



Commission for Energy Regulation

An Coimisiún um Rialáil Fuinnimh

Guidance for Notification of Incidents

Part of the Petroleum Safety Framework

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Glossary of Terms and Abbreviations

List of Abbreviations

Abbreviation	Meaning
ALARP	As low as reasonably practicable
PIN	Petroleum Incident Notification (form)
S(E)CE	Safety and Environmentally Critical Element

List of Defined Terms

Words and phrases defined in Section 13A of the Electricity Regulation 1999, as amended, shall, unless the context otherwise requires, have the same meanings when used in this document.

Term	Definition or Meaning
13S(2) Notifications	An incident notification to the CER in accordance with section 13S(2) of the Act
Environmental Liability Regulations	<i>European Communities (Environmental Liability) Regulations 2008</i> (S.I. No. 547 of 2008), as amended by the <i>European Communities (Environmental Liability) (Amendment) Regulations 2011</i> (S.I. No. 307 of 2011).
Framework	The collection of regulations, written regulatory documents and procedures which, taken together, describe the system the CER will use to regulate the activities of petroleum undertakings, operators and owners with respect to safety, including, without limitation the petroleum safety framework established under section 13I of the Act.
Fugitive Emissions	Fugitive Emissions arise from loss of tightness from hydrocarbon containment equipment such as valves, flanges and other connections, pressure relief devices, process drains; open ended valves, pump and compressor seal systems, agitator seals, and access door seals.
Immediate Remedial Action	Means that the operator/owner will put in place immediate risk reduction measures to reduce the risks to ALARP. Immediate remedial action refers to those immediate risk reduction measures taken by operators/owners such as fully or partially suspending production, drilling, simultaneous operations or other work activities (e.g. not allowing or not finalising start-up).

Term	Definition or Meaning
Safety (and Environmentally) Critical Elements – S(E)CE	Safety (and Environmental) Critical Elements S(E)CE are such parts of an installation and its plant, including computer programs, a purpose of which is to prevent or limit the effect of a major accident, or the failure of which could cause or contribute substantially to a major accident. The environmental term is only applicable offshore and relates to the definition of a major hazard, which includes major environmental incidents offshore.
Petroleum Incident Notification form (PIN)	Form prescribed by the CER under 13S of the Act for the notification of petroleum incidents by operators and owners to the CER
Petroleum Safety (Petroleum Incident) Regulations	The Petroleum Safety (Petroleum Incident) Regulations 2016 (S.I. No. 81 of 2016).
Safety Permit	A permit issued by the CER under 13P of the Act which permits the carrying on of designated petroleum activities as set out in S.I. 89 of 2013 <i>Petroleum Safety (Designation Of Certain Classes Of Petroleum Activity) Regulations</i> .
Safety Zone	The area within 500 metres of a ' <i>designated area</i> ' as defined by the <i>Continental Shelf Act</i> , Number 14 of 1968
Third Party Property	Property the ownership of which is held by a person other than the petroleum undertaking, operator or owner concerned, or of contractors or subcontractors to that petroleum undertaking, operator or owner that are carrying out work in connection with a designated petroleum activity

1 Introduction

1.1 The Petroleum Safety Framework

The *Electricity Regulation Act 1999* (the Act), as amended *inter alia* by the *Petroleum (Exploration and Extraction) Safety Act 2010* and the *Petroleum (Exploration and Extraction) Safety Act 2015* gives the Commission for Energy Regulation (CER) responsibility for the safety regulation of petroleum exploration and extraction activities in Ireland.

The Act requires the CER to “establish and implement a risk-based Petroleum Safety Framework” (the ‘Framework’). The Framework is the overall system established by the CER to regulate the safety of petroleum activities¹, in particular designated petroleum activities.²

The Framework established under the Act is a permitting regime, and is goal-setting and risk-based, whereby operators and owners are required to reduce risks to a level that is As Low As is Reasonably Practicable (ALARP).

