

OFFSHORE HELICOPTER SAFETY INQUIRY

November 16, 2009

***Tara Place, Suite 213, 31 Peet Street
St. John's, NL***

November 16, 2009

PRESENT:

**John F. Roil, Q.C./
Anne Fagan..... Inquiry Counsel**

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..... Petroleum Board (C-NLOPB)**

**Ian Wallace/ Hibernia Management and
Cecily Strickland Development Company (HMDC)**

D. Blair Pritchett Suncor (Petro-Canada)

Alexander C. MacDonald, Q.C. Husky Oil Operations Ltd.

**Lewis Manning/Nick Schultz..... Canadian Association of Petroleum
..... Producers (CAPP)**

**Laura Brown Laengle/ Government of Newfoundland and Labrador
Rolf Pritchard**

Mike Cohen. Cougar Helicopters Inc.

Geoffrey Spencer Helly Hansen Canada Limited

Jamie Martin..... Families of Deceased Passengers

Don Anthony/Kate O'Brien. Lanouette/Davis Estates

**V. Randell J. Earle, Q.C..... Communications, Energy and Paperworkers Union
..... Local 2121**

David F. Hurley, Q.C..... Offshore Safety and Survival Centre, Marine Institute

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<p>1 November 16, 2009</p> <p>2 COMMISSIONER:</p> <p>3 Q. Good morning, ladies and gentlemen. This</p> <p>4 morning we have Mr. Barnes of the Canadian</p> <p>5 Association of Petroleum Producers. Good</p> <p>6 morning, Mr. Barnes.</p> <p>7 MR. BARNES:</p> <p>8 A. Good morning.</p> <p>9 COMMISSIONER:</p> <p>10 Q. Okay, Mr. Roil.</p> <p>11 ROIL, Q.C.:</p> <p>12 Q. Thank you, Commissioner. Good morning, Mr.</p> <p>13 Barnes.</p> <p>14 MR. BARNES:</p> <p>15 A. Good morning, Mr. Roil.</p> <p>16 ROIL, Q.C.:</p> <p>17 Q. First of all, I'd ask that Mr. Barnes be</p> <p>18 sworn.</p> <p>19 MR. PAUL BARNES (SWORN) EXAMINATION BY JOHN ROIL, Q.C.</p> <p>20 REGISTRAR:</p> <p>21 Q. State your name, please.</p> <p>22 MR. BARNES:</p> <p>23 A. Robert Paul Barnes.</p> <p>24 ROIL, Q.C.:</p> <p>25 Q. Commissioner, before we proceed with the</p>	<p>1 and safety, fiscal matters, royalty taxation</p> <p>2 matters that are of interest to a broad-based</p> <p>3 industry membership, and my territory is</p> <p>4 Atlantic Canada, so I manage the oil and gas</p> <p>5 producing provinces of Newfoundland and Nova</p> <p>6 Scotia and New Brunswick.</p> <p>7 ROIL, Q.C.:</p> <p>8 Q. Okay, and where is your home base?</p> <p>9 MR. BARNES:</p> <p>10 A. Our head office, CAPP's head office is in</p> <p>11 Calgary, Alberta, and we have a regional</p> <p>12 office that's based here in St. John's,</p> <p>13 Newfoundland and that's where I'm based.</p> <p>14 ROIL, Q.C.:</p> <p>15 Q. You serve Nova Scotia and New Brunswick from</p> <p>16 the St. John's office?</p> <p>17 MR. BARNES:</p> <p>18 A. That's correct. We have four staff in total</p> <p>19 in Atlantic Canada. Three of them report to</p> <p>20 me.</p> <p>21 ROIL, Q.C.:</p> <p>22 Q. Okay. We'll get on to a little more about</p> <p>23 CAPP in a second. I'd like to just explore a</p> <p>24 little bit more about your background.</p> <p>25 MR. BARNES:</p>
<p>1 evidence from CAPP, I would ask that you admit</p> <p>2 into evidence Exhibits number 53 through 59</p> <p>3 and 60 through and including 64. Exhibits 60</p> <p>4 and 61 and 62, 63 and 64 were late exhibits,</p> <p>5 but they'll be incorporated into the</p> <p>6 proceedings in accordance with the way the</p> <p>7 evidence unfolds.</p> <p>8 COMMISSIONER:</p> <p>9 Q. That's fine. They're admitted.</p> <p>10 ROIL, Q.C.:</p> <p>11 Q. Now Mr. Barnes, you are the manager for</p> <p>12 Atlantic Canada for the Canadian Association</p> <p>13 of Petroleum Producers, which we will</p> <p>14 hereinafter refer to as CAPP?</p> <p>15 MR. BARNES:</p> <p>16 A. That is correct.</p> <p>17 ROIL, Q.C.:</p> <p>18 Q. Okay. How long have you held that position</p> <p>19 and what are your duties in relation to the</p> <p>20 position?</p> <p>21 MR. BARNES:</p> <p>22 A. I've held that position since 1998, September</p> <p>23 of 1998. I'm the Atlantic Canada manager and</p> <p>24 in that role, I manage broad-based industry</p> <p>25 initiatives dealing with environment, health</p>	<p>1 A. Sure.</p> <p>2 ROIL, Q.C.:</p> <p>3 Q. You've been with CAPP for something over ten</p> <p>4 years now. What is your background and</p> <p>5 experience and training in relation to</p> <p>6 anything that might make it appropriate for</p> <p>7 you to have that position?</p> <p>8 MR. BARNES:</p> <p>9 A. Sure. I am born and raised in St. John's. I</p> <p>10 have a Bachelor of Commerce (Honours) degree</p> <p>11 and a Master of Business Administration from</p> <p>12 Memorial University. I began working in the</p> <p>13 oil and gas business in 1990. At that time, I</p> <p>14 joined the Canada-Newfoundland Offshore</p> <p>15 Petroleum Board as their industrial benefits</p> <p>16 analyst, and that role basically is an</p> <p>17 economic type analyst role, analysing oil and</p> <p>18 gas expenditure and employment and other</p> <p>19 information related to the oil and gas</p> <p>20 industry. I held that position for about</p> <p>21 seven years and in the latter three years that</p> <p>22 I was with the Board--I was with the Board for</p> <p>23 approximately nine years. In the latter three</p> <p>24 years, I was working in their legal and land</p> <p>25 department as deputy registrar, handling</p>

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<p>1 rights issuance and licensing activity. So I</p> <p>2 joined CAPP in 1998 when they opened their</p> <p>3 regional office here in St. John's.</p> <p>4 ROIL, Q.C.:</p> <p>5 Q. Now I understand you have prepared a</p> <p>6 presentation, a PowerPoint, which we have as</p> <p>7 Exhibit No. 59.</p> <p>8 MR. BARNES:</p> <p>9 A. Yes.</p> <p>10 ROIL, Q.C.:</p> <p>11 Q. I think it's up on the screen and I think with</p> <p>12 that mouse there, you'll have the ability to</p> <p>13 have control of the pace and so together,</p> <p>14 we'll work through. The first slide, I</p> <p>15 understand, is simply an overview and perhaps</p> <p>16 just in synopsis, what is it you're going to</p> <p>17 tell us about today?</p> <p>18 MR. BARNES:</p> <p>19 A. Yes. I do have a PowerPoint which I'll walk</p> <p>20 through today and refer to a number of</p> <p>21 exhibits as I go. Briefly, I'm going to talk</p> <p>22 a little bit about CAPP and who we are and our</p> <p>23 committee structure and how we're governed.</p> <p>24 I'll then talk about five issues that I think</p> <p>25 may be of relevance to the Inquiry today.</p>	<p>1 Q. Okay.</p> <p>2 MR. BARNES:</p> <p>3 A. And as I go with my presentation, I will show</p> <p>4 some pictures showing what the device actually</p> <p>5 looks like.</p> <p>6 ROIL, Q.C.:</p> <p>7 Q. Good.</p> <p>8 MR. BARNES:</p> <p>9 A. And what I'll be talking about is how that</p> <p>10 device came into use here in Newfoundland and</p> <p>11 in Nova Scotia. I'll also be talking about</p> <p>12 survival suits and our role in developing or</p> <p>13 assisting in the development of standards</p> <p>14 associated with survival suits and I'll be</p> <p>15 talking about two survival suits, one the</p> <p>16 immersion suit and another one, the helicopter</p> <p>17 passenger transportation suit. I'll also be</p> <p>18 talking with respect to survival suits, I'll</p> <p>19 be talking about some of the issues that have</p> <p>20 arisen lately associated with survival suits</p> <p>21 and how industry is addressing some of those</p> <p>22 issues.</p> <p>23 Thirdly, I'll talk about a course quality</p> <p>24 review. This is a review that we undertook</p> <p>25 with a committee, which I'll describe as I go</p>
<p>Page 6</p> <p>1 First off, I'll talk about helicopter</p> <p>2 underwater emergency breathing apparatus,</p> <p>3 which is a new device recently entered into</p> <p>4 the Newfoundland and the Nova Scotia offshore</p> <p>5 areas here. It's a device that helicopter</p> <p>6 passengers wear when they travel offshore by</p> <p>7 helicopter to potentially allow them extra</p> <p>8 breathing ability in the event of a ditched</p> <p>9 helicopter underwater.</p> <p>10 ROIL, Q.C.:</p> <p>11 Q. Okay, and that piece of equipment, like much</p> <p>12 else in the industry we've come to learn, as</p> <p>13 an acronym?</p> <p>14 MR. BARNES:</p> <p>15 A. Yes, the acronym is HUEBA. Sometimes it's</p> <p>16 also as an acronym called EBS, which is</p> <p>17 emergency breathing system, and that acronym</p> <p>18 is used mostly by the military, but I'll be</p> <p>19 talking about HUEBA today.</p> <p>20 ROIL, Q.C.:</p> <p>21 Q. Okay, and HUEBA, we can recall as being</p> <p>22 similar to SCUBA?</p> <p>23 MR. BARNES:</p> <p>24 A. Yes.</p> <p>25 ROIL, Q.C.:</p>	<p>Page 8</p> <p>1 along in my presentation, looking at the basic</p> <p>2 survival training and the basic survival</p> <p>3 training recurrent courses at the Marine</p> <p>4 Institute here in St. John's and the</p> <p>5 equivalent training institute in Halifax</p> <p>6 called Survival Systems Limited.</p> <p>7 Fourthly, I'll talk about a guide that's</p> <p>8 about ready to be published. It's called the</p> <p>9 Escape Evacuation and Rescue Guide. It's a</p> <p>10 guide that provides some guidance to the oil</p> <p>11 and gas industry as they develop their own</p> <p>12 escape evacuation plans for the offshore.</p> <p>13 ROIL, Q.C.:</p> <p>14 Q. And that does have some relevance to</p> <p>15 transportation by helicopter, does it?</p> <p>16 MR. BARNES:</p> <p>17 A. Not necessarily transportation, but it has</p> <p>18 relevance in the fact that helicopters are a</p> <p>19 component that will be used in--possibly used</p> <p>20 in evacuation and rescue.</p> <p>21 ROIL, Q.C.:</p> <p>22 Q. Okay.</p> <p>23 MR. BARNES:</p> <p>24 A. And lastly, I'll talk about my role on an oil</p> <p>25 and gas helicopter task force that's in place</p>

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<p>1 in the United Kingdom. That task force is 2 looking at a recent helicopter incident that 3 occurred there in April of this year and some 4 of the issues around that incident which may 5 be of interest to the Inquiry, and I 6 participate on that committee in an 7 information sharing role, bringing back 8 information from that incident to the oil and 9 gas industry here in Newfoundland and also 10 sharing some of the information from the 11 incident that occurred here in March with the 12 UK industry.</p> <p>13 ROIL, Q.C.:</p> <p>14 Q. Okay. Well, that's a good overview, so 15 perhaps now you can go into the first item, 16 which I think is talking about what CAPP is.</p> <p>17 MR. BARNES:</p> <p>18 A. Yes. CAPP is a non-profit trade association 19 that represents the oil and gas industry, the 20 upstream oil and gas industry in Canada, and 21 by upstream, I mean the oil and gas companies 22 that explore, develop and produce oil and gas. 23 That differs from the downstream industry. 24 The downstream industry basically is the 25 marketing end of the industry, which is the</p>	<p>1 A. Many small companies that are active on land 2 in Alberta and BC tend to be very small 3 companies, three people, five people 4 sometimes, small companies, and they actually 5 have their own association, Small Producers 6 Association of Canada.</p> <p>7 ROIL, Q.C.:</p> <p>8 Q. Okay. You've been in the oil patch, as it's 9 referred to in Newfoundland, for ten years. 10 The companies that have been major players in 11 the Newfoundland and Labrador offshore, have 12 they all been or are they all currently 13 members of CAPP?</p> <p>14 MR. BARNES:</p> <p>15 A. We have, of the 130 producing members, 14 16 members that have interest or are active in 17 Atlantic Canada and primarily in Newfoundland. 18 At the moment, Husky Energy is not a member 19 and they're obviously an active producer in 20 Newfoundland. In May of this year, they sent 21 CAPP a letter saying that they would be 22 deferring their membership for this year. 23 However, they do continue to actively 24 participate and engage in a number of the 25 committees that I'll be talking about today.</p>
<p>1 retail gasoline stations, refineries. There's 2 also a midstream version as well, which is 3 basically the transportation of oil and gas by 4 tankers or pipeline. It's referred to as the 5 midstream, but my -</p> <p>6 ROIL, Q.C.:</p> <p>7 Q. CAPP is focused only on the upstream aspect, 8 is it?</p> <p>9 MR. BARNES:</p> <p>10 A. Only on the upstream, and again it's made up 11 of oil and gas producers involved in 12 exploration, development and oil and gas in 13 Canada.</p> <p>14 ROIL, Q.C.:</p> <p>15 Q. How many oil and gas upstream producers do we 16 have in Canada?</p> <p>17 MR. BARNES:</p> <p>18 A. We have well over a thousand, but we have, as 19 our members, 130, and they represent over 90 20 percent of Canada's oil and gas production. 21 So they tend to be the larger -</p> <p>22 ROIL, Q.C.:</p> <p>23 Q. I was going to say, how do we get from 130 to 24 1,000?</p> <p>25 MR. BARNES:</p>	<p>1 ROIL, Q.C.:</p> <p>2 Q. And the other company, Suncor, which was 3 formerly known as PetroCanada?</p> <p>4 MR. BARNES:</p> <p>5 A. Yes, they are a member.</p> <p>6 ROIL, Q.C.:</p> <p>7 Q. Okay, and Hibernia Management and Development 8 Corporation?</p> <p>9 MR. BARNES:</p> <p>10 A. Not their corporation specifically, but the 11 majority of the owners of that corporation are 12 our members. The only difference there is the 13 Federal Government is a part owner of HMDC and 14 they're not a member of CAPP.</p> <p>15 We also have 150 associate members. They 16 tend to be supply service companies to our 17 industry. They're non-voting members of CAPP. 18 Our head office is in Calgary, Alberta, and we 19 have a regional office here, as I mentioned, 20 in St. John's, and we have a staff total of 50 21 people. Our mission generally is to enhance 22 the economic sustainability of the oil and gas 23 industry in Canada in a safe and 24 environmentally and socially responsible 25 manner.</p>

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<p>1 Our membership is voluntary and we 2 operate within a membership committee 3 structure under direction of a board of 4 directors or what we call board of governors, 5 and I'll talk a little bit about that 6 structure on my next slide. The committees 7 that we have that report in to our board are 8 all chaired by industry members and the 9 direction, for the most part, is consensus 10 based and when we talk about consensus based, 11 we're generally talking about whether our many 12 supporters, only one or two, many have a 13 different view, but for the most part, it's a 14 consensus. But here in Atlantic Canada where 15 we have a small number of members that are 16 affected by an issue, consensus and practice 17 means unanimity.</p> <p>18 ROIL, Q.C.:</p> <p>19 Q. Mr. Barnes, you, like I and many others in 20 this room, are Newfoundlanders. We tend to 21 speak quickly, so I would ask you to just slow 22 down a tad.</p> <p>23 MR. BARNES:</p> <p>24 A. Okay.</p> <p>25 ROIL, Q.C.:</p>	<p>1 whole breadth of our membership. Reporting 2 into our board, we have a number of what's 3 called executive policy groups, including one 4 for Atlantic Canada, which I'll talk about in 5 my next slide, and those executive policy 6 groups are made up of senior management or 7 vice-president equivalent individuals who work 8 on issues that are directly to the 9 geographical area that the executive policy 10 group is responsible for.</p> <p>11 ROIL, Q.C.:</p> <p>12 Q. So how many geographical executive policy 13 groups are there in total?</p> <p>14 MR. BARNES:</p> <p>15 A. We have five in total, one for Alberta, one 16 for BC, one for Saskatchewan, one for Northern 17 Canada and one for Atlantic Canada, which I'll 18 talk about in my next slide. We also have a 19 few executive policy groups that represent 20 some subject matters, such as oil sands and 21 aboriginal affairs, but for the most part, 22 they're geographical based.</p> <p>23 ROIL, Q.C.:</p> <p>24 Q. And these are, these policy groups are filled, 25 if you will, with vice-president level</p>
<p>Page 14</p> <p>1 Q. I notice people are trying to take notes here, 2 so I'll try to keep an eye on that for you.</p> <p>3 MR. BARNES:</p> <p>4 A. Sure. So this slide illustrates our committee 5 structure. We have a board of governors, as I 6 mentioned. We have 32 representatives that 7 sit on our board, which means there's quite a 8 large board and so that's 32 president or CEO 9 level individuals from our member companies 10 that comprise our board. We have, of those 11 32, one is a president and he's a non-voting 12 member, and we have a volunteer chair as well, 13 and ten of the other--ten governors are from 14 our top producing members. Ten are from our 15 middle producing members and ten are from our 16 lower producing members.</p> <p>17 ROIL, Q.C.:</p> <p>18 Q. By lower producing, you mean in terms of 19 volume of production?</p> <p>20 MR. BARNES:</p> <p>21 A. Volume of production.</p> <p>22 ROIL, Q.C.:</p> <p>23 Q. Yes.</p> <p>24 MR. BARNES:</p> <p>25 A. And in that way, we tend to represent the</p>	<p>Page 16</p> <p>1 personnel from the membership companies?</p> <p>2 MR. BARNES:</p> <p>3 A. That's correct.</p> <p>4 ROIL, Q.C.:</p> <p>5 Q. Yeah, okay.</p> <p>6 MR. BARNES:</p> <p>7 A. Typically reporting into our executive policy 8 groups, we have a number of committees that 9 undertake the work of the executive policy 10 group and they tend to be standing committees 11 and under the standing committees, there are 12 often a number of subcommittees or working 13 groups which are mostly ad hoc, and in my next 14 slide, I'll talk about how that structure 15 looks for Atlantic Canada.</p> <p>16 ROIL, Q.C.:</p> <p>17 Q. Okay, and so these committees, what is the-- 18 their focus is a geographic or -</p> <p>19 MR. BARNES:</p> <p>20 A. It could be issue driven like environment or 21 safety, which it tends to be issue driven, as 22 opposed to geographic.</p> <p>23 ROIL, Q.C.:</p> <p>24 Q. And then the subcommittees and working groups, 25 we'll see how that works in relation to</p>

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1 Atlantic Canada, I take it?
 2 MR. BARNES:
 3 A. That's correct, on the next slide.
 4 ROIL, Q.C.:
 5 Q. Okay.
 6 MR. BARNES:
 7 A. So my next slide looks at the committee
 8 structure that we have in place here in
 9 Atlantic Canada and I'm going to highlight a
 10 number of issues that are of interest to the
 11 Inquiry, as I talked about on my first slide,
 12 and the working groups that are working those
 13 issues or have worked those issues.
 14 So as I mentioned, we have an Atlantic
 15 Canada executive policy group and they're made
 16 up of 14 of our member companies, vice-
 17 president level individuals, and they set
 18 direction for us as an association on the
 19 issues that we work on and give direction to
 20 standing committees underneath it.
 21 ROIL, Q.C.:
 22 Q. How often would that policy group meet?
 23 MR. BARNES:
 24 A. It meets six times a year.
 25 ROIL, Q.C.:

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1 Q. Every two months approximately?
 2 MR. BARNES:
 3 A. Every two months approximately.
 4 ROIL, Q.C.:
 5 Q. Okay.
 6 MR. BARNES:
 7 A. I'm showing on my chart that one of the
 8 committees that report into that executive
 9 policy group is the Atlantic Canada Safety
 10 Committee. There are a number of other
 11 committees which I haven't show on the chart,
 12 one dealing with environment, one dealing with
 13 communications, one dealing with human
 14 resources, but I've only illustrated the
 15 safety committee one because it's of
 16 relevance, I believe, to the Inquiry.
 17 ROIL, Q.C.:
 18 Q. Okay.
 19 MR. BARNES:
 20 A. That committee, the Atlantic Canada Safety
 21 Committee, is made up of nine individuals from
 22 our member companies who are generally senior
 23 safety managers and advisors that are active
 24 in Atlantic Canada. We also have a
 25 representative from the Canadian Association

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1 of Oilwell drilling contractors that sit on
 2 that committee as well, and that association
 3 represents the drilling companies that are
 4 active in Atlantic Canada, basically the
 5 companies that own the drilling rigs.
 6 ROIL, Q.C.:
 7 Q. Okay, and by way of example, we have not, I
 8 don't think, had much evidence about that, but
 9 what kind of companies operate the drill rigs?
 10 MR. BARNES:
 11 A. Global Santa Fe Transocean is the operator of
 12 the Henry Goodridge, which is a drilling rig
 13 that's active at the moment on the Grand
 14 Banks. Noble Drilling is a company that
 15 operates the two drilling derricks that sit on
 16 top of the Hibernia platform. Stena is a
 17 company that owns a drill ship that's en route
 18 here to drill a well for ConocoPhillips on the
 19 Laurentian Basin and there are a couple of
 20 other companies like Rowan Companies which are
 21 active in Nova Scotia. They have an
 22 association very similar to CAPP based in
 23 Calgary, but they have an Atlantic Canada
 24 committee, similar to us, that are made up of
 25 four or five of the drilling companies that

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1 are active here in Atlantic Canada.
 2 ROIL, Q.C.:
 3 Q. Okay. So this group of drilling companies has
 4 representation on your safety committee?
 5 MR. BARNES:
 6 A. Yes. They select one from their membership to
 7 sit on our safety committee. They sit there
 8 in a non-voting capacity, but they provide
 9 obviously valuable safety information from the
 10 drilling contractors point of view.
 11 I should note as well that the Atlantic
 12 Canada Safety Committee, our safety committee
 13 meets twice a year formally with the offshore
 14 petroleum boards in Newfoundland and Nova
 15 Scotia to talk about issues of general
 16 interest and priority. We can meet on a more
 17 frequent basis to talk about specific issues,
 18 but twice a year we meet on a formal basis to
 19 go over the whole suite of issues that our
 20 committee is working on with the boards.
 21 ROIL, Q.C.:
 22 Q. When you say the whole suite of issues, is it
 23 possible that there would be issues beyond
 24 those that are in the listing that is below us
 25 on this slide, the six different issues there?

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1 MR. BARNES:
 2 A. Yes. Yes, that's correct. We're working, for
 3 instance, in our safety committee on providing
 4 feedback on incident reporting guidelines that
 5 the boards recently produced. We have
 6 provided some feedback on occupational health
 7 and safety regulations that are in draft, are
 8 being drafted by the Federal and Provincial
 9 Governments as we speak. We are also working
 10 on safe lifting practice guideline. One has
 11 been produced and on an annual basis that gets
 12 updated. We're working on marine personnel
 13 regulations which are a set of regulations
 14 that Transport Canada has been drafting, and
 15 we also have an industry Fitness to Work
 16 Guide, which is basically a guide to perform
 17 medicals for the offshore workforce. So the
 18 safety committee is quite active, but I've
 19 only listed on this slide here the issues I
 20 think may be of relevance to the Inquiry.
 21 ROIL, Q.C.:
 22 Q. Okay. So this next level is the so-called
 23 subcommittee level or working group level that
 24 was shown on your earlier slide?
 25 MR. BARNES:

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1 A. That's correct.
 2 ROIL, Q.C.:
 3 Q. Okay, but not all the groups are actually
 4 called working groups or subcommittees?
 5 MR. BARNES:
 6 A. They are either working groups or
 7 subcommittees and I can talk about each one.
 8 ROIL, Q.C.:
 9 Q. Okay. I just notice that the Helly Hansen E-
 10 452 is called a task group.
 11 MR. BARNES:
 12 A. Right, okay.
 13 ROIL, Q.C.:
 14 Q. Okay, but they're considered the same level,
 15 are they?
 16 MR. BARNES:
 17 A. Exactly, in essence it's the same thing.
 18 ROIL, Q.C.:
 19 Q. Okay.
 20 MR. BARNES:
 21 A. So the first one is the HUEBA Task Group, and
 22 as I mentioned earlier, this task group
 23 undertook the examination into this device and
 24 eventual introduction of this device in the
 25 offshore here, and I'll talk about that in

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1 future slides and how that device became
 2 implemented. Basically, that task group is
 3 made up of: five of the CAPP producing
 4 companies that are active in Atlantic Canada;
 5 two of the training institutes that are active
 6 in Atlantic Canada, so that's the Marine
 7 Institute here in St. John's and the Safety
 8 and Survival Systems Limited in Halifax; two
 9 of the helicopter operators that are active in
 10 Atlantic Canada, so that would be Cougar
 11 Helicopters here in St. John's and Canadian
 12 Helicopters Corporation, based in Halifax; and
 13 a representative again from the Canadian
 14 Association of Oilwell Drilling Contractors.
 15 ROIL, Q.C.:
 16 Q. And the mandate of that committee was what?
 17 MR. BARNES:
 18 A. To research issues around the introduction of
 19 this HUEBA device and to eventually implement
 20 it and communicate aspects of the device to
 21 workforce and other stakeholders.
 22 ROIL, Q.C.:
 23 Q. Does the working group or subcommittee have
 24 the ability to enforce or is it an advisory
 25 committee?

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1 MR. BARNES:
 2 A. It's an advisory committee to the Atlantic
 3 Canada Safety Committee.
 4 ROIL, Q.C.:
 5 Q. Yes.
 6 MR. BARNES:
 7 A. The next group is the Medical Task Group and I
 8 list them there. The mandate of that group is
 9 to maintain a fitness to work standard of
 10 practice that we've produced within our
 11 association and that document basically
 12 outlines what needs to be included in medicals
 13 that offshore personnel take before they go
 14 offshore, and I list that group on the slide
 15 because that group provided some medical
 16 advice to the HUEBA Task Force as it was
 17 undertaking its work because there are some
 18 issues arising with respect to the possible
 19 risks associated with using HUEBA.
 20 ROIL, Q.C.:
 21 Q. Okay, so this task group provided advice to
 22 the HUEBA Group?
 23 MR. BARNES:
 24 A. That's correct.
 25 ROIL, Q.C.:

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<p>1 Q. Okay.</p> <p>2 MR. BARNES:</p> <p>3 A. And that task group is made up of: a number of</p> <p>4 our member companies' medical professionals;</p> <p>5 some of the medical service providers that are</p> <p>6 active in Newfoundland and Nova Scotia,</p> <p>7 including Atlantic Offshore Medical Services,</p> <p>8 based here in St. John's; and a representative</p> <p>9 again from CAODC, the drilling contractors'</p> <p>10 association.</p> <p>11 The next block is referred to as the</p> <p>12 Helicopter Passenger Transportation Suit</p> <p>13 Standard Review. We have a subgroup or</p> <p>14 subcommittee made up of eight CAPP members</p> <p>15 that comprise that task group and that task</p> <p>16 group will be providing advice as the standard</p> <p>17 for the helicopter passenger suit is revised,</p> <p>18 and I'll be talking about that later on in my</p> <p>19 presentation.</p> <p>20 The next block is referred to as the HHE-</p> <p>21 452 Suit Task Group. That stands for the</p> <p>22 Helly Hansen E-452 helicopter passenger suit,</p> <p>23 which is the suit that's worn by helicopter</p> <p>24 passengers offshore, travelling offshore here</p> <p>25 in Newfoundland. That task group is made up</p>	<p>1 the National Energy Board and the National</p> <p>2 Energy Board is the regulatory body that</p> <p>3 regulates oil and gas activity on Federal</p> <p>4 lands that are outside of Newfoundland and</p> <p>5 Nova Scotia, so those lands would be offshore</p> <p>6 BC, all of Northern Canada that are Federal</p> <p>7 lands in Northern Canada and the offshore area</p> <p>8 offshore Quebec. Also included in that group</p> <p>9 are: the two training institutes, again the</p> <p>10 Marine Institute based here in St. John's and</p> <p>11 Survival Systems Limited based in Halifax; two</p> <p>12 CAODC members; and -</p> <p>13 ROIL, Q.C.:</p> <p>14 Q. CAODC is that drilling group?</p> <p>15 MR. BARNES:</p> <p>16 A. Drilling contractor group.</p> <p>17 ROIL, Q.C.:</p> <p>18 Q. Another acronym for us.</p> <p>19 MR. BARNES:</p> <p>20 A. That's right.</p> <p>21 ROIL, Q.C.:</p> <p>22 Q. Yeah, okay.</p> <p>23 MR. BARNES:</p> <p>24 A. And three CAPP members, and it's a formal</p> <p>25 committee, as I mentioned, with a formal terms</p>
<p>Page 26</p> <p>1 of five CAPP members and its responsibility is</p> <p>2 to address some of the issues that has arisen</p> <p>3 associated with the use of that particular</p> <p>4 helicopter passenger transportation suit.</p> <p>5 ROIL, Q.C.:</p> <p>6 Q. So how long has that task group been set up?</p> <p>7 MR. BARNES:</p> <p>8 A. It's set up -</p> <p>9 ROIL, Q.C.:</p> <p>10 Q. Is that a standing group or just something</p> <p>11 that's recent?</p> <p>12 MR. BARNES:</p> <p>13 A. No, that's an ad-hoc group that was formed in</p> <p>14 the April 2009 time frame.</p> <p>15 ROIL, Q.C.:</p> <p>16 Q. Okay.</p> <p>17 MR. BARNES:</p> <p>18 A. The next block is the Training and</p> <p>19 Qualifications Committee. This is an actual</p> <p>20 formal committee that is comprised of three of</p> <p>21 the regulatory boards that are active in</p> <p>22 Canada. So it's the two offshore petroleum</p> <p>23 boards that are active in Atlantic Canada, the</p> <p>24 Newfoundland Offshore Petroleum Board and the</p> <p>25 Nova Scotia Offshore Petroleum Board, and also</p>	<p>Page 28</p> <p>1 of reference, and I'll talk about that as I</p> <p>2 talk about the issue that they were involved</p> <p>3 in, but that is a formal committee and the</p> <p>4 reason why it's a formal committee, because</p> <p>5 the mandate of that committee is it produces a</p> <p>6 standard practice that outlines the training</p> <p>7 qualification that's needed for all offshore</p> <p>8 personnel working in Newfoundland and in Nova</p> <p>9 Scotia, and while it's an industry document</p> <p>10 and CAPP is the custodian of that document,</p> <p>11 the petroleum boards require adherence to it</p> <p>12 for all offshore operators operating in this</p> <p>13 jurisdiction, so it requires a formal terms of</p> <p>14 reference and any change to that document has</p> <p>15 to be approved by the Board's directors of the</p> <p>16 two offshore petroleum boards together with</p> <p>17 CAPP's executive policy group, and this</p> <p>18 committee undertook a course quality review of</p> <p>19 the basic survival training and the basic</p> <p>20 survival training recurrent course at Marine</p> <p>21 Institute and Survival Systems Limited and</p> <p>22 I'll talk about why that came about and the</p> <p>23 results of that quality review later on in my</p> <p>24 slide deck.</p> <p>25 The last piece of the chart is again a</p>

