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Regulatory Approaches

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Regulatory Approaches

Background:

• 10+ years design, construction, research experience in industry

• 15+ years regulation and research experience in regulatory agencies

• Regulation development

• Application of regulations to arctic and frontier projects with unique problems
Purpose/Role:

• Define process and requirements guided by

    Policy Directives

    Acts

• Implement

• Use good science/engineering

• Minimize interference and flexible
Common Approaches:

- Based on common practices (recognized)
- Industry or trade codes of practice
- Additional requirements in regulations
- Develops in time as the industry evolves
- Supplemented by requirements set by other players
  - Underwriters
Canadian approach:
Regulatory Approaches

Usual **difficulties** challenges for new scenarios:

- New technology
- New Application of existing technology
- New environment/Limited environmental data
- Few established practices - limited experience
- Limited science/engineering
Consequence:

- Difficult to limit or control risks –
  
  Probability of failure difficult to determine or limit

Consequences are high

- Usually addressed by the regulator by motherhood statements –
  “where it can not be shown or ... the applicant shall prove to the satisfaction of ... that the facility provides a safety level equivalent to ....”
Recommendations for the Regulator:

• Define objectives and develop transparent process

• Get involved or support collaborative research and use research to develop in-house expertise

• Request science/engineering based solutions – expect full explanation – “… used software!”

• Avoid prescribing solutions

• Consider third party reviews
Recommendations for the Industry:

- Educate or enlighten the regulator
  Support collaborative research
  Provide full information

- Understand public concerns – do not assume that the Regulator will take care of them

- Support the development of science/engineering based regulations, codes, standards

- Work together to establish common practices
Regulatory Approaches