1.2 Legal Context

As a follow up to the publication of Directive 2013/30/EU (the Directive), the Commission Implementing Regulation (EU) No 1112/2014 was published, requiring Member State’s competent authority (the CER in Ireland) to ensure that operators and owners of offshore oil and gas installations provide, as a minimum, with the data on major hazard indicators as specified in Annex IX to the Directive. Under 13V of the Act, the CER shall make regulations prescribing a class of event or occurrence for the purposes of the definition of petroleum incident.

Section 13A of the Act defines Petroleum incident as ‘*an event or occurrence in, at or in the precincts of petroleum infrastructure which is an event or occurrence of a class prescribed by regulations made by the Commission under section 13V and includes all major accidents*’.

Accordingly, the CER have developed the *Petroleum Safety (Petroleum Incident) Regulations 2016* (S.I. No. 81 of 2016), which include the minimum incident reporting requirements outlined in Commission Implementing Regulation (EU) No1112/2014. The remaining reportable petroleum incidents set out in those regulations are those incidents, which, in the opinion of the CER, may materially increase the risk of an event or occurrence, referred to in section 13U(1)(a) to (d) of the Act, occurring³.

Operators and owners must notify the CER of petroleum incidents.⁴ Failure to notify CER of a petroleum incident is an offence and can result in a Class A fine on summary conviction, or a fine of up to €1,000,000 on conviction on indictment.⁵

1.3 Reporting to the EU Commission

Under the Directive the CER is required to submit an annual report to the European Commission containing the information specified in Annex IX, point 3. The information to be

¹ As defined in section 13A(2) of the Act.

² As defined in the *Petroleum Safety (Designation of Certain Classes of Petroleum Activity) Regulations 2013*.

³ Section 13V

⁴ Section 13S(1) of the Act.

⁵ Section 13S(3) of the Act.

provided includes the common reporting data as prescribed in the Implementing Regulations. While the CER has prescribed further classes of petroleum incidents to be reported to the CER, only the information that is required by the EU Commission in the Implementing Regulation will be submitted to the EU Commission.

1.4 Scope of this Guidance

This document, the *Guidance for Notification of Incidents* sets out:

- Section 2** Process for Notification of Petroleum Incidents;
- Section 3** Guidance on Petroleum Incident Classes; and
- Section 4** Guidance for 13S(2) Notifications

This document is intended to assist operators and owners in carrying out their duties under the Act but is not a substitute for, or a legal interpretation of, the Act. The CER will monitor the appropriateness of the list of petroleum incidents and guidance on a continuous basis. Therefore, the guidance provided in this document may be subject to review by the CER from time to time.

2 Process for Notification of Petroleum Incidents to CER

2.1 Process for Notification of Petroleum Incidents

Operators and owners must notify the CER of petroleum incidents using the PIN form⁶. This form is split into 2 parts.

Part 1 of the PIN form requires the operator/owner to classify the petroleum incident and provide a short summary of the petroleum incident causes (where known), impact and remedial action (where required and taken). In accordance with 13S(1) of the Act this must be submitted to the CER without delay.

Part 2 of the PIN form requires further details to be provided to the CER. In accordance with the Petroleum Incident Regulations, this must be submitted within 10 working days of the petroleum incident.

Example

An event occurred that resulted in a petroleum gas release that subsequently ignited to cause a fire and injury to a worker that required admission to hospital for over 2 days.

Part 1 of the PIN form is submitted without delay identifying incident class A1, and class H.

Part 2 is provided within 10 working days of the incident.

2.2 Fatalities or missing persons

In the case of a petroleum incident which results in the loss of human life or a missing person, the operator or owner must notify the CER, by the quickest practicable means, for instance by phone, of:

- The name of the deceased or missing person(s);
- Brief particulars of the petroleum incident; and
- The location of the petroleum incident.

The CER 24/7 emergency contact details that have been provided to all safety permit holders should be used for this reporting purpose.

This is in addition to the requirements to notify the CER using the Parts 1 and 2 of the PIN form as normal, without delay and within 10 days of the incident respectively.