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<p>1 formal committee. It's entitled the EER Guide 2 Development Committee, and EER stands for 3 Escape Evacuation and Rescue Guide, and the 4 mandate of that committee was to develop a 5 guide, as I mentioned earlier, that provide 6 guidance to industry operators as they develop 7 their escape evacuation and rescue plans, and 8 it's a formal committee because, like the 9 Training Qualifications Committee, the Boards 10 sit on and when this document is formally 11 ratified, the Boards will require adherence to 12 it through their authorization process.</p> <p>13 ROIL, Q.C.:</p> <p>14 Q. By the Boards you mean the offshore petroleum 15 boards?</p> <p>16 MR. BARNES:</p> <p>17 A. Yes, both in Newfoundland and Nova Scotia. So 18 that committee is comprised of: the two 19 Boards, Newfoundland board and the Nova Scotia 20 board; one representative from CAODC, again 21 the Canadian Offshore--Canadian Association of 22 Oilwell Drilling Contractors; one 23 representative from Transport Canada; and four 24 CAPP members.</p> <p>25 ROIL, Q.C.:</p>	<p>1 ROIL, Q.C.:</p> <p>2 Q. The Medical Task Group?</p> <p>3 MR. BARNES:</p> <p>4 A. It's been in place since 1998.</p> <p>5 ROIL, Q.C.:</p> <p>6 Q. And the HUEBA Group?</p> <p>7 MR. BARNES:</p> <p>8 A. It's been in place since the mid 2000's. I 9 don't have the exact year at the moment, but 10 it's referenced -</p> <p>11 ROIL, Q.C.:</p> <p>12 Q. Okay, perhaps that'll come out in terms of the 13 evidence.</p> <p>14 MR. BARNES:</p> <p>15 A. Yes.</p> <p>16 ROIL, Q.C.:</p> <p>17 Q. Now Mr. Barnes, it sounds like an awful lot of 18 activity to me. Who are the people who do the 19 day-to-day work for these committees? Is this 20 all done by you or do you have staff or do 21 you delegate out? How does the work get done 22 generally, just in terms of the Atlantic 23 office?</p> <p>24 MR. BARNES:</p> <p>25 A. It's a combination of work that members of the</p>
<p style="text-align: right;">Page 30</p> <p>1 Q. Okay, I think that takes us then through the 2 structure of CAPP. These committees, we've 3 indicated a couple of them, how long they've 4 been--I don't know if we've done it all. The 5 EER Guide Committee, how long has that been in 6 existence or in operation?</p> <p>7 MR. BARNES:</p> <p>8 A. That has been in existence since 2003.</p> <p>9 ROIL, Q.C.:</p> <p>10 Q. Okay, and the so-called standing committee on 11 training and qualifications?</p> <p>12 MR. BARNES:</p> <p>13 A. Again, formal committee in its formal sense 14 existed since 2000, but the committee existed 15 before that in kind of a non-formal way, in 16 the sense that it didn't have the petroleum 17 boards as members.</p> <p>18 ROIL, Q.C.:</p> <p>19 Q. Okay. I think we did the suit task group as 20 being April of 2009. The Helicopter Passenger 21 Transportation Suit Standard Review?</p> <p>22 MR. BARNES:</p> <p>23 A. That was struck two or three months ago in 24 anticipation of the standard review taking 25 place this month.</p>	<p style="text-align: right;">Page 32</p> <p>1 committee undertake, as volunteers. They also 2 use CAPP staff, myself and the three staff 3 that work for me in various capacities, to 4 help with committee work, and on occasion, we 5 may hire outside consultants to provide 6 consulting advice or other assistance as 7 needed.</p> <p>8 ROIL, Q.C.:</p> <p>9 Q. Okay. The first then of the subject matters, 10 I think, that your evidence deals with, and 11 this, for the most part, is contained within 12 Exhibit No. 53, so I wonder if the Registrar 13 could get that exhibit up and available for us 14 so that we can refer to it as we go through?</p> <p>15 MR. BARNES:</p> <p>16 A. Actually, I have, I believe, the exhibit ready 17 to go here. What I wanted to do, let me flip 18 back through this. This, as I mentioned 19 earlier, HUEBA, which is the helicopter 20 underwater emergency breathing apparatus, is a 21 compressed air breathing device that's now 22 carried by all offshore workforce in Atlantic 23 Canada during helicopter travel, and before I 24 get into how that device became in operation, 25 I wanted to show the three different types of</p>

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1 HUEBA's that are available on the market
 2 today.
 3 ROIL, Q.C.:
 4 Q. Okay. So when we say HUEBA, it isn't just one
 5 particular device? There's three -
 6 MR. BARNES:
 7 A. There are three devices.
 8 ROIL, Q.C.:
 9 Q. Three manufacturers or three different
 10 devices?
 11 MR. BARNES:
 12 A. There are number of manufacturers, but there
 13 are three different devices.
 14 ROIL, Q.C.:
 15 Q. Okay. So what are the three different
 16 devices?
 17 MR. BARNES:
 18 A. The first one, which is on the screen here is
 19 the Compressed Air Device, and this is the one
 20 that's being used and implemented today in the
 21 offshore workforce here in Newfoundland and in
 22 Nova Scotia. It basically looks like a small
 23 SCUBA tank, if you're a diver or used to
 24 diving, and -
 25 ROIL, Q.C.:

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1 Q. Well, if I was a diver, I would recall from
 2 many pictures that that would be a large thing
 3 on my back.
 4 MR. BARNES:
 5 A. Yes.
 6 ROIL, Q.C.:
 7 Q. We can't see scale here. How long is that?
 8 MR. BARNES:
 9 A. This would be probably just simply a foot in
 10 length.
 11 ROIL, Q.C.:
 12 Q. About a foot in length, okay.
 13 MR. BARNES:
 14 A. Yes. It contains basically compressed air,
 15 3000 psi's worth of compressed air, which for
 16 the most part can give between a minute to two
 17 minutes of breathing if one was to use this
 18 device.
 19 ROIL, Q.C.:
 20 Q. Right.
 21 MR. BARNES:
 22 A. It's subjective because it depends on the size
 23 of the individual breathing and the amount of
 24 breaths that they may take.
 25 ROIL, Q.C.:

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1 Q. So you and I would consume it faster than some
 2 smaller person?
 3 MR. BARNES:
 4 A. Probably, if we were breathing heavy. If we
 5 were controlling our breathing, we wouldn't
 6 consume the air that quickly. It gets
 7 strapped on the survival suit and as I
 8 mentioned, it's worn by offshore personnel.
 9 The regulator, mouth piece that's shown in the
 10 diagram, goes in the mouth obviously and it's
 11 activated upon first breath that you would
 12 take.
 13 Need to rotate this here. The second
 14 type of helicopter underwater emergency
 15 breathing apparatus is what's called a
 16 Rebreather. It looks like this diagram. It's
 17 basically a bag that one would breathe into.
 18 There's a filter there that would remove
 19 carbon dioxide from the air that you breathe
 20 in, filter it out and then you're breathing
 21 your own air.
 22 ROIL, Q.C.:
 23 Q. So the principle is that I breathe out my air?
 24 MR. BARNES:
 25 A. Yeah, into the bag to inflate it and then you

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1 use the inflated bag to breathe.
 2 ROIL, Q.C.:
 3 Q. So I can rebreath the air that I've already
 4 expelled?
 5 MR. BARNES:
 6 A. Exactly.
 7 ROIL, Q.C.:
 8 Q. Once the filter filters out the--what part?
 9 MR. BARNES:
 10 A. The carbon dioxide.
 11 ROIL, Q.C.:
 12 Q. Carbon dioxide, okay.
 13 MR. BARNES:
 14 A. Yeah.
 15 ROIL, Q.C.:
 16 Q. And again, the size of that is approximately?
 17 MR. BARNES:
 18 A. Again, roughly a foot in length.
 19 ROIL, Q.C.:
 20 Q. Okay.
 21 MR. BARNES:
 22 A. Like the compressed air, it would give you
 23 probably a minute or so, or--yes, a minute or
 24 so of breathing time, but it is secured around
 25 the wearer's neck and hangs in front of their

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<p>1 survival suit. It's activated by activating</p> <p>2 it by turning on the red activated knob, so it</p> <p>3 doesn't get activated by breathing into it.</p> <p>4 You actually have to physically activate it.</p> <p>5 ROIL, Q.C.:</p> <p>6 Q. So I have to have an opportunity to breathe</p> <p>7 into it first?</p> <p>8 MR. BARNES:</p> <p>9 A. Yeah.</p> <p>10 ROIL, Q.C.:</p> <p>11 Q. So that I can consume from it afterwards?</p> <p>12 MR. BARNES:</p> <p>13 A. That's correct.</p> <p>14 ROIL, Q.C.:</p> <p>15 Q. Okay.</p> <p>16 MR. BARNES:</p> <p>17 A. And the third type is what's called a Hybrid</p> <p>18 Rebreather. This, as you can see in the</p> <p>19 diagram, looks similar to the regular</p> <p>20 rebreather, but it comes with a small</p> <p>21 compressed air component, just 3.5 litres of</p> <p>22 compressed air, and what this does, it--upon</p> <p>23 activation, when it hits water, it fills the</p> <p>24 rebreather bag for you so you don't have to</p> <p>25 breathe in it to refill it--to fill it. So</p>	<p>1 April of 2009 in Nova Scotia and in early May</p> <p>2 2009 in Newfoundland, once helicopter</p> <p>3 operations resumed after the March incident</p> <p>4 involving Cougar Flight 492.</p> <p>5 What I will walk the Inquiry through now</p> <p>6 is the research and the review of the options</p> <p>7 that our industry took to decide on the use of</p> <p>8 this device. It was over close to a nine-year</p> <p>9 time frame that the discussion took place, the</p> <p>10 research and the activities that took place in</p> <p>11 order to implement this device. It's the only</p> <p>12 offshore jurisdiction in the world where a</p> <p>13 compressed air device is used for offshore</p> <p>14 passenger travel by helicopter.</p> <p>15 ROIL, Q.C.:</p> <p>16 Q. The only one in the world?</p> <p>17 MR. BARNES:</p> <p>18 A. Only one in the world.</p> <p>19 ROIL, Q.C.:</p> <p>20 Q. Okay. So was this device manufactured for</p> <p>21 Newfoundland and Nova Scotia or is it used by</p> <p>22 other people in other industries in the world?</p> <p>23 MR. BARNES:</p> <p>24 A. No, it's a device that's existed for quite a</p> <p>25 number of years. It's primarily used by</p>
<p>1 the compressed air fills the bag and then you</p> <p>2 breathe as you would with a normal rebreather</p> <p>3 and since you breathe your own breath--you</p> <p>4 breath your own air into the bag and it</p> <p>5 filters out the carbon dioxide until the bag</p> <p>6 is empty.</p> <p>7 ROIL, Q.C.:</p> <p>8 Q. Okay, I understand that subsequent witnesses</p> <p>9 with respect to the Marine Institute will</p> <p>10 bring in an actual HUEBA and a rebreather. So</p> <p>11 it's helpful for us to have this little</p> <p>12 concept of it right upfront.</p> <p>13 MR. BARNES:</p> <p>14 A. Okay, great.</p> <p>15 ROIL, Q.C.:</p> <p>16 Q. So these are the three different types of</p> <p>17 systems that are available and in use in the</p> <p>18 world?</p> <p>19 MR. BARNES:</p> <p>20 A. Yes.</p> <p>21 ROIL, Q.C.:</p> <p>22 Q. Okay.</p> <p>23 MR. BARNES:</p> <p>24 A. And going back to my presentation, as I</p> <p>25 mentioned, this device was implemented in late</p>	<p>1 military personnel, but sometimes sport divers</p> <p>2 use it as well for sport fishing, but it's</p> <p>3 never been used, as I mentioned, for the</p> <p>4 offshore personnel.</p> <p>5 The other two devices I explained</p> <p>6 earlier, the rebreather and the Hybrid</p> <p>7 Rebreather, are in active use in the UK and</p> <p>8 Norway, but are not in use in any other</p> <p>9 jurisdiction that the offshore petroleum</p> <p>10 industry works in, such as the Gulf of Mexico</p> <p>11 and the UK or Australia. It's just used in</p> <p>12 those two other jurisdictions.</p> <p>13 So I'm going to walk through the activity</p> <p>14 that our industry undertook, together with</p> <p>15 others, that looked at the device options and</p> <p>16 eventual decision to use this device, and I'll</p> <p>17 do that by going through a number of exhibits.</p> <p>18 ROIL, Q.C.:</p> <p>19 Q. Okay, but before we go to the exhibits,</p> <p>20 perhaps we should look at what was your role</p> <p>21 in this, the role of CAPP, and I just need to</p> <p>22 understand who's responsible for what, so that</p> <p>23 we can understand how the decision making</p> <p>24 process goes here.</p> <p>25 MR. BARNES:</p>

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<p>1 A. Sure. Well, our role was to facilitate 2 industry discussion. Actually I'll go to 3 another slide here, which outlines basically 4 CAPP's role. We facilitated industry 5 discussion via a number of committee 6 processes. A number of these committees I 7 explained earlier, but we had to facilitate 8 discussion with medical professionals, legal 9 professionals, safety and risk professionals, 10 and of course, leadership of our member 11 companies to come to decisions around this 12 device.</p> <p>13 ROIL, Q.C.:</p> <p>14 Q. Okay. Now you are facilitating the industry 15 discussion and for the purposes of this 16 particular activity, who are the industry 17 representatives that you are facilitating? 18 Who are the participants in this committee? 19 Just refresh our memory on the group here.</p> <p>20 MR. BARNES:</p> <p>21 A. The implementation committee, once our 22 industry made--our association and our members 23 made a decision to use a particular device, we 24 formed an implementation committee and that 25 was the committee that I spoke of earlier.</p>	<p>1 A. Transport Canada, and I'll get to this a 2 little later, Transport Canada had an interest 3 or a role because they had to approve the 4 transportation of compressed air devices by 5 helicopter.</p> <p>6 We also had to communicate, of course, 7 with the training providers at the Marine 8 Institute here in Newfoundland, in particular, 9 because they have to train offshore personnel 10 on the use of this device. We also had to 11 undertake as well a number of issue analysis 12 and information collection on all these 13 devices that were -- that I just mentioned, 14 and how they're being used in other 15 jurisdictions. We had to seek some medical 16 advice because there is potential risk of 17 actually using compressed air, and I'll talk 18 about that as we go forward, and what that 19 risk was and how we mitigated it. We had to 20 obtain consultant help as the Implementation 21 Committee was formed to help us develop 22 implementation documentation and communication 23 documentation for stakeholders and the 24 workforce. We also undertook a trip to both 25 Norway, the United Kingdom, and also the</p>
<p>1 ROIL, Q.C.:</p> <p>2 Q. Okay.</p> <p>3 MR. BARNES:</p> <p>4 A. But at the very beginning when we were 5 investigating the device options and before 6 making a decision on device, it was purely the 7 CAPP members that were active in Atlantic 8 Canada.</p> <p>9 ROIL, Q.C.:</p> <p>10 Q. Okay.</p> <p>11 MR. BARNES:</p> <p>12 A. So the association as well, and staff of the 13 association, we had to undertake communication 14 with a number of stakeholders, including the 15 regulators, which had an interest in this 16 issue. Helicopter -</p> <p>17 ROIL, Q.C.:</p> <p>18 Q. Regulators are whom?</p> <p>19 MR. BARNES:</p> <p>20 A. The offshore petroleum boards, both in 21 Newfoundland and Nova Scotia, and Transport 22 Canada.</p> <p>23 ROIL, Q.C.:</p> <p>24 Q. Yes.</p> <p>25 MR. BARNES:</p>	<p>1 Netherlands, to understand how those three 2 jurisdictions used this device or similar 3 devices.</p> <p>4 ROIL, Q.C.:</p> <p>5 Q. This is the first time we've heard Netherlands 6 referred to.</p> <p>7 MR. BARNES:</p> <p>8 A. Yes, I mentioned earlier that there was only 9 two other offshore jurisdictions, but actually 10 there are three. The Netherlands has a small 11 offshore oil and gas industry and they're 12 using that device, a hybrid rebreather, 13 actually in that jurisdiction. So before the 14 industry here implemented it, they wanted to 15 understand how those three jurisdictions 16 implemented their device and any lessons 17 learned from those three jurisdictions. So 18 three of our member and company personnel went 19 and visited those jurisdictions, together with 20 representatives from the two Offshore 21 Petroleum Boards. Finally, we put together an 22 implementation package for our members to use 23 to undertake that implementation, and I've 24 included that in the exhibits and I'll talk 25 about it later.</p>

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<p>1 ROIL, Q.C.:</p> <p>2 Q. Okay, now these exhibits are under the Exhibit</p> <p>3 #53, I think, and I'm going to take a moment</p> <p>4 to get my own copy of those exhibits so I can</p> <p>5 walk through with you, Mr. Barnes.</p> <p>6 MR. BARNES:</p> <p>7 A. Okay.</p> <p>8 ROIL, Q.C.:</p> <p>9 Q. Because you have already told us it's a nine</p> <p>10 year period of time, so I think there will be</p> <p>11 a considerable amount of interest into what</p> <p>12 your committee and the industry was doing over</p> <p>13 those many years.</p> <p>14 MR. BARNES:</p> <p>15 A. Yes.</p> <p>16 ROIL, Q.C.:</p> <p>17 Q. Okay, how did it start?</p> <p>18 MR. BARNES:</p> <p>19 A. Okay, well, the first exhibit I have brought</p> <p>20 up here on the screen is a letter that CAPP</p> <p>21 received in February of 2000 from the Offshore</p> <p>22 Petroleum Board here in Newfoundland, which</p> <p>23 basically asked industry to discuss the issue</p> <p>24 of implementing escape breathing devices for</p> <p>25 this offshore jurisdiction and report back to</p>	<p>1 look into this issue further by investigating</p> <p>2 these devices and how they're operated or how</p> <p>3 they're used in the North Sea. We would have</p> <p>4 some discussions with the manufacturers of the</p> <p>5 survival suits that were currently in use at</p> <p>6 the time on the east coast because these</p> <p>7 devices would have to be attached to those</p> <p>8 survival suits. We also wanted to discuss</p> <p>9 with representatives of the training</p> <p>10 institutes, both the Marine Institute here in</p> <p>11 Newfoundland, and Survival Systems in Nova</p> <p>12 Scotia, to get their feedback because they</p> <p>13 would be the ones that would have to</p> <p>14 eventually train offshore personnel on the use</p> <p>15 of these devices. Fourthly, we outlined the</p> <p>16 process to discuss the issue with potential</p> <p>17 end users, which would be the offshore</p> <p>18 workforce travelling by helicopter. Fifthly,</p> <p>19 we indicated that we would undertake a cost</p> <p>20 benefit analysis of using the device.</p> <p>21 ROIL, Q.C.:</p> <p>22 Q. Okay, now --</p> <p>23 MR. BARNES:</p> <p>24 A. I should point out --</p> <p>25 ROIL, Q.C.:</p>
<p>Page 46</p> <p>1 them. Basically, the letter says that they</p> <p>2 know that the probability of successfully</p> <p>3 exiting an overturned helicopter in cold water</p> <p>4 is low, but they understand that there are</p> <p>5 several companies operating in the North Sea</p> <p>6 that have adopted the use of such escape</p> <p>7 breathing devices and that those devices could</p> <p>8 potentially improve passengers chances for</p> <p>9 surviving a crash. They understood --</p> <p>10 according to the letter, they understood there</p> <p>11 was a number of risks and other associated</p> <p>12 training issues with using the device, but</p> <p>13 they asked us to discuss it within our Safety</p> <p>14 Committee and with our memberships and to</p> <p>15 report back to them.</p> <p>16 ROIL, Q.C.:</p> <p>17 Q. Okay.</p> <p>18 MR. BARNES:</p> <p>19 A. So we responded to that letter in May of 2000,</p> <p>20 which I have on the screen here today, and we</p> <p>21 indicated to the Board that we have sought</p> <p>22 some information from our member companies,</p> <p>23 those who have activities in Norway and UK</p> <p>24 that may be using those devices, and that over</p> <p>25 the next six months time frame that we would</p>	<p>Page 48</p> <p>1 Q. If I can stop you there.</p> <p>2 MR. BARNES:</p> <p>3 A. Yeah.</p> <p>4 ROIL, Q.C.:</p> <p>5 Q. The letter from Mr. Pike refers to the use of</p> <p>6 escape breathing devices, and you have said in</p> <p>7 your response letter that the device is used</p> <p>8 sparsely in the North Sea. So what kind of</p> <p>9 device of devices were you able to determine</p> <p>10 were in use at that time?</p> <p>11 MR. BARNES:</p> <p>12 A. At that time there was one device used. It</p> <p>13 was just the regular rebreather.</p> <p>14 ROIL, Q.C.:</p> <p>15 Q. The regular rebreather?</p> <p>16 MR. BARNES:</p> <p>17 A. Yes.</p> <p>18 ROIL, Q.C.:</p> <p>19 Q. The one that --</p> <p>20 MR. BARNES:</p> <p>21 A. Not the hybrid one, the --</p> <p>22 ROIL, Q.C.:</p> <p>23 Q. Just the hybrid, okay.</p> <p>24 MR. BARNES:</p> <p>25 A. Just the rebreather, and it was used at that</p>

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1 time in 2000 by just one company, Shell Oil,
 2 one of our members. I should point out as
 3 well why we listed those five items, the
 4 fourth item, to discuss the issue with the
 5 potential end users was undertaken not by our
 6 association, but by members of our association
 7 with their offshore workforce. The fifth
 8 item, the cost benefit analysis, we actually
 9 didn't undertake a cost benefit analysis, we
 10 undertook a pros and cons analysis of the
 11 device. Generally, as an association, we
 12 don't undertake discussions around cost or
 13 procurement of items. We leave that solely to
 14 our members to do.

15 ROIL, Q.C.:

16 Q. So part of CAPP's analysis on this was not to
 17 look at cost?

18 MR. BARNES:

19 A. Not to look at cost, no, but as I mentioned,
 20 we did look at the pros and cons of each
 21 device.

22 ROIL, Q.C.:

23 Q. Okay.

24 MR. BARNES:

25 A. So that's what we outlined to the Board that

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1 we would do in the period following that
 2 letter, which takes us up to approximately
 3 June of -- takes us up to June of 2001, which
 4 was a letter that I wrote to the Board which
 5 outlined the work that we were doing on
 6 looking into the device, and what basically
 7 the letter says is that we undertook a number
 8 of research and investigation activities,
 9 looking at the various devices that were used,
 10 or that were available, only one device was
 11 used at that time, and we recorded a number of
 12 issues associated with those device, and a
 13 summary of that research we attached. We also
 14 mentioned to them that we understood that the
 15 UK Civil Aviation Authority, which is the
 16 equivalent of Canada's Transport Canada, were
 17 looking into the use of that device in the UK
 18 and had some of their own concerns with it,
 19 and what we suggested to the Board is that we,
 20 as an industry, weren't ready to implement the
 21 device until we understood further about the
 22 issues that we've identified, but also until
 23 we understood what the outcome was of the UK
 24 Civil Aviation Authority review.

25 ROIL, Q.C.:

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1 Q. Two or three times in your letter it refers to
 2 issues, and I take it that the word "issues"
 3 meant problems, or at least that's the way I
 4 read it. Is that -- am I reading it right,
 5 what were the issues?

6 MR. BARNES:

7 A. They were problems or issues that -- not
 8 necessarily were problems, but issues that had
 9 to be -- that answers had to be sought for
 10 before implementation.

11 ROIL, Q.C.:

12 Q. Okay.

13 MR. BARNES:

14 A. And I can talk about some of them. It's
 15 actually attached to that letter.

16 ROIL, Q.C.:

17 Q. Yeah.

18 MR. BARNES:

19 A. So, for example, the design, there was -- as I
 20 indicated in the three pictures I showed of
 21 the three EBS devices on the market, there was
 22 some issue around design and comfort. Some
 23 you needed your hands to deploy. Others, for
 24 instance, would be deployed immediately after
 25 you hit the water. So obviously there were

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1 pros and cons of both. There was issues
 2 regarding performance. Some would be better
 3 used in cold water like we have here offshore
 4 Newfoundland.

5 ROIL, Q.C.:

6 Q. Uh-hm.

7 MR. BARNES:

8 A. Others would not be very -- could not be used
 9 very well in cold water. There were such
 10 things as health considerations. Would people
 11 need to have different medicals in order to
 12 use these devices that was a question at the
 13 time. Were there hygiene issues, for example,
 14 in using the rebreather where you're breathing
 15 air and perhaps using a rebreather that
 16 someone else had used travelling by helicopter
 17 before you. There were issues around operator
 18 policy, there were issues around training.
 19 The training institute in Newfoundland wasn't
 20 equipped at that time to train for use on this
 21 device. There was also issues around whether
 22 you do training in the water or training on
 23 the poolside. All of these were issues that
 24 we investigated and researched, but had no
 25 answer to at that point. There were issues

<p style="text-align: right;">Page 53</p> <p>1 with respect to operator policy. For example, 2 if someone couldn't use the device during 3 training, would they actually be allowed to 4 work offshore. It was a policy type question 5 that was raised, but we had no answer to at 6 that point in time. There were issues 7 regarding using the device and how it would 8 interact with your life jacket or with your 9 survival suit. As you'll note in the pictures 10 I showed earlier, some were strapped on. Some 11 you could strap around your neck, the 12 rebreathers, for example. The compressed air 13 device would actually sit inside your life 14 jacket or survival suit, but the survival 15 suits that were in use at the time had no 16 capacity to actually attached it to the suit. 17 There were other issues again around cleaning 18 and maintenance, and as I mentioned, issues in 19 the other offshore jurisdictions where these 20 devices were used, such as the UK and Norway, 21 which raised questions around their use and 22 possible risks associated with it that they 23 were investigating. Also our research 24 indicated, the very last point in the 25 attachment there, that only a couple of the</p>	<p style="text-align: right;">Page 55</p> <p>1 received a letter from the Board wondering 2 about if our industry had reached a consensus, 3 and the concern that we hadn't at that point 4 in time was expressed by them, and they made 5 it known that if the industry couldn't reach a 6 consensus, that they would force operators to 7 use the device through their individual 8 authorization basis, and what this basically 9 means is they would make the use of the device 10 conditional upon each operator undertaking 11 work offshore or production offshore. So the 12 regulator issues authorizations to oil and gas 13 companies to work offshore or produce 14 offshore, and those authorizations often have 15 a number of conditions associated with it. So 16 what this letter was basically telling us, as 17 an industry, is that if we, as an industry, 18 weren't coming to a consensus on using this 19 device, that they would make it a condition of 20 use to each individual company that they dealt 21 with. 22 ROIL, Q.C.: 23 Q. His letter, the last sentence of it refers to 24 the fact that he views the helicopter 25 underwater escape breathing devices as a</p>
<p style="text-align: right;">Page 54</p> <p>1 oil and gas companies were using this device; 2 Shell, BP British Petroleum, and 3 ConocoPhillips were using it, but a number of 4 the other companies that were active in the 5 UK; Marathon, Mobil, Talisman, for example, 6 were awaiting the outcome of the Civil 7 Aviation Authority review, again which is the 8 equivalent of Canada's Transport Canada, 9 because that governing agency had concerns 10 over the use of the device. So we had all 11 these issues and we had concerns from the 12 regulators in the other jurisdictions, so we 13 weren't ready to make any decision at that 14 point in time. 15 ROIL, Q.C.: 16 Q. So when did the matter next come back to your 17 attention? 18 MR. BARNES: 19 A. So what we did after we identified all these 20 issues, we began working on ways to address it 21 because we felt at the time, as a collective 22 industry, we wanted to implement such a 23 device, but we wanted to do it obviously in a 24 safe manner and have the best device for this 25 jurisdiction. So in February of 2003, we</p>	<p style="text-align: right;">Page 56</p> <p>1 mature and tested technology. 2 MR. BARNES: 3 A. Yes. 4 ROIL, Q.C.: 5 Q. Did you -- did CAPP, not you personally, did 6 CAPP share that view at that point in time? 7 MR. BARNES: 8 A. We didn't certainly view it as mature because 9 still in 2003 there were only a couple of 10 companies using it in the UK and in Norway. 11 Certainly one of the devices, which was the 12 basic rebreather, was tested, but the other 13 two on the market, while they were on the 14 market, they weren't tested in the sense of 15 the offshore workforce using them. 16 ROIL, Q.C.: 17 Q. Okay, well, what then was your response to 18 that initiative by the C-NLOPB? 19 MR. BARNES: 20 A. We responded to them in March of 2003, and I 21 bring up this letter for -- bring up this 22 letter as part of our exhibit. What we 23 outlined to the Board at that time is that 24 over the last 18 months since our last 25 correspondence with them, we were looking at</p>

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<p>1 the offshore jurisdictions that the device was 2 currently deployed in, and we were trying to 3 investigate -- excuse me, trying to 4 investigate the other issues which were 5 identified earlier in our issues document. We 6 felt it was important that such a device be 7 implemented here for offshore personnel, but 8 we wanted to make the correct decision, and 9 what we suggested to the Board is that we were 10 going to put in place an implementation 11 committee to look at the recommendations and 12 findings from a discussion paper, which I've 13 attached, and I'll get into that in a second, 14 and that committee would be comprised of the 15 helicopter operators, representative from the 16 COBC, which I mentioned earlier is the 17 association representing the drilling 18 contractors, worker representatives, and if 19 the Board was interested, a safety 20 representative from the Board.</p> <p>21 ROIL, Q.C.:</p> <p>22 Q. Now is this the committee that you spoke to us 23 about earlier in your evidence, the sub- 24 committee on the HUEBA?</p> <p>25 MR. BARNES:</p>	<p>1 discussion paper which was produced in 2 September of '02 which outlined 21 3 recommendations for us as an industry to 4 undertake before we implemented such a device. 5 This discussion paper was produced for us by a 6 consultant here in Newfoundland that was the 7 former Health and Safety Manager with Petro 8 Canada, and we asked him in 2000 to undertake 9 this discussion paper, to look at all the 10 issues that we had previously identified in 11 our research paper.</p> <p>12 ROIL, Q.C.:</p> <p>13 Q. Without reading all of the exhibit, what was 14 the outcome of the exhibit, was there a 15 resolution or a suggestion as to the best 16 outcome?</p> <p>17 MR. BARNES:</p> <p>18 A. It was. The discussion paper recommended the 19 use of a hybrid device, a hybrid rebreather 20 device, for use here in Newfoundland and 21 Atlantic Canada, and provided a number of 22 recommendations why that would be the case, 23 and provided a number of recommendations as to 24 what you would do if you began to implement 25 such a device; everything from the training</p>
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<p>1 A. Yes, it is. The only difference was after 2 this letter and the time frame when that 3 implementation committee was formed, the Board 4 did not become a member, but what we decided 5 as an industry is that we would continue to 6 keep the Board informed through a number of 7 meetings and activities of the committee, but 8 not necessarily have them on the committee. As 9 well, that letter refers to having a worker 10 representative on the committee. It was 11 decided by our members that the workers would 12 be best represented through their use of their 13 Occupational Health and Safety Committee on 14 the offshore platforms, and they would seek 15 worker input and advice through that process 16 rather than having a worker formally 17 represented on the committee.</p> <p>18 ROIL, Q.C.:</p> <p>19 Q. What then was the goal that you were seeking 20 at that point in time?</p> <p>21 MR. BARNES:</p> <p>22 A. What we were seeking at that point in time was 23 we wanted to show the Board that over the last 24 18 months we were working on the issue, and 25 what we attached and showed the Board was this</p>	<p>1 that's necessary to medical and health 2 considerations, to technical standards that 3 may have to be developed, to service and 4 inspection of such a device, to selection and 5 final implementation. So a list of what 6 needed to be done if you had to implement that 7 device.</p> <p>8 ROIL, Q.C.:</p> <p>9 Q. Going back to your letter, you say, "The goal 10 was to have the critical issues resolved by 11 the end of 2003".</p> <p>12 MR. BARNES:</p> <p>13 A. Yes.</p> <p>14 ROIL, Q.C.:</p> <p>15 Q. Those would be the critical issues engaged in 16 the resolution of the hybrid rebreather, is 17 that --</p> <p>18 MR. BARNES:</p> <p>19 A. That's correct.</p> <p>20 ROIL, Q.C.:</p> <p>21 Q. The correct interpretation, okay.</p> <p>22 MR. BARNES:</p> <p>23 A. Well -- yes, yes.</p> <p>24 ROIL, Q.C.:</p> <p>25 Q. Okay, and did that in fact take place?</p>

