



canadian energy pipeline association  
association canadienne de pipelines d'énergie



March 31, 2020

Mr. John Moffet  
Assistant Deputy Minister  
Environment and Climate Change Canada

**Sent by Email. Subject: Request for the relaxation of some regulatory requirements**

Dear Mr. Moffet:

Like all Canadians, the Canadian Energy Pipeline Association (CEPA), the Canadian Gas Association and their members are concerned about the ongoing global pandemic caused by the rapid spread of the COVID-19 virus. Our members operate the critical infrastructure that is necessary to move oil and natural gas from producing regions to markets throughout North America. These products are of critical importance to the everyday lives of Canadians – heating homes, fueling industry, providing electricity and so much more. Ensuring our members can maintain the safety, efficiency and effectiveness of their operations is important in a business as usual scenario and even more so in the exceptional circumstances that we are currently facing.

How we deal with this situation is a shared responsibility among all Canadians - government, the general public, small and medium sized businesses, and the entire business community. Our members are taking the appropriate measures to help curb the spread of the COVID-19 virus including accommodating work from home options, limiting site access to essential personnel, minimizing travel of both employees and suppliers, canceling in-person meetings, scaling back to emergency response and high priority work only, and encouraging appropriate hygienic practices. Some of these actions, taken in the interest of public safety, will prevent member companies from meeting fixed regulatory deadlines for certain monitoring and reporting requirements. As such, CEPA, CGA and their members urge Environment and Climate Change Canada to take concrete action to relax regulatory compliance requirements and deadlines, as well as the associated penalties for industry as we all work to cope with the realities associated with limiting the spread of COVID-19. Our member companies remain fully committed to environmental protection in their day-to-day maintenance and operating activities. What we are seeking is flexibility on compliance deadlines and administrative requirements.

Specific to the Canadian natural gas distribution and transmission pipeline industry are the following concerns:

- *Mandatory greenhouse gas emission and air pollutant reporting:* As mentioned above, many companies are encouraging/mandating their employees work from home. This sudden decentralization of the workforce and limited staff on site hinders timely access to subject matter experts and company data. Thus, it is anticipated that completing and submitting emission reports by the June 1 deadline will be difficult. The Government of Alberta has already announced a relaxation of reporting and compliance deadlines under the Carbon Competitiveness Incentive Regulation.



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**Recommendation: Extend GHG and NPRI reporting deadlines by three months with the understanding that a further extension may be necessary**

- *Verification requirements under the Federal Output Based Pricing System (OBPS):* With companies minimizing non-essential staff at their facilities/sites or enacting policies that limit site access to non-company personnel, meeting verification requirements will be challenging. We note that the Government of Quebec has taken action to waive requirements for site visits by verifiers for 2020.

**Recommendation: Waive requirements for site visits by verifiers until the end of Summer.**

- *Methane Regulation compliance:* For reasons explained above, meeting leak detection and repair program (LDAR) requirements, including both the completion of the surveys and the repairs, within the requisite timeframes and at the mandatory frequency is not feasible. Supply chain disruptions also have the potential to limit timely access to necessary equipment and parts. For companies that completed the first LDAR survey prior to the COVID-19 pandemic, workplans to meet the repair deadlines will be interrupted and require extensions. However, the administrative burden will be significant if industry is required to submit extensions for all outstanding leaks (including leaks that would have required an extension request and those leaks that were expected to be repaired within the appropriate timeframe had this situation not occurred). Furthermore, it is anticipated that there will be delays in adopting and implementing other measures to meet current and future requirements, especially in situations where these measures require equipment from or installation by third parties.

**Recommendation: Reduce LDAR survey requirement to one time for 2020. Waive the 30-day repair period temporarily. Extend the compressor testing deadline by 6 months.**

- *Multi-Sector Air Pollutant Regulations.* Any additional testing required in 2020 in order to determine compliance options (e.g., fleet-wide average) will create challenges. Testing for MSAPR is completed by external contractors. Non-essential staff/external contractors are being restricted from site access. This combined with limited operational schedules will make it challenging to perform any additional emissions testing this year.

**Recommendation: Waive the stack testing requirements until such time that normal emissions testing and repair practices can resume. Allow for the use of historical testing data to set 2021 emission limits, and dispense with penalties, if performance testing or other requirements for modern engines cannot be completed, in keeping with regulations.**

- *Federal/provincial operating permits.* As companies minimize non-essential staff at their facilities/sites or enact policies that limit site access to non-company personnel, there will be issues meeting the requirements that companies have under their respective federal/ provincial operating permits. This situation requires consideration and recognition of these extraordinary circumstances which are beyond companies' control.

It is a time of immense uncertainty. Environment and Climate Change Canada and its federal and provincial counterparts need to work together to ensure a measured and appropriate response. CEPA,



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CGA and their members feel strongly that the above concerns should be appropriately addressed in a timely manner, as the deadline for the first LDAR survey (May 1st) and the OBPS verification (June 1st) are quickly approaching.

**Given the above, we offer our availability to discuss these issues via conference call as soon as possible.**

Thank you for your time and attention.

Yours sincerely,

Paul Cheliak  
Vice President, Public and Regulatory Affairs  
Canadian Gas Association

Jim Campbell  
Vice President, Business Environment  
Canadian Energy Pipeline Association

Cc: Marlo Reynolds, Chief of Staff, Ministers Office, Environment and Climate Change Canada  
Cc: Anne-Marie Pelletier, Chief Enforcement Officer, Environment and Climate Change Canada