2.3 Common reporting with other state authorities

Operators and owners should note that the reporting of petroleum incidents to the CER in accordance with the Act and the *Petroleum Safety (Petroleum Incident) Regulations 2016* does not relieve them of their reporting requirements to other statutory authorities as imposed by law. This includes similar reporting to the Health and Safety Authority (HSA) under Directive 92/91/EEC.

⁶ Available for download on the CER website

3 Guidance for Notification of Petroleum Incidents

3.1 *Classes of Petroleum Incident*

This section sets out guidance for each class of petroleum incident. Operators and Owners should read this in conjunction with Part 2 of the PIN form, which sets out the details that must be submitted in relation to a petroleum incident.

If an operator or owner is uncertain about whether an event or occurrence constitutes a class of petroleum incident, a precautionary approach should be taken and a notification sent to the CER via the PIN form.

The remainder of this section sets out guidance for each class of petroleum incident.

3.2 Guidance for notification of each class of petroleum incident

A. Unintended release of oil, gas or other hazardous substances, whether or not ignited

1. Any unintentional release of ignited gas or petroleum liquid;
2. The unintentional release, with the exception of fugitive emissions, of:
 - a. not ignited natural gas or evaporated associated gas if mass released ≥ 1 kg
 - b. not ignited petroleum liquid if mass released ≥ 60 kg;
3. The unintentional release or escape of any hazardous substance:
 - a. for which a major accident risk has been identified in the safety case
 - b. for which the major accident risk has not been assessed in the safety case and which would lead to a significant potential to cause fatalities or serious personal injury.

Guidance

This includes reporting of process or non-process petroleum hydrocarbon fluids in 1 and 2 below.

1. Any unintentional release of ignited gas or oil

- Any release must be reported, irrespective of the potential to cause a major accident.

Exclusions:

- Controlled ignited releases which are part of recognised safe operations such as flaring.

2. The unintentional release, with the exception of fugitive emissions, of:

a) not ignited natural gas or evaporated associated gas if mass released ≥ 1 kg

- the reference to 1 kg above means 1kg of 100% natural gas.

Exclusions:

- Gas releases which are recognized as safe operations (emergency-shutdown, venting gas manually to depressurize equipment in a controlled manner) or which is part of the designed process (automatic release via a blowdown system or venting system) should not be reported.

Fugitive emissions are not reportable as long as they are less than 3 kg/h or a 20% LEL at 50 cm is not reached.

b) not ignited liquid of petroleum hydrocarbon if mass released ≥ 60 kg

3. The unintentional release or escape of any hazardous substance:

- a) for which the major accident risk has been assessed in the safety case.
- b) for which the major accident risk has not been assessed in the safety case and which would lead to a significant potential to cause fatalities or serious personal injury.

B. Loss of well control requiring actuation of well control equipment, or failure of a well barrier requiring its replacement or repair

1. Any blowout, regardless of the duration
2. The coming into operation of a blowout prevention or diverter system to control flow of well-fluids
3. The mechanical failure of any part of a well, whose purpose is to prevent or limit the effect of the unintentional release of fluids from a well or a reservoir being drawn on by a well, or whose failure would cause or contribute to such a release
4. Failure to maintain a planned minimum separation distance between two or more wells

Guidance

This concerns loss of well control throughout the lifecycle of the well and is applicable for all wells drilled for the exploration or exploitation of oil or gas, including those used to support pressure through water or gas injection.

1. Any blowout regardless of the duration

- This covers all blowouts, including those of limited duration.

2. The operation of a blowout prevention or diverter system to control flow of well-fluids

- This covers all incidents where a blowout preventer is closed or a diverter is operated to control an unplanned flow into the well-bore from the adjoining formations, but not where flow is planned as part of an operation (e.g. underbalanced drilling).
- Where a blowout preventer or diverter system is activated on a precautionary basis then this is also reportable.
- Reports are not required where flow is due solely to variations in the density of fluid across pipe installed in the well bore, an effect commonly known as 'U-Tubing'; nor where it is known that mud previously lost to the formation is subsequently returned, an effect commonly known as 'ballooning' or 'breathing'. There is also no need to report flows arising from thermal effects (e.g. by starting up a well, the fluids are warming up and the casing is expanding).

