along with a brief summary of any nonconformities identified;
 - vi. The audited financial statements of the DCBC;
 - vii. An accounting for funding received from industry and government agencies, and for fees and costs paid or recoverable from divers; and
 - viii. Such other information as may be requested by the C-NLOPB or the Chief Safety Officer.
- b) Upon request by the C-NLOPB, produce any documents and information related to an application by a Diver Training institution, occupational Diver/Diving Supervisor, or DSS, for the purposes of inspection, or verification.

3.1.6 Fees

The DCBC shall collect accreditation and certification fees as appropriate.

3.2 Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB)

3.2.1 The C-NLOPB has the authority to:

- a) Review the policies, standards and procedures followed by DCBC respecting the accreditation of Diver Training Institutions and certification of commercial Divers, Diving Supervisors and DSSs for the purposes of verifying adherence to the provisions of this MOU;
- b) Conduct audits, or appoint a qualified third-party to carry out such, at DCBC's premises, to verify whether its practices are consistent with:
 - i. The CSA Standards Z275.5 (Occupational Diver Training) and Z275.4 (Competency Standard for Diving Operations);
 - ii. The Diving Regulations;
 - iii. The ISO 9001 Standard for quality management systems; and
 - iv. DCBC's own policies and procedures, as well as establish industry best practices;
- c) Inspect any documents related to an application or certificate;
- d) Accept a certificate of diving competency issued by the DCBC as an equivalent confirmation of the competency of a commercial Diver as a certificate issued by the C-NLOPB.

3.2.2 In consultation with the DCBC annually, the C-NLOPB will consider sharing a portion of the annual costs for the operation of the DCBC in accordance with a separate agreement developed by their assigned officials. Such funding will be subject to the annual budget allocation provided to the C-NLOPB by the *Accord Acts* Ministers.

3.2.3 The Chief Safety Officer has issued a notice to operators that when reviewing applications for a diving program, a diver certificate issued by the DCBC will be accepted pursuant to paragraph 151(1)(a) of the *C-NLAAIA* and paragraph 146(1)(a) of the *C-NLAA/NLA*, as an equivalent confirmation of the competency of a diver as a certificate issued by the C-NLOPB.

4. OTHER

4.1 This MOU becomes effective July 1, 2019.

4.2 The Parties shall meet at the request of either Party to review the provisions of this MOU. Any necessary additions, deletions or changes shall be made in writing and signed by the Parties or their designated representatives.

4.3 Subject to subsection 4.6, this MOU will remain in effect until suspended or terminated by written notice. Either Party wishing to suspend or terminate this MOU shall submit a

written notification to that effect to the other party, which shall be with sufficient notice to prevent unreasonable disruption to its activities, but in any event no less than 90 days.

- 4.4 This MOU is not intended to be a legally binding instrument or give rise to any legal rights not otherwise held by the Parties.
- 4.5 This MOU replaces and supersedes the July 1, 2018 MOU between the Parties.
- 4.6 The total term of this MOU shall not exceed five years unless otherwise mutually agreed between the parties.
- 4.7 For greater certainty, nothing in this MOU shall be construed to constitute the DCBC or any of its employees as an agent, representative or employee of the Board.


5. PRINCIPAL CONTACTS

The Chief Executive Officer shall be the DCBC contact for the Board and the Chief Safety Officer shall be the contact at the Board for DCBC.

6. NOTICES

- 6.1 The address for service of notices to the Board is:
Canada-Newfoundland and Labrador Offshore Petroleum Board
Suite 101, TD Place
140 Water Street
St. John's, NL A1C 6H6
ATTENTION: Chief Safety Officer
- 6.2 The address for service of notices to the DCBC is:
Diver Certification Board of Canada
208-5209 St Margaret's Bay Road
Upper Tantallon, NS B3Z 1E3
ATTENTION: Chief Executive Officer

IN WITNESS THEREOF the Parties have signed this MOU on the dates indicated below:

DocuSigned by:

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Roger Grimes
Chair
Canada-Newfoundland and Labrador
Offshore Petroleum Board

2019-Jul-17 | 10:29:24 AM NDT
Date

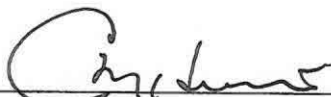
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Paul Alexander
Chief Safety Officer
Canada-Newfoundland and Labrador
Offshore Petroleum Board

2019-Jul-17 | 11:39:39 AM NDT

Date



Garth Hiebert
Chairman
Diver Certification Board of Canada

Date

August 11, 2019



David G. Parkes
Chief Executive Officer
Diver Certification Board of Canada

Date

19 August 2019