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<p>1 MR. BARNES:</p> <p>2 A. It did not. After we, as an industry, got</p> <p>3 this discussion paper, looked at all the</p> <p>4 issues again, we weren't comfortable with the</p> <p>5 recommendation coming out of the consultant</p> <p>6 report. As an industry, we felt that the best</p> <p>7 device for use here in the offshore</p> <p>8 environment of Newfoundland and Nova Scotia</p> <p>9 was a compressed air device.</p> <p>10 ROIL, Q.C.:</p> <p>11 Q. Okay, that takes us ahead a bit, I guess, does</p> <p>12 it?</p> <p>13 MR. BARNES:</p> <p>14 A. Well, we decided that shortly after the</p> <p>15 industry report was produced in 2003 -- or the</p> <p>16 report was produced in 2000, but shortly after</p> <p>17 the letter we wrote the Board in 2003 we made</p> <p>18 a decision on going with compressed air. This</p> <p>19 is in the 2004 time frame.</p> <p>20 ROIL, Q.C.:</p> <p>21 Q. There is in the series of exhibits a letter</p> <p>22 also dated April from Mr. Pike, Howard Pike,</p> <p>23 the Safety Officer with the C-NLOPB.</p> <p>24 MR. BARNES:</p> <p>25 A. Yes, and I probably got ahead of myself.</p>	<p>1 A. Yes, that's what we assumed would be the case</p> <p>2 in that letter, that they were satisfied with</p> <p>3 our approach on a go forward basis. So after</p> <p>4 that letter we did, as I mentioned, still</p> <p>5 working some of these issues, but as an</p> <p>6 industry we decided to go with a compressed</p> <p>7 air device which was different from the</p> <p>8 recommendation that we received from our</p> <p>9 consultant report.</p> <p>10 ROIL, Q.C.:</p> <p>11 Q. Yeah. How did that come about? I don't see</p> <p>12 any documentation here surrounding that change</p> <p>13 of focus. So how did it come about? Perhaps</p> <p>14 you --</p> <p>15 MR. BARNES:</p> <p>16 A. We can provide some documentation, but</p> <p>17 basically it was discussions that took place</p> <p>18 within our CAPP Safety Committee and our</p> <p>19 Executive Policy Group, where we felt that</p> <p>20 despite all the information that -- when we</p> <p>21 looked at all of the information that we had</p> <p>22 on all of the devices and all of the risks</p> <p>23 associated with all of the devices, that the</p> <p>24 best device for a cold ocean environment that</p> <p>25 we find ourselves in here is the compressed</p>
<p>Page 62</p> <p>1 After we wrote this letter to the Board</p> <p>2 attached the discussion paper, they wrote back</p> <p>3 saying that our approach was sound and that if</p> <p>4 we were to set up an implementation committee,</p> <p>5 they would name one of their safety officers</p> <p>6 to sit on it. So we assumed as an industry</p> <p>7 when we received that letter that they</p> <p>8 wouldn't condition work authorizations by</p> <p>9 individual operators on the use of this</p> <p>10 device, they were satisfied with industry</p> <p>11 going about and continuing to work the issue,</p> <p>12 investigate the issue.</p> <p>13 ROIL, Q.C.:</p> <p>14 Q. Okay.</p> <p>15 MR. BARNES:</p> <p>16 A. And making its own decision as an industry.</p> <p>17 ROIL, Q.C.:</p> <p>18 Q. So can I conclude then that the apparent</p> <p>19 testiness of Mr. Noel's letter of February</p> <p>20 12th was resolved by the time you got to April</p> <p>21 and you had explained to the Board what you</p> <p>22 were doing, and at that point in time they</p> <p>23 accepted your approach or was there still a --</p> <p>24 because I do see a degree of testiness there.</p> <p>25 MR. BARNES:</p>	<p>Page 64</p> <p>1 air device. Knowing there are some risks</p> <p>2 associated with it that had to be mitigated</p> <p>3 before implementation, it was the best device</p> <p>4 for this offshore area, and those discussions</p> <p>5 took place basically throughout 2004 by our</p> <p>6 committees, and the decision was made by our</p> <p>7 executives on our Executive Policy Group to go</p> <p>8 with that device, again subject to mitigating</p> <p>9 some risks that would be associated with using</p> <p>10 such a device. We undertook then a risk</p> <p>11 assessment, which brings us to the next</p> <p>12 exhibit called a Helicopter Emergency</p> <p>13 Breathing System Risk Assessment.</p> <p>14 ROIL, Q.C.:</p> <p>15 Q. This is perhaps one of the first times we've</p> <p>16 seen a so-called redacted document.</p> <p>17 MR. BARNES:</p> <p>18 A. Yes.</p> <p>19 ROIL, Q.C.:</p> <p>20 Q. What's been deleted here, I take it, is the</p> <p>21 names of the individuals who were engaged at</p> <p>22 that time?</p> <p>23 MR. BARNES:</p> <p>24 A. Yes, that's correct, just the names of the</p> <p>25 individuals. So having landed on a decision</p>

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<p>1 to use a compressed air device, knowing some</p> <p>2 of the risks associated with it, we undertook</p> <p>3 a risk assessment and this was with the help</p> <p>4 of Petro Canada at the time who used their</p> <p>5 risk assessment process, and I'll just go to</p> <p>6 this page -- this page of the document here</p> <p>7 which outlines the attendees at this risk</p> <p>8 assessment. It was an all day session and it</p> <p>9 included members from our association,</p> <p>10 including a staff member and myself. We</p> <p>11 invited the medical service provider, Atlantic</p> <p>12 Offshore Medical Services. We invited the</p> <p>13 Marine Institute representatives from the</p> <p>14 institute, and Survival Systems Training,</p> <p>15 which is the institute in Nova Scotia. We</p> <p>16 invited safety officers from the two offshore</p> <p>17 petroleum boards, and a safety consultant from</p> <p>18 a company called Safety First Industrial.</p> <p>19 It's written in the document there as Safety</p> <p>20 First Industry, but it's Safety First</p> <p>21 Industrial.</p> <p>22 ROIL, Q.C.:</p> <p>23 Q. Sorry, it's called Safety First --</p> <p>24 MR. BARNES:</p> <p>25 A. Industrial.</p>	<p>1 heart.</p> <p>2 ROIL, Q.C.:</p> <p>3 Q. Okay.</p> <p>4 MR. BARNES:</p> <p>5 A. So there was that risk noted for improper use</p> <p>6 of this device or improper use during training</p> <p>7 of this device, which we felt as an industry</p> <p>8 had to be mitigated to the extent possible</p> <p>9 before its implementation. So we undertook</p> <p>10 the risk assessment to understand all the</p> <p>11 risks associated with it, and the risk</p> <p>12 assessment came up with fourteen</p> <p>13 recommendations, and I apologize for looking</p> <p>14 at the slide that's displayed here, it's not</p> <p>15 well -- it's in black and white and it's not</p> <p>16 very clear.</p> <p>17 ROIL, Q.C.:</p> <p>18 Q. The greying of the background which was</p> <p>19 probably meant to be a highlight has affected</p> <p>20 our ability to read it on the screen, but I</p> <p>21 think you can probably read it -- if there are</p> <p>22 any of these recommendations that are really</p> <p>23 key that you want to speak to, you can read</p> <p>24 them from your paper copy there.</p> <p>25 MR. BARNES:</p>
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<p>1 ROIL, Q.C.:</p> <p>2 Q. Industrial, okay.</p> <p>3 MR. BARNES:</p> <p>4 A. The reason we undertook the risk assessment</p> <p>5 because using such a device, there's</p> <p>6 potential, a small potential that you could</p> <p>7 have lung trauma if you are not using it</p> <p>8 correctly or if you're not training on it</p> <p>9 correctly.</p> <p>10 ROIL, Q.C.:</p> <p>11 Q. Okay, now you and I are not medical</p> <p>12 professionals.</p> <p>13 MR. BARNES:</p> <p>14 A. No.</p> <p>15 ROIL, Q.C.:</p> <p>16 Q. You've used the expression "lung trauma". Can</p> <p>17 you help us understand the --</p> <p>18 MR. BARNES:</p> <p>19 A. So if you use it incorrectly, there's a</p> <p>20 possibility that you would force the air into</p> <p>21 your lungs unexpected, which could cause an</p> <p>22 air bubble to enter into your bloodstream,</p> <p>23 and, of course, an air bubble that enters in</p> <p>24 your bloodstream could potentially do you harm</p> <p>25 if the air bubble reaches your brain or your</p>	<p>1 A. Yes, indeed, okay. Of the fourteen</p> <p>2 recommendations, a few of the key ones is that</p> <p>3 there had to be developed a medical standard</p> <p>4 to address the use of this device in training,</p> <p>5 again such that we understood the medical</p> <p>6 risks and what standard would have to be put</p> <p>7 in place before training began. We had to</p> <p>8 ensure that the instructors at the training</p> <p>9 institutes were qualified to undertake the</p> <p>10 training on such a device because the Marine</p> <p>11 Institute did not have qualified instructors</p> <p>12 at that point.</p> <p>13 ROIL, Q.C.:</p> <p>14 Q. Did Survival Systems, the other training</p> <p>15 company?</p> <p>16 MR. BARNES:</p> <p>17 A. They did because they were training military</p> <p>18 in the use of such a device. We had to ensure</p> <p>19 videos were available at the heliport for</p> <p>20 offshore -- for the personnel that were</p> <p>21 travelling offshore, such that they understood</p> <p>22 the use of the device at the heliport, or were</p> <p>23 refreshed on the use of the device because</p> <p>24 they presumably would have got training on the</p> <p>25 device at their training institute, but a</p>

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<p>1 video needed to be designed such that they 2 would be refreshed on the use of it at the 3 heliport before they undertook their 4 helicopter transport. We had to ensure -- one 5 of the recommendations was that we had to 6 ensure that wet training and the risks -- wet 7 training, which means that if you're going to 8 train in the water, had to be further 9 understood. You could use this device not in 10 water and you have less risk of the air 11 embolism which we spoke of earlier, but if you 12 get in the water you'd have more of a risk, so 13 we had to understand and appreciate the risk 14 of actually training in water. It was one of 15 the recommendations again that came out of 16 this risk assessment. We also had to ensure 17 that the added steps that would be required to 18 turn the device on by a wearer of the device 19 in an overturned helicopter were understood 20 because if a helicopter is ditching, going in 21 the water, there's a number of activities that 22 a passenger would have to undertake to ensure 23 that their survival suit is ready, to ensure 24 that they were in a proper position to knock 25 out a helicopter window in order to escape,</p>	<p>1 really. The military were obviously young fit 2 individuals trained in the military versus the 3 offshore workforce which were a wide variety 4 of individuals with different physical 5 conditions, different potentially medical 6 conditions, versus that of the military 7 workforce. So one of the key items, as I 8 mentioned, that was recommended in this risk 9 assessment had to deal with the medical and 10 the medical risks associated with using the 11 device. So what happened after the risk 12 assessment is we decided to get additional 13 medical expertise because after discussions 14 with our member medical folks, there was not a 15 consensus around how to best mitigate the 16 risks from a medical perspective. So we 17 designed a workshop and brought in a number of 18 individuals from around the world to this 19 workshop to explain medical implications 20 around not only a compressed air device, but 21 the other devices that were in use in the 22 other jurisdictions. I'll bring up this 23 exhibit here, which is the summary report from 24 this workshop. 25 ROIL, Q.C.:</p>
<p>Page 70</p> <p>1 didn't want to add additional risks in turning 2 on the device or doing something with the 3 device that would cause them another step to 4 do in the event of emergency. That was a key 5 component. Some other items; we had to ensure 6 there was a proper training plan, a proper 7 communication plan, et cetera. There were a 8 number of recommendations came out of this 9 risk assessment in '05 that still had to be 10 worked on in order to implement this device. 11 ROIL, Q.C.: 12 Q. Now you mentioned on a couple of occasions 13 that the military were using it -- the 14 military were using it. 15 MR. BARNES: 16 A. Yes. 17 ROIL, Q.C.: 18 Q. Is there any difference between -- you know, 19 I'm struggling with -- you had these problems, 20 military were using it. What were the 21 differences, if any, between your industry and 22 the military in terms of the users and the 23 training and what not? 24 MR. BARNES: 25 A. Well, it's just the nature of the users</p>	<p>Page 72</p> <p>1 Q. Okay. Now this is a rather large exhibit that 2 contains a number of documents. 3 MR. BARNES: 4 A. Yes. 5 ROIL, Q.C.: 6 Q. So perhaps rather than going through it on a 7 page basis, perhaps you can tell us what the 8 process was that the CAPP Committee undertook 9 and went through at this stage in the 10 proceedings? 11 MR. BARNES: 12 A. What we undertook was, as I mentioned, we had 13 a number of international expertise at this 14 workshop. Mostly they were international 15 medical providers that had some role with the 16 devices that were used in the offshore in the 17 UK, Norway, but also with the military, which 18 is a compressed device, and they gave us what 19 in their view was the pros and cons of using 20 this -- pros and cons of using all of the 21 devices, but in particular the compressed air 22 device, and what you could do if you're 23 training on the compressed air device or 24 actually using it to lower the risk. One of 25 the key issues that came out of the workshop</p>

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<p>1 was having to do with some of the helicopter 2 statistics that were, I guess, discovered 3 worldwide through helicopter accidents, and 4 I'll just bring up one of the slides here 5 which points to the use of these devices and 6 how it could potentially save lives. It's on 7 page 81 of my exhibit here, if I can find it. 8 ROIL, Q.C.: 9 Q. Okay, you're -- you're searching for page 81 10 of the exhibit for those that are looking at 11 it with their own documents in front of them. 12 MR. BARNES: 13 A. And those statistics indicated that in the 24 14 accidents involving helicopters at this point 15 in time, which is 2005, where the cause of 16 death was known, over half of those fatalities 17 from those accidents were from the result of 18 drowning, and one of the medical providers at 19 this workshop indicated that the use of this 20 device could potentially save lives and save 21 some of those that may have drowned through 22 accidents. So it reinforced the idea that the 23 devices were of importance, and as I 24 mentioned, gave some indication as to ways to 25 mitigate the risk around using, in particular,</p>	<p>1 there. 2 MR. BARNES: 3 A. Okay, so we had been working on a number of 4 the items that were identified in the risk 5 assessment, and some other matters which I'll 6 get to shortly, in the time frame between the 7 2005 workshop with the medical providers and 8 the letter that we received in March of 2007 9 from the Board and this letter came to our 10 President at the time, Pierre Alvarez, from 11 the new CEO and Chair of the Petroleum Board, 12 which indicated that they wanted to get an 13 update as to the status of this initiative. 14 So we provided upon receipt of that letter in 15 the month to follow, a letter which indicated 16 what we had been doing in the time frame, as I 17 mentioned, between the workshop with the 18 medical providers and the time of the receipt 19 of the letter. So this letter explains the 20 work that was progressing and our estimate 21 that we would have this device implemented by 22 the end of 2007. 23 ROIL, Q.C.: 24 Q. So the estimate then was that you would have 25 it in place by 2007?</p>
<p>1 the compressed air device. So I won't go into 2 any other aspects of this workshop report 3 other than to point that that was the -- that 4 was the indication we got from it was that, 5 okay, yes, there are medical risks, but they 6 can be mitigated, and that we would take the 7 findings from that workshop and begin working 8 on mitigating those risks and begin continuing 9 to implement that compressed air device for 10 Atlantic Canada here. 11 ROIL, Q.C.: 12 Q. Now the next exhibit that we have is dated, I 13 think, 2007. 14 MR. BARNES: 15 A. Yes. 16 ROIL, Q.C.: 17 Q. And it's a letter from the C-NLOPB once again. 18 What if anything happened from that workshop 19 to the next -- the receipt of the next letter 20 from Mr. Ruelokke, and perhaps we'll get to 21 his letter first and then talk back from it. 22 MR. BARNES: 23 A. Yeah. I'm trying to find this -- 193. 24 ROIL, Q.C.: 25 Q. Yeah, I think you're still in the exhibit</p>	<p>1 MR. BARNES: 2 A. That's correct. 3 ROIL, Q.C.: 4 Q. Okay. 5 MR. BARNES: 6 A. So the remaining work that needed to be done 7 at that point was that we were working with 8 the Marine Institute and Survival Systems to 9 prepare for the training that would take place 10 at their institutes, and that training would 11 coincide with the survival suits -- new 12 survival suits that were being procured at 13 that point in time. 14 ROIL, Q.C.: 15 Q. Okay. So there's another change in the 16 survival suit that is coincident here, is it? 17 MR. BARNES: 18 A. That's right. So what was decided was those 19 new survival suits would be the ones that 20 individuals would be trained on in those two 21 institutes, and the compressed air device 22 would have to go on those suits in the 23 training. So those suits had to be in place 24 first. 25 ROIL, Q.C.:</p>

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1 Q. Okay, we'll have specific evidence on the
 2 suits, and I think this issue we'll come back
 3 and we'll revisit it there, but --
 4 MR. BARNES:
 5 A. That's right, yeah.
 6 ROIL, Q.C.:
 7 Q. I think you told us the earlier suit that was
 8 in use prior to 2007 had no way of carrying or
 9 holding this breathing device?
 10 MR. BARNES:
 11 A. That's correct, yes. The new suit did, and as
 12 you mentioned, I'll get to that when we're
 13 talking suits later. Secondly, we had to work
 14 with the medical sub-committee, Medical
 15 Advisory Sub-Committee, in revising our
 16 fitness to work guideline or what we thought
 17 we would need revisions to that guideline to
 18 incorporate possibly some changes to the
 19 medical. It was decided after that didn't
 20 need to incur, but we had thought at that time
 21 that it did. So we thought that would be one
 22 of the items that still had to be undertaken,
 23 and we had discussions with our medical folks
 24 as to how that would come about. We also --
 25 number .3 here, had to indicate in our

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1 training qualification standard practise a
 2 revised standard practise which was taking
 3 place in the 2007 time frame, the fact that
 4 the use of HUEBA training had to be part of
 5 the basic survival training. So discussions
 6 had to take place with that training committee
 7 regarding updating their document. Also a
 8 technical standard was sought that needed to
 9 be developed because one didn't exist for the
 10 use of this device in the way it was going to
 11 be used for the offshore. I'm just moving my
 12 slide here a bit. We also had to develop .5
 13 here, a stakeholder communication plan,
 14 including frequently asked questions and a
 15 number of presentations that would be
 16 eventually used by management for their
 17 offshore personnel. That had begun and still
 18 needed to -- some work needed to be done on
 19 it. In addition, we were looking at
 20 developing the video, doing some medical
 21 release forms, looking at competency assurance
 22 for trainers, and we also needed to seek
 23 confirmation from Transport Canada that the
 24 transportation of such devices by the offshore
 25 helicopters would not contravene the Transport

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1 of Dangerous Goods Act, or if it would require
 2 a permit.
 3 ROIL, Q.C.:
 4 Q. At that time, that issue it appears had been
 5 resolved, had it not?
 6 MR. BARNES:
 7 A. It did, and we received confirmation at a
 8 point that we did not need a permit, it wasn't
 9 considered a transportation of dangerous
 10 goods. So what we indicated to the Board,
 11 because that's who the letter was written to,
 12 is that all these were remaining -- all these
 13 activities remained to be done, but we were
 14 close to implementation by the end of 2007.
 15 ROIL, Q.C.:
 16 Q. Okay. Commissioner, there are a number of
 17 other exhibits that are a part of this
 18 discussion, but I think we'll probably -- with
 19 your concurrence, we'll take a break now.
 20 COMMISSIONER:
 21 Q. All right then, we'll take fifteen minutes.
 22 (RECESS)
 23 COMMISSIONER:
 24 Q. Please be seated, thank you.
 25 ROIL, Q.C.:

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1 Q. Mr. Barnes, before our break you had taken us
 2 to the letter of May 22, 2007, to Mr.
 3 Ruelokke, Chairman of the C-NLOPB, and I think
 4 you went through the various conditions that
 5 had to happen, issues that had to be resolved
 6 before implementation, which was then targeted
 7 as being in the fourth quarter of 2007.
 8 MR. BARNES:
 9 Q. Yes. I'd like to spend a minute as well just
 10 to probably provide some further explanation
 11 as to why the compressed air device was chosen
 12 over and above the other two devices on the
 13 market, if I may.
 14 ROIL, Q.C.:
 15 Q. Yes.
 16 MR. BARNES:
 17 Q. One of the main reasons has to do with the
 18 cold water that we find ourselves in here in
 19 offshore Newfoundland, and in cold water--if
 20 someone is emerged in cold water, they have
 21 what's called a gasp reflex so it's that they
 22 gasp for breath and they probably don't have
 23 air in their lungs sufficient enough to
 24 inflate a rebreather bag, so that for the most
 25 part eliminated the use of that particular EBS

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<p>1 device. The hybrid rebreather bag, which has</p> <p>2 the small cylinder does allow for that bag to</p> <p>3 fill up on its own with the use of that</p> <p>4 cylinder so that device would be okay in cold</p> <p>5 water, but the other disadvantage about the</p> <p>6 hybrid rebreather device and the rebreather</p> <p>7 device is that at certain water depths the</p> <p>8 pressure of the water compresses the bag such</p> <p>9 that it would potentially force water out,</p> <p>10 which again would make it a -</p> <p>11 ROIL, Q.C.:</p> <p>12 Q. Force the water out, or force air out?</p> <p>13 MR. BARNES:</p> <p>14 Q. Force air out, sorry.</p> <p>15 ROIL, Q.C.:</p> <p>16 Q. Yes.</p> <p>17 MR. BARNES:</p> <p>18 Q. Force air out of the rebreather bags which is</p> <p>19 -</p> <p>20 ROIL, Q.C.:</p> <p>21 Q. So the bag is like just an ordinary bag. It</p> <p>22 has nothing to keep in shape other than the</p> <p>23 air that's inside it?</p> <p>24 MR. BARNES:</p> <p>25 Q. Exactly, yes, for the most part.</p>	<p>1 Q. The main disadvantage is the potential risks</p> <p>2 if it's used improperly both during its use</p> <p>3 and in training, and I'll explain how that</p> <p>4 risk is mitigated. Okay, so following this</p> <p>5 2007 letter we had to undertake the activities</p> <p>6 which we outlined in the letter, and a couple</p> <p>7 of the main things that took place throughout</p> <p>8 2008, which is the timeframe that I'm going to</p> <p>9 talk about now, is the fact that--the Marine</p> <p>10 Institute in particular had to ensure that</p> <p>11 they had trained their trainers in order to</p> <p>12 provide the training on this device, and they</p> <p>13 sought research funding from an organization</p> <p>14 called PRAC, which stands for Petroleum</p> <p>15 Research Atlantic Canada, and funds were</p> <p>16 obtained from that organization, which is</p> <p>17 basically an organization of oil and gas</p> <p>18 industry members that provide money for</p> <p>19 research. It sought money from that</p> <p>20 organization, which helped provide money to</p> <p>21 allow their trainers to be trained and</p> <p>22 equipment to be bought for their training.</p> <p>23 Also to mitigate some of the risks associated</p> <p>24 with using a compressed air device, it was</p> <p>25 decided that at those institutes a chair</p>
<p>1 ROIL, Q.C.:</p> <p>2 Q. Okay.</p> <p>3 MR. BARNES:</p> <p>4 Q. It does have some rigid edges, but for the</p> <p>5 most part it's like ziploc baggie, if you want</p> <p>6 to use that analogy.</p> <p>7 ROIL, Q.C.:</p> <p>8 Q. Okay.</p> <p>9 MR. BARNES:</p> <p>10 Q. But at certain water depths, under three</p> <p>11 metres, for example, that bag could</p> <p>12 potentially collapse into itself and the air</p> <p>13 expelled so--and that bag needed obviously--</p> <p>14 needed the user to breathe air into it in</p> <p>15 order for it to activate properly, so the</p> <p>16 compressed air will eliminate those two, I</p> <p>17 guess, shortfalls of those other two devices</p> <p>18 and be the best for the cold water environment</p> <p>19 that's in place here offshore Newfoundland and</p> <p>20 offshore Nova Scotia.</p> <p>21 ROIL, Q.C.:</p> <p>22 Q. Okay, but then what was the concomitant or the</p> <p>23 related disadvantage, if there was any, of the</p> <p>24 compressed air?</p> <p>25 MR. BARNES:</p>	<p>1 needed to be designed that the student would</p> <p>2 sit in and be overturned in the water using</p> <p>3 that device as opposed to using it inside the</p> <p>4 HUET which is the Helicopter Underwater Escape</p> <p>5 Trainer simulator.</p> <p>6 ROIL, Q.C.:</p> <p>7 Q. Okay. Now we haven't had an awful lot of</p> <p>8 evidence about those yet.</p> <p>9 MR. BARNES:</p> <p>10 Q. No. Yeah.</p> <p>11 ROIL, Q.C.:</p> <p>12 Q. We understand that there is a hull shape, if</p> <p>13 you will, that the trainee gets into and it</p> <p>14 turns over, but you're telling us now there is</p> <p>15 an additional piece of equipment that was</p> <p>16 required?</p> <p>17 MR. BARNES:</p> <p>18 Q. Yes. The risks to mitigate--or the activities</p> <p>19 to mitigate any of the risks associated with</p> <p>20 compressed air devices to avoid training in</p> <p>21 water depths greater than 1.8 metres, the HUET</p> <p>22 simulator trainer could potentially go below</p> <p>23 1.8 metres, so we would have that additional</p> <p>24 risk again of the air embolism if you breath</p> <p>25 it or if you use it improperly, but with the</p>

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<p>1 chair device an individual in the chair would 2 be turned upside down in the water, shown how 3 to use the device, and it would be in less 4 than 1.8 metres of water therefore by 5 mitigating any risks of using this device in 6 the training scenario. 7 ROIL, Q.C.: 8 Q. And this mitigates against the hazards 9 associated. 10 MR. BARNES: 11 Q. The hazards associated with using this device 12 because the last thing we wanted to do as an 13 industry was to implement a device that would 14 cause some risk to those that would be trained 15 on it, and for the most part the activities 16 that took place throughout 2008 were 17 associated with those two activities, ensuring 18 the trainers at the Marine Institute were 19 trained, showing that those devices for 20 training was in place, and also the 21 communication plans and the implementation 22 plans that still needed to be developed for 23 the offshore workforce and for the 24 stakeholders were taking place as well 25 throughout 2008. My next exhibit which is</p>	<p>1 would understand it that week before 2 implementing the device with a much larger 3 workforce in Newfoundland. 4 ROIL, Q.C.: 5 Q. And by "much larger," what's the relative 6 numbers between the two provinces? 7 MR. BARNES: 8 Q. There would probably be about 30 passengers 9 travelling by helicopter in Nova Scotia a 10 week. There'll be 30 passengers travelling, 11 or more, per day in Newfoundland. 12 ROIL, Q.C.: 13 Q. Thank you. 14 MR. BARNES: 15 Q. So the implementation device was further 16 delayed by a few more days in Newfoundland 17 because of the fact that the helicopters after 18 the Cougar incident had not returned to 19 service until--I think it was May 11th or 20 12th. 21 ROIL, Q.C.: 22 Q. So the initial target date of May 4th was 23 chosen back in February. 24 MR. BARNES: 25 Q. Yes, that's correct.</p>
<p>1 what I point to is minutes from the CAPP HUEBA 2 Task Force meeting. We redacted some of the 3 names from the oil and gas company members 4 that were participating in this particular 5 meeting, and this was the last meeting of the 6 group before final implementation of the 7 device in '09, and the reason I'm providing 8 this exhibit is that there has been some media 9 reports and other discussions since the 10 incident in March which indicated that 11 industry reacted to the helicopter incident 12 and put in place the compressed air device, 13 but that was not the case. We were obviously 14 working for years prior to the incident to 15 implement this device, and in February of '09 16 we decided to set the date for final 17 implementation, which could be the end of 18 April in Nova Scotia and the first week of May 19 in St. John's. The reason why we chose the 20 end of April, a week before, say, the St. 21 John's implementation was there's a very small 22 workforce of offshore personnel in Halifax, 23 and the thought was we would test 24 implementation during that week, and if we 25 found any difficulties or lessons learned we</p>	<p>1 ROIL, Q.C.: 2 Q. Okay, and that was moved out because of the 3 back-to-work initiative that was done in 4 relation to responding to the incident. 5 MR. BARNES: 6 Q. That's right, yeah. Now I'm missing Page 8 of 7 8 on the computer. 8 ROIL, Q.C.: 9 Q. Oh. 10 MR. BARNES: 11 Q. But Page 8 of 8 has an action item, 13, which 12 basically outlines the two dates of 13 implementation. 14 ROIL, Q.C.: 15 Q. Okay. Well, I'll undertake to get it. I 16 didn't realize that our exhibit has Page 8 of 17 8. I was referring to that and you were 18 referring to it but it's not available, but 19 during the lunchtime break we'll make copies 20 of that for the other parties, and that is 21 simply the last page of that meeting of the 22 HUEBA Task Force. 23 MR. BARNES: 24 Q. Yes. 25 ROIL, Q.C.:</p>

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<p>1 Q. Yes, okay.</p> <p>2 MR. BARNES:</p> <p>3 Q. And the last exhibit associated with this</p> <p>4 issue is the complete implementation plan and</p> <p>5 communication plan for this device and</p> <p>6 included all the information that one would</p> <p>7 want to know about the device: how to use it,</p> <p>8 frequently asked questions that the offshore</p> <p>9 personnel may have about it, posters and seat</p> <p>10 pocket cards about the device that would be</p> <p>11 placed in the helicopter and at the heliport</p> <p>12 would also include information about medical</p> <p>13 assessments that would need to be done, and</p> <p>14 different components of the training that</p> <p>15 would have to take place prior to using this</p> <p>16 device and prior to them going offshore with</p> <p>17 it. So this plan was developed for the use of</p> <p>18 some consulting help and some of our member</p> <p>19 volunteers, and it was issued to all of our</p> <p>20 members for talking to their offshore</p> <p>21 workforce about the implementation of this</p> <p>22 device, and there's a period of time after</p> <p>23 implementation that was required to ensure</p> <p>24 everyone was trained, and this is the day</p> <p>25 everyone that works offshore is now trained on</p>	<p>1 ditching, and is activated when they hit the</p> <p>2 water, or you can actually activate it before</p> <p>3 you hit the water if you wish, but it's</p> <p>4 activated by your first breath.</p> <p>5 ROIL, Q.C.:</p> <p>6 Q. Yes, Page 242. there's another photograph. It</p> <p>7 might have turned out on the PowerPoint to be</p> <p>8 a little clearer, and it may not be, but if</p> <p>9 you just scan over to that I think it does</p> <p>10 show -</p> <p>11 MR. BARNES:</p> <p>12 Q. 242?</p> <p>13 ROIL, Q.C.:</p> <p>14 Q. 242, there you go.</p> <p>15 MR. BARNES:</p> <p>16 Q. Okay.</p> <p>17 ROIL, Q.C.:</p> <p>18 Q. I'm not sure it's a whole lot better but -</p> <p>19 MR. BARNES:</p> <p>20 Q. Yeah. This is what's called seat card. It's</p> <p>21 basically a card that's on the helicopter seat</p> <p>22 used offshore, and then it's a reminder for</p> <p>23 individuals travelling on how to use this</p> <p>24 device in a situation.</p> <p>25 ROIL, Q.C.:</p>
<p>1 this device.</p> <p>2 ROIL, Q.C.:</p> <p>3 Q. Okay, so every offshore worker that travels by</p> <p>4 helicopter to and from the facilities from the</p> <p>5 island of Newfoundland wears one of these</p> <p>6 devices now.</p> <p>7 MR. BARNES:</p> <p>8 Q. Yes, that's correct, on their survival suit.</p> <p>9 ROIL, Q.C.:</p> <p>10 Q. I'm going to ask you to just refer to Page 237</p> <p>11 of the exhibit. I think it's numbered so you</p> <p>12 can just scan down through because there is a</p> <p>13 photograph there of the suit and how the</p> <p>14 device is worn, so perhaps it would be helpful</p> <p>15 to people to understand.</p> <p>16 MR. BARNES:</p> <p>17 Q. Yes. It's not a very good picture because</p> <p>18 again it's greyed on the exhibit here, but</p> <p>19 this is the survival suit that is currently</p> <p>20 used offshore. It's the Helly Hanson E452.</p> <p>21 The HUET device sits in the sleeve right here</p> <p>22 easily accessible by hand. The mouthpiece is</p> <p>23 nearby. The passenger is trained to put the</p> <p>24 mouthpiece in their mouth when they get the</p> <p>25 ditching command if the helicopter is actually</p>	<p>1 Q. Okay.</p> <p>2 MR. BARNES:</p> <p>3 Q. An emergency situation.</p> <p>4 ROIL, Q.C.:</p> <p>5 Q. So akin to the emergency card that's on an</p> <p>6 aircraft, this is on the helicopter, to your</p> <p>7 understanding, is it?</p> <p>8 MR. BARNES:</p> <p>9 Q. To my understanding, yes.</p> <p>10 ROIL, Q.C.:</p> <p>11 Q. Yes.</p> <p>12 MR. BARNES:</p> <p>13 Q. It was designed for that purpose.</p> <p>14 ROIL, Q.C.:</p> <p>15 Q. Yes, so from the initial request from the C-</p> <p>16 NLOPB in 2000 until May of 2009 we have</p> <p>17 approximately 10 years, and you've explained</p> <p>18 to us, Mr. Barnes, the series of events, not</p> <p>19 perhaps every one of them, but a series of</p> <p>20 events. I guess I have a couple of questions</p> <p>21 coming out of that. One is in your view, and</p> <p>22 you are a person with now considerable</p> <p>23 experience with CAPP, is that the right period</p> <p>24 of time to implement something like this, or</p> <p>25 was it longer than it should have been?</p>

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1 MR. BARNES:
 2 Q. Well, there was certainly a quite a number of
 3 steps that had to take place in order to
 4 implement the device, and if you're asking me
 5 could it have been shorter than the nine years
 6 or so that it took, the answer is likely, but
 7 this was the first time that this device was
 8 used for offshore personnel in any offshore
 9 jurisdiction around the world, so we had to
 10 carefully implement it and understand all the
 11 risks associated with--implement and
 12 understand all of the material which we had to
 13 develop basically about the device for the
 14 offshore personnel before implementation, and
 15 all that certainly took considerable time.
 16 During the nine-year process as well, as you
 17 can appreciate, there are a number of
 18 executives and safety officials from our
 19 industry and others that we had engaged in,
 20 and this device had changed out over time, and
 21 had to be, I guess, re-educated with respect
 22 to the work that we were doing as an
 23 association and as an industry, and that took
 24 some time as well, plus all of the different
 25 approvals such as Transport Canada, approval