3. The mechanical failure of any part of a well, whose purpose is to prevent or limit the effect of the unintentional release of fluids from a well or a reservoir being drawn on by a well, or whose failure would cause or contribute to such a release

- Failures of the primary pressure containment envelope of a well or of safety devices, namely blowout preventers or surface, subsea and subsurface safety valves shall be reported.
- Leakages around a well of hydrocarbon gas from shallow formations should also be reported. It is not necessary to report minor leaks or failures found and rectified during routine maintenance, including replacement of worn components.

4. Failure to maintain a planned minimum separation distance between two or more wells

- Where drilling of a well in close proximity to another is anticipated, a well collision

avoidance plan, as would be included in the wells safety case, would define trajectory limits for the new well (defined to avoid collision by consideration of uncertainties associated with well surveying). Where the pre-defined limits are exceeded this must be reported immediately along with a proposed remediation plan.

Examples of events to be reported:

- Well failure during workover. A gas blowout occurring outside the well from the reservoir to the seabed. Gas present under the entire platform.
- Failure of primary well barrier during drilling. High influx volume of hydrocarbons into the well during drilling.

Example of an event not to be reported:

- Increasing gas trend during drilling. Circulate and increase the mud weight without activating secondary well barrier (BOP).

C. Failure of a safety and environmentally critical element:

- Any loss or non-availability of an S(E)CE requiring Immediate Remedial Action.

Guidance

- The two requirements that have to be met for determining when a failure of a safety and environmentally critical element must be reported, are as follows:
 - 1) It has been identified that the S(E)CE has failed to meet its performance standard; and
 - 2) The operator/owner had to take Immediate Remedial Action to reduce risks to an acceptable level.
- Failure to meet a performance standard equates to loss or unavailability of an S(E)CE.
- Failure of a S(E)CE could be identified by anyone in any circumstance (including the event of a major accident) whether it is the independent verifier, the owner or operator by simple observation, maintenance activities, inspection, investigative techniques or analysis of the results of tests etc. The term “anyone” means anyone under the employment of or under contract with the operator / owner. This term includes the independent verifier.
- Where a S(E)CE does not meet the requirements of the performance standards, the operator/owner determines whether Immediate Remedial Action is necessary to protect people and the environment and to reduce risks to be ALARP.
- A S(E)CE is generally to be understood at “system level” (e.g. emergency-shutdown system, fire extinguishing system or fire prevention system) and not at component level (e.g. smoke and gas detectors). However, there are instances where the failure of a single component of the system significantly reduces the integrity of the S(E)CE or even the entire installation.

The examples provided below are only indicative and offer guidance in determining when reports under this section may or may not be required.

Example 1. Substantial corrosion of a flow-line detected, but with minimum allowable wall thickness in place;		
The operator identified that the SECE is still meeting its performance standards. The operator has put in place mitigation measures of additional regular wall thickness monitoring until a repair/ replacement is completed. The SECE is not lost or unavailable and does not necessitate an immediate remedial action such as down- manning or production shutdown.		
(1)	SECE lost or unavailable (i.e. failed to meet performance standards)	No
(2)	Immediate remedial action required	No
Not reportable		

Example 2. Substantial corrosion of a gas flow-line detected: wall thickness below minimum requirement;		
The operator has identified that the flow-line has failed meeting its performance standards. The operator's assessment showed that immediate remedial action is necessary. In response to the finding of the report the gas flow-line was isolated and depressurized awaiting repair or replacement.		
(1)	SECE lost or unavailable (i.e. failed to meet performance standards)	Yes
(2)	Immediate remedial action required	Yes
Reportable		

