

Regulatory Guidance Notice – Revisions to Incident Reporting and Investigation Guideline

Effective Date:
October 20, 2025

Purpose:

This Notice revises sections 6.12, 6.13, and 7.4 of the *Incident Reporting and Investigation Guideline* (April 2018, ISBN 978-1-927098-77-6) to align with the *Canada–Newfoundland and Labrador Offshore Area Petroleum Operations Framework Regulations* (Framework Regulations).

Scope and Applicability:

Applicable to all Canada-Newfoundland and Labrador Offshore Energy Regulator authorized petroleum-related works or activities.

Summary of Revisions:

Framework Regulation Requirement	Previous Regulatory Requirement
All authorized activities require an Environmental Protection Plan (EPP) (s.8 and 10).	EPP was only required for drilling programs and production projects. (<i>Drilling and Production Regulations</i> , s.6 and 9).
Definition of “pollution” applies to all works and activities. “Pollution means the introduction into the environment of any substance or form of energy outside the limits applicable to an authorized work or activity.” (s.1).	Previously only applied to drilling programs and production projects. (<i>Drilling and Production Regulations</i> , s.1).
Definition of “reportable incident” applies to all authorized works and activities. It includes pollution and the narrow avoidance of pollution (s.1).	The definition of “pollution” did not apply to all authorized works or activities (<i>Drilling and Production Regulations</i> , s.1).
Environmental incident investigation report due within 14 days, applicable to all authorized works or activities (ss. 179(1)).	Environmental incident investigation reports were due within 21 days for drilling programs and production projects. Safety-related investigation reports were due within 14 days. (<i>Drilling and Production Regulations</i> , s.76).

The *Incident Reporting and Investigation Guideline* has been updated as follows:

Revision 1: Section 6.12 – Pollution

Pollution occurs when, in association with an authorized work or activity:

- any substance or form of energy outside the limits applicable to an authorized work or activity – that is, in an amount, or at an intensity or concentration in excess of the limits described in the operator’s Environmental Protection Plan (EPP) – is introduced into the environment;
- any substance or form of energy for which a discharge is not described in the operator’s EPP is introduced into the environment; and
- the manner of discharge for any substance or form of energy introduced to the environment is not as described in the operator’s EPP.

All pollution and occurrences in which pollution was narrowly avoided must be reported and investigated. If pollution includes a spill (petroleum), refer to section 6.13 of this Guideline.

Pollution exceeding the following thresholds should be reported via the immediate verbal notification process as described in Section 5.3.1:

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- A discharge with an amount, intensity or concentration greater than two times the limit described in the EPP; and
- A discharge of a substance for which a discharge is not described in the EPP, or in a manner not as described in the EPP, and which is greater than 100 litres in volume.

In addition to the above, all pollution should also be reported via the written notification process as described in Section 5.3.2 and an investigation report must be provided to the Regulator as described in Section 7.4.

Revision 2: Section 6.13 – Spill

A spill occurs when, in association with an authorized work or activity, there is any discharge of petroleum (including but not limited to crude oil, natural gas, condensate, lubricants, hydraulic oils, fuels, petroleum-based synthetic drilling fluids, or any other refined petroleum product) to the environment in a manner that has not been authorized by the Regulator (i.e., not described in the operator's EPP).

All spills are considered pollution. Any spills and occurrences in which a spill was narrowly avoided must be reported and investigated.

Spills exceeding the following thresholds should be reported via the immediate verbal notification process as described in Section 5.3.1:

- Mixtures containing petroleum at a concentration greater than two times the maximum authorized concentration limit;
- Liquids with a volume greater than 25 litres; and
- Gases with a mass greater than 25 kg.

In addition to the above, all spills should also be reported via the written notification process as described in Section 5.3.2 and an investigation report must be provided to the Regulator as described in Section 7.4.

Revision 3: Section 7.4 – Documentation Submitted to the Regulators

- A. The operator must submit a completed Incident Investigation Report with all the required information to the respective Regulator as soon as possible, no later than fourteen days following an Incident.
- B. Regardless of any ongoing analysis (e.g., metallurgical analysis of a failed component), an Incident Investigation Report must be submitted within fourteen days following an Incident.

Duration and Next Steps:

This Notice will be in effect until the *Incident Reporting and Investigations Guideline* has been fully updated and posted to the Regulator's website.