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1 of whether we could transport the device by
 2 helicopter, purchasing new suits, purchasing
 3 the device. There was a whole suite of
 4 activities, but I can assure you that in the
 5 nine years there was never a period that the
 6 committee that was trying to implement the
 7 device stopped working on some aspect of it.
 8 They were always constantly working at
 9 identifying, I guess, the questions that
 10 needed to be asked as--or identifying the
 11 answers that had to be given to the questions
 12 that were being asked about different aspects
 13 of this device.
 14 ROIL, Q.C.:
 15 Q. Do you have any notion of the cost of one of
 16 these individual appliances?
 17 MR. BARNES:
 18 Q. I don't know, but I do know it's more
 19 expensive than the other two devices on the
 20 market, the hydric rebreather and the
 21 rebreather, so compressed air is more
 22 expensive but I don't know the cost.
 23 ROIL, Q.C.:
 24 Q. So you don't know whether it's hundreds or
 25 thousands of dollars per unit or tens of

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1 dollars.
 2 MR. BARNES:
 3 Q. I would imagine it's in the hundreds, but I
 4 don't know. Again costs were never discussed
 5 within our association.
 6 ROIL, Q.C.:
 7 Q. Okay, thank you, Mr. Barnes. I think it takes
 8 us to the end of the evidence with respect to
 9 the hueba breathing device. We'll now move to
 10 the next series of exhibits, which are
 11 exhibits--or 54 again, a fairly significant
 12 number of pages, this time dealing with the
 13 issue of the survival suits.
 14 MR. BARNES:
 15 Q. Yes.
 16 ROIL, Q.C.:
 17 Q. Again take us back, if you will, to the
 18 committee. I think you had a specialized
 19 committee with respect to the survival suit.
 20 MR. BARNES:
 21 Q. Yes, actually two committees. I'll take you
 22 back to the chart showing those two committees
 23 just for some clarity, so we have two
 24 committees, one called the Helicopter
 25 Passenger Transportation Suits Standard

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1 Review, which is a committee that provided
 2 advice to the standards agency, which I'll
 3 talk about shortly, on the standard for this
 4 particular survival suit, and the second block
 5 is the HHE-452, which stands for the Helly
 6 Hanson E452, which is the survival suit
 7 currently in place at the moment offshore
 8 Newfoundland and Nova Scotia, and that task
 9 group are looking at various issues that have
 10 arisen associated with that suit.
 11 ROIL, Q.C.:
 12 Q. Okay. Now you told us initially that both of
 13 those committees were actually structured
 14 fairly recently in 2009. Was there any
 15 activity by CAPP prior to 2009 with respect to
 16 suits?
 17 MR. BARNES:
 18 Q. Not with respect to the issues arising from
 19 the survival suits, but we did have activity
 20 associated with prior versions of the
 21 standards for helicopter passenger suits and
 22 immersion suits.
 23 ROIL, Q.C.:
 24 Q. Okay.
 25 MR. BARNES:

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<p>1 Q. So those standards were being developed and/or</p> <p>2 revised. We've facilitated member input into</p> <p>3 that standard revision process.</p> <p>4 ROIL, Q.C.:</p> <p>5 Q. Okay, we understand the suit is manufactured</p> <p>6 by Helly Hanson.</p> <p>7 MR. BARNES:</p> <p>8 Q. Yes.</p> <p>9 ROIL, Q.C.:</p> <p>10 Q. Tell us a little bit about the so-called issue</p> <p>11 of standards.</p> <p>12 MR. BARNES:</p> <p>13 Q. Okay.</p> <p>14 ROIL, Q.C.:</p> <p>15 Q. Go back to my notes here for a moment, who</p> <p>16 does the standards?</p> <p>17 MR. BARNES:</p> <p>18 Q. The standards for the two survival suits that</p> <p>19 are used offshore--and there are two survival</p> <p>20 suits. One is called an immersion suit, which</p> <p>21 is sometimes referred to as an abandonment</p> <p>22 suit or a marine suit, so we have to watch the</p> <p>23 terminology here.</p> <p>24 ROIL, Q.C.:</p> <p>25 Q. Right.</p>	<p>1 they travel offshore. Sometimes that suit is</p> <p>2 referred to as the aviation suit, so again we</p> <p>3 have to watch the terminology, but the proper</p> <p>4 terminologies of both suits are one is the</p> <p>5 immersion suit, again which is used onboard</p> <p>6 platforms in case you have to leave the</p> <p>7 platform and end up in the water, and the</p> <p>8 second one is the helicopter passenger</p> <p>9 transportation suit, which is worn by</p> <p>10 helicopter passengers as they travel offshore.</p> <p>11 ROIL, Q.C.:</p> <p>12 Q. Okay, and both suits, the standards for which</p> <p>13 are set by the Canadian General Standards</p> <p>14 Board?</p> <p>15 MR. BARNES:</p> <p>16 Q. Yes.</p> <p>17 ROIL, Q.C.:</p> <p>18 Q. Okay.</p> <p>19 MR. BARNES:</p> <p>20 Q. And that board is a standard-setting agency</p> <p>21 that's a part of the federal government,</p> <p>22 reports into Public Works, which I think now</p> <p>23 has a name change to Service Canada, and that</p> <p>24 standards agency is responsible for setting</p> <p>25 standards on a number of safety appliances,</p>
<p>1 MR. BARNES:</p> <p>2 Q. In essence it's called an immersion suit, and</p> <p>3 that suit is used basically onboard offshore</p> <p>4 facilities in the event that one would have to</p> <p>5 abandon that facility and end up in the water.</p> <p>6 The second survival suit -</p> <p>7 ROIL, Q.C.:</p> <p>8 Q. Before you go on to the second suit, because</p> <p>9 people in Newfoundland would be familiar with</p> <p>10 fishing industry -</p> <p>11 MR. BARNES:</p> <p>12 Q. Yes.</p> <p>13 ROIL, Q.C.:</p> <p>14 Q. Would this suit, the immersion suit, also be</p> <p>15 used in other industries?</p> <p>16 MR. BARNES:</p> <p>17 Q. It would be. Some of the fishing industry in</p> <p>18 their deep sea trawlers would use a very</p> <p>19 similar immersion suit, and in fact the</p> <p>20 fishing industry provides advice to the</p> <p>21 Standards Development Committee as well</p> <p>22 because they do use that suit as an end user.</p> <p>23 The second survival suit is called the</p> <p>24 helicopter passenger transportation suit, and</p> <p>25 that suit is worn by helicopter passengers as</p>	<p>1 but some other--environmental and other, I</p> <p>2 guess, components as well, but for the most--</p> <p>3 for the interest of what our industry is</p> <p>4 interested in, it sets the standards for both</p> <p>5 immersion suits and the helicopter passenger</p> <p>6 transportation suit.</p> <p>7 ROIL, Q.C.:</p> <p>8 Q. Okay. Now setting the standard, is that</p> <p>9 designing the suit?</p> <p>10 MR. BARNES:</p> <p>11 Q. It is designing standards that the suit should</p> <p>12 be manufactured towards.</p> <p>13 ROIL, Q.C.:</p> <p>14 Q. What are those standards? Are they size and</p> <p>15 shape or performance or price?</p> <p>16 MR. BARNES:</p> <p>17 Q. Size, shape, performance, the fabric that's</p> <p>18 used to develop the suits, the zippers that</p> <p>19 are used, buoyancy, how buoyant the suits are,</p> <p>20 thermal properties of the suits, so how warm</p> <p>21 you can be within the suit. So the current</p> <p>22 survival suit that's worn by the offshore</p> <p>23 workforce for helicopter travel offshore</p> <p>24 Newfoundland and in Nova Scotia is actually</p> <p>25 designed to meet two of these standards. Now</p>

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1 as an association we weren't involved in that
 2 decision, but we have been involved in
 3 providing input into the standards setting,
 4 which I can talk about now.
 5 ROIL, Q.C.:
 6 Q. Okay, so there are two different standards.
 7 You could have a suit built to one standard or
 8 the other.
 9 MR. BARNES:
 10 Q. Yeah.
 11 ROIL, Q.C.:
 12 Q. But the suit that is in use in Newfoundland is
 13 in fact built to both standards.
 14 MR. BARNES:
 15 Q. That's correct.
 16 ROIL, Q.C.:
 17 Q. Okay, and we'll have, Commissioner, of course,
 18 evidence from Helly Hanson later this week
 19 about the detail of how that happens.
 20 MR. BARNES:
 21 Q. Right.
 22 ROIL, Q.C.:
 23 Q. So we understand, Mr. Barnes, that you're not
 24 necessarily the expert in building suits.
 25 MR. BARNES:

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1 Q. Good.
 2 ROIL, Q.C.:
 3 Q. But try to help us along as we learn about
 4 this process of standards and how they impact
 5 the issue of the suit.
 6 MR. BARNES:
 7 Q. Yeah.
 8 ROIL, Q.C.:
 9 Q. And how the suits looks and how the suit
 10 performs.
 11 MR. BARNES:
 12 Q. And I'll go slowly here because the whole
 13 world of standard-setting is somewhat complex,
 14 but I'll turn to one of the exhibits here that
 15 is actually the immersion suit standard.
 16 ROIL, Q.C.:
 17 Q. This the one that's used onboard the facility,
 18 not the other one that could be used for
 19 transportation.
 20 MR. BARNES:
 21 Q. That's right.
 22 ROIL, Q.C.:
 23 Q. Okay.
 24 MR. BARNES:
 25 Q. So the Canadian General Standards Board, which

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1 is responsible for setting these standards,
 2 has a committee, and the committee is actually
 3 called the Immersion Suit Standard Committee,
 4 and that Immersion Suit Standard Committee has
 5 two working groups, one working group to
 6 design emergency suit standards and the other
 7 working group to design helicopter passenger
 8 suit standards, which leads to some confusion,
 9 and the committee membership I have put up on
 10 the screen here includes manufacturers of
 11 survival suits, both immersion and the
 12 helicopter passenger, includes a number of
 13 interests from the fishing industry because
 14 they're they're the end users of the immersion
 15 suit as opposed to the helicopter suit, a
 16 number of oil and gas representatives
 17 including ourselves as CAPP, Transport Canada
 18 which is one of the governing agencies
 19 responsible for this standard and the two
 20 standards because they call up these standards
 21 in their regulations, the two offshore
 22 petroleum boards because obviously they have
 23 an interest in the standards as well, Canadian
 24 Coastguard, and some other interested parties.
 25 So this group is formed within the Canadian

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1 General Standards Board to sit on an immersion
 2 suit committee and to work on the standards as
 3 they get developed or revised, and what I've
 4 provided in this exhibit I'm showing here at
 5 the moment is the composition of the
 6 committee, but this exhibit is actually the
 7 immersion suit standard, and I won't go into
 8 any great detail on it unless you want me to
 9 because I'm not an expert in the standards,
 10 but I do want to just point out that in this
 11 particular standard it lays out how these
 12 suits should be manufactured and the
 13 components they should be manufactured to. So
 14 it talks about, as I mentioned earlier, the
 15 sizing, so here we talk about, you know, there
 16 are four different sizes for this suit, this
 17 immersion suit, how the hand and arms are
 18 constructed, water tight integrity, for
 19 example, how the legs should be constructed,
 20 so it goes into quite a bit of detail,
 21 workmanship, flame resistant, flame
 22 retardation, buoyancy. It goes into quite a
 23 bit of detail and gives direction to the
 24 manufacturer of the suit on how to manufacture
 25 it.

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1 ROIL, Q.C.:

2 Q. Okay. To your knowledge, would only one

3 manufacturer build that suit at any one time,

4 or could two or more manufacturers build to

5 the same standard?

6 MR. BARNES:

7 Q. Oh, several manufacturers could build towards

8 the same--as a matter of fact when they're

9 manufacturing immersion suits, whoever the

10 manufacturers are, they have to build it to

11 this standard because this is the standard.

12 ROIL, Q.C.:

13 Q. Yes.

14 MR. BARNES:

15 Q. And there are a number of manufacturers that

16 build these suits. I mean, there are those

17 manufacturers that build it for the offshore

18 industry such as--there's a company called

19 Fits Right, and there's a manufacturer that

20 builds them for the fishing industry for the

21 most part. The manufacturer is called White

22 Manufacturing, but there are others as well.

23 The next exhibit, if I move away from the

24 immersion suit standard, is actually the

25 helicopter passenger suit standard. I'll

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1 bring that up here. So again this standard is

2 a standard that is used for manufacturers that

3 manufacture helicopter passenger transport

4 suits. The committee list is exact same as the

5 immersion suit because the committee is

6 actually called a Committee of Immersion

7 Suits, but the working group under that

8 committee that provides advice to the

9 standards agency for developing the helicopter

10 suit doesn't have all these individuals on it

11 because the fishing industry, for instance,

12 has no interest in helicopter passenger suits.

13 ROIL, Q.C.:

14 Q. So those members of the committee who would

15 have an interest in the ultimate use of these

16 suits would be actively involved and those who

17 weren't involved, weren't interested, would

18 not participate, I take it?

19 MR. BARNES:

20 A. Correct, and again I won't go into aspects of

21 the standard because I'm not a technical

22 expert, but like the immersion suit standard,

23 it provides details to manufacturers on

24 everything that you need to manufacture this

25 suit towards. I've brought up on my screen

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1 here this page which talks about body

2 strength, seam integrity, personal locator

3 lights, buoyancy, thermal protection, flame

4 retardation et cetera. So it lists out for

5 the manufacturer how they design the suits to

6 these specifications.

7 ROIL, Q.C.:

8 Q. Now we understand that things that are used in

9 helicopters have to go to Transport Canada for

10 an approval. Does that apply with respect to

11 these transportation suits as well?

12 MR. BARNES:

13 A. Yes, it does.

14 ROIL, Q.C.:

15 Q. Because they're used in an aviation context.

16 MR. BARNES:

17 A. Yes. There's two branches of Transport

18 Canada, Transport Canada Aviation, and

19 Transport Canada Marine. Transport Canada

20 Aviation has to approve the suits that are

21 used for a helicopter passengers.

22 ROIL, Q.C.:

23 Q. Yes.

24 MR. BARNES:

25 A. And Transport Canada Marine has to approve the

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1 suits that are used for marine purposes, like

2 the immersion suit.

3 ROIL, Q.C.:

4 Q. And a suit is built to both specifications?

5 MR. BARNES:

6 A. Have to have dual approval from both branches

7 of Transport Canada.

8 ROIL, Q.C.:

9 Q. Now when were these standards established and

10 how often are they established and changed or

11 modified and so on?

12 MR. BARNES:

13 A. It depends. The current immersion suit

14 standard, the last revision was in 2005, and

15 the version before that was 1999. So that

16 1999 version was revised in '05. Now in 1999,

17 as an association, we did not provide member

18 input into that standard revision, but in 2005

19 we coordinated our member input into the

20 Standards Committee for that particular

21 standard, and provided that technical

22 expertise that the Standards Committee needed.

23 ROIL, Q.C.:

24 Q. So CAPP was involved in the 2005 revision of

25 the immersion suit?

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<p>1 MR. BARNES: 2 A. Right. 3 ROIL, Q.C.: 4 Q. But not the 1999 one? 5 MR. BARNES: 6 A. Correct. 7 ROIL, Q.C.: 8 Q. Okay. What about the helicopter -- 9 MR. BARNES: 10 A. The petroleum industry was involved in 1999, 11 but not our association. 12 ROIL, Q.C.: 13 Q. Oh, not your association, okay. 14 MR. BARNES: 15 A. Yeah. The helicopter passenger transportation 16 suit current version is the 1999 version. 17 ROIL, Q.C.: 18 Q. Yes. 19 MR. BARNES: 20 A. And that Standard Development Committee is now 21 revisiting that standard to see if it needs to 22 be updated, and I'll talk a little bit about 23 how we're involved in that process at the 24 moment. The next exhibit I want to bring up 25 associated with that is a letter that we</p>	<p>1 process where the committee gets reconstituted 2 and you look at revising it. 3 ROIL, Q.C.: 4 Q. Okay, and while it's being revised, what 5 happens to the standard? 6 MR. BARNES: 7 A. The standard still stays in place, it doesn't 8 become null and void. 9 ROIL, Q.C.: 10 Q. Until it's either revoked or revised? 11 MR. BARNES: 12 A. Right. 13 ROIL, Q.C.: 14 Q. Okay. 15 MR. BARNES: 16 A. There's some confusion over that process 17 because you have to vote no in order to enact 18 the revision process, as incidentally the two 19 petroleum boards, one voted yes and one voted 20 no, but both understood that they wanted the 21 standard revised, but one voted yes by 22 mistake. 23 ROIL, Q.C.: 24 Q. Well, for anybody watching, we now have it 25 explained.</p>
<p style="text-align: right;">Page 110</p> <p>1 received in February of '09 from the Canadian 2 General Standards Board to our President, 3 CAPP's President, Dave Collyer, which 4 indicated that CAPP sits on the Canadian 5 General Standards Board Committee for 6 immersion suits, and as a voting member, we 7 recently voted against withdrawing the 8 standard and what that means is in the months 9 prior to receiving this letter, I received 10 notification because I'm a member of this 11 committee, that the standard was thought 12 needed to be revised, and in order -- the way 13 the standards process works is you have to 14 vote against withdrawing the standard in order 15 to undertake a review of it. 16 ROIL, Q.C.: 17 Q. What happens if you withdraw the standard? 18 MR. BARNES: 19 A. Then it becomes null and void, so it means the 20 standard doesn't exist any more. 21 ROIL, Q.C.: 22 Q. But if you vote to revise it, what happens to 23 that existing -- 24 MR. BARNES: 25 A. If you vote no to withdraw it, it enacts a</p>	<p style="text-align: right;">Page 112</p> <p>1 MR. BARNES: 2 A. Right. The whole standards process has led to 3 some confusion. So we got -- as I mentioned, 4 we had indication from the Canadian General 5 Standards Board that it was time to look at 6 the standard again, and we received this 7 letter in February 24th, 2009, which indicated 8 that we would be part of that process, but 9 they were also seeking funding from us as the 10 oil and gas industry to help in its revision 11 process. This hasn't happened previously 12 because previously governments have funded the 13 revisions to these standards and the 14 development of these standards. That's 15 typically how it works because these are 16 government standards, so government tends to 17 fund them. So we were somewhat surprised in 18 the early part of '09 that we were asked to 19 fund it, but because of the importance of 20 having an accurate and up to date standard, 21 and importance of these suits, we agreed to 22 partially fund it. 23 ROIL, Q.C.: 24 Q. In the letter of 2009, Mr. Collyer -- sorry, 25 he's writing Mr. Collyer.</p>

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1 MR. BARNES:
 2 A. Yes.
 3 ROIL, Q.C.:
 4 Q. Mr. Charest, and it is spelled the way it's
 5 pronounced, I understand he's not Charest, but
 6 Mr. Charest, refers to -- he says, "There's an
 7 immediate need to review and revise the
 8 standard, not just because it is time dated,
 9 10 years old, but more importantly for
 10 technical deficiencies and concerns in the
 11 interest of public safety".
 12 MR. BARNES:
 13 A. Yes.
 14 ROIL, Q.C.:
 15 Q. What did you know of that at that time?
 16 MR. BARNES:
 17 A. I'm not sure what he meant by "the interest of
 18 public safety", but with respect to technical
 19 difficulties, we understand that the
 20 manufacturers of the helicopter passenger
 21 suit, after they manufactured the current suit
 22 that's used offshore in Atlantic Canada,
 23 during that manufacturing process thought that
 24 there might be some deficiencies from a
 25 technical basis within the standards, such as

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1 the standard calls for the same size boot for
 2 a different size -- different size survival
 3 suit, things of that nature; not great
 4 technical deficiencies, but some that would
 5 require an additional look if the standard was
 6 to be revised.
 7 ROIL, Q.C.:
 8 Q. We'll hear from the manufacturer.
 9 MR. BARNES:
 10 A. Yeah.
 11 ROIL, Q.C.:
 12 Q. And he'll obviously give us a better
 13 indication of what he understood, but I just
 14 want to understand what your knowledge would
 15 be. So your knowledge was that there was some
 16 issues that the manufacturer had with the
 17 suit?
 18 MR. BARNES:
 19 A. That's right.
 20 ROIL, Q.C.:
 21 Q. Okay.
 22 MR. BARNES:
 23 A. Which warrant then the Canadian General
 24 Standards Board to undertake this revision
 25 process. So we received a letter in February

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1 '09 asking for funding, and we approved the
 2 funding, and I'm just going to bring up -- not
 3 the next exhibit, but it's further along here.
 4 The next exhibit is May 28th. The letter on
 5 May 28th from the Canadian General Standards
 6 Board to myself, to CAPP, saying that this is
 7 the signed agreement, the signed funding
 8 agreement. So basically it just concludes the
 9 process, okay, that CAPP has decided to fund
 10 it. It was written to our Vice President of
 11 Operations, David Pryce.
 12 ROIL, Q.C.:
 13 Q. I take it the fact that you were signing an
 14 agreement was not in terms of your ordinary
 15 participation in the standards process, rather
 16 to set forth the basis for funding?
 17 MR. BARNES:
 18 A. That's correct.
 19 ROIL, Q.C.:
 20 Q. Okay.
 21 MR. BARNES:
 22 A. And I just wanted to provide that agreement
 23 just for informational purposes more than
 24 anything, but it just signals that industry
 25 was going to fund it and our members were

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1 going to fund it through CAPP.
 2 ROIL, Q.C.:
 3 Q. Right.
 4 MR. BARNES:
 5 A. And that what we would provide to the
 6 standards committee, the Immersion Suit
 7 Committee, or the helicopter passenger suit
 8 working group under the Immersion Suit
 9 Committee, is member support. So we have the
 10 five active producers in Atlantic Canada
 11 providing personnel to this standard revision,
 12 including one of my staff people, and that
 13 actual standing -- that actual standard
 14 revision process starts today, actually, in a
 15 meeting in Ottawa.
 16 ROIL, Q.C.:
 17 Q. So the actual process to begin revising the
 18 standards is starting today?
 19 MR. BARNES:
 20 A. It is.
 21 ROIL, Q.C.:
 22 Q. Not by design, more by accident, I take it?
 23 MR. BARNES:
 24 A. Exactly. It is again a process outside our
 25 control. It's controlled by Canadian General

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<p>1 Standards Board. The last exhibit is --</p> <p>2 ROIL, Q.C.:</p> <p>3 Q. You've gone over a number of exhibits which</p> <p>4 I'd like to take you to because --</p> <p>5 MR. BARNES:</p> <p>6 A. I'll come back to those when I talk about the</p> <p>7 suit issues.</p> <p>8 ROIL, Q.C.:</p> <p>9 Q. Okay.</p> <p>10 MR. BARNES:</p> <p>11 A. That's why I skipped those.</p> <p>12 ROIL, Q.C.:</p> <p>13 Q. Yeah.</p> <p>14 MR. BARNES:</p> <p>15 A. I wanted to conclude the standards issue</p> <p>16 first.</p> <p>17 ROIL, Q.C.:</p> <p>18 Q. Okay, sure.</p> <p>19 MR. BARNES:</p> <p>20 A. So the last exhibit associated with the</p> <p>21 standards revision is this table, and this</p> <p>22 table is a table that we -- actually, that's</p> <p>23 not right. The last table is this table here</p> <p>24 which is what's called a comment table, and</p> <p>25 this comment table are supposed to be</p>	<p>1 Q. Okay, the current standard is not necessarily</p> <p>2 tied to the ISO standard, is it?</p> <p>3 MR. BARNES:</p> <p>4 A. It's not, no.</p> <p>5 ROIL, Q.C.:</p> <p>6 Q. Okay.</p> <p>7 MR. BARNES:</p> <p>8 A. And we also suggested at the end of page one</p> <p>9 and the beginning of page two is that if</p> <p>10 you're looking at -- if you're looking at the</p> <p>11 standard again, you should also look at up to</p> <p>12 date testing methods for leakage, buoyancy,</p> <p>13 thermal testing, and I'll talk about those</p> <p>14 issues when I talk about the issues arising</p> <p>15 with the current survival suit, current</p> <p>16 helicopter passenger suit.</p> <p>17 ROIL, Q.C.:</p> <p>18 Q. So these are the kinds of issues that are in</p> <p>19 the mix for discussion now as this standard</p> <p>20 gets revised?</p> <p>21 MR. BARNES:</p> <p>22 A. Correct, plus others that others have</p> <p>23 submitted, no doubt, from the other groups</p> <p>24 that are represented on the committee, but</p> <p>25 these are the comments from our industry.</p>
<p>Page 118</p> <p>1 submitted to the General Standards Board by</p> <p>2 those who are on the committee to help</p> <p>3 identify the issues that needed to be</p> <p>4 discussed when the committee reconstitutes and</p> <p>5 you work on revising the standard. So this</p> <p>6 was our comments that if the standards --</p> <p>7 ROIL, Q.C.:</p> <p>8 Q. Okay, so this is page 349 of the exhibit.</p> <p>9 MR. BARNES:</p> <p>10 A. Yeah. So this comment -- this comment table</p> <p>11 indicates that, okay, if you're going to get</p> <p>12 the committee together to revise the standard,</p> <p>13 then some of the things that you need to look</p> <p>14 at is the fact that there is an ISO Standard</p> <p>15 in place, and ISO is the International</p> <p>16 Standard Organization. So there's an actual</p> <p>17 international standard for helicopter</p> <p>18 passenger suits that exist, and that the suits</p> <p>19 that are manufactured in the UK and Norway are</p> <p>20 manufactured to. So what we're suggesting to</p> <p>21 this Canadian body is that they should look at</p> <p>22 that standard and the components of that</p> <p>23 standard when it undertakes the revision of</p> <p>24 this Canadian standard.</p> <p>25 ROIL, Q.C.:</p>	<p>Page 120</p> <p>1 ROIL, Q.C.:</p> <p>2 Q. So these are CAPP's initial comments going</p> <p>3 back to the CGSB?</p> <p>4 MR. BARNES:</p> <p>5 A. Correct.</p> <p>6 ROIL, Q.C.:</p> <p>7 Q. Okay.</p> <p>8 MR. BARNES:</p> <p>9 A. And that basically concludes our involvement</p> <p>10 as an association with standard development.</p> <p>11 ROIL, Q.C.:</p> <p>12 Q. Yes.</p> <p>13 MR. BARNES:</p> <p>14 A. The other suit issue which we'll get into, if</p> <p>15 you're finished on the standard development,</p> <p>16 is just the suits -- the issues generally</p> <p>17 associated with the suits that have arisen and</p> <p>18 how industry has addressed those.</p> <p>19 ROIL, Q.C.:</p> <p>20 Q. Yeah, so -- just so I understand where we're</p> <p>21 headed, I take it that CAPP has been involved</p> <p>22 and continues to be involved in the standards</p> <p>23 setting?</p> <p>24 MR. BARNES:</p> <p>25 A. Yes.</p>

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<p>1 ROIL, Q.C.:</p> <p>2 Q. But that the standards setting is the</p> <p>3 responsibility, and if you will, the ownership</p> <p>4 of this Canadian federal agency called the</p> <p>5 CGSB?</p> <p>6 MR. BARNES:</p> <p>7 A. That's right, and the petroleum boards and</p> <p>8 Transport Canada reference the standard that</p> <p>9 gets developed in their regulations or</p> <p>10 guidelines.</p> <p>11 ROIL, Q.C.:</p> <p>12 Q. Yes, okay. Now in addition to the setting of</p> <p>13 standards, your evidence suggests that there</p> <p>14 were some issues or problems that came to</p> <p>15 CAPP's attention somewhere along the way. What</p> <p>16 can you tell us, if anything, about what you</p> <p>17 did in relation to those?</p> <p>18 MR. BARNES:</p> <p>19 A. Yes. So with respect to the current</p> <p>20 helicopter passenger suit that's used offshore</p> <p>21 Newfoundland and offshore Nova Scotia --</p> <p>22 ROIL, Q.C.:</p> <p>23 Q. Now to remind ourselves, that's the suit</p> <p>24 that's currently being built to the two</p> <p>25 standards, the immersion standard, and built</p>	<p>1 MR. BARNES:</p> <p>2 A. So there has been a number of issues</p> <p>3 associated with this helicopter passenger suit</p> <p>4 that have come to attention of industry,</p> <p>5 largely through the use of the suit in the</p> <p>6 training -- in training at the Marine</p> <p>7 Institute and training at Survival Systems</p> <p>8 Limited in Nova Scotia. So the first exhibit</p> <p>9 I want to bring to your attention that starts</p> <p>10 this issue is a March 20th letter to CAPP from</p> <p>11 the Newfoundland Petroleum Board which talks</p> <p>12 about the Canadian General Standards process</p> <p>13 and what are some of the technical concerns</p> <p>14 that we thought would be tabled at the CGSB</p> <p>15 Committee meeting, but the last sentence talks</p> <p>16 about, "We've also requested CAPP to address</p> <p>17 concerns raised by users of the helicopter</p> <p>18 suit system".</p> <p>19 ROIL, Q.C.:</p> <p>20 Q. Was this the first time that you were aware</p> <p>21 that there were concerns raised by users?</p> <p>22 MR. BARNES:</p> <p>23 A. This is the first time that our association</p> <p>24 got involved in the issue, but our members</p> <p>25 were beginning to become aware of the issues</p>
<p>1 to the transportation helicopter standard?</p> <p>2 MR. BARNES:</p> <p>3 A. That's correct.</p> <p>4 ROIL, Q.C.:</p> <p>5 Q. Yeah.</p> <p>6 MR. BARNES:</p> <p>7 A. And for completeness, it is called the Helly</p> <p>8 Hansen E-452.</p> <p>9 ROIL, Q.C.:</p> <p>10 Q. Helly Hansen. Is that the only company that</p> <p>11 is building to that standard, to your</p> <p>12 knowledge, or do you know?</p> <p>13 MR. BARNES:</p> <p>14 A. There are other companies that can build to</p> <p>15 that standard, but it's the only -- it's the</p> <p>16 only company I know that has built the current</p> <p>17 -- it's the only company I know that has built</p> <p>18 the helicopter passenger suit for Canadian</p> <p>19 offshore purposes.</p> <p>20 ROIL, Q.C.:</p> <p>21 Q. Yes, both Newfoundland and Nova Scotia?</p> <p>22 MR. BARNES:</p> <p>23 A. That's correct.</p> <p>24 ROIL, Q.C.:</p> <p>25 Q. Yeah.</p>	<p>1 because some of their workforce were raising</p> <p>2 it at joint occupational health and safety</p> <p>3 committee meetings offshore.</p> <p>4 ROIL, Q.C.:</p> <p>5 Q. Okay, the reason I particularly asked that is</p> <p>6 the date of this letter is March 20, which is</p> <p>7 post the March 12 incident, and I just want to</p> <p>8 find out whether to your knowledge, were there</p> <p>9 concerns or issues with respect to the suit</p> <p>10 even before the incident that happened with</p> <p>11 Cougar Flight 491?</p> <p>12 MR. BARNES:</p> <p>13 A. Yes, there were, but again our association was</p> <p>14 not involved in anything to do with those</p> <p>15 issues.</p> <p>16 ROIL, Q.C.:</p> <p>17 Q. No.</p> <p>18 MR. BARNES:</p> <p>19 A. But there were issues identified prior to this</p> <p>20 date that our members handled directly.</p> <p>21 ROIL, Q.C.:</p> <p>22 Q. Yes.</p> <p>23 MR. BARNES:</p> <p>24 A. So we received this letter in March from the</p> <p>25 Board asking us what are the issues and what</p>

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1 industry is doing about it, and we consulted
 2 with our members and on May 21, we responded
 3 back to the Board. Not only did we consult
 4 with our members, we also consulted with the
 5 suit manufacturer, Helly Hansen. I can take
 6 you through each of these issues.
 7 ROIL, Q.C.:
 8 Q. Okay, so -- I think that letter again neatly
 9 refers to the fact that it was built to the
 10 two standards, and then it raises a number of
 11 issue points.
 12 MR. BARNES:
 13 A. Yes.
 14 ROIL, Q.C.:
 15 Q. So perhaps you could take us through what your
 16 understanding was and where you got this
 17 information, and what if anything your
 18 organization did about it?
 19 MR. BARNES:
 20 A. Okay. I won't go through each of the bullets,
 21 but I'll just provide a synopsis of the issue.
 22 The first one has to do with suit buoyancy.
 23 It was raised that the current buoyancy of the
 24 helicopter passenger suit may impede one from
 25 getting out of the helicopter in the event

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1 that the helicopter was in water, especially
 2 for small individuals.
 3 ROIL, Q.C.:
 4 Q. Okay, now this may be for some people a little
 5 counter-intuitive. You're looking for
 6 buoyancy. Can you have too much buoyancy?
 7 MR. BARNES:
 8 A. You could have too much buoyancy and you could
 9 -- because of that you could, say, float to
 10 the top of the helicopter and have
 11 difficulties getting out of the window, or you
 12 could float to the bottom of the helicopter
 13 depending if the helicopter was inverted.
 14 ROIL, Q.C.:
 15 Q. Yes, but in any event, the issue is the amount
 16 of buoyancy relating to getting out of the --
 17 out of the submerged helicopter was an issue?
 18 MR. BARNES:
 19 A. Yes, that's right. So the response to that is,
 20 yes, the current suit has more buoyancy than
 21 the previous suit, but still were within
 22 tolerable limits of the standard, and in the
 23 investigation with the training institutes it
 24 was found that there wasn't any concern with
 25 respect -- or any incident with respect to

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1 escaping from their helicopter trainer during
 2 the training process. It was also thought
 3 that an extra suit needed to be manufactured
 4 and that would be considered as well, but with
 5 respect to buoyancy, the investigation again
 6 at the training institutes indicated buoyancy
 7 wasn't a problem. The second issue had to do
 8 with bulk and stiffness of the suits, and the
 9 issue there is that there was -- there was
 10 some complaints received that the suit was
 11 bulky and stiff, and upon investigation -- I
 12 mean, these were new suits, so by the very
 13 virtue of the fact that they're new, they
 14 would be stiff, but the suit through testing
 15 indicated that the mobility and dexterity
 16 requirements were satisfactory. Suit zippers,
 17 a third issue, a lot of -- there were some
 18 complaints that the zippers were stiff,
 19 difficult to close. That could be true again
 20 because of the fact that these were new suits,
 21 but what Helly Hansen had done was they had
 22 provided some product or lubricant to the
 23 zippers to make them less stiff. They were
 24 also investigating the use of the new toggle
 25 at the end of the zipper to allow for easy

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1 zipping or unzipping, and at the time of this
 2 letter, that was being investigated, but
 3 subsequent to the letter, a new toggle has
 4 been implemented. There were some issues
 5 regarding leak testing during the training,
 6 and the issue there is these helicopter
 7 passenger suits are used for training
 8 purposes, and in training these suits are put
 9 through much more rigorous use than what
 10 they're really designed for. These suits are
 11 designed for escape from a helicopter, and
 12 then being on top of the water waiting to be
 13 rescued, they're not designed to be immersed
 14 several times in a helicopter dunker or being
 15 held upside down in the HUEBA training chair
 16 for extended periods. If they're used in that
 17 capacity, they will leak, and indeed there is
 18 a small amount of leakage in the suits as
 19 they're being used for training purposes, but
 20 upon investigation -- and I'll talk about some
 21 further tests that we have done as an
 22 industry. It's indicated that the amount of
 23 leakage in these suits are well below what's
 24 called for in the standard and shouldn't
 25 affect thermal properties of the suit, but

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1 these suits are not designed to be totally
 2 leak proof, there's a design to have some
 3 leakage of water because they're not totally
 4 tight in all areas, but because of the thermal
 5 properties, they are designed to keep the
 6 person warm even though water may enter the
 7 suit. Suit sizes was an issue. There is no
 8 two extra small size, as was acknowledged in
 9 this letter, but the manufacturer was in the
 10 process of developing a two extra small. So
 11 an individual who's two extra small at the
 12 training institute, for example, may
 13 experience some leakage because that person
 14 wouldn't be in a two extra small suit, would
 15 probably be in a one extra small suit. Boots
 16 was identified as another issue for two
 17 reasons. One, the boot treads were potential
 18 tripping hazard on some of the platforms -
 19 actually, one of the platforms, the Sea Rose,
 20 have a certain tread on their stairs and the
 21 boot tread was a potential tripping hazard
 22 which was rectified by changing the stair
 23 treads on the Sea Rose platform. Helly Hansen
 24 at the time were also investigating whether to
 25 change the boot size ranges for each

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1 individual survival -- each individual
 2 helicopter passenger suit, but that required
 3 Transport Canada Aviation approval, which has
 4 subsequently been sought and boot sizes are
 5 being changed, but at the time of this letter,
 6 they weren't in place. Lastly, wrist seals.
 7 Wrist seals, there were a number of complaints
 8 that talked about the wrist seals were too
 9 tight, and, of course, wrist seals are
 10 supposed to be tight to prevent water from
 11 leakage in, but they were becoming a comfort
 12 issue more so than anything, so Helly Hansen
 13 decided to add some lubricant products to the
 14 wrist seals as well to make them more
 15 comfortable, but not affect the -- but not
 16 affect the -- not affect the use of the
 17 tightness of the seals, or not affect the
 18 quality of the tightness of the seals.
 19 ROIL, Q.C.:
 20 Q. The tightness is meant to exclude water from
 21 getting into the suit?
 22 MR. BARNES:
 23 A. Right.
 24 ROIL, Q.C.:
 25 Q. Yeah.