Example 3. A flow-line is equipped with a HIPPS (High Integrity Pressure Protection System) to protect the downstream equipment against overpressure. The HIPPS valve is stuck in the open position due to scaling or sand deposits;		
The Independent Verifier has identified that a HIPPS valve is unavailable. The operator has established that there are no acceptable additional mitigation measures available and so production through this flow-line is immediately suspended until safeguarding will be restored.		
(1)	SECE lost or unavailable (i.e. failed to meet performance standards)	Yes
(2)	Immediate remedial action required	Yes
Reportable		

Example 4. A flow-line is equipped with a HIPPS to protect the flow-line and downstream equipment against overpressure. On one of the two sensing units, one of the three pressure sensors is defective. The HIPPS is designed for two out of three pressure sensors continuously operational. This allows alternately (preventative) maintenance on the pressure sensors during operation;		
The operator has found that one sensor is faulty. The performance standard allows for one out of three sensors to be faulty with an increased monitoring program until repaired. The operator has put mitigation measures in place to check the remaining sensors more frequently until the		

replacement is installed. Each of the two remaining sensors will cause the HIPPS valve to close when the trip setting is exceeded. The operator's assessment showed that immediate remedial action to reduce risks is not required. Repair of the third sensor shall be carried out as soon as practicable.		
(1)	SECE lost or unavailable (i.e. failed to meet performance standards)	No
(2)	Immediate remedial action required	No
Not Reportable		

Example 5. A fire damper on a temporary refuge not closing on test during a planned shutdown;		
The operator identified a failure on the fire damper of the temporary refuge. The operator cannot restore the fire damper to function as required before the planned start up. Consequently, the integrity of the temporary refuge is compromised. The operator took immediate remedial action by not allowing the start-up until the fire damper is repaired.		
(1)	SECE lost or unavailable (i.e. failed to meet performance standards)	Yes
(2)	Immediate remedial action required	Yes
Reportable		

Example 6. An Independent Verifier witnessed the testing of a lifeboat. The engine started up but the propeller failed to turn. The remaining lifeboat capacity is not sufficient for the personnel on board the installation;		
The Independent Verifier observed that there is insufficient lifeboat capacity available for the POB (Personnel on Board). The operator/owner assessed the situation and decided to partially downman the installation until the lifeboat will be replaced or repaired.		
(1)	SECE lost or unavailable (i.e. failed to meet performance standards)	Yes
(2)	Immediate remedial action required	Yes
Reportable		

D. Significant loss of structural integrity or loss of station keeping in relation to a mobile installation

- Any detected condition that reduces the designed structural integrity of the installation, including stability, buoyancy and station keeping, to the extent that it requires Immediate Remedial Action.

Guidance

The two requirements that have to be met for determining when a condition regarding structural integrity must be reported, are:

- (1) the condition has resulted in significant loss of structural integrity;
- (2) the operator/owner determined that Immediate Remedial Action is necessary to protect people and the environment and reduce the safety and environmental risks of the installation to an acceptable level.

Examples below are of conditions which will be reported under this section if the operator/owner assesses that Immediate Remedial Action is necessary:

Structural Integrity

Significantly reduced structural integrity (including load bearing parts) of an installation or its foundations, excessive movement, deflection, change in structural response, or settlement etc.

Stability, Buoyancy

Loss of stability or buoyancy of a floating installation (indicated by excessive inclination, undue sensitivity to weight shifts, or excessive movements).

Station Keeping

Loss of station keeping due to for example failure of a mooring system or the installation's dynamic positioning system.

E. Potential and actual vessel collisions with an offshore installation

- Any collision, or potential collision, between a vessel and an offshore installation which has, or would have, enough energy to cause sufficient damage to the installation and/or vessel, to jeopardise the overall structural or process integrity.

Guidance

- A report is required when an actual collision has occurred between a vessel and an offshore installation.

When considering a potential collision between an installation and a vessel, it will not always be possible to estimate with any accuracy whether a collision could have occurred or what the consequences might have been. The operator/ owner shall report incidents with a significant risk for the installation. An example of such incident is a vessel entering the safety zone of offshore petroleum infrastructure without authorisation. This is required to be reported.

