

February 12, 2021

The Honourable Jonathan Wilkinson, P.C., M.P.  
Minister of Environment and Climate Change  
House of Commons  
Ottawa, Ontario K1A 0A6

Dear Minister:

We are writing to you today to discuss our concerns regarding the January 11, 2021 Decision Statements under the **Canadian Environmental Assessment Act** approving three offshore exploration drilling projects off the coast of Newfoundland and Labrador: [The BHP Canada Exploration Drilling Project](#), [Central Ridge Exploration Drilling Project](#), and [West Flemish Pass Exploration Drilling Project](#).

Our concerns are not with the approval of these projects per se, but rather with the statement of the conditions expressed in the Decision Statements for these projects. We believe that the Decision Statements and other documentation filed in the course of environmental assessment of these projects should have more clearly expressed the requirement for engineering expertise, with due professional accountability and professional regulation in accordance with Canadian provincial and territorial legislative requirements, to serve the objective of public protection including minimizing and mitigating any adverse environmental, social, and economic impact risks.

Engineers Canada is the national organization that represents the 12 provincial and territorial engineering regulators that license the more than 300,000 members of the engineering profession in Canada. Our organization has a long-standing history of working collaboratively with the federal government to help inform and develop legislation, regulations, and policies.

Engineers from all engineering disciplines are integral to the exploration, discovery, testing, extraction, and distribution of offshore oil and gas. The self-regulation of the engineering profession in Canada ensures that engineers are held to high professional and ethical standards, and that they practice in the public interest.

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We acknowledge that the Decision Statements expressly state that the conditions expressed “do not relieve the Proponent from any obligation to comply with other legislative or other legal requirements of the federal, provincial, or local governments” and “are not to be construed as reducing, increasing, or otherwise affecting what may be required of the Proponent to comply with all applicable legislative or legal requirements”. We respectfully submit that this qualifying language to the Decision Statements does not sufficiently express a positive requirement that engineering expertise, with due professional accountability and professional regulation in accordance with Canadian provincial and territorial legislative requirements, be included throughout the lifecycle of offshore exploration drilling projects.

While Engineers Canada was encouraged to see the explicit inclusion of “Canadian regulations for engineering design” mentioned in the West Flemish Pass Exploration Drilling Project’s [Environmental Impact Statement](#), in our view the general language used in the project’s supporting documents does not clearly acknowledge the need for individuals providing engineering services to be licensed in the province or territory where that work is being completed.

Engineers Canada also notes that the publicly available project documents for BHP Canada Exploration Drilling Project and the Central Ridge Exploration Drilling Project do not include the requirement for duly licensed engineers to be involved in the lifecycle of the project, as well as the need for engineering regulations to be included in offshore exploration activities.

In light of these omissions in the publicly available project documents, Engineers Canada feels obliged to identify to the Minister that environmental, social, and economic impacts are at risk of not being adequately addressed when duly licensed engineers in Canada are not directly involved in the design, implementation, maintenance, rehabilitation, and decommissioning of offshore projects that require the application of engineering principles.

The United Nations Convention on the Law of the Sea (UNCLOS), combined with the four principal federal Acts that govern Canadian offshore oil and gas activities, make for complex regulatory structures managing oil and gas operations in Canada’s offshore areas. Though complex, these international and federal regulatory instruments do not provide for the regulation of engineering work that is conducted offshore, as provincial and territorial engineering Acts do for engineering work done on land. Infrastructure built or designed in Canada is subject to regulation by the provincial or territorial engineering regulator for the given jurisdiction. Yet, as it currently stands, infrastructure to be used offshore that is designed and built outside of Canadian limits is not subject to that same Canadian provincial and territorial engineering regulation.

The 12 Canadian engineering regulators believe that it is in the public interest that all infrastructure designed, built, or used within Canada—including in its offshore areas— be regulated in a manner similar to that which is currently done by the engineering regulators for engineering work on land. Regulation minimizes the risks posed to workers and the environment and ensures that these activities are conducted by licensed engineers who are held to high professional and ethical standards that require them to work in the public interest.

Engineering legislation in all provinces and territories provides engineering regulators with the clear and exclusive mandate to regulate the practice of engineering in the public interest. Engineers Canada is requesting that the Minister continue to engage with the engineering regulators to together consider together due regulation for activities with engineering components performed outside of provincial jurisdiction but within federal control.

Engineers Canada can assure the Minister that he can be confident that all 12 Canadian engineering regulators can and will work with proponents to facilitate due compliance with provincial and territorial engineering licensure and regulation requirements. Engineers Canada is strongly of the view that due compliance with provincial and territorial engineering licensure and regulation requirements will serve to better ensure compliance with the conditions expressed in the Decision Statements and other legislative or other legal requirements of the federal, provincial, or local governments, without impairing the completion of project work in accordance with those conditions and requirements.

Minister Wilkinson, Engineers Canada would like to work collaboratively with you and your department to ensure that licensed engineers and the regulation of engineering work offshore are included in federally approved projects. Our subject matter experts would be happy to meet with you to further discuss the nature of our involvement in supporting this initiative to uphold public safety. To schedule a meeting, please contact Joey Taylor, Manager, Public Affairs, at 613-232-2474 x.213, or at [joey.taylor@engineerscanada.ca](mailto:joey.taylor@engineerscanada.ca).

Yours sincerely,

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Chief Executive Officer, Engineers Canada

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