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1 MR. BARNES:
 2 A. Helly Hansen -- so these were the issues, and
 3 what this paragraph here that begins, "During
 4 a survey", Helly Hansen undertook a survey as
 5 well to obtain feedback from the workforce
 6 with respect to all the issues, and the most
 7 significant issue was the tightness of the
 8 wrist seals. The offshore workforce were
 9 uncomfortable with the wrist seals in the
 10 supply vessels from a comfort perspective.
 11 ROIL, Q.C.:
 12 Q. So these issues that you've just gone through,
 13 the seven different items --
 14 MR. BARNES:
 15 A. Yeah.
 16 ROIL, Q.C.:
 17 Q. Did these come from the survey or from some
 18 other sources that were available to you? How
 19 did you get to know this much detail about
 20 this many concerns or issues?
 21 MR. BARNES:
 22 A. These issues and the information about how
 23 these issues were addressed were compiled from
 24 our members, who obviously were directly
 25 involved in these issues, and from Helly

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1 Hansen who was the suit provider to our
 2 members.
 3 ROIL, Q.C.:
 4 Q. Okay.
 5 MR. BARNES:
 6 A. So we were providing a service to our members
 7 by basically compiling all these issues and
 8 responding to the Board that these were the
 9 issues and these were how the -- these were
 10 how they were being addressed. So that letter
 11 was in May of '09. We received a subsequent
 12 letter from the Board, the Petroleum Board, in
 13 June, and I'll need to bring up another
 14 exhibit because this is one of the new
 15 documents.
 16 ROIL, Q.C.:
 17 Q. Okay.
 18 MR. BARNES:
 19 A. One of the new documents that were posted this
 20 week.
 21 ROIL, Q.C.:
 22 Q. Exhibit 60 is the letter from Mr -- from you
 23 to Mr. Pike. I think you're seeking his
 24 letter to you.
 25 MR. BARNES:

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<p>1 A. I'm seeking a June 19th letter to Howard Pike 2 from CAPP. 3 ROIL, Q.C.: 4 Q. That's Exhibit 60. 5 MR. BARNES: 6 A. Okay, so it is. All right, so in June -- 7 well, prior to June the Petroleum Board sent 8 letters to three producing operators, three 9 producing oil and gas operators in 10 Newfoundland, Exxon Mobil, Petro Canada, and 11 Husky, and the letter stated that the 12 Petroleum Board had been to the Marine 13 Institute and received some complaints about 14 water ingressing into these suits that were 15 being used at the training institute for 16 training purposes, and what the three 17 producing operators wanted to do is respond 18 back to the Board through CAPP because we had 19 been working this issue with our members. So 20 this letter on June 19th was a response to the 21 Board's letter to the three operators, and it 22 basically says that the Board staff went to 23 the Marine Institute, understood that there 24 were some complaints from students that there 25 were leaks in the survival suit, but what we</p>	<p>1 ROIL, Q.C.: 2 Q. The same design? 3 MR. BARNES: 4 A. The same design and the same suit as well. 5 ROIL, Q.C.: 6 Q. Same suit, yes, but it might not be the same 7 unit? 8 MR. BARNES: 9 A. I don't know what you mean by unit. 10 ROIL, Q.C.: 11 Q. Okay, let's make sure we're clear here. I 12 don't know if these have serial numbers on 13 them or what, I don't know how they're 14 identified, we may hear that from Helly 15 Hansen, but if I went into the Marine 16 Institute -- 17 MR. BARNES: 18 A. Yeah. 19 ROIL, Q.C.: 20 Q. I would use a Helly Hansen E -- 21 MR. BARNES: 22 A. E-452. 23 ROIL, Q.C.: 24 Q. 452, yeah, those numbers slip off your tongue 25 quicker than me. I'd then go to the heliport</p>
<p>Page 134</p> <p>1 were saying is -- and again this was 2 information that we gathered from our members, 3 and from Helly Hansen, is these suits were not 4 meant for really training purposes, these 5 suits were meant to allow someone to escape 6 from an overturned helicopter and be on top of 7 the ocean until rescued. During the suit 8 training, the suit is put into much more 9 rigorous use. Again it's under water from 10 having to be used in their helicopter 11 simulator training. It's under water from use 12 at the escape breathing apparatus, or HUEBA, 13 and as a result they will get some leakage. 14 ROIL, Q.C.: 15 Q. Okay, just again for those that may not be as 16 familiar as you and I perhaps are, I take it 17 that the suit that -- if I was going for 18 training at the Marine Institute or at any 19 other location, Survival Systems in Nova 20 Scotia, the suit that I would train in would 21 not necessarily be the same serial number as 22 the suit that I was using if I was transiting 23 to the offshore by helicopter? 24 MR. BARNES: 25 A. No, it's the exact same suit.</p>	<p>Page 136</p> <p>1 a week or two later and I'd go to travel to 2 the offshore? 3 MR. BARNES: 4 A. Yes. 5 ROIL, Q.C.: 6 Q. The suit that I would use there would be the 7 same type of suit? 8 MR. BARNES: 9 A. Right, the E-452. 10 ROIL, Q.C.: 11 Q. Yeah, but it wouldn't be the same piece of 12 cloth? It wouldn't be the same unit? It 13 wouldn't be the same - 14 MR. BARNES: 15 A. Well, the suits - 16 ROIL, Q.C.: 17 Q. The suit I have on here this morning, if I 18 wear it next week, it's the same cloth, right, 19 it's the same suit. 20 MR. BARNES: 21 A. Yeah. 22 ROIL, Q.C.: 23 Q. Okay, do I get a suit and then trained in that 24 suit and then use that suit every time I 25 travel to the offshore?</p>

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<p>1 MR. BARNES: 2 A. No, the suit that you're trained in - 3 ROIL, Q.C.: 4 Q. Yes. 5 MR. BARNES: 6 A. - are obviously not brought to the heliport 7 and are used to go offshore. 8 ROIL, Q.C.: 9 Q. That's the point I was trying to get at. 10 MR. BARNES: 11 A. No, they're solely kept within the training 12 schools. 13 ROIL, Q.C.: 14 Q. Right. 15 MR. BARNES: 16 A. And used solely for training. 17 ROIL, Q.C.: 18 Q. Okay. They're designed and built by the same 19 people? 20 MR. BARNES: 21 A. Yeah. 22 ROIL, Q.C.: 23 Q. But it is not the exact same suit that a 24 worker would travel in? 25 MR. BARNES:</p>	<p>1 this letter here, in recognition of the 2 concerns that have been expressed, we've asked 3 Helly Hansen, the manufacturer, to assess the 4 performance of their suit, the E-452, with a 5 company called CORD Group, which is based in 6 Nova Scotia, and it's the Transport Canada 7 approved testing group that tests Transport 8 Canada approved survival suits. So that we 9 would use this group, hire this group to 10 undertake additional tests on this suit and 11 the five steps--these five steps would be 12 undertaken to undertake that test. So an 13 individual would be submerged in the 14 helicopter, have to swim to a life raft, have 15 to board the life raft. This would be all 16 during high wind and waves and rain 17 conditions. The suits would be tested for 18 leakage and that leakage information would be 19 made available to the boards. 20 ROIL, Q.C.: 21 Q. Okay. Now has that piece of work by CORD been 22 completed? 23 MR. BARNES: 24 A. It has been, and in the exhibit, in another 25 exhibit -</p>
Page 138	Page 140
<p>1 A. Right. 2 ROIL, Q.C.: 3 Q. Okay. 4 MR. BARNES: 5 A. So those suits at the training institute are 6 obviously put through much more rigorous use 7 because they're in the water constantly and 8 they're used for--they're used in ways that 9 they weren't manufactured to be used for. For 10 instance, as I mentioned, someone wearing a 11 suit could be upside down in a chair being 12 trained on how to use the escape--the 13 helicopter underwater escape breathing 14 apparatus for an extended period of time. So 15 you would get some leakage in the suits, and 16 what we're saying to the Board in this letter 17 is you're going to expect some leakage in the 18 suits being used in the training schools, but 19 what we would undertake as an industry is to 20 do some further testing of leaks at a testing 21 facility using a test program which we've 22 outlined in the second page of this letter, 23 just to reassure everyone regarding the 24 potential of leakage of the suit. 25 So we talk about, in the second half of</p>	<p>1 ROIL, Q.C.: 2 Q. Yes, Exhibit 61. 3 MR. BARNES: 4 A. - Exhibit 61 is--I'll raise it here--is a 5 report that's provided by this company, CORD, 6 and it refers to actually two tests that were 7 done on the suit, the test that I mentioned in 8 the previous letter, and I'll get to that in 9 the introduction. The test that I mentioned 10 in the previous letter was conducted in June. 11 So this report, this CORD report, refers to 12 another test that was done in July, which was 13 a much rigorous test than the June test, but 14 what the report says in Section 3 here is that 15 we did this June test. We got some results 16 and the results indicated that the suit was 17 performing even below the requirements and the 18 standards. So what it was essentially saying 19 is "we did this rigorous test. It met the 20 standard and the results were actually below 21 the limits of the standards." So water did 22 enter the suit, but it was below the limits. 23 ROIL, Q.C.: 24 Q. Below the standard means that the suit is 25 performing at the--you used below. I just</p>

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<p>1 want to make sure I understand what -</p> <p>2 MR. BARNES:</p> <p>3 A. Yeah.</p> <p>4 ROIL, Q.C.:</p> <p>5 Q. - we all understand what you mean by below.</p> <p>6 MR. BARNES:</p> <p>7 A. Below the tolerant, the high tolerance level</p> <p>8 of leakage.</p> <p>9 ROIL, Q.C.:</p> <p>10 Q. So if the suit was allowed to let so much</p> <p>11 water in, let's say, for argument sake, three</p> <p>12 ounces, I know that's not right, then testing,</p> <p>13 it was letting less than three ounces in?</p> <p>14 MR. BARNES:</p> <p>15 A. That's right.</p> <p>16 ROIL, Q.C.:</p> <p>17 Q. Okay.</p> <p>18 MR. BARNES:</p> <p>19 A. 750 grams, I believe is the tolerant, high</p> <p>20 tolerance level and these test results were in</p> <p>21 the 400 to 500 gram.</p> <p>22 ROIL, Q.C.:</p> <p>23 Q. Okay.</p> <p>24 MR. BARNES:</p> <p>25 A. What we did after the June test was we had</p>	<p>1 MR. BARNES:</p> <p>2 A. They were, yes.</p> <p>3 ROIL, Q.C.:</p> <p>4 Q. Or were they reported to, that's what I'm</p> <p>5 wondering?</p> <p>6 MR. BARNES:</p> <p>7 A. They were involved. They witnessed the test</p> <p>8 and they were given the test results</p> <p>9 afterwards.</p> <p>10 ROIL, Q.C.:</p> <p>11 Q. Okay.</p> <p>12 MR. BARNES:</p> <p>13 A. As well, we understand, although we weren't</p> <p>14 involved, that the test results were made</p> <p>15 known to the offshore workforces on all three</p> <p>16 platforms, but there were also workforce</p> <p>17 representatives at the test as well to witness</p> <p>18 it firsthand.</p> <p>19 ROIL, Q.C.:</p> <p>20 Q. Okay. So what, if anything, did you do as a</p> <p>21 result of receiving that? Was there any</p> <p>22 further liaison with the C-NLOPB?</p> <p>23 MR. BARNES:</p> <p>24 A. There was further discussion about tests and</p> <p>25 the fact that we should likely do more tests</p>
<p>Page 142</p> <p>1 CORD provide--do another test, a much more</p> <p>2 rigorous test, where the individual had to</p> <p>3 wear the suit, get out of the helicopter</p> <p>4 simulator from a number of positions, not only</p> <p>5 next to the open window, but in the aisle</p> <p>6 seats. Had to get out of the helicopter, had</p> <p>7 to swim to an upwind location and then swim to</p> <p>8 a downwind location and enter a life raft and</p> <p>9 then the individuals were tethered on the side</p> <p>10 of the pool and battered by wind and waves and</p> <p>11 rain for 30 minutes. So it was a very</p> <p>12 extensive test, and this was done at a</p> <p>13 facility in Nova Scotia that does these type</p> <p>14 testing. And again, the results here in the</p> <p>15 executive summary, there was water ingress</p> <p>16 obviously in the suits through this rigorous</p> <p>17 test, but they were all below the values that</p> <p>18 were referenced in the standard, considerably</p> <p>19 low, for the eight subjects that were tested.</p> <p>20 The petroleum boards were invited to attend</p> <p>21 this test, as were the offshore workforce.</p> <p>22 ROIL, Q.C.:</p> <p>23 Q. So what, if anything, was done to communicate-</p> <p>24 -sorry, was the C-NLOPB involved, you say, in</p> <p>25 this or -</p>	<p>Page 144</p> <p>1 with the survival suits and the new</p> <p>2 modifications to the survival suit that were</p> <p>3 being contemplated, and I'll talk about that</p> <p>4 now shortly. So we've had discussion with the</p> <p>5 petroleum board regarding doing subsequent</p> <p>6 tests on the revised new suit, if I want to</p> <p>7 call it that, and those tests are being -</p> <p>8 ROIL, Q.C.:</p> <p>9 Q. Okay, this is the first we've heard about -</p> <p>10 MR. BARNES:</p> <p>11 A. Yes.</p> <p>12 ROIL, Q.C.:</p> <p>13 Q. - the revised, the new suit. What do you know</p> <p>14 about that?</p> <p>15 MR. BARNES:</p> <p>16 A. I'll get into that shortly, in the next</p> <p>17 PowerPoint, but there's revisions made to the</p> <p>18 current E-452 survival suit.</p> <p>19 ROIL, Q.C.:</p> <p>20 Q. Yes?</p> <p>21 MR. BARNES:</p> <p>22 A. And those revisions technically has resulted</p> <p>23 in a new suit, even though it's still kind of</p> <p>24 the E-452, it's just modifications made to it.</p> <p>25 ROIL, Q.C.:</p>

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1 Q. Okay. So we'll call that the modified E-452?

2 MR. BARNES:

3 A. Yes. But there's also another name to it,

4 HTS-1, which I'll talk about in more detail in

5 my next presentation.

6 ROIL, Q.C.:

7 Q. Okay.

8 MR. BARNES:

9 A. Rather than confuse the matter here at the

10 moment. But discussions we've had with the

11 petroleum board on testing is that we want to

12 do some further tests on these new suits, for

13 lack of a better term, and those tests are

14 scheduled for next week.

15 ROIL, Q.C.:

16 Q. Now, just go back for a moment, and again,

17 this may not be the right question for you,

18 perhaps it should be directed to the folks at

19 Helly Hansen, who we'll hear from later this

20 week, but I believe you were present and heard

21 Mr. Decker's evidence?

22 MR. BARNES:

23 A. Yes.

24 ROIL, Q.C.:

25 Q. And you heard that information about his body

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1 core temperature and all that. Can you offer

2 any comment on his experience versus the

3 experience in the CORD testing?

4 MR. BARNES:

5 A. I cannot really, because I don't know the

6 condition of his helicopter passenger suit

7 after he got out of the helicopter. It could

8 have been compromised in some way, torn, I

9 don't know. I guess it's the results from the

10 Transport Safety Board that have to come out

11 that would have to indicate the condition of

12 that suit.

13 ROIL, Q.C.:

14 Q. Right, okay. He also made some comments about

15 sizing and I was particularly intrigued, as I

16 am sometimes with expressions, by his

17 expression that sort of one size fits no one.

18 MR. BARNES:

19 A. Yes.

20 ROIL, Q.C.:

21 Q. And he'd been talking about a couple of

22 different suits. Do you recall that evidence?

23 MR. BARNES:

24 A. Yes, I do.

25 ROIL, Q.C.:

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1 Q. Okay. What was your understanding of what he

2 was talking about there, in terms of that

3 expression? Had you heard it before?

4 MR. BARNES:

5 A. I have. The immersion suit that's used

6 offshore, and again the immersion suit is the

7 suit that's used on offshore platforms, that

8 offshore workers don if they happen to have to

9 evacuate the platform and get in the ocean, is

10 manufactured by a company called Fits Right,

11 and it's only manufactured to three different

12 sizes, maybe four different sizes, three or

13 four different sizes and folks are trained on

14 that suit during the basic survival training

15 at the training institutes. So they have to

16 don the suit and get in the ocean environment

17 with it, and the term, because there are only

18 a limited number of sizes, is that it's a Fits

19 Right suit but it fits no one. So it's a bit

20 of a colloquial term.

21 ROIL, Q.C.:

22 Q. Okay.

23 MR. BARNES:

24 A. And I believe that's what he meant by that

25 reference. So the last, I guess, piece of

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1 evidence that we're providing associated with

2 survival suits and helicopter passenger suit

3 in particular is this status update that we

4 gave the petroleum board in October 2nd of

5 '09, and I can walk through elements of it, if

6 you wish?

7 ROIL, Q.C.:

8 Q. Yes, please do.

9 MR. BARNES:

10 A. This presentation was meant to update the

11 Board about the current survival suit used

12 offshore and the process that the operators

13 and the suit manufacturer are going through

14 since the Cougar helicopter incident to ensure

15 that everyone works offshore gets a properly

16 fitted helicopter suit before they get on

17 board the helicopter.

18 ROIL, Q.C.:

19 Q. Now this is still using the current Canada

20 General Standards Board standard?

21 MR. BARNES:

22 A. Oh yes.

23 ROIL, Q.C.:

24 Q. That has not changed at this point?

25 MR. BARNES:

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<p>1 A. No, that's correct.</p> <p>2 ROIL, Q.C.:</p> <p>3 Q. Okay.</p> <p>4 MR. BARNES:</p> <p>5 A. So during that fit process, it was discovered</p> <p>6 that there are a number of individuals that do</p> <p>7 not have properly fitted survival suits and</p> <p>8 those individuals had to travel offshore by</p> <p>9 supply vessel. So this presentation was meant</p> <p>10 to address what industry was doing particular</p> <p>11 to three operators and the suit manufacturer</p> <p>12 about addressing those individuals that had to</p> <p>13 go by supply vessel and how to get them</p> <p>14 properly fitted suits, and it's results in</p> <p>15 modifications to the current suit and some</p> <p>16 custom suits that have to be developed and</p> <p>17 what I would call a new suit, HTS-1, and I'll</p> <p>18 talk about that, and that's what this</p> <p>19 presentation was meant to inform the Board</p> <p>20 about.</p> <p>21 So as I mentioned, there was a fit</p> <p>22 process that has taken place since the Cougar</p> <p>23 incident and everyone that flies offshore were</p> <p>24 retested to ensure that they had properly</p> <p>25 fitted helicopter suits. So the first was a</p>	<p>1 offshore that were being transferred by supply</p> <p>2 vessel. A number of them were fitted for the</p> <p>3 HTS-1, but that suit wasn't manufactured to</p> <p>4 this point and there are a number that still</p> <p>5 needed to be assessed, but basically, we were</p> <p>6 informing the Board about the status of those</p> <p>7 150 people. I don't know the numbers of</p> <p>8 today, but it's considerably less than that.</p> <p>9 Perhaps Helly Hansen may be able to talk about</p> <p>10 that during their -</p> <p>11 ROIL, Q.C.:</p> <p>12 Q. We'll obviously get the most up to date we can</p> <p>13 from them later in the week.</p> <p>14 MR. BARNES:</p> <p>15 A. So the E-452 again is the current helicopter</p> <p>16 suit used offshore. There was a modification</p> <p>17 process made to that suit which fit</p> <p>18 approximately 91 of the 150 personnel that</p> <p>19 were travelling by supply vessel at that time</p> <p>20 and the basic difference in this suit was that</p> <p>21 it incorporated smaller components of the</p> <p>22 existing 452. So what that meant was they</p> <p>23 made a suit that had smaller boots or smaller</p> <p>24 or larger hoods, seals, hoods basically.</p> <p>25 ROIL, Q.C.:</p>
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<p>1 fit test to ensure they fit the current suit,</p> <p>2 which is E-452, and if they fit that, they</p> <p>3 could be allowed to fly. If it didn't fit</p> <p>4 them, then they were then tested for what's</p> <p>5 called a modified E-452, which was the E-452</p> <p>6 with different size boots, different size</p> <p>7 hoods, and if they were fitted for the</p> <p>8 modified E-452 and that suit didn't fit them,</p> <p>9 they couldn't fly. They were then fit tested</p> <p>10 for an HTS-1 suit, and I'll show some pictures</p> <p>11 of what that HTS-1 suit is, but basically,</p> <p>12 that HTS-1 suit is the E-452 with some</p> <p>13 modifications to allow for tighter seals</p> <p>14 around the face seal and some harnesses with</p> <p>15 inside the suit to allow for tightness of the</p> <p>16 suit, and I'll show some pictures and I'll get</p> <p>17 into a bit more detail.</p> <p>18 So those who couldn't fit the modified E-</p> <p>19 452 were tested for the new HTS-1. If they</p> <p>20 couldn't fly then, because that HTS-1 wouldn't</p> <p>21 fit them, they were then--a true custom suit</p> <p>22 would be built for them, so at the time of</p> <p>23 this presentation, which was September 30th,</p> <p>24 there were 150 people flying offshore that--</p> <p>25 sorry, there are 150 people that couldn't fly</p>	<p>1 Q. So I could have a medium suit with small boots</p> <p>2 and a small head, or large boots and a small</p> <p>3 head, that kind of thing?</p> <p>4 MR. BARNES:</p> <p>5 A. That's correct, yes.</p> <p>6 ROIL, Q.C.:</p> <p>7 Q. Okay.</p> <p>8 COMMISSIONER:</p> <p>9 Q. Mr. Roil, could you ask Mr. Barnes what fly</p> <p>10 and no-fly means in this context?</p> <p>11 ROIL, Q.C.:</p> <p>12 Q. Yes, thank you.</p> <p>13 MR. BARNES:</p> <p>14 A. So in this context, if someone was tested with</p> <p>15 this suit and the suit didn't fit them, they</p> <p>16 couldn't fly offshore.</p> <p>17 COMMISSIONER:</p> <p>18 Q. I see, yeah.</p> <p>19 MR. BARNES:</p> <p>20 A. If the suit did fit them, they could fly using</p> <p>21 this suit.</p> <p>22 COMMISSIONER:</p> <p>23 Q. Okay.</p> <p>24 ROIL, Q.C.:</p> <p>25 Q. And if you were no-fly, you had to travel by</p>

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1 vessel?

2 MR. BARNES:

3 A. By supply vessel. So these changes were made

4 to the suit, basically boots and hoods, and so

5 a modified E-452 was created and it's called a

6 modified E-452 and it's still approved to both

7 standards, the aviation and the marine

8 standard. They were delivered modified. They

9 were delivered in batches and the 91 folks

10 that couldn't fly before are now fitted with

11 these suits and they can fly with that suit.

12 The next was a custom fitted process

13 which will take some time because a custom

14 suit has to be designed to fit an individual,

15 but Transport Canada still has to approve a

16 custom fitted suit and that process is still

17 underway.

18 ROIL, Q.C.:

19 Q. By Transport Canada, do you mean both marine

20 and aviation? Is it still the dual suit?

21 MR. BARNES:

22 A. The custom suit could be build solely for the

23 helicopter passenger standard, in order to get

24 the approval through quicker, but it would not

25 be able to be used as an immersion suit. So

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1 there was a couple of options. They could

2 modify the current modified E-452 or they

3 could just simply make a whole new suit called

4 the HTS-1, which was the better option. So

5 there are some modified E-452's that are in

6 existence and that, as I mentioned on a

7 previous slide, about 91 of the 150 folks are

8 in modified E-452 suits and there's going to

9 be then a new HTS-1 suit for the others, plus

10 maybe some custom fitted ones, and I'll talk

11 about those in the next slide.

12 This is the features of the HTS-1. Hood

13 adjustment, which allows for the hood to be

14 tightened. Suspenders inside, which is

15 attached to the boots and allows for the legs

16 to be adjusted and obviously are better

17 fitting.

18 ROIL, Q.C.:

19 Q. So the hood adjustment is shown in the

20 photograph in the lower right-hand corner?

21 MR. BARNES:

22 A. Yes, right.

23 ROIL, Q.C.:

24 Q. Okay.

25 MR. BARNES:

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1 A. It allows for a little tighter fitting hood

2 seal.

3 ROIL, Q.C.:

4 Q. Okay, and then the other lower photograph is

5 showing some yellow cords of ribbons inside?

6 MR. BARNES:

7 A. They're called suspenders and they're used to

8 basically tighten the legs of the suit.

9 ROIL, Q.C.:

10 Q. Okay.

11 MR. BARNES:

12 A. So moving from the picture. So the personnel

13 who were on the custom suit list, so that

14 meant they weren't able to be fitted for both

15 the E-452 and the modified E-452, they would

16 be fit tested with this new HTS-1 suit and

17 similar to the modified suits, Helly Hansen

18 was going to deliver these suits in batches,

19 but needed Transport Canada Aviation approval,

20 because this HTS-1 suit is only designed for

21 the helicopter passenger standard, not to the

22 immersion suit standard, and those suits were

23 supposed to be available by the end of this

24 month. I'm not quite sure what the current

25 status is, but once those suits were

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1 available, they would be issued to the rest of

2 the individuals that are still being

3 travelled--are still travelling by supply

4 vessel.

5 Our members, the operators, are keeping

6 their workforce informed of the suit fitting

7 process through their occupational health and

8 safety committees, and what we did in this

9 presentation, we were keeping the regulator

10 informed.

11 And there's some additional testing of

12 the thermal properties that are being

13 contemplated for the HTS-1 and that's what I

14 mentioned that will be taking place next week

15 in Halifax.

16 Just to conclude this presentation, Helly

17 Hansen also took a glove enhancement project

18 because there was some issues regarding--that

19 were come to the attention of the operators

20 and the manufacturer regarding the difficulty

21 of donning the original gloves that came with

22 the E-452 suit.

23 ROIL, Q.C.:

24 Q. Okay, the expression "donning" you mean

25 putting it on?

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1 MR. BARNES:
 2 A. Yes. So what Helly Hansen did, they undertook
 3 an enhancement project to improve the
 4 dexterity of the glove and the donning
 5 ability. So the newer glove is a higher
 6 stretch neoprene. It has velcro wrist straps
 7 which assist in the putting on the glove and
 8 these new gloves have now been introduced in
 9 the offshore and this is a picture of the new
 10 glove. The original glove, as you can see,
 11 has a smaller kind of strap and that strap,
 12 wearers would hold onto and tighten up to
 13 allow the glove to be tight, but it's a longer
 14 strap on the newer glove and it's a better
 15 neoprene, allows for easier stretching.
 16 ROIL, Q.C.:
 17 Q. Okay.
 18 MR. BARNES:
 19 A. And just to conclude this presentation, we
 20 concluded by talking about the helicopter suit
 21 fit protocol and this is the protocol that the
 22 operators had in place at the heliport to
 23 ensure that everyone going offshore would wear
 24 a properly fitted suit and Cougar, the
 25 helicopter service provider, is responsible

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1 and has training technicians on staff to
 2 ensure that everyone is properly sized and
 3 wears a properly sized suit prior to their
 4 flight, and they will continue to do that and
 5 work with Helly Hansen to ensure that's done.
 6 ROIL, Q.C.:
 7 Q. All of this is in relation to the current
 8 standard. Can you offer us any insights into
 9 how long you believe or expect the
 10 redefinition of the standard to be done by the
 11 Canadian General Standards Board? Is there
 12 any insight that you can give us into that,
 13 based on your past experience?
 14 MR. BARNES:
 15 A. If it's decided by the committee that the
 16 standard actually needs to be revised, it
 17 could take anywhere from 12 to 18 months.
 18 That's been typical practice, depending on, of
 19 course, what needs to be revised in the
 20 standard. If there's no revisions necessary,
 21 then the committee will probably wrap up its
 22 work within a few months, or if there's minor
 23 modifications necessary, probably less than a
 24 year, but typically the standards development
 25 process or standards redevelopment process is

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1 a 12 to 16 month process.
 2 ROIL, Q.C.:
 3 Q. But one of the outcomes could be that no
 4 significant changes need to be made to the
 5 standard?
 6 MR. BARNES:
 7 A. That's correct, that these suits are
 8 manufactured to. That concludes all the
 9 exhibits I have on the survival suits and our
 10 work as an association on the survival suits,
 11 both from the standard perspective and in
 12 addressing some of the issues that has arisen.
 13 ROIL, Q.C.:
 14 Q. Thank you, Commissioner. It's now 20 past 12.
 15 I don't know if this is a good place to take a
 16 break for lunch. The next issue will take us
 17 more than 10 or 15 minutes to get through.
 18 COMMISSIONER:
 19 Q. Yes, all right then, we'll adjourn now then to
 20 2:00.
 21 ROIL, Q.C.:
 22 Q. 2:00, thank you.
 23 COMMISSIONER:
 24 Q. Okay, thank you.
 25 (LUNCH BREAK)

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1 ROIL, Q.C.:
 2 Q. Good afternoon, Mr. Barnes. We were going to
 3 move on this afternoon into Exhibit No. 55,
 4 which is a documentation relating to the basic
 5 survival training and basic survival training
 6 recurrent, and before we get into any
 7 questions about that, your activity, describe
 8 for us momentarily, to refresh our memories,
 9 what's BST, what's BST-R and who takes it?
 10 MR. BARNES:
 11 A. Okay. BST stands for the Basic Survival
 12 Training and BST-R stands for Basic Survival
 13 Training Recurrent, and these are two courses
 14 that are offered at the Marine Institute here
 15 in Newfoundland that all offshore personnel,
 16 or sorry, the basic survival training course,
 17 all offshore personnel have to take before
 18 they go offshore. It teaches them basic
 19 survival in the event of a ditched helicopter
 20 or if they have to get into the life raft or
 21 abandon their facility.
 22 ROIL, Q.C.:
 23 Q. Okay. So it's not just about helicopter
 24 transportation? It's about emergency events
 25 in the offshore generally?