- In both situations, it is likely that the operator/ owner will take immediate emergency measures, either at the installation to evacuate or protect people from a foreseeable collision or that an action is taken towards the vessel (e.g. contacting it and requiring it to change course).

F. Helicopter accidents within the safety zone:

- Any helicopter accident, or a collision or potential collision, within the safety zone.

Guidance

- Where an actual collision has occurred between a helicopter and an offshore installation, this must be reported.
- When considering a potential collision between a helicopter and an installation, although it could involve uncontrolled manoeuvring of a helicopter near an installation, other factors may be involved (e.g. unauthorized crane use near a helideck) and so it will not always be possible to estimate with any accuracy whether a collision could have occurred or what the consequences might have been. During such events, it is likely that the operator/ owner will take immediate emergency measures, either on the installation to protect people from the consequences of a collision or take action in regard to the helicopter. It is the taking of these measures that requires a report under this requirement.
- By taking this approach, “heavy landings” covered by routine operational procedures are not reportable.

G. Any fatality

Guidance

This class of incident includes events or occurrences in, at, or in the precincts of petroleum infrastructure which result in:

- Death, whether immediate or delayed, within 1 year (except where the death is due to natural causes); or
- Confirmed missing person.

H. Any serious injury

Guidance

This class of incident includes events or occurrences in, at, or in the precincts of petroleum infrastructure which result in:

- any injury to a person where the person cannot perform all of their normal work activities for more than 7 consecutive days (not including the day of the petroleum incident, but including subsequent nonworking days); or
- any injury to a person that requires admittance to a hospital for more than 24 hours.

I. Any evacuation of personnel:
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Any unplanned emergency evacuation of a number or all personnel

Guidance

- Any event or occurrence that results in an evacuation onshore or offshore must be notified, even when that evacuation is only precautionary. Notification is not required for planned drills.
- This is limited to work related medevacs.
- Any emergency and unplanned evacuation due to bad weather or a condition where there is a significant risk of a major accident is reportable.
- Where an installation has undertaken an evacuation because it has suffered a total loss of power, it shall be reported under this section.

There is no requirement to report:

- Evacuation exercises or precautionary evacuation measures due to welfare issues (e.g. no water on the installation), which involve de-manning where there is no increased potential of a major accident;
- Transfer of personnel to avoid delays or disruptions in crew changes anticipated due to bad weather;
- Non-work related medevacs.

J. Any major environmental incident (offshore)

Any major environmental incident as defined by the Act

Guidance

13A of the Act – Definition of Major Environmental Incident

‘major environmental incident’ means an incident which results, or is likely to result, in significant adverse effects on the environment in accordance with the Environmental Liability Regulations.

13A of the Act – Definition of Major Accident

‘major accident’ means, in relation to petroleum infrastructure or petroleum activities -

- a) An event involving an explosion, fire, loss of well control, or release of oil, gas or dangerous substances involving, or with a significant potential to cause, fatalities or serious personal injury;*
- b) An event leading to serious damage of petroleum infrastructure involving, or with a significant potential to cause, fatalities or serious personal injury;*
- c) Any other event leading to fatalities or serious injury to multiple persons; or*
- d) Any major environmental incident resulting from incidents referred to in paragraphs (a), (b) and (c) and which relate to petroleum activities carried out offshore.*

Where part (d) of the definition of major accident is met, the event or occurrence is reportable as a petroleum incident under this class.

K. An uncontrolled fire or explosion

Guidance

- An uncontrolled fire or explosion, even if subsequently brought under control after any period of time by emergency action. Intentional fires (e.g. flaring) are not notifiable, unless a failure in a system occurs such that the flare (fire) becomes uncontrolled.

L. Instance of a stand-by vessel not being within its defined geographical area, except when prevailing weather and climate conditions may endanger the crew, passengers or vessels.

Guidance

- The term “defined geographical area” in this part means the standby vessel’s assigned area of operation which allows the standby vessel to provide rescue and recovery arrangements within the required response times, as set out in the performance standards.
- Note that notification is not required where a stand-by vessel moves out of position after it has been substituted by a replacement vessel.

M. A person falling into the sea

Guidance

- Any instance where a person falls into the sea must be notified.

N. Mustering on onshore or offshore petroleum infrastructure, other than for planned drills.

Guidance

- Any event or occurrence that results in mustering onshore or offshore must be notified, even when that mustering is only precautionary. Notification is not required for planned drills.

O. The detection of hydrogen sulfide in the course of operations at a well or in samples of well-fluids from a well where the presence of hydrogen sulfide in the reservoir being drawn on by the well was not anticipated

Guidance

- Any presence of hydrogen sulfide in mud returns, mud samples, bottom hole samples or surface mud gas monitoring systems, etc. constitutes detection and must be notified if it was not anticipated.

P. The collapse, overturning, or failure of any load-bearing part of any lift, hoist, crane, or derrick

Guidance

- Any instance of the collapse, overturning, or failure of any loadbearing part of any lift, hoist, crane, or derrick is notifiable.

Q. Damage to third party property

Guidance

- For example of an onshore occurrence would be any sudden release of pressure that causes a pressure wave on an onshore installation and breaks the window of a nearby dwelling must be notified.

R. The dropping of an object that could have resulted in a major accident**Guidance**

- If there was a realistic possibility that, for example, serious injury, or loss of petroleum containment could have occurred from the dropped object, this must be notified.

S. A collision by a vehicle, crane, or aircraft with any petroleum infrastructure**Guidance**

- Any such collision must be notified, even if no damage is sustained.

4 Guidance for 13S(2) Notifications

4.1 Immediate Danger to Human Health/Significant Increase in the Risk of a Petroleum Incident

Section 13S(2) of the Act sets out a further reporting requirement on operators and owners. It states that where an activity carried out by an operator or an owner poses an immediate danger to human health or significantly increases the risk of a petroleum incident, and the operator or owner takes suitable measures in line with their obligations under section 13KB(5) and 13KC(3) respectively, they are required to notify the CER accordingly and no later than 24 hours after taking those measures.

The CER proposes the following tests should be met to determine if an operator or owner is required to submit a notification to the CER under section 13S(2) of the Act. As 13S(2) includes two outcomes 'immediate danger to human health' or 'significantly increases the risk of a petroleum incident', the guidance has been separated below. A 'yes' to either will require notification to the CER.

In reviewing the below guidance, it should be noted that the suitable measures under 13KB(5) and 13KC(3) relate to an activity which 'significantly increases the risk of a major accident' and not 'petroleum incident' as per 13S(2). As the test is the taking of suitable measures under 13KB(5) and 13KC(3) the text refers to 'significantly increases the risk of a major accident' below.

a) Immediate Danger to Human Health

1. Was the taking of suitable measures required to adequately control the danger or risk posed, in accordance with an operators obligations under 13KB(5) or an owners obligations under 13KC(3)?
 - a. Suitable measures include suspending the activity. If yes, submit a notification to CER using the Immediate Danger Notification⁷ form.

An example of this may be the suspension of activities such as hot works or working at height after the activity commenced due to safety concerns by the persons involved.

b) Significant Increase in Risk of a Major Accident

1. Was there a significant increase in the risk of a major accident? If yes, go to step 2. If no, no notification required.
2. Was the taking of suitable measures required to adequately control the danger or risk posed, in accordance with an operators obligations under 13KB(5) or an owners obligations under 13KC(3)?
 - a. Suitable measures include suspending the activity. If yes, submit a notification to CER using the Immediate Danger Notification form

If an operator or owner deems that an event or occurrence does not fall under the definition of "petroleum incident" and is uncertain about whether a notification should be made to the CER under section 13S(2), a precautionary approach should be taken and a notification submitted via the 13S(2) Notification form, which is available on the Petroleum Safety section

⁷ Available for download on the CER website

of the CER website.

A notification under this section of the Act is not a report of a petroleum incident.