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<p>1 MR. BARNES: 2 A. That's correct. 3 ROIL, Q.C.: 4 Q. Okay. 5 MR. BARNES: 6 A. And the personnel that take that course are 7 given a certificate upon completion that's 8 valid for three years. 9 ROIL, Q.C.: 10 Q. Yes. 11 MR. BARNES: 12 A. And if they have that course and need to, 13 after three years, renew it, they can go in 14 and take what's called basic survival training 15 recurrent course, which is less than the 16 duration of the basic survival training 17 course. The basic survival training course is 18 five days in duration. 19 ROIL, Q.C.: 20 Q. Right. 21 MR. BARNES: 22 A. And the recurrent course is less than that, 23 it's two or three days. 24 ROIL, Q.C.: 25 Q. Now does the basic survival training and/or</p>	<p>1 mentioned at the outset of my presentation 2 this morning, is comprised of CAPP members, 3 the two training institutes in Newfoundland 4 and Nova Scotia, the two offshore petroleum 5 boards, the National Energy Board which is not 6 a voting member but they're a member of the 7 committee for their interest, and also a 8 representative from the Canadian Association 9 of Drilling Contractors. The main role of 10 that committee is to maintain a standard 11 practice that we have developed that outlines 12 the description of the minimum qualifications 13 and certificate safety training that's 14 required for all offshore personnel working in 15 the Newfoundland and the Nova Scotia offshore 16 areas, and what I'd like to point out, I 17 guess, is the next exhibit is the actual 18 document that that committee maintains, and 19 what I will be discussing is a course quality 20 review and another initiative of that 21 committee, but I thought I'd begin with 22 discussing what that committee does and the 23 document that it produces. 24 The current version of the document is 25 April 2008, but the document gets revised on</p>
<p>Page 162</p> <p>1 the recurrent include this training in the 2 HUET, the helicopter underwater simulator, or 3 is that a different training entirely? 4 MR. BARNES: 5 A. No, that includes the HUET training, which is 6 the helicopter underwater escape trainer 7 simulator and it's simulates the escape from 8 an overturned helicopter. 9 ROIL, Q.C.: 10 Q. Okay. 11 MR. BARNES: 12 A. Both courses now also contain a component on 13 teaching the use of the HUEBA device. 14 ROIL, Q.C.: 15 Q. Yes. Okay, and I see you've got the slide up 16 with the various committees or subcommittees 17 of the Atlantic Canada Safety Committee. Is 18 one of these committees involved with respect 19 to any aspect of the BST, BST-R course program 20 and then the quality review process? 21 MR. BARNES: 22 A. Yes, and I brought this committee structure 23 back up again for my presentation just to show 24 that committee and where it fits into our 25 committee structure. That committee, as I</p>	<p>Page 164</p> <p>1 an annual basis. So the 2009 version will be 2 out shortly after Christmas. 3 ROIL, Q.C.: 4 Q. Okay, and this version that we have here, 5 which was revised effective 2008, does this 6 have the references to the HUEBA in it or will 7 the next one be the one that - 8 MR. BARNES: 9 A. The next one will have references to the HUEBA 10 in it, but I will turn to the section of this 11 document which outlines the basic survival 12 training and the basic survival training 13 recurrent course that you just asked me about. 14 ROIL, Q.C.: 15 Q. Okay. 16 MR. BARNES: 17 A. Which is on page 358 of the exhibit. 18 Actually, it's not 358, sorry. It's on page 19 411 of the exhibit. 20 ROIL, Q.C.: 21 Q. Okay. 22 MR. BARNES: 23 A. So again, this document outlines the required 24 training, safety certificate training that's 25 required for all offshore personnel.</p>

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1 ROIL, Q.C.:

2 Q. Okay. So the training for a roustabout or the

3 training for a helideck operator or the

4 training of a radio operator, all of these are

5 contained within this document, are they?

6 MR. BARNES:

7 A. That's correct.

8 ROIL, Q.C.:

9 Q. Is it all positions in offshore employment?

10 MR. BARNES:

11 A. It's all positions offshore employment. So

12 this is on page 411, finally I found it,

13 Section 3.12 of the actual document, outlines

14 the basic survival training course.

15 ROIL, Q.C.:

16 Q. Yes.

17 MR. BARNES:

18 A. And as I mentioned, this applies--just move it

19 around here a bit. This applies to the entire

20 complement of any offshore installation that

21 has permanently assigned crew to it, and it's

22 supposed to be completed before the person's

23 first tour of duty offshore, and the course

24 objective is to provide personnel with a basic

25 understanding of the hazards associated with

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1 working in the offshore environment, the

2 knowledge and skills necessary to react to

3 offshore emergencies, and the ability to care

4 for themselves and others in the survival

5 situation, including the evacuation from an

6 overturned helicopter.

7 As I mentioned, upon completion, you're

8 given a three-year certificate, that's valid

9 for three years, and the course content

10 includes such information as emergency

11 preparedness response, how to use a self-

12 contained breathing apparatus. This is an

13 apparatus that's like a fireman would wear on

14 his face if he's fighting a fire.

15 ROIL, Q.C.:

16 Q. Okay. That's not the same thing as a HUEBA?

17 MR. BARNES:

18 A. That's not. That's different from the HUEBA.

19 How to inflate life rafts, how to abandon an

20 installation if need be, aspects of search and

21 rescue, helicopter safety and emergency

22 procedures including the helicopter underwater

23 escape trainer exercise, and these are the

24 certificates that one would get issued if you

25 took that course. Back here, so you would get

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1 a basic survival training certificate from the

2 Marine Institute or Survival Systems in Nova

3 Scotia, plus there are two equivalent

4 certificates that are issued in Norway and the

5 UK from recognized training institutes there

6 that would be suitable for going to work

7 offshore Newfoundland or Nova Scotia, if you

8 held those certificates.

9 The recurring course, underneath it in

10 the document, as I mentioned is basically a

11 two-day course. So if you hold a valid--if

12 you hold a certificate of basic survival

13 training, which you need to have before you go

14 offshore, and that certificate expires after

15 three years, you don't have to go back in and

16 do your five-day BST course again. You simply

17 have to do a two-day refresher course, if I

18 could call it that, which refreshes the

19 student on the information that's contained in

20 the larger BST course, including being trained

21 again on the helicopter escape -

22 ROIL, Q.C.:

23 Q. So you actually--even though you've done it

24 three or five years earlier, you then have to

25 go back and do the actual dunking in the HUET

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1 once more?

2 MR. BARNES:

3 A. That's correct.

4 ROIL, Q.C.:

5 Q. Okay.

6 MR. BARNES:

7 A. Before I leave this document, I want to turn

8 to page 474 in the exhibit, which is the

9 formal terms of reference. As I mentioned at

10 the outset of the presentation, this document

11 is managed by the Training Qualifications

12 Committee by a very formal terms of reference

13 and the reason for that, just I'll turn to

14 page 474 here first.

15 ROIL, Q.C.:

16 Q. There you go.

17 MR. BARNES:

18 A. This terms of reference outlines who sits on

19 this committee and I mentioned the parties

20 earlier, but it has significance because the

21 petroleum boards, as you can see here in point

22 seven of the terms of reference, the document

23 once ratified by the boards will apply to all

24 offshore petroleum operations that are

25 authorized by the board to the extent that the

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1 standard practice or the document is
 2 consistent with the requirements laid down in
 3 the legislation. So the boards basically use
 4 the standard of practice and apply it against
 5 their legislation, even though it's an
 6 industry standard of practice and CAPP is the
 7 custodian of it. The boards condition
 8 operators that work offshore Newfoundland and
 9 in Nova Scotia to adherence to this document
 10 by making it a condition of their work
 11 authorization.
 12 ROIL, Q.C.:
 13 Q. So the expression "to the extent it's
 14 consistent with the requirements laid down by
 15 legislation," I take it the Board is reserving
 16 it to itself or to Government, the right to
 17 set a higher standard?
 18 MR. BARNES:
 19 A. Well, the Board is -
 20 ROIL, Q.C.:
 21 Q. Or a different standard.
 22 MR. BARNES:
 23 A. - the Board is saying that they will look
 24 towards the legislation first for guidance and
 25 regulation, not this practice.

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1 So I wanted to introduce this document
 2 first before talking to the two activities of
 3 this committee, over and above maintenance of
 4 this document, that I think would be of
 5 interest to the Inquiry.
 6 ROIL, Q.C.:
 7 Q. Okay, I just notice on number nine there too,
 8 as well, CAPP is the custodian of the standard
 9 practice and the Boards will administer?
 10 MR. BARNES:
 11 A. And is recognized that the legislation and
 12 orders of the Board's safety officers,
 13 pursuant to the legislation, take precedence.
 14 So the Board's safety officers could simply
 15 step in and go over and above what's in the
 16 standard practice, if need be.
 17 ROIL, Q.C.:
 18 Q. Okay. Now so the process is set up. There is
 19 course requirements. There are two institutes
 20 that are providing those courses. Are there--
 21 all the other things that are here, the other
 22 different qualifications for, you know, a
 23 barge supervisor and a floor man and so on -
 24 MR. BARNES:
 25 A. Yes.

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1 ROIL, Q.C.:
 2 Q. - are all of the training courses for them
 3 given by the same two institutions, the Marine
 4 Institute and the Safety Survival Systems in
 5 Nova Scotia?
 6 MR. BARNES:
 7 A. No. There are a number of private sector
 8 training institutes in Newfoundland and Nova
 9 Scotia. For example, first aid training is
 10 delivered by St. John Ambulance.
 11 ROIL, Q.C.:
 12 Q. Yes.
 13 MR. BARNES:
 14 A. There's a number of other courses, such as
 15 confined space and H2S Alive, which is a
 16 detection of hydrogen sulphide, and those
 17 courses are offered by places like the College
 18 of North Atlantic here in Newfoundland. For
 19 the most part, we just list the certificates
 20 and what would be required, or the courses and
 21 what would be required in delivering them. We
 22 don't generally list who provides them because
 23 there could be multiple providers, but in a
 24 few instances, we do, like with the BST and
 25 the BST-R course.

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1 ROIL, Q.C.:
 2 Q. Okay. So then why did CAPP become involved in
 3 a so-called course quality review and for
 4 what?
 5 MR. BARNES:
 6 A. Well, before I get into the course quality
 7 review, can I explain an activity that the
 8 committee undertook in 2002?
 9 ROIL, Q.C.:
 10 Q. Yes, absolutely.
 11 MR. BARNES:
 12 A. This is page 481 of the exhibit, and I just
 13 bring this up. In 2002, the committee thought
 14 it would be a good idea to survey the offshore
 15 workforce on the facilities that are operating
 16 offshore Newfoundland and Nova Scotia at that
 17 point in time because there had been concerns
 18 expressed by a number of the workforce folks
 19 regarding the curriculums associated with BST
 20 and the BST recurrent course. So the thought
 21 was--the committee thought that it would be a
 22 good idea to get the information from the
 23 workforce as to what they thought about those
 24 courses and any issues surrounding it.
 25 ROIL, Q.C.:

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1 Q. So this survey was prompted by issues or
2 concerns coming to the attention of CAPP or
3 its members?
4 MR. BARNES:
5 A. CAPP or its members or others on the Training
6 Qualifications Committee like -
7 ROIL, Q.C.:
8 Q. What was the nature--what were the natures of
9 the concerns that were arising?
10 MR. BARNES:
11 A. Concerns regarding the length of time of
12 validation of the certificate, for instance.
13 The BST, as I mentioned, BST certificate is
14 valid for three years. Some offshore
15 personnel thought that that validity should be
16 four years. There were some issues around the
17 water quality of where people are trained in--
18 when they train for the Sea Day, what's called
19 a Sea Day during that course, which is the day
20 that workers are supposed to don their
21 immersion suits and get in the ocean water and
22 test getting in and out of the life raft.
23 ROIL, Q.C.:
24 Q. Okay. Again, that's in relation to evacuation
25 from the facility as opposed to evacuation

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1 from a helicopter?
2 MR. BARNES:
3 A. From a helicopter, yes. So this small slide,
4 I can point out some of the results of that
5 survey.
6 ROIL, Q.C.:
7 Q. Yes.
8 MR. BARNES:
9 A. As I mention here, it was conducted on the
10 Hibernia platform and the Terra Nova FPSO, the
11 Henry Goodrich which was a drilling unit
12 active offshore Newfoundland at the time, and
13 the Rowan Gorilla drilling unit, which was
14 active off of Nova Scotia. White Rose wasn't
15 surveyed at the time because it wasn't in
16 production at the time.
17 ROIL, Q.C.:
18 Q. This is 2002?
19 MR. BARNES:
20 A. '02, yes.
21 ROIL, Q.C.:
22 Q. Yes.
23 MR. BARNES:
24 A. There are a total of 596 surveys that were
25 returned and for the most part, 65 percent

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1 were regular rotational workforce. So those
2 would be permanent employees offshore.
3 ROIL, Q.C.:
4 Q. This slide is going to offer us challenges in
5 orientation, is it?
6 MR. BARNES:
7 A. Seems that way. The survey consisted of 14
8 questions regarding BST, whether folks, the
9 offshore workforce, thought the time to take
10 that course was effectively utilized, because
11 it is a five-day course. Was there a good
12 balance between the theory and the practical?
13 Was the sea exercise component of the course a
14 valuable component? The survey also asked six
15 questions of the BST recurrent course, such
16 as: how many helicopter underwater escape
17 trials would be appropriate; should your sea
18 day be moved to a more sheltered location; and
19 is there any risk factors of injury greater
20 than the benefit of actually taking the
21 course. So it was thought by the committee
22 that it would be interesting to just survey
23 the workforce and get their views. You're
24 seeing some problems with the rotation.
25 ROIL, Q.C.:

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1 Q. We'll all share your grief here for a moment
2 as we try to figure out -
3 MR. BARNES:
4 A. Yeah.
5 ROIL, Q.C.:
6 Q. I'm guessing every time and you're guessing
7 differently, and we're getting there sometime.
8 MR. BARNES:
9 A. That's right. There was mixed results came
10 back. 65 percent suggested that they would
11 like to see the renewal period changed, that's
12 the certificate renewal period. Most prefer
13 to have it increased to four years, as opposed
14 to shortened to two years. The same with the
15 BST recurrent. The thought was that most of
16 the workforce would like to see it increased,
17 the validity period of four years as opposed
18 to shortened to two years.
19 There was also some additional comments
20 with respect to the Sea Day in the survey, and
21 I won't get into a lot of this because it has
22 to do with the Sea Day component, as opposed
23 to the helicopter component, but there was
24 questions raised with respect to moving to
25 sheltered waters. There's some thinking that

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1 there was better learnings coming from the
 2 pool, as opposed to being out in the ocean
 3 bobbing around. There was some wasted time
 4 during life boats, et cetera.
 5 ROIL, Q.C.:
 6 Q. Okay. I don't think we need to focus too much
 7 on that.
 8 MR. BARNES:
 9 A. Some other questions came arising with respect
 10 to the length of time for delivery of the
 11 course. More practical time should be added
 12 to fire exercises, for example. Eliminating
 13 the high jump, which is an aspect of that
 14 course, and again some questions regarding the
 15 renewal periods. Still can't get this right.
 16 There was also some points made with
 17 respect to the survival suits. Even at that
 18 time, which was 2003, there was questions
 19 coming back regarding the size of the suits
 20 used at the time, that they were bulky, they
 21 were too big or didn't have proper seals. So
 22 even at that point in time, there were some
 23 questions about the suit being used for
 24 training purposes.
 25 ROIL, Q.C.:

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1 Q. Can we tell, is that the suit that is used for
 2 helicopter or is that the purely immersion
 3 suit that they're speaking of in this response
 4 or do you know?
 5 MR. BARNES:
 6 A. I don't know.
 7 ROIL, Q.C.:
 8 Q. Okay.
 9 MR. BARNES:
 10 A. No, I don't know. There's questions regarding
 11 the boots and the length of the legs of the
 12 suits and questions regarding the breathing
 13 apparatus and that they should be on the suits
 14 and of course, that apparatus wasn't in place
 15 at the time, and questions regarding the cost
 16 and extra days being added to it.
 17 So I only point this out because it's an
 18 activity that the committee thought would be
 19 useful to gain information on how the offshore
 20 workforce thought about the basic survival
 21 training course and the basic survival
 22 training recurrent course and the committee
 23 gave that information and the background
 24 information to the two institutes for their
 25 use, if they wished to make some modification

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1 to their programs.
 2 One of the other initiatives that may be
 3 of interest to the Inquiry is that the
 4 committee undertook what's called a course
 5 quality review of both the BST and BST-R
 6 courses. Again, it was thought that after the
 7 survey and some discussions in the years that
 8 followed it, it would be a good idea for the
 9 committee to undertake a course quality review
 10 because the institutes that offer these
 11 courses don't have third party accreditation
 12 of those courses, which means there's no third
 13 party to undertake a quality check or quality
 14 assurance check of those courses, and the
 15 committee thought, because the standard
 16 practice references those courses, it should,
 17 out of due diligence, do a quality check
 18 themselves. Even though they're not an
 19 accreditation body, it was thought a quality
 20 assurance check would be wise.
 21 ROIL, Q.C.:
 22 Q. So did the committee undertake such an
 23 assignment?
 24 MR. BARNES:
 25 A. They did. We hired a local consultant out of

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1 St. John's to undertake the review in both
 2 institutes, the Marine Institute here in St.
 3 John's and in Halifax, the same consultant,
 4 and this exhibit that I'm bringing up here
 5 next, page 490, is the transmittal letter to
 6 the Marine Institute of the results of that
 7 course quality review. So it was completed
 8 this summer, in July of 2009, and the document
 9 is included here for your reference.
 10 What I wanted to point out, I guess, in
 11 the document is -
 12 ROIL, Q.C.:
 13 Q. Before you go on there, I notice the letter
 14 that you have to Mr. Rutherford is dated in
 15 July of 2009.
 16 MR. BARNES:
 17 A. Yes.
 18 ROIL, Q.C.:
 19 Q. But the attachment is dated in September of
 20 2009.
 21 MR. BARNES:
 22 A. Yes, and good question. The July letter
 23 attached a July dated quality review document,
 24 but it was noted when we submitted the
 25 document to Marine Institute that there was

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<p>1 some inconsistencies in a section of the</p> <p>2 quality review document dealing with life</p> <p>3 boats. So we made that change and reissued a</p> <p>4 new document to them in September.</p> <p>5 ROIL, Q.C.:</p> <p>6 Q. Okay. So the September document is the same</p> <p>7 as the July document, with respect to issues</p> <p>8 other than something to do with a life boat?</p> <p>9 MR. BARNES:</p> <p>10 A. That's correct.</p> <p>11 ROIL, Q.C.:</p> <p>12 Q. Okay.</p> <p>13 MR. BARNES:</p> <p>14 A. So the bottom line, when it comes to the</p> <p>15 quality review report, is that the consultant</p> <p>16 and the review team that were assisting her,</p> <p>17 which were subject experts from two of our</p> <p>18 members companies, indicated that the courses</p> <p>19 offered at the Marine Institute, which is what</p> <p>20 this report refers to, solely the Marine</p> <p>21 Institute, does actually adhere to the courses</p> <p>22 as described in the standard practice. So the</p> <p>23 committee was satisfied that the courses were</p> <p>24 being delivered as stipulated in a standard</p> <p>25 practice. However, it went on to say that in</p>	<p>1 positions.</p> <p>2 ROIL, Q.C.:</p> <p>3 Q. Is this the same issue that I believe Mr.</p> <p>4 Decker, in his evidence, referenced, the</p> <p>5 difficulty of getting out of the inside seat</p> <p>6 if there's somebody in the outside seat?</p> <p>7 MR. BARNES:</p> <p>8 A. That's correct, yes.</p> <p>9 ROIL, Q.C.:</p> <p>10 Q. Okay.</p> <p>11 MR. BARNES:</p> <p>12 A. At the Marine Institute, they only train from</p> <p>13 getting out of the seat next to the window.</p> <p>14 ROIL, Q.C.:</p> <p>15 Q. Yes.</p> <p>16 MR. BARNES:</p> <p>17 A. We also suggested--the report also suggested</p> <p>18 that the Marine Institute look into the seat</p> <p>19 harnesses that are used in the trainer, which</p> <p>20 is a different seatbelt or seat harness that</p> <p>21 is used in the actual helicopter used</p> <p>22 offshore. It's a lap belt, I believe, that's</p> <p>23 at the Marine Institute, where it's a four-</p> <p>24 point harness that goes over your shoulders in</p> <p>25 the actual helicopter. And lastly, they</p>
<p>Page 182</p> <p>1 the process of doing that quality review, it</p> <p>2 noted a few areas for continuous improvement</p> <p>3 that the Marine Institute should consider, and</p> <p>4 those recommendations involving--suggested</p> <p>5 that the Marine Institute investigate whether</p> <p>6 the HUET, which is the helicopter underwater</p> <p>7 escape trainer simulator, should better</p> <p>8 represent the equipment used offshore. For</p> <p>9 example, having windows that mimic the actual</p> <p>10 helicopter used offshore, which is the</p> <p>11 Sikorsky S-92 here in Newfoundland, and also</p> <p>12 that the Marine Institute should consider</p> <p>13 what's called high fidelity simulator</p> <p>14 training, which is a type of training used in</p> <p>15 the offshore facilities in Norway and the UK</p> <p>16 and the Netherlands and what high fidelity</p> <p>17 means is that instead of just training a</p> <p>18 student in how to exit the trainer from a sole</p> <p>19 location like the seat next to the window,</p> <p>20 they're trained to exit from the aisle seat.</p> <p>21 They're trained to exit from different seats.</p> <p>22 They're trained to exit from the door, the</p> <p>23 door seats, and on different sides of the</p> <p>24 helicopter, just to simulate different means</p> <p>25 of evacuating the helicopter from different</p>	<p>Page 184</p> <p>1 looked into what's called a stroking chair,</p> <p>2 and these--what happens in the event of a</p> <p>3 helicopter ditching is the chair that's in the</p> <p>4 helicopter somewhat compact itself to absorb</p> <p>5 some of the impact.</p> <p>6 ROIL, Q.C.:</p> <p>7 Q. Is this in every helicopter or just certain of</p> <p>8 the helicopters?</p> <p>9 MR. BARNES:</p> <p>10 A. Well, most--I believe all of the helicopters</p> <p>11 that travel offshore have stroking chairs, but</p> <p>12 the simulator at the Marine Institute does not</p> <p>13 have that stroking chair capability. So while</p> <p>14 the--we simply suggested to the Marine</p> <p>15 Institute that--in this report, that they look</p> <p>16 at those items in a continuous improvement</p> <p>17 vein, and in subsequent, I guess, pieces of</p> <p>18 evidence that we have submitted, as of Friday,</p> <p>19 is a letter from the Marine Institute.</p> <p>20 ROIL, Q.C.:</p> <p>21 Q. Okay, this would be Exhibit No. 63, I believe.</p> <p>22 MR. BARNES:</p> <p>23 A. 63, which is from--no, sorry, not 63.</p> <p>24 ROIL, Q.C.:</p> <p>25 Q. Sorry, perhaps it's -</p>

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<p>1 MR. BARNES: 2 A. It's 64. 3 ROIL, Q.C.: 4 Q. 64, yes, okay. 5 MR. BARNES: 6 A. Which is a letter from the Marine Institute to 7 CAPP saying that they're in receipt of the 8 course quality review document. 9 ROIL, Q.C.: 10 Q. Perhaps before you talk about it, we should 11 take a moment to bring it up and just have 12 everybody looking at, okay. 13 MR. BARNES: 14 A. So it's a short letter, basically saying that 15 they received the document which reviewed the 16 Marine Institute courses, and in the spirit of 17 the review, which is to identify the best 18 practices and to improve consistency in the 19 course content and delivery, that they would 20 be pleased to share this information with 21 other members of the Training Qualifications 22 Committee. So what we wanted to do, just from 23 the CAPP perspective, is to ensure the Marine 24 Institute was okay with us sharing it with the 25 rest of the committee members.</p>	<p>1 should further investigate whether difference 2 in the HUET versus the helicopters flown 3 offshore, for example, the seatbelts, the 4 seatbacks of the seats that are used and the 5 window size warrant an actual change in the 6 HUET trainer. 7 We also say, in the second last 8 paragraph, that in addition to the suggestions 9 within the report, the model of the HUET that 10 the Marine Institute employees does not 11 simulate the stroking helicopter chair, so 12 we've asked them, even though the stroking 13 helicopter chairs wasn't in the report, this 14 is something we found out afterwards or during 15 the review, but it wasn't actually referenced 16 in the report, we capture it in the letter 17 here and we said that the Marine Institute 18 should look into this, in the spirit of 19 continuous improvement, and the Marine 20 Institute has been very good at having 21 dialogue with industry about improvements of 22 its courses. I should mention that. And we 23 suggest that they should report back to us by 24 November 13th with answers to those questions 25 on how they're addressing those issues.</p>
<p>Page 186</p> <p>1 ROIL, Q.C.: 2 Q. Okay. 3 MR. BARNES: 4 A. And the next exhibit is 63, which is a letter 5 that CAPP wrote, I wrote to Bob Rutherford at 6 the Offshore Survival Centre of the Marine 7 Institute basically outlining all of the 8 recommendations, continuous improvement 9 recommendations that were in the course 10 quality review, not only those that related to 11 the HUET or the simulator trainer but all the 12 other ones. 13 ROIL, Q.C.: 14 Q. Okay, and the ones that relate to, if you 15 will, the jurisdiction of this Inquiry - 16 MR. BARNES: 17 A. Yeah, are point number four here in the 18 letter, which is the Marine Institute should 19 consider the high fidelity simulator training. 20 ROIL, Q.C.: 21 Q. Yes. 22 MR. BARNES: 23 A. As I mentioned takes place in Norway and in 24 the Netherlands, and the last bullet in this 25 list, which says that the Marine Institute</p>	<p>Page 188</p> <p>1 ROIL, Q.C.: 2 Q. Well, today is the 16th. 3 MR. BARNES: 4 A. That's correct. 5 ROIL, Q.C.: 6 Q. Don't keep us waiting. 7 MR. BARNES: 8 A. We have received a document as of Friday. 9 It's not entered into evidence yet. I have 10 not read it, but we can enter it into evidence 11 at a later point, but we did receive it on 12 time. 13 ROIL, Q.C.: 14 Q. Okay, good, thank you. With respect to--just 15 to close the loop on it, the Survival Systems 16 facility in Nova Scotia - 17 MR. BARNES: 18 A. Yes. 19 ROIL, Q.C.: 20 Q. Were there similar findings or dissimilar 21 findings with respect to their facility? 22 MR. BARNES: 23 A. There were some continuous improvement items. 24 I don't believe there were any associated with 25 the helicopter training in any way, but their</p>

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<p>1 course also--their courses are also delivered 2 as per the standard practice. 3 ROIL, Q.C.: 4 Q. We've talked a lot about the Marine Institute 5 and Survival Systems and one would get the 6 impression that they are identical facilities 7 or at least similar purposed facilities. What 8 can you say about them? Are you familiar with 9 both of them? 10 MR. BARNES: 11 A. I am. 12 ROIL, Q.C.: 13 Q. You know, visually and you visited both? 14 MR. BARNES: 15 A. Yes. 16 ROIL, Q.C.: 17 Q. One is an adjunct, if you will, to the 18 University, Memorial University of 19 Newfoundland. What is Survival Systems, to 20 your knowledge? 21 MR. BARNES: 22 A. Survival Systems is a private training 23 institute that offers training not only to the 24 offshore personnel that travel offshore Nova 25 Scotia, but also to military personnel, and</p>	<p>1 is responsible for developing this Escape 2 Evacuation and Rescue Guide, and it is a guide 3 for the oil and gas operators to use to 4 understand how best to put together their own 5 escape evacuation and rescue emergency 6 response plans that they have to file with the 7 offshore petroleum boards. It began -- I'll 8 move my slide back here. The initiative 9 actually began in 1999 with Natural Resources 10 Canada, which is a department of the Federal 11 Government, and Transport Canada, who wished 12 to produce such a guide as a result of one of 13 the recommendations actually in the Ocean 14 Ranger Report, and they worked on it for a 15 number of years with some industry 16 consultation, but the standard was never 17 completed. So in 2003, CAPP member industry, 18 together with the offshore petroleum boards in 19 both Newfoundland and Nova Scotia, began to 20 manage the development of an industry oriented 21 -- an industry goal oriented guide, which is 22 what will be produced or is going to be 23 produced now. So the scope of the development 24 process, we established a committee of oil and 25 gas operators, regulators, which included</p>
<p>Page 190</p> <p>1 the only difference really in the delivery of 2 the courses is one is a private sector school 3 and one is a public sector school, but the 4 delivery of courses is the same in both and 5 the quality is the same in both. 6 ROIL, Q.C.: 7 Q. Okay, is there anything further that you would 8 like to tell us about that? 9 MR. BARNES: 10 A. There's nothing further with respect to that 11 particular item. 12 ROIL, Q.C.: 13 Q. Uh-hm. The next item on our list of five, I 14 think, is the Escape Evacuation and Rescue 15 Guide. 16 MR. BARNES: 17 A. Yes. 18 ROIL, Q.C.: 19 Q. And again I think you had us with a committee 20 that you said was a sub-committee of the 21 Safety Committee, and it had been on the go 22 since about 2003, I believe was your evidence 23 this morning. 24 MR. BARNES: 25 A. Yes, and -- that is correct. This committee</p>	<p>Page 192</p> <p>1 Transport Canada and the two offshore 2 petroleum boards, and a consultant hired from 3 Memorial University to help develop and write 4 this guide for us. He did a number of 5 consultations with regulatory agencies on how 6 best to develop the guide, had a number of 7 stakeholder workshops involving some other 8 government departments and the workforce, did 9 a case scenario workshop where we undertook 10 and used the White Rose FPSO, the Husky Energy 11 operated facility, and tested the guide in 12 practise to ensure that it works. Operator 13 members undertook a review with their 14 workforce committees, and I only raise it for 15 interest to the Inquiry today because there's 16 a component -- there are a number of 17 components within the guide that actually 18 reference to use of helicopters for evacuation 19 and rescue purposes. So it's not really to do 20 with helicopter passenger travel, but it's 21 another use for helicopters in the event of 22 emergency, that they can be used to help 23 evacuate or rescue people. 24 ROIL, Q.C.: 25 Q. So I -- well, I take it it's not designed to</p>

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1 give guidance with respect to regular
 2 transportation --
 3 MR. BARNES:
 4 A. No.
 5 ROIL, Q.C.:
 6 Q. As a form of bussing, if you will, but I take
 7 it you're saying helicopters are also used as
 8 a way of transporting people in the case, or
 9 can be used in the case of an emergency on
 10 board the facility?
 11 MR. BARNES:
 12 A. That's right, and as operators develop their
 13 escape evacuation rescue plans, they account
 14 for the use of helicopters in those plans.
 15 What I'm entering into evidence today is an
 16 August 28, 2009, letter to both safety
 17 officers of the two petroleum boards, which
 18 requested that they review and ratify this
 19 document because the formal Terms of Reference
 20 for this committee requires that the Boards
 21 ratify this document before it becomes --
 22 before it becomes official, as to the CAPP
 23 Executive Policy Group. So in August we sent
 24 the document to the Boards, explained that it
 25 was basically complete, and it needed their

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1 ratification as the final step in the
 2 development of the guide, and we attached to
 3 the letter the actual guide dated April, 2009,
 4 draft pending ratification.
 5 ROIL, Q.C.:
 6 Q. So in the fullness of time, now what would you
 7 expect to happen? You know, is the draft
 8 likely to get amendments or changes, or where
 9 does it likely go from here?
 10 MR. BARNES:
 11 A. What happened while we were in the process of
 12 ratifying it from both the Boards and the CAPP
 13 Executive Policy Group perspective, we
 14 discovered that there's a couple of areas that
 15 needed some minor modification, so the working
 16 committee that was responsible for designing
 17 this guide decided they need a couple of
 18 months work before formal ratification. It
 19 had its committee meeting this month, and we
 20 expect to go through the formal ratification
 21 process again next month, and finally finalize
 22 it.
 23 ROIL, Q.C.:
 24 Q. Are there any significant changes that you can
 25 anticipate with respect to the proposed use of

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1 helicopters as a means of egress from a
 2 facility in the event of an emergency?
 3 MR. BARNES:
 4 A. No, no, there's not. The edit had nothing to
 5 do with those changes. If you'll bear with me
 6 for a minute, I can point out a couple of
 7 references in the guide to actually the
 8 helicopter usage if that will be of
 9 assistance, page 541.
 10 ROIL, Q.C.:
 11 Q. Paragraph 6, I think, yes.
 12 MR. BARNES:
 13 A. 541, Section 6, talks about non-marine
 14 evacuation, and 6.1 talks about the
 15 expectations for a non-marine evacuation, and
 16 basically it means here, "The operator should
 17 provide adequate means for personnel,
 18 including injured personnel, to evacuate the
 19 installation as a precautionary measure, and
 20 the means of precautionary evacuation may
 21 include helicopter, direct transfer to crew
 22 boats, evacuation by dry link, such as
 23 bridges, and other adjacent installations, and
 24 other means that are used for routine
 25 transportation of personnel that normally do

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1 not involve entering the sea". So again as
 2 operators design their own escape evacuation
 3 rescue plans that they submit to the Boards,
 4 they should contemplate using helicopters as a
 5 possible means of non-marine evacuation.
 6 That's all that section basically says. If I
 7 turn to page 547 of the same guide, it
 8 actually talks about the rescue component, and
 9 there's a Section 8.1 here where it says, "The
 10 operator should provide the means of and
 11 support the rescue and recovery of personnel
 12 to a safe place where medical attention is
 13 available in the event of a rescue". So the
 14 means of rescue includes standby vessels that
 15 may be contracted to provide the service,
 16 vessels launched from the installation itself,
 17 neighbouring installations, or other vessels
 18 such as fast rescue craft, and national
 19 responders, such as Search and Rescue, which
 20 might include helicopter borne search and
 21 rescue technicians. So again what this
 22 basically means is when operators design their
 23 escape evacuation and rescue plans, and talk
 24 about the rescue component, they need to
 25 contemplate the use of search and rescue

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1 helicopters and search and rescue technicians,
 2 whether they are national Search and Rescue,
 3 or their own industry private search and
 4 rescue.
 5 ROIL, Q.C.:
 6 Q. So what would then happen once this is adopted
 7 by the Board or the Boards --
 8 MR. BARNES:
 9 A. Yes.
 10 ROIL, Q.C.:
 11 Q. Then does it leave the governance of your
 12 committee at that point in time?
 13 MR. BARNES:
 14 A. No, our committee will still exist and
 15 maintain this document on an annual basis. So
 16 if there are any modifications that are needed
 17 to it, the committee would address those
 18 modifications.
 19 ROIL, Q.C.:
 20 Q. Is this committee like the BSC one where --
 21 MR. BARNES:
 22 A. It's like the Training Qualifications
 23 Committee. It won't -- it'll just maintain
 24 this guide on a go forward basis.
 25 ROIL, Q.C.:

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1 Q. Okay, and now we move into the final issue
 2 that I think you've told us that you are
 3 personally involved, which may be of some
 4 interest and assistance to the Commissioner
 5 and to the assignment that is before us.
 6 MR. BARNES:
 7 A. Yes. In April of 2009, off of Scotland, they
 8 also experienced a helicopter crash. It was a
 9 Super Puma helicopter, which is a helicopter
 10 manufactured by Eurocopter. It was
 11 travelling to a offshore facility that was
 12 operated by British Petroleum, and the
 13 helicopter operator was a company called Bond
 14 Helicopters. It crashed off of Scotland, and
 15 as a result the industry decided to as a
 16 result of that incident and some other
 17 helicopter related incidents that occurred in
 18 the years prior to it, industry decided to
 19 strike a committee to address a number of the
 20 issues that are around this incident, and as I
 21 mentioned, other incidents that came before
 22 it. So the industry struck a committee made
 23 up of operators and major service providers
 24 that were directly involved in the April
 25 incident, and the major service providers

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1 would be major service providers to the oil
 2 and gas industry as opposed to helicopter
 3 service providers. It would also include Oil
 4 and Gas UK Board or Council. The Oil and Gas
 5 UK is an association very similar to CAPP, an
 6 association of oil and gas companies active in
 7 the United Kingdom. The committee would also
 8 be represented by the offshore workforce, the
 9 helicopter companies that are active in the
 10 UK, and there are three there; Canadian
 11 Helicopters Corporation, Bond Helicopters, and
 12 another company called Bristow. Grampian
 13 Police would also be involved in this
 14 committee, as would be the trade unions
 15 because some of the platforms offshore in the
 16 UK are unionized. We became involved, or me
 17 personally, because our members that are
 18 active here offshore Newfoundland wanted to
 19 understand some of the issues that this UK
 20 group were reviewing and to bring back some of
 21 the learnings that they were learning from the
 22 issues that they have identified, and vice
 23 versa, I would share some of the information
 24 back to this committee about some of the
 25 issues that we've been looking at over and

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1 above the helicopter incident here in March.
 2 So some of the key work areas here which may
 3 be of interest --
 4 ROIL, Q.C.:
 5 Q. How often has this committee met, or how often
 6 do you have interaction with it?
 7 MR. BARNES:
 8 A. I've met with the committee once face to face
 9 in August. The committee meets every two
 10 months. I get minutes and other
 11 correspondence from the committee which I
 12 share with our members.
 13 ROIL, Q.C.:
 14 Q. And so you're not physically there every time?
 15 MR. BARNES:
 16 A. No, that's correct.
 17 ROIL, Q.C.:
 18 Q. Are the issues that they're dealing with
 19 comparable or the same as the issues that are
 20 challenging the offshore industry in
 21 Newfoundland?
 22 MR. BARNES:
 23 A. Some are, and some are not, but even those
 24 that are not are of interest to our members as
 25 well, and may be of interest to the Inquiry.

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<p>1 So on my slide deck here, I've listed the key</p> <p>2 work areas that they're working on, and I can</p> <p>3 go through each one if you wish.</p> <p>4 ROIL, Q.C.:</p> <p>5 Q. Yes, please do, because I think there might be</p> <p>6 some interesting things for us to observe</p> <p>7 about the differences between our industry and</p> <p>8 theirs because we will obviously from time to</p> <p>9 time be compared to them.</p> <p>10 MR. BARNES:</p> <p>11 A. That's correct. The first one is the</p> <p>12 reinstatement of personal locator beacons.</p> <p>13 Now a personal locator beacon is -- these are</p> <p>14 units that are attached to the survival suits</p> <p>15 that are activated in water, such that if a</p> <p>16 person finds themselves in the water after a</p> <p>17 helicopter is ditched, there's a beacon that</p> <p>18 goes out that allow search and rescue</p> <p>19 helicopters to locate them. What they found</p> <p>20 in the UK is the frequency of their personal</p> <p>21 locator beacons interfered with the personal</p> <p>22 locator beacon which was also attached to the</p> <p>23 life raft in the helicopter.</p> <p>24 ROIL, Q.C.:</p> <p>25 Q. Okay, now when you say "the frequency", I take</p>	<p>1 MR. BARNES:</p> <p>2 A. That's correct.</p> <p>3 ROIL, Q.C.:</p> <p>4 Q. It emits a radio frequency when it's in the</p> <p>5 water?</p> <p>6 MR. BARNES:</p> <p>7 A. That's correct, it's turned on when it hits</p> <p>8 the water.</p> <p>9 ROIL, Q.C.:</p> <p>10 Q. Okay, automatically?</p> <p>11 MR. BARNES:</p> <p>12 A. Yes.</p> <p>13 ROIL, Q.C.:</p> <p>14 Q. Okay, and that emits a beacon to alert Coast</p> <p>15 Guard to get you. The life raft that's</p> <p>16 associated with the machine itself, that also</p> <p>17 has a beacon on it of some sort?</p> <p>18 MR. BARNES:</p> <p>19 A. That's right.</p> <p>20 ROIL, Q.C.:</p> <p>21 Q. But these are not interfering with one</p> <p>22 another?</p> <p>23 MR. BARNES:</p> <p>24 A. That's correct, offshore Newfoundland, but in</p> <p>25 the UK they were.</p>
<p>1 it you mean the radio frequency, not the</p> <p>2 number of times?</p> <p>3 MR. BARNES:</p> <p>4 A. That's right, sorry, the radio frequency that</p> <p>5 these locator beacons would emit. So their</p> <p>6 locator beacons in the UK interfered with the</p> <p>7 locator beacons that were on the life raft</p> <p>8 that's on board the helicopter.</p> <p>9 ROIL, Q.C.:</p> <p>10 Q. Okay.</p> <p>11 MR. BARNES:</p> <p>12 A. And basically turned off the locator beacon on</p> <p>13 the life vessel, life boat, life raft. The</p> <p>14 issue is not an issue here in Newfoundland</p> <p>15 because the frequency of the locator beacons</p> <p>16 that personnel wear and the frequency of the</p> <p>17 locator beacons on the life raft are two</p> <p>18 different frequencies, so they won't interfere</p> <p>19 with each other.</p> <p>20 ROIL, Q.C.:</p> <p>21 Q. So the helicopter immersion suits that we've</p> <p>22 been talking -- helicopter suits that are</p> <p>23 immersion suits that are used offshore</p> <p>24 Newfoundland, there is a personal locator</p> <p>25 beacon on that?</p>	<p>1 ROIL, Q.C.:</p> <p>2 Q. Okay.</p> <p>3 MR. BARNES:</p> <p>4 A. So they had to stop using the personal locator</p> <p>5 beacons for a period of time until they</p> <p>6 changed them out into different frequencies,</p> <p>7 or ones with different frequencies. The next</p> <p>8 item they were looking into is what's called a</p> <p>9 launch of flight following multilateral</p> <p>10 system, which allow them to actually track</p> <p>11 real time the helicopter after it left the</p> <p>12 heliport in Scotland to the offshore facility.</p> <p>13 We understand it's not an issue here because</p> <p>14 the minute the helicopter leaves the heliport</p> <p>15 here, Cougar can track it right to the</p> <p>16 facility it's going to.</p> <p>17 ROIL, Q.C.:</p> <p>18 Q. In offshore Newfoundland there is only one</p> <p>19 operator of the helicopter service?</p> <p>20 MR. BARNES:</p> <p>21 A. That's correct, yes.</p> <p>22 ROIL, Q.C.:</p> <p>23 Q. In the UK offshore, I take it that there is at</p> <p>24 least three. You mentioned three in your --</p> <p>25 MR. BARNES:</p>

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1 A. Three operators with multiple helicopters
 2 going to multiple platforms.
 3 ROIL, Q.C.:
 4 Q. Okay.
 5 MR. BARNES:
 6 A. The third item that they were looking into is
 7 improvements to VHF voice rebroadcasting, and
 8 this is a radio frequency. VHF basically
 9 stands for very high frequency, but it's a
 10 radio frequency, and what they were finding
 11 was that the -- some of the offshore
 12 facilities could not communicate with the
 13 helicopters until they were pretty close to
 14 the facility on approach. So the industry in
 15 the UK wanted to make those improvements such
 16 that the offshore facility could communicate
 17 with the helicopter the minute it left the
 18 heliport. We understand here that the
 19 offshore facilities can communicate with the
 20 helicopter the minute it leaves the heliports
 21 here.
 22 ROIL, Q.C.:
 23 Q. So once again that's not an issue, as CAPP
 24 understands, with respect to the operation of
 25 helicopters in offshore Newfoundland?

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1 MR. BARNES:
 2 A. That's correct. The fourth issue that they
 3 were looking at is helicopter lighting trials.
 4 What they found is that some of the older
 5 platforms that operate in the UK had older
 6 helideck lighting, which may prevent
 7 helicopters from landing under certain
 8 conditions, such as fog or darkness. We
 9 understand here that the lighting -- the
 10 lights around the helicopter pads on the
 11 facilities here are the state of the art
 12 helicopter lighting, and this issue is not an
 13 issue here. Fifthly, they're looking at
 14 what's called HUMS data, and HUMS stands for
 15 the Health and Usage Monitoring System, and
 16 these are systems that are on board
 17 helicopters to help detect defects in certain
 18 parts of the helicopter as its operating, and
 19 what they found is that they weren't using the
 20 most advanced system. It's my understanding
 21 that the most advanced HUM System is on board
 22 the Cougar helicopters, but I don't know that
 23 for a fact, but it is my understanding.
 24 ROIL, Q.C.:
 25 Q. We'll obviously get information from Cougar

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1 when they give their evidence, so we can
 2 verify whether your understanding is correct
 3 there.
 4 MR. BARNES:
 5 A. Yes. Number six is improvements to the
 6 offshore meteorological observation and
 7 reporting. What they found in the UK is that
 8 they weren't necessarily getting accurate
 9 wave, wind, weather forecasting and
 10 observation, and they decided after the
 11 incident to improve that, and we understand
 12 that that's not an issue here either. Lastly,
 13 the work of this task group was that they
 14 produce a lessons learned document, which I've
 15 also attached as part of the exhibits here,
 16 which help -- which help companies to better
 17 handle emergency situations and -- check on
 18 the exhibit number here. It's this document
 19 here, page 559. It basically gives guidance,
 20 as I mentioned, to operators on how to best
 21 handle emergencies, how to deal on
 22 communications with families, with the
 23 regulatory authorities, being prepared for the
 24 media, et cetera. It's a lessons learned
 25 document, as I said, coming out of their

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1 helicopter incident, and we just provide it
 2 for your information.
 3 ROIL, Q.C.:
 4 Q. Is that group continuing its efforts, or is
 5 this "lessons learned", the only thing they
 6 will produce?
 7 MR. BARNES:
 8 A. No, it's a -- a lessons learned document is
 9 one of the first things they produced, but
 10 they're continuing their work on those seven
 11 items that I just went through, and they
 12 provide me with updates on a monthly basis as
 13 to the progress they make on those items, and
 14 I provide those to our members. They also
 15 have a public website which they provide most
 16 of that information to the public, and I can
 17 provide you with that website if you're --
 18 ROIL, Q.C.:
 19 Q. Yes, if you have it, that would be very
 20 helpful.
 21 MR. BARNES:
 22 A. It's www.oilandgasuk.co.uk. That is UK Oil
 23 and Gas website, and as I mentioned, that's
 24 the equivalent of CAPP in the UK, and if you
 25 go to that website, they have a link directing

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1 them to this helicopter task force and the
 2 work of that task force.
 3 ROIL, Q.C.:
 4 Q. Well, if you get any further updates from them
 5 that are not on the public web access, I would
 6 ask you to undertake to provide them to me for
 7 the Commissioner.
 8 MR. BARNES:
 9 A. We will
 10 ROIL, Q.C.:
 11 Q. That I take it, is the extent of CAPP's
 12 involvement with issues that might be within
 13 the jurisdiction of this Inquiry.
 14 MR. BARNES:
 15 A. That is.
 16 ROIL, Q.C.:
 17 Q. I guess at the end of your evidence, I'll just
 18 offer you the opportunity to shed some
 19 insight, if you will, if you have any to give
 20 us on things that are -- any things that are
 21 up and coming that you see on the horizon, are
 22 there any challenges or changes that are
 23 happening and anything that you could see that
 24 would assist us in any of the assignments that
 25 we're undertaking?

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1 MR. BARNES:
 2 A. No, nothing other than what I've presented
 3 here today. We, as I mentioned earlier, we
 4 continue to do some additional testing on the
 5 helicopter passenger suit, and continue work
 6 on the helicopter passenger standard that the
 7 suit is designed towards, and that work will
 8 continue for the months to come, and as
 9 different aspects of that work evolves, we can
 10 provide that information to the Inquiry as
 11 well if it's of interest.
 12 ROIL, Q.C.:
 13 Q. Thank you very much, Mr. Barnes. That's all
 14 the questions I have, Commissioner, for Mr.
 15 Barnes.
 16 COMMISSIONER:
 17 Q. Okay, thank you.
 18 ROIL, Q.C.:
 19 Q. I don't know if you want to move into
 20 questioning now, or whether you'll take a
 21 break and move into questioning and --
 22 COMMISSIONER:
 23 Q. Before we take the break, it might be helpful
 24 to everyone if I had an indication of who is
 25 proposing to ask questions of Mr. Barnes. Mr.

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1 Earle, I see; Mr. O'Brien, Mr. Martin. Anyone
 2 else? All right then, we'll take a break now
 3 and then we can start the questions of those
 4 who have questions.
 5 EARLE, Q.C.:
 6 Q. Commissioner, I don't know where my friends
 7 will sit on this, but -- Mr. Commissioner, I
 8 don't know where my friends sit on this, but
 9 as you can see from Mr. Roil's materials, this
 10 witness has actually brought us very
 11 voluminous materials and a lot of it has been
 12 skipped over. Now in the usual order of
 13 things, I would be the first amongst us three
 14 to ask questions, and there is certainly an
 15 area that I can usefully explore for a bit
 16 this afternoon, but before finishing, I would
 17 like the break of this evening because some of
 18 the materials came to us on Friday and, of
 19 course, as much as we have the materials, we
 20 don't have the sense that you have after you
 21 hear the witness of what the witness thinks is
 22 important and where things sit. So as you
 23 said, in the interest of giving a heads up, I
 24 will be prepared to start and asking some
 25 questions, but I would like a break to be able

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1 to organize back to specific things, bluntly
 2 to put some red stickies on pages so that they
 3 can be easily accessed and everybody else
 4 won't be put through a lot of time taken.
 5 COMMISSIONER:
 6 Q. Well, Mr. Roil intimated to me that you may be
 7 raising this subject. We'll just pause for a
 8 moment. Ms. O'Brien, do you think you would
 9 be long in your questioning?
 10 MS. O'BRIEN:
 11 Q. I'll have to come to the mic.
 12 COMMISSIONER:
 13 Q. I'm sorry, yes, I'll have three of you up here
 14 in a moment probably.
 15 MS. O'BRIEN:
 16 Q. I was, of course, anticipating going after Mr.
 17 Earle.
 18 COMMISSIONER:
 19 Q. Uh-hm.
 20 MS. O'BRIEN:
 21 Q. So very often it has happened before that he
 22 asks questions or gets into areas that I had
 23 anticipated which, of course, shortens up my
 24 questioning considerably, so if I'm going
 25 before Mr. Earle, I would suppose I would be

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1 longer. I had anticipated not being very long
2 because I know that Mr. Earle is planning to
3 cover many of the areas that I was interested
4 in.
5 COMMISSIONER:
6 Q. So do I take it from that, that you'd prefer
7 to go after Mr. Earle?
8 MS. O'BRIEN:
9 Q. I think it would be most efficient if I went
10 after Mr. Earle.
11 COMMISSIONER:
12 Q. All right, I'll ask Mr. Martin the same
13 question then. I guess you should go on the
14 record, yes.
15 MR. MARTIN:
16 Q. Yes, Mr. Commissioner, I would sort of echo
17 the comments of Ms. O'Brien, that I think Mr.
18 Earle comes at it from a broader perspective,
19 and I think a lot of the questions that I have
20 sometimes follow from his, not by design or
21 not with intent, but I would prefer that the
22 normal sequence of witnesses as we've done
23 since the beginning of the Inquiry be adhered
24 to here, and perhaps Mr. Earle can be given a
25 chance to outline his questions and then I'll

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1 proceed to follow Mr. Earle in the
2 questioning. That would be position.
3 COMMISSIONER:
4 Q. Okay, then, thank you. Now Mr. Roil, we had
5 allowed two days for Mr. Barnes, anyway, so if
6 we -- if we acceded to Mr. Earle's request and
7 let him start tomorrow morning, we still have
8 the whole day.
9 ROIL, Q.C.:
10 Q. Yes, the only undertaking that I'd ask from
11 him is that he not take longer than a part of
12 the whole day.
13 EARLE, Q.C.:
14 Q. He always makes those comments when you're
15 well away.
16 COMMISSIONER:
17 Q. Is this an ominous sign, Mr. Earle, that
18 you're coming forward again?
19 EARLE, Q.C.:
20 Q. I'll just say, Mr. Commissioner, I actually
21 wouldn't expect to be terribly brief with this
22 witness. I can use some time this afternoon
23 hopefully, but what I would like is an early
24 adjournment.
25 COMMISSIONER:

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1 Q. All right, well, we'll take a break now and
2 come back in fifteen minutes and use up some
3 of the rest of today. Thank you.
4 (RECESS)
5 ROIL, Q.C.:
6 Q. Before we move on to the examination by other
7 witnesses(sic), there was one comment that Mr.
8 Barnes made in the course of his examination
9 with respect to a response that he was
10 expecting to get back, or he had just gotten
11 from Mr. Rutherford. I'm not sure ultimately
12 if anything will turn on it, but in the record
13 now it shows that it's coming as an exhibit.
14 I'm not sure that once he's finished, it would
15 be officially an exhibit, but I would simply
16 remind him that he has given us an undertaking
17 to provide that document, and we'll find a way
18 to file it, whether it's an exhibit or some
19 other document. We'll find a way to get it to
20 good purpose.
21 COMMISSIONER:
22 Q. Okay, yes.
23 ROIL, Q.C.:
24 Q. And if anything turns on it that is important,
25 we'll have to see what we do. That's

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1 something you can get in the next couple of
2 days, I would take it, is it?
3 MR. BARNES:
4 A. Yes, it is, yes.
5 COMMISSIONER:
6 Q. Yes, that's fine.
7 ROIL, Q.C.:
8 Q. That's all, Commissioner.
9 COMMISSIONER:
10 Q. Okay, Mr. Earle.
11 MR. PRITCHETT:
12 Q. Sorry, Commissioner, I spoke to Mr. Earle just
13 a second ago and the operators would like to
14 ask just a couple of questions, and I know we
15 predetermined an order, we're happy to wait
16 until later or we can deal with that right
17 now.
18 COMMISSIONER:
19 Q. I think if it's a couple of questions, we may
20 as well get them over with, do you think, Mr.
21 Earle?
22 EARLE, Q.C.:
23 Q. Absolutely, I'm delighted to have somebody
24 asking a question ahead of me for a change.
25 COMMISSIONER:

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1 Q. Okay then.

2 MR. PRITCHETT:

3 Q. Thank you, Commissioner.

4 MR. PAUL BARNES - EXAMINATION BY MR. BLAIR PRITCHETT:

5 MR. PRITCHETT:

6 Q. Mr. Barnes, just to introduce myself, I'm

7 Blair Pritchett, one of the counsel for

8 Suncor, and I just have a couple of quick

9 questions for you relating to CAPP's standard

10 of practise for training and qualifications,

11 and as I understand it, that standard practise

12 would outline the scope for training

13 requirements for both BST and BSTR, is that

14 correct?

15 MR. BARNES:

16 A. That is correct.

17 MR. PRITCHETT:

18 Q. And when those standard practises were being

19 created, would the practises of other

20 jurisdictions have been considered, and when I

21 say that, I'm thinking specifically of the

22 North Sea?

23 MR. BARNES:

24 A. Yes, it would be, yes, that's correct.

25 MR. PRITCHETT:

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1 Q. So the UK and Norway would have been reviewed

2 as part of that process?

3 MR. BARNES:

4 A. That's correct, and any learnings that we

5 would take from courses offered there that are

6 related to basic survival training or any

7 safety courses that are referenced in our

8 standard practise, we would look to other

9 jurisdictions on how they undertake those

10 courses as well and help us understanding

11 learnings from those jurisdictions to

12 formulate our own standard of practise.

13 MR. PRITCHETT:

14 Q. Okay, and would that be an ongoing process as

15 well?

16 MR. BARNES:

17 A. It is a frequent ongoing process, yes, as this

18 guide gets updated on an annual basis.

19 MR. PRITCHETT:

20 Q. And would you be in a position to speak to,

21 say, the BST and the BSTR, how the current

22 Newfoundland offshore practise might compare

23 to the UK or Norway practises for similar

24 training?

25 MR. BARNES:

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1 A. The training is very similar, if not -- if not

2 exact. I've never witnessed personally the

3 training that takes place in Norway and the

4 UK, but I do know that the certificates that

5 are issued from the institutes in those

6 jurisdictions are valid here and recognized by

7 the Offshore Petroleum Board and by industry

8 for those that hold those certificates from

9 those jurisdictions and they can work offshore

10 Newfoundland.

11 MR. PRITCHETT:

12 Q. What about a comparison of the scope or the

13 duration of the training, have you ever

14 considered that element of how the

15 Newfoundland training would compare with what

16 we might see in the UK or Norway?

17 MR. BARNES:

18 A. We have considered in the past -- I can't

19 comment at the moment the differences because

20 I just don't have that information here, but

21 we have looked at those other jurisdictions

22 and specifically their basic survival training

23 courses.

24 MR. PRITCHETT:

25 Q. I guess as it relates to the CAPP standard

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1 practise, I wonder if that's maybe information

2 that we could provide for the Commission, how

3 the scope and the duration of the training

4 might compare to the training --

5 ROIL, Q.C.:

6 Q. I understand that MUN may do that in their

7 evidence.

8 MR. PRITCHETT:

9 Q. Okay, and again I'm just trying to address

10 this from the perspective of the CAPP

11 guidelines, but certainly if that will be

12 dealt with later, then we're happy to consider

13 the issue then. Thank you, those are my

14 questions.

15 COMMISSIONER:

16 Q. Thank you. Okay, Mr. Earle.

17 MR. PAUL BARNES - EXAMINATION BY MR. RANDELL EARLE, Q.C.:

18 EARLE, Q.C.:

19 Q. Good afternoon, Mr. Barnes, and for the

20 record, I'm Randell Earle, I represent CEP

21 Local 2121.

22 MR. BARNES:

23 A. Good afternoon, Mr. Earle.

24 EARLE, Q.C.:

25 Q. I'd like to start by asking you a few

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<p>1 questions about CAPP. You're the Atlantic 2 Province's Manager? 3 MR. BARNES: 4 A. That's correct. 5 EARLE, Q.C.: 6 Q. Or the Atlantic Manager, I should say. 7 MR. BARNES: 8 A. Atlantic Canada Manager, yes. 9 EARLE, Q.C.: 10 Q. It might make a difference, and the office is 11 here located in St. John's? 12 MR. BARNES: 13 A. That's correct. 14 EARLE, Q.C.: 15 Q. And how many employees did you say CAPP has 16 here in St. John's? 17 MR. BARNES: 18 A. We have four in Atlantic Canada; three here in 19 St. John's, and there's a person that reports 20 to me who lives in Halifax. 21 EARLE, Q.C.: 22 Q. So you have four in Atlantic Canada. You're 23 the Manager? 24 MR. BARNES: 25 A. Correct.</p>	<p>1 companies, as I've indicated, and they bring 2 to the committee discussion, their expertise, 3 and we rely as CAPP staff on that expertise, 4 and we rely on the direction of members to 5 undertake activities on behalf of our members. 6 EARLE, Q.C.: 7 Q. Uh-hm, because it struck me, one question or 8 one area that you touched on this morning, 9 that you are a member of the Canadian General 10 Standards Council, representing, I presume, 11 the oil industry? 12 MR. BARNES: 13 A. Yes. 14 EARLE, Q.C.: 15 Q. But you're not a standards person, a technical 16 person yourself, are you? 17 MR. BARNES: 18 A. That's correct. 19 EARLE, Q.C.: 20 Q. So are you -- is your role that of a funnel? 21 MR. BARNES: 22 A. It is. We participate on the committee, or I 23 do, because I'm the main representative on 24 that committee, more to ensure that our 25 interest as oil and gas producers are</p>
<p>Page 222</p> <p>1 EARLE, Q.C.: 2 Q. Could you indicate what the roles of the other 3 employees in the Atlantic Provinces are? 4 MR. BARNES: 5 A. Yes. The individual that works for me who 6 lives in Halifax is our Policy Research 7 Analyst, so they would undertake analysis of 8 different issues that we may be working on 9 from a research perspective, a policy 10 perspective. I also have a Communication 11 Analyst that works for me here in St. John's, 12 and an Administrative Assistant who works for 13 me here in St. John's. 14 EARLE, Q.C.: 15 Q. Uh-hm. So would it be fair to say that when 16 it comes to the specific expertise that are 17 involved in the -- in the offshore oil 18 production, and the logistics and support that 19 relate to that, that you would rely on the 20 expertise of your member, or as you have 21 indicated in a couple of your answers, that 22 you would contract consultants? 23 MR. BARNES: 24 A. Very much so. Our committees are made up of a 25 number of individuals from our member</p>	<p>Page 224</p> <p>1 represented. We rely on our members who are 2 also on those technical committees to provide 3 the technical expertise. I don't provide that 4 because I'm not a technical person when it 5 comes to standards development. 6 EARLE, Q.C.: 7 Q. Now -- 8 MR. BARNES: 9 A. We found it prudent because we allow -- we 10 fund at least the current helicopter passenger 11 suit standard development or redesign that I 12 participate on that committee, or at least one 13 of my staff members because we supply the -- 14 EARLE, Q.C.: 15 Q. So I think I've got it right, you're a funnel? 16 MR. BARNES: 17 A. Yes. 18 EARLE, Q.C.: 19 Q. Now just tell me a bit about CAPP as an 20 organization, would you? I think, as some 21 people in the room, I was a bit surprised to 22 hear that Husky Energy is not a member right 23 now. 24 MR. BARNES: 25 A. Yes.</p>

1 EARLE, Q.C.:

2 Q. So you indicated that you represent most of

3 the players in the offshore Newfoundland. Who

4 is it that you don't represent besides Husky

5 and the Government of Canada?

6 MR. BARNES:

7 A. We don't represent some of the smaller

8 companies that are active onshore western

9 Newfoundland. Other than that, any company

10 that is active or has licenses in the offshore

11 area, offshore Newfoundland, we would

12 represent, with the exception of probably

13 Vulcan Minerals that owns the license off of

14 Labrador.

15 EARLE, Q.C.:

16 Q. Uh-hm. So you don't represent some of the

17 smaller companies, but do you represent other

18 than Husky and Government of Canada, all the

19 people who are involved in the production

20 side?

21 MR. BARNES:

22 A. Yes, we do.

23 EARLE, Q.C.:

24 Q. Yeah, so in terms of the people who are

25 operating or involved with the three current

1 based on production volume.

2 EARLE, Q.C.:

3 Q. Uh-hm. What does it mean to be a member of

4 CAPP in the sense of is there a subscription

5 to a decision making process, such that CAPP

6 can make commitments and decisions on behalf

7 of its members, or is it a situation where a

8 member participates and is involved in the

9 CAPP process, but can defer or decline to go

10 along with a CAPP decision?

11 MR. BARNES:

12 A. We have a number of committees which our

13 members sit on, and we are a consensus based

14 organization, which means that if any

15 decisions made by CAPP committees have to be

16 consensus before the decision is made. Now

17 some members can choose not to be a part of

18 any of these committees and would accept the

19 direction or the recommendation of the

20 committee in their absence.

21 EARLE, Q.C.:

22 Q. So there's essentially an opt out process?

23 MR. BARNES:

24 A. I don't know what you mean by "an opt out".

25 EARLE, Q.C.:

1 offshore installations, you represent them, do

2 you?

3 MR. BARNES:

4 A. Yes.

5 EARLE, Q.C.:

6 Q. Do you represent all the people who are

7 currently, you know, in the reasonably

8 projected future likely to be engaged in

9 drilling exploration operations?

10 MR. BARNES:

11 A. Yes. If it would help you, I can read out the

12 names of the companies that we represent that

13 have interests in Newfoundland.

14 EARLE, Q.C.:

15 Q. Uh-hm, okay. Now you say your membership is

16 voluntary, and you have a Board of Governors.

17 How is your Board of Governors made up?

18 MR. BARNES:

19 A. Our Board of Governors is made up of 32 CEO

20 level people from our membership. One of the

21 32 is our President. He doesn't have a voting

22 role. One of the 32 is a Chairperson, and the

23 other 30 are made of again of our membership,

24 10 from the top producers, 10 from the middle

25 producers, and 10 from the lower producers,

1 Q. Well, you said they can choose not to be

2 involved in a --

3 MR. BARNES:

4 A. That's true, yes, they can opt out of being a

5 committee member and just --

6 EARLE, Q.C.:

7 Q. A committee member, but what about the

8 decisions of those committees?

9 MR. BARNES:

10 A. By very virtue of the fact that they're not on

11 the committee, then they wouldn't be involved

12 in the decision making, and they would accept

13 by de facto the decision that the committee

14 makes in their absence.

15 EARLE, Q.C.:

16 Q. That's what I meant by an opt out process.

17 MR. BARNES:

18 A. Okay.

19 EARLE, Q.C.:

20 Q. So you have your Board of Governors, and then

21 you have in this region an Executive Policy

22 Group?

23 MR. BARNES:

24 A. Yes.

25 EARLE, Q.C.:

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<p>1 Q. And what is an Executive Policy Group?</p> <p>2 MR. BARNES:</p> <p>3 A. This group is made up of in Atlantic Canada</p> <p>4 Vide President level individuals from our</p> <p>5 member companies that are active in Atlantic</p> <p>6 Canada or have interests in Atlantic Canada</p> <p>7 activities.</p> <p>8 EARLE, Q.C.:</p> <p>9 Q. So it's essentially a very high level</p> <p>10 committee?</p> <p>11 MR. BARNES:</p> <p>12 A. Yes, by virtue of the fact that they are Vice</p> <p>13 Presidential level individuals who sit on that</p> <p>14 committee.</p> <p>15 EARLE, Q.C.:</p> <p>16 Q. So again an opt in situation?</p> <p>17 MR. BARNES:</p> <p>18 A. An opt in, in the sense of?</p> <p>19 EARLE, Q.C.:</p> <p>20 Q. If the organizations choose to have people</p> <p>21 participate in that Executive Policy</p> <p>22 Committee?</p> <p>23 MR. BARNES:</p> <p>24 A. Our members choose to participate on those</p> <p>25 committees -- on that committee.</p>	<p>1 don't have a voting role.</p> <p>2 EARLE, Q.C.:</p> <p>3 Q. Okay, so would then there be representatives</p> <p>4 on that Atlantic Policy Committee from all the</p> <p>5 major players in the Newfoundland offshore?</p> <p>6 MR. BARNES:</p> <p>7 A. Yes.</p> <p>8 EARLE, Q.C.:</p> <p>9 Q. So you would have representatives, excepting</p> <p>10 the Husky situation --</p> <p>11 MR. BARNES:</p> <p>12 A. Yes.</p> <p>13 EARLE, Q.C.:</p> <p>14 Q. You would have representatives of Suncor,</p> <p>15 Exxon Mobil, and their partners in the</p> <p>16 operations that they have here?</p> <p>17 MR. BARNES:</p> <p>18 A. That's correct. There are 14 individuals that</p> <p>19 sit on that committee. I can read out their</p> <p>20 names if they're of interest to you.</p> <p>21 EARLE, Q.C.:</p> <p>22 Q. Uh-hm.</p> <p>23 ROIL, Q.C.:</p> <p>24 Q. His answer was he can read out the names if</p> <p>25 you want to hear them.</p>
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<p>1 EARLE, Q.C.:</p> <p>2 Q. Or they do not?</p> <p>3 MR. BARNES:</p> <p>4 A. Or they do not.</p> <p>5 EARLE, Q.C.:</p> <p>6 Q. Yeah.</p> <p>7 MR. BARNES:</p> <p>8 A. Yes.</p> <p>9 EARLE, Q.C.:</p> <p>10 Q. Now you described two levels of membership.</p> <p>11 You have producing member companies?</p> <p>12 MR. BARNES:</p> <p>13 A. Yes.</p> <p>14 EARLE, Q.C.:</p> <p>15 Q. And then you have associate members?</p> <p>16 MR. BARNES:</p> <p>17 A. Yes.</p> <p>18 EARLE, Q.C.:</p> <p>19 Q. The Atlantic Canada Policy Committee, is</p> <p>20 participation in that available to both levels</p> <p>21 of membership or is that restricted to the</p> <p>22 producing members?</p> <p>23 MR. BARNES:</p> <p>24 A. No, any associate member of CAPP can</p> <p>25 participate on any committee of CAPP, but they</p>	<p>1 EARLE, Q.C.:</p> <p>2 Q. Pardon?</p> <p>3 ROIL, Q.C.:</p> <p>4 Q. He said I can read out the names of they're of</p> <p>5 interest to you.</p> <p>6 EARLE, Q.C.:</p> <p>7 Q. I'm more interested in who they represent than</p> <p>8 names. So we have this committee. Does this</p> <p>9 committee have, if you will, a structural</p> <p>10 executive function within this area of the</p> <p>11 country, or is it just a committee that -- a</p> <p>12 high level committee for dealing with policy</p> <p>13 issues that pertain to this area of the</p> <p>14 country?</p> <p>15 MR. BARNES:</p> <p>16 A. No, the committee is made up of</p> <p>17 representatives, again from the vice-</p> <p>18 presidential level from member companies that</p> <p>19 have active--that are active in Atlantic</p> <p>20 Canada or have interest in Atlantic Canada,</p> <p>21 and for the most part, the majority of those</p> <p>22 members are physically located in either St.</p> <p>23 John's or Halifax, but there's some that sit</p> <p>24 on that committee who reside in Calgary,</p> <p>25 because those companies don't have offices in</p>

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1 Atlantic Canada, and there may be one that
 2 also sit from Houston.
 3 EARLE, Q.C.:
 4 Q. Well, just to understand the organization,
 5 what's--as Atlantic Canada manager, what's
 6 your line of report?
 7 MR. BARNES:
 8 A. I report into a vice-president of operations
 9 that is also a CAPP staff member in Calgary,
 10 but I'm a staff person that facilitates
 11 discussion and research and other activities
 12 within the various committees that we've
 13 discussed, including the executive policy
 14 group.
 15 EARLE, Q.C.:
 16 Q. Right, okay.
 17 MR. BARNES:
 18 A. So I take direction from -
 19 EARLE, Q.C.:
 20 Q. But this vice-president presumably reports to
 21 a president?
 22 MR. BARNES:
 23 A. Yes.
 24 EARLE, Q.C.:
 25 Q. And ultimately that president reports to the

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1 Board of Governors?
 2 MR. BARNES:
 3 A. That's correct.
 4 EARLE, Q.C.:
 5 Q. So there isn't, if you will, any kind of
 6 autonomous authority here in the Atlantic
 7 Provinces?
 8 MR. BARNES:
 9 A. Autonomous authority from the CAPP staff
 10 perspective. I mean, I manage the region from
 11 the staff perspective and report in to the
 12 vice-president in Calgary. Our executive
 13 policy group, which you were asking about, has
 14 a chairperson that chairs that meeting from
 15 one of our member companies and I report to
 16 them effectively to undertake the activities
 17 of that committee on their wishes.
 18 EARLE, Q.C.:
 19 Q. So while you report to them and advise them,
 20 in essence though, your marching orders come
 21 from a vice-president?
 22 MR. BARNES:
 23 A. My marching orders primarily come from our
 24 committee members, in practice. While I
 25 report in to a vice-president of operations

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1 who reside in our Calgary office, my marching
 2 orders, when it comes to committee activity
 3 and working on issues that are of interest to
 4 our members, I take that advice from our
 5 members and direction from our members.
 6 EARLE, Q.C.:
 7 Q. You say your marching orders primarily come
 8 from the executive policy group?
 9 MR. BARNES:
 10 A. Yes.
 11 EARLE, Q.C.:
 12 Q. Then what is the structure? Because I heard
 13 you saying a few moments ago that they didn't
 14 really have an autonomous authority within the
 15 Atlantic Provinces. That they're a regional
 16 group. How is it that they can give you
 17 marching orders, so to speak?
 18 MR. BARNES:
 19 A. Well, again, they are our members and in this
 20 particular case, as the executive policy
 21 group, they're our members that are active in
 22 Atlantic Canada and the issues that they want
 23 to work on, they decide as a group and give me
 24 direction as a CAPP staff person to help them
 25 execute those issues.

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1 EARLE, Q.C.:
 2 Q. So they have the authority to give you
 3 direction?
 4 MR. BARNES:
 5 A. They do.
 6 EARLE, Q.C.:
 7 Q. Now the Atlantic Canada Safety Committee, how
 8 does that committee come about?
 9 MR. BARNES:
 10 A. That committee comes about on the direction of
 11 the executive policy group, in the sense of
 12 there are a number of safety issues that we
 13 work on from time to time that it's relevant
 14 to Atlantic Canada and as a result, the
 15 executive policy group struck a standing
 16 committee called the Atlantic Canada Safety
 17 Committee to manage and address those
 18 particular suite of safety issues.
 19 EARLE, Q.C.:
 20 Q. So they strike a standing committee. How is
 21 the membership of that committee established?
 22 MR. BARNES:
 23 A. It's established by our members who are active
 24 in Atlantic Canada wishing to provide
 25 personnel to that committee that have some

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1 type of safety background. They generally are
 2 the safety managers from our member companies
 3 and they volunteer or are directed by their
 4 executives to sit on that committee to help
 5 the association work on safety issues.
 6 EARLE, Q.C.:
 7 Q. So are you saying that it operates essentially
 8 like this, that the executive policy committee
 9 has decided that--the Atlantic executive
 10 policy committee decided that there will be an
 11 Atlantic Canada Safety Committee and that is
 12 something which is made known to the members
 13 and the opportunity to participate is open?
 14 MR. BARNES:
 15 A. That's correct.
 16 EARLE, Q.C.:
 17 Q. So how many people would be on that committee?
 18 How many?
 19 MR. BARNES:
 20 A. We have representatives from nine of our
 21 member companies. I do need to check that for
 22 verification, but I believe it is nine. Yes,
 23 we have nine member companies represented on
 24 our safety committee and we have 14 member
 25 companies represented on our executive policy

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1 group.
 2 EARLE, Q.C.:
 3 Q. 14 on?
 4 MR. BARNES:
 5 A. The executive policy group.
 6 EARLE, Q.C.:
 7 Q. Okay. So now the safety committee, so what
 8 companies does that represent?
 9 MR. BARNES:
 10 A. Our safety committee is represented by the
 11 following companies, I can read them out:
 12 Chevron, ConocoPhillips, EnCana, ExxonMobil,
 13 Husky Energy and we allow them, even though
 14 they're not currently a member to still
 15 participate on that committee, Marathon Oil,
 16 StatoilHydro, Suncor Energy, and we have two
 17 representatives who are associate members, if
 18 you want to call it that. They are a
 19 representative from the Canadian Association
 20 of Oilwell Drilling Contractors and one
 21 associate member called Safety First
 22 Industrial and a representative, a CAPP staff
 23 person.
 24 EARLE, Q.C.:
 25 Q. So there would appear to be a few holes there

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1 in terms of the players, but so you have the
 2 safety committee. Now is it the various
 3 committees or subgroups that you've identified
 4 in your PowerPoint presentation, unfortunately
 5 what we received doesn't have pages on it, so
 6 I can't refer you to the page, but it's the
 7 block diagram, if you will.
 8 MR. BARNES:
 9 A. Um-hm.
 10 EARLE, Q.C.:
 11 Q. How do we staff up these committees?
 12 MR. BARNES:
 13 A. Those committees, four of the ones in that
 14 organizational chart are staffed by--the
 15 Atlantic Canada Safety Committee would provide
 16 representation from their membership to sit on
 17 those committees or from their companies to
 18 sit on those committees. That's with the
 19 exception of the Training Qualification
 20 Committee and the EER Guide Development
 21 Committee, which have formal terms of
 22 reference which limit membership.
 23 EARLE, Q.C.:
 24 Q. So the other committees, the more recent ones,
 25 for instance the HHE-452 Task Group, how do

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1 that get staffed up?
 2 MR. BARNES:
 3 A. Well, this group was tasked with examining the
 4 use of this device and eventually implementing
 5 it, and the companies that had interest in
 6 that were the five main producers in Atlantic
 7 Canada. So those would be Husky, Suncor and
 8 ExxonMobil here in Newfoundland and ExxonMobil
 9 -
 10 EARLE, Q.C.:
 11 Q. So how did the committee come about?
 12 MR. BARNES:
 13 A. It came about because the -
 14 EARLE, Q.C.:
 15 Q. Take us through the process. Take us from the
 16 Atlantic Canada Safety Committee presumably--
 17 and maybe, and tell me if this is an incorrect
 18 presumption, making a decision that there
 19 should be this task group.
 20 MR. BARNES:
 21 A. It came about because the issue was identified
 22 by the executive policy group as an issue that
 23 they wanted to be addressed and they mandated
 24 the safety committee, CAPP safety committee
 25 which reports into the executive policy group,

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<p>1 to address the issue and the safety committee 2 decided because the issue of it's important 3 and needed some external help other than 4 purely the CAPP safety committee, it decided 5 to strike a subcommittee underneath it to work 6 on that issue and staff it appropriately. 7 EARLE, Q.C.: 8 Q. Now what about the HUEBA committee, which has 9 been around for rather a long time? 10 MR. BARNES: 11 A. Yeah, that was the committee I was just 12 referring to. So again, the executive policy 13 group wanted to work on this particular issue. 14 Tasked the CAPP safety committee with working 15 on the issue and the safety committee decided 16 to strike a task group to help with the issue 17 and to implement it and to include not only 18 CAPP members on that committee, but other 19 organizations like the helicopter providers 20 and the training institutes and a 21 representative from the drilling contractors. 22 EARLE, Q.C.: 23 Q. Well, just so we can understand this with the 24 HUEBA committee. There was a letter which is 25 at document 1.1. I don't know if we're going</p>	<p>1 Am I correct in that? 2 MR. BARNES: 3 A. Eventually, yes, that's correct. 4 EARLE, Q.C.: 5 Q. So could you just take us--and I'll use Mr. 6 Roil's recommendation to you to slow it down a 7 bit, because you speak fast like all 8 Newfoundlanders, or quickly, I should say. To 9 explain the route from you getting that letter 10 to that committee coming into place. 11 MR. BARNES: 12 A. The letter was received by myself as a CAPP 13 staff person. It suggested that we have 14 discussion on this issue within the CAPP 15 safety committee, but before that was able to 16 occur, the CAPP executive policy group had to 17 understand that this letter came in from the 18 Board and that I would be bringing it to the 19 safety committee, if they were okay with that 20 decision, which they were, and they 21 subsequently directed the CAPP safety 22 committee to have discussions on implementing 23 such device for Atlantic Canada. 24 EARLE, Q.C.: 25 Q. And then the safety committee formed the</p>
<p>1 to bring that up on the screen or not, are we? 2 MR. BARNES: 3 A. This is the original, the February 2000 letter 4 you're referring to? 5 EARLE, Q.C.: 6 Q. Right. 7 MR. BARNES: 8 A. Okay, just bringing that up on the screen here 9 for the room. It seems to be a little slow at 10 the moment. This particular letter? 11 EARLE, Q.C.: 12 Q. Yes. 13 MR. BARNES: 14 A. Yes. 15 EARLE, Q.C.: 16 Q. Now this is a letter from Mr. Pike at C-NLOPB. 17 MR. BARNES: 18 A. Yes. 19 EARLE, Q.C.: 20 Q. Which is addressed to you? 21 MR. BARNES: 22 A. Correct. 23 EARLE, Q.C.: 24 Q. And it would appear that ultimately this 25 letter translated into the HUEBA committee.</p>	<p>1 subgroup? 2 MR. BARNES: 3 A. Yes. Not right away, but in the years to 4 follow. Once further information about the 5 issue was discussed and understood, it was 6 decided to strike--the safety committee 7 decided to strike a subcommittee to work 8 specifically on that issue. Again, the 9 executive policy group would be aware of that 10 and would approve such action. 11 EARLE, Q.C.: 12 Q. So you got this letter from Mr. Pike somewhere 13 around the 25th of February 2000? 14 MR. BARNES: 15 A. Yes. 16 EARLE, Q.C.: 17 Q. Would you have then taken it to the Atlantic 18 Canada executive policy group in a formal 19 meeting? 20 MR. BARNES: 21 A. I could have done two ways, two things with 22 it. I don't have the actual minutes of the 23 executive policy group meeting in front of me 24 that would have followed the February 25th 25 letter, but I could have done two things. I</p>

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<p>1 could have informed the executive policy group 2 that we had such a letter and its contents, or 3 I could have provided them with the whole 4 letter. 5 EARLE, Q.C.: 6 Q. Okay. 7 MR. BARNES: 8 A. Typically I would provide them with the whole 9 letter. 10 EARLE, Q.C.: 11 Q. And would there be minutes of a regular 12 meeting, a quarterly meeting or monthly 13 meeting of the Atlantic Canada executive 14 policy group at which consideration of the 15 response to that letter would be made? 16 MR. BARNES: 17 A. We meet at least six times a year, every 18 second month. 19 EARLE, Q.C.: 20 Q. Every second month? 21 MR. BARNES: 22 A. Yes. 23 EARLE, Q.C.: 24 Q. So would there likely be a set of minutes back 25 there which would reflect that that letter has</p>	<p>1 Q. That's right. 2 MR. BARNES: 3 A. Yes. 4 EARLE, Q.C.: 5 Q. And you say in your first sentence there, 6 "pursuant to your letter of February 25th 2000 7 on the above referenced subject matter, we 8 have discussed this issue within our safety 9 subcommittee and are proposing the following," 10 and the safety subcommittee there, would that 11 be the now HUEBA committee or would that still 12 be the Atlantic Canada Safety Committee? 13 MR. BARNES: 14 A. That would be the Atlantic Canada Safety 15 Committee. 16 EARLE, Q.C.: 17 Q. Okay, and would there, at that point in time, 18 be a designated membership for that committee? 19 MR. BARNES: 20 A. Yes. 21 EARLE, Q.C.: 22 Q. As a subcommittee that would be dealing with 23 this? 24 MR. BARNES: 25 A. At that particular time, the safety committee</p>
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<p>1 been received and actioned? 2 MR. BARNES: 3 A. The minutes would have either reflected that 4 the letter was received and the executive 5 policy group would have had the letter in the 6 minutes or they were informed of such a letter 7 and the contents thereof, but yes, they would 8 be aware. 9 EARLE, Q.C.: 10 Q. And then it would go to the Atlantic Canada 11 Safety Committee? 12 MR. BARNES: 13 A. That's correct. 14 EARLE, Q.C.: 15 Q. From the executive policy group? 16 MR. BARNES: 17 A. That's correct. 18 EARLE, Q.C.: 19 Q. So if you could go to page four, and it's of 20 1.2, I guess it's the--page four, document 21 1.2. 22 MR. BARNES: 23 A. Is this the May 15th letter from CAPP to Mr. 24 Pike? 25 EARLE, Q.C.:</p>	<p>1 was dealing with that issue only. 2 EARLE, Q.C.: 3 Q. Okay. So who would have been the people who 4 would have been dealing with it then? 5 MR. BARNES: 6 A. Well, presumably it's the same companies that 7 are active on the committee now, but I would 8 have to go back to see if there were other 9 companies that were active here in 2000 that 10 are not active in Newfoundland at the moment. 11 I can't think of any, but there might be a 12 small difference in membership. 13 EARLE, Q.C.: 14 Q. And this is an ad-hoc committee in the sense 15 that it meets as issues arise or is there a 16 regular schedule of meetings for the Atlantic 17 Canada Safety Committee? 18 MR. BARNES: 19 A. No, the safety committee is a standing 20 committee of our executive policy group, and 21 they meet roughly every five to six weeks. 22 EARLE, Q.C.: 23 Q. Sorry, I missed your - 24 MR. BARNES: 25 A. They are a standing committee, an official</p>

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<p>1 standing committee.</p> <p>2 EARLE, Q.C.:</p> <p>3 Q. Yes, but I missed your time frame.</p> <p>4 MR. BARNES:</p> <p>5 A. They meet every five to six weeks.</p> <p>6 EARLE, Q.C.:</p> <p>7 Q. Five to six weeks?</p> <p>8 MR. BARNES:</p> <p>9 A. Yeah.</p> <p>10 EARLE, Q.C.:</p> <p>11 Q. And I take it their minutes are minuted?</p> <p>12 MR. BARNES:</p> <p>13 A. That's correct.</p> <p>14 EARLE, Q.C.:</p> <p>15 Q. Their meetings are minuted I should say.</p> <p>16 MR. BARNES:</p> <p>17 A. Yes.</p> <p>18 EARLE, Q.C.:</p> <p>19 Q. And when did it, and how did it evolve to a</p> <p>20 particular committee for the HUEBA?</p> <p>21 MR. BARNES:</p> <p>22 A. After further discussions within the safety</p> <p>23 committee about this particular issue and the</p> <p>24 issues around the issue generally, it was</p> <p>25 decided that it needed its own dedicated</p>	<p>1 which there was work done on this issue over</p> <p>2 that time period from 2000 to 2004?</p> <p>3 MR. BARNES:</p> <p>4 A. Yes.</p> <p>5 EARLE, Q.C.:</p> <p>6 Q. Would you do that, please?</p> <p>7 MR. BARNES:</p> <p>8 A. Can certainly have discussions with our legal</p> <p>9 counsel on how that process would be</p> <p>10 undertaken.</p> <p>11 ROIL, Q.C.:</p> <p>12 Q. Just so I understand, Mr. Earle, it's from</p> <p>13 2000 to 2004 you're looking for the minutes of</p> <p>14 the safety committee that dealt with the issue</p> <p>15 of the breathing device?</p> <p>16 EARLE, Q.C.:</p> <p>17 Q. That's right, and going forward from 2004 to</p> <p>18 2009, the subcommittee.</p> <p>19 MR. BARNES:</p> <p>20 A. You're asking -</p> <p>21 EARLE, Q.C.:</p> <p>22 Q. Again, there are minutes of their work?</p> <p>23 MR. BARNES:</p> <p>24 A. That's correct, and you're requesting those</p> <p>25 minutes? Is that how I understand it?</p>
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<p>1 subcommittee or subgroup in order to undertake</p> <p>2 the tasks directed by the safety subcommittee.</p> <p>3 EARLE, Q.C.:</p> <p>4 Q. When did that happen though?</p> <p>5 MR. BARNES:</p> <p>6 A. That happened in the 2004 time frame. I'd</p> <p>7 have to double check the -</p> <p>8 EARLE, Q.C.:</p> <p>9 Q. Pardon?</p> <p>10 MR. BARNES:</p> <p>11 A. In 2004.</p> <p>12 EARLE, Q.C.:</p> <p>13 Q. In 2004?</p> <p>14 MR. BARNES:</p> <p>15 A. Yeah, I'd -</p> <p>16 EARLE, Q.C.:</p> <p>17 Q. So prior to that, it was--from 2000 to 2004,</p> <p>18 it was a task of the Atlantic Canada Safety</p> <p>19 Committee?</p> <p>20 MR. BARNES:</p> <p>21 A. That's correct.</p> <p>22 EARLE, Q.C.:</p> <p>23 Q. And I take it you could go back and look at</p> <p>24 the minutes of the Atlantic Canada Safety</p> <p>25 Committee and identify those occasions on</p>	<p>1 EARLE, Q.C.:</p> <p>2 Q. Pardon?</p> <p>3 MR. BARNES:</p> <p>4 A. You are requesting -</p> <p>5 COMMISSIONER:</p> <p>6 Q. Would these take long to get?</p> <p>7 EARLE, Q.C.:</p> <p>8 Q. There's a request, yes. There's a request for</p> <p>9 those minutes as well. Those portions.</p> <p>10 MR. BARNES:</p> <p>11 A. They are available, Mr. Commissioner, but</p> <p>12 you've got to appreciate it's nine years of</p> <p>13 activity that we'd have to produce for you,</p> <p>14 but yes, it is available.</p> <p>15 COMMISSIONER:</p> <p>16 Q. So I take it it would take a while to do,</p> <p>17 would it?</p> <p>18 MR. BARNES:</p> <p>19 A. It will take some while to reproduce it, but</p> <p>20 it shouldn't take an inordinate amount of</p> <p>21 time.</p> <p>22 COMMISSIONER:</p> <p>23 Q. Obviously they wouldn't be available tomorrow</p> <p>24 or -</p> <p>25 EARLE, Q.C.:</p>

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1 Q. No, I can understand that, I'm not expecting
2 Mr. Barnes to stay up all night, but we would
3 like to have them soon and we might wish to
4 have the Inquiry have Mr. Barnes back to
5 clarify anything that might arise from them or
6 maybe somewhere else, you know, Mr.
7 Commissioner, the thing that leaps out at
8 anyone who has been here and heard this
9 evidence today is that the people who built
10 the Hibernia platform or the Terra Nova FPSO
11 over in the Husky White Rose installation in
12 four to five years took nine years to get this
13 compressed air device out of the vest pocket
14 of the military helicopter pilot or co-pilot
15 and into the vest pocket of passengers on
16 these helicopters going to the offshore
17 installations here. Now, it's not our purpose
18 to beat up on people for that, but that
19 bespeaks a not terribly responsive process and
20 I think we need to look and you need, Mr.
21 Commissioner, to look at the processes here,
22 because on a go-forward basis, I think a
23 process that takes nine years to make this
24 improvement needs to be scrutinized to tell us
25 if that is the kind of timeframe we are going

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1 to be facing to deal with changes to implement
2 new technologies, to implement new ideas on
3 how to make helicopter transportation safer
4 and it does, as I say, I think the process and
5 why this took nine years has to be something
6 that this inquiry looks at if it is going to
7 succeed with its mandate.
8 COMMISSIONER:
9 Q. Okay, Mr. Barnes, you can yourself or somebody
10 in your organization can get these together,
11 these minutes.
12 MR. BARNES:
13 A. We can.
14 COMMISSIONER:
15 Q. Yes, okay.
16 EARLE, Q.C.:
17 Q. Now, Mr. Barnes, I want to turn to another
18 aspect of this and that is your relationship
19 with the offshore petroleum boards.
20 MR. BARNES:
21 A. Yes.
22 EARLE, Q.C.:
23 Q. Could you tell us what is the legal structure
24 or structure otherwise that led to Mr. Pike
25 writing you as an Atlantic Canada manager of

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1 CAPP about this very much every-day safety
2 issue, rather than to write to the operators,
3 their heads of safety and the like or the top
4 dog in any of the operators. Why is it that
5 this comes to you?
6 MR. BARNES:
7 A. Quite often the regulator is interested in
8 industry view or an industry perspective on an
9 issue, rather than an individual operator
10 perspective. And in that instance, they would
11 sometimes write our association looking for
12 that industry view and that is why I believe
13 this letter came to us in the first instance.
14 EARLE, Q.C.:
15 Q. Well if you would look at the letter of
16 February 25th.
17 ROIL, Q.C.:
18 Q. Which year, Randy?
19 EARLE, Q.C.:
20 Q. Sorry, 2000. The letter from Mr. Pike
21 addressed to yourself. It says,
22 "Consequently, we request that you discuss"--
23 this last sentence in the first paragraph?
24 MR. BARNES:
25 A. Yes.

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1 EARLE, Q.C.:
2 Q. "Consequently, we request that you discuss
3 this matter with your safety committee and
4 advise us of any decisions on this issue." It
5 seems to me he's looking for a little bit more
6 than an opinion, he's looking for a decision
7 and he seems to be saying to you, look, we've
8 heard about these devices. He says, "We
9 understand that several companies in the North
10 Sea have adopted the use of escape breathing
11 devices to improve passengers' chances of
12 surviving a crash." You know, we've heard
13 about these things, these are good news.
14 MR. BARNES:
15 A. Uh-hm.
16 EARLE, Q.C.:
17 Q. And he's saying to you, what are you guys
18 going to do about this.
19 MR. BARNES:
20 A. That's correct.
21 EARLE, Q.C.:
22 Q. Why is he saying to CAPP what are you going to
23 do about it, because as I understand what
24 you're saying, you don't have any authority
25 over your members.

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1 MR. BARNES:
 2 A. He's asking CAPP presumably because he wanted
 3 an industry view of that question, as opposed
 4 to individual operator view.
 5 EARLE, Q.C.:
 6 Q. So it's simply the industry views.
 7 MR. BARNES:
 8 A. That's correct.
 9 EARLE, Q.C.:
 10 Q. There is no protocol or understanding with C-
 11 NLOPB that CAPP will represent the industry
 12 for certain safety issues?
 13 MR. BARNES:
 14 A. There's certainly no formal protocol, but it's
 15 generally understood that if the Petroleum
 16 Board writes to CAPP on any matter, that we
 17 would consult our membership and provide the
 18 opinion of our membership back to the
 19 regulator.
 20 EARLE, Q.C.:
 21 Q. And how do you understand that understanding
 22 to have come about? I mean, are there
 23 representations that have been made by CAPP or
 24 by the operators to C-NLOPB that CAPP is the
 25 appropriate body to go to on certain issues?

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1 MR. BARNES:
 2 A. I don't think there would be anything formally
 3 written, but it's generally understood that
 4 regulators throughout the country sometimes
 5 seek the opinion of the industry through the
 6 associations that the industry is represented
 7 by for collective industry views, and this
 8 takes place not only here in Newfoundland, but
 9 throughout Canada and throughout the world.
 10 EARLE, Q.C.:
 11 Q. So you're saying it's an industry practice
 12 that regulators will deal with CAPP?
 13 MR. BARNES:
 14 A. It's an industry practice that regulators
 15 often deal with trade associations
 16 representing the industry that they regulate.
 17 EARLE, Q.C.:
 18 Q. Well I'm more interested in the oil industry.
 19 MR. BARNES:
 20 A. Right.
 21 EARLE, Q.C.:
 22 Q. Are you saying it is an industry standard in
 23 the oil industry that regulators deal with
 24 CAPP on these types of issues?
 25 MR. BARNES:

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1 A. It is generally understood that regulators
 2 would deal again with trade associations like
 3 CAPP on broad-based industry issues. From
 4 time to time we would get letters from the
 5 Federal Government, Provincial Government,
 6 other regulatory agencies asking for our
 7 association view on different matters because
 8 we represent a large body of organizations
 9 representing our industry, the oil and gas
 10 industry.
 11 EARLE, Q.C.:
 12 Q. In terms of the decision-making process within
 13 CAPP, because the decisions are voluntary or
 14 the participation is voluntary, would it be
 15 fair to say that CAPP decisions are consensus
 16 decisions?
 17 MR. BARNES:
 18 A. CAPP decisions are consensus decisions, the
 19 members volunteer whether they sit on
 20 committees or not and if they don't sit on
 21 committees, those members are generally aware
 22 that they've--easily abide by committee
 23 decisions.
 24 EARLE, Q.C.:
 25 Q. Let us assume that you made the decision a

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1 long time ago to go with these HUEBAS, would
 2 you have expected that it would be a situation
 3 if you make a decision that all the industry
 4 would require that?
 5 MR. BARNES:
 6 A. If there was a decision made by one of our
 7 committees, it would be generally understood
 8 that this would be a decision that all the
 9 industry would abide to, yes.
 10 EARLE, Q.C.:
 11 Q. Would you expect a decision such as this to
 12 become a standard that would be ratified by
 13 the regulator and appended to operating
 14 permits or not, essentially become the
 15 regulator standard?
 16 MR. BARNES:
 17 A. Sometimes yes and we would generally expect
 18 that in instances like this.
 19 EARLE, Q.C.:
 20 Q. What is your understanding of the regulator's
 21 use of the industry to make decisions of this
 22 nature? They seem to be saying I think this
 23 is a good idea. I want you people to look at
 24 it and as we see in subsequent letters,
 25 they're saying you said you were going to

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1 implement it, but you haven't yet, get on with
 2 it. Is the industry the delegate of the
 3 regulator in making these kinds of decisions?
 4 MR. BARNES:
 5 A. No, well it's probably a question better asked
 6 of the regulator. In this instance, it could
 7 very well be the regulator may not have had
 8 the regulatory powers to implement such a
 9 safety device.
 10 EARLE, Q.C.:
 11 Q. I'm not going to let you off the hook that
 12 easy, Mr. Barnes, because you're the fellows
 13 who are carrying out the task, how do you see
 14 the regulator treating you in this? I mean,
 15 you've told us about the formal way that the
 16 work of the training and qualifications
 17 committee is integrated into the regulatory
 18 scheme.
 19 MR. BARNES:
 20 A. Right.
 21 EARLE, Q.C.:
 22 Q. That's a very formal way, they come to you and
 23 they give you a regulatory mandate that says
 24 develop this, bring it back, we will review it
 25 and if ratified, it becomes a part of the

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1 license.
 2 MR. BARNES:
 3 A. Yes.
 4 EARLE, Q.C.:
 5 Q. In your perception as the manager of CAPP, is
 6 the situation the same with something like
 7 this HUEBA? Now, I accept it doesn't have the
 8 formal regulatory backdrop, if you will.
 9 MR. BARNES:
 10 A. Well in this case it would be an industry
 11 decision to implement such a safety device
 12 which the regulator, I guess in our view, may
 13 have interest in or may not have. But because
 14 there was no formal ratification process like
 15 the training and qualification committee or
 16 escape evacuation, as you mentioned, it was
 17 assumed that they had no huge interest.
 18 EARLE, Q.C.:
 19 Q. So what's your sense of how the regulator
 20 would have reacted to "no, we don't think
 21 these things are practical"?
 22 MR. BARNES:
 23 A. Industry might have gone ahead anyway and made
 24 that decision, irrespective of the regulator
 25 decision.

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1 EARLE, Q.C.:
 2 Q. What's your understanding of regulators
 3 expertise to look at something like a HUEBA?
 4 MR. BARNES:
 5 A. Well they have safety professionals employed
 6 by their organization, so they would have some
 7 expertise to understand the use of safety
 8 devices.
 9 EARLE, Q.C.:
 10 Q. And isn't the regulator and the regime here in
 11 a similar position to CAPP that on an issue
 12 like this they are dependant upon industry
 13 expertise?
 14 MR. BARNES:
 15 A. It's possible.
 16 EARLE, Q.C.:
 17 Q. Mr. Barnes, that's a good point to stop for
 18 the afternoon.
 19 COMMISSIONER:
 20 Q. Thank you ladies and gentlemen, we will
 21 adjourn until 9:30 tomorrow morning.

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1 CERTIFICATE
 2 We, the undersigned, do hereby certify that
 3 the foregoing is a true and correct transcript of a
 4 hearing heard on the 16th day of November, 2009 at
 5 Tara Place, 31 Peet Street, Suite 213, St. John's
 6 Newfoundland and Labrador and was transcribed by us
 7 to the best of our ability by means of a sound
 8 apparatus.
 9 Dated at St. John's, NL this
 10 16th day of November, 2009
 11 Cindy Sooley
 12 Discoveries Unlimited Inc.
 13 Judy Moss
 14 Discoveries Unlimited Inc.

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