Canadian Gas Association
Submission to the Senate Committee on Energy, the Environment and Natural Resources
Bill S-229

About the Canadian Gas Association

CGA is the voice of Canada’s natural gas delivery industry and our members are distribution companies, transmission companies, equipment manufacturers and other service providers. Our product and our delivery system together offer an incredibly cost-effective means to deliver on key objectives on infrastructure, on innovation, on environmental performance, on the north, on transportation emission reductions, and more. Natural gas has a central place in Canada’s energy mix, meeting over 32 per cent of the country’s energy needs fulfilling more demand than any other energy form in Canada, more than electricity, more than gasoline, more than diesel fuel or home heating products like propane or fuel oil. Today, at over 6.75 million locations, well over 20 million Canadians rely and benefit from our affordable, clean, safe, and reliable natural gas. As an essential part of our daily lives, natural gas heats our homes, schools, hospitals and businesses, generates electricity, fuels vehicles, and powers appliances.

Damage Prevention of Underground Infrastructure

The CGA is a member of the Canadian Common Ground Alliance and was consulted on the development of Bill S-229, An Act respecting underground infrastructure safety and strongly supports the legislation. Our submission to the Senate Committee on Energy, the Environment and Natural Resources focuses on why damage prevention of underground infrastructure is important and how Bill S-229 can benefit these efforts.

There are complex networks of cables, wires, pipes, water mains and lines underground that deliver heat, electricity, water, phone and internet services to people across Canada. Each year, there are thousands of damages done to these buried infrastructures as a result of uncontrolled excavation, or excavation conducted without the proper awareness of where underground infrastructure is.

This legislation is particularly important to the natural gas delivery industry as there can be serious risks associated with digging without having proper locations for our underground infrastructure identified. CGA and our member companies are dedicated to ensuring worker safety, public safety, protection of the environment, and the preservation of the integrity of the infrastructure that provides an essential energy source to Canadians across the country.

As you know, a comprehensive call/click-before-you-dig notification system will benefit all types of important sectors that deal with underground infrastructure, including: utilities; telecommunications; construction; landscapers; excavators and engineers and many others.

The cost and damages are significant when digging hits underground infrastructure, whether it is from major construction projects or homeowners working in their yards. In 2015, there were more than 10,000 voluntary reports of damage to underground infrastructure in Canada, of which 79 per cent caused a disruption to services.

According to a report conducted by CIROANO, an organization based in Quebec, entitled Socio-Economic Cost Assessment for Damages to Underground Infrastructures, there are more than the obvious direct costs, including the cost of the materials, labour costs and administrative costs related to the damages. There are also indirect costs related to the damage, including intervention of emergency services, evacuations, loss of products, environmental impact, economic impact on businesses and risk of injury or death. According to the report, in 2014 in Quebec, damages to underground infrastructures resulted in at
least $125 million in indirect costs. Further research has put national estimates at approximately $1 billion of societal costs.

These negative impacts can be prevented with safe digging practices that include the notification of excavation and the location of buried infrastructure prior to activity. While currently there are Call/Click Before you Dig systems in Canada, there is no legislation, except in Ontario, to require its use. Bill S-229 would ensure the system is comprehensive and effective for underground infrastructure on federal lands.

Case Study – Ontario’s Bill 8

In June 2012, the Ontario Legislature unanimously passed Bill 8, the Ontario Underground Infrastructure Notification System Act 2012, which requires any owner of buried infrastructure in the public right of way to register that infrastructure with Ontario One Call.

According to the Ontario Regional Common Ground Alliance (ORCGA), damages in Ontario have decreased by approximately 1000 events per year since Bill 8 was fully implemented in 2014. As of 2017, 925 infrastructure owners have registered with Ontario One Call and all infrastructure on public property is now covered in the province, except for provincial and federally owned assets. The Bill has increased public and worker safety, raised awareness of safe digging activity in Ontario, decreased the amount of nonessential locates and minimized disruptions to businesses. There have also been fewer emergency fire rescue responses. According to the ORCGA, the Act provides more clarity and consistency with the stipulation that locates be delivered within five business days.

It is hoped that Bill S-229 and Ontario’s Bill 8 will prompt attention and catalyze the interest of other provincial and territorial governments in enacting legislation in their jurisdictions so that a national system can be achieved.

Recommendations

While the CGA supports Bill S-229, it recommends an amendment to the language to provide clarity and consistency to the legislation.

Section 12 (1) of the legislation currently states:

12 (1) Subject to the regulations, the operator of registered underground infrastructure that receives a notification referred to in section 10 must, within the period of time specified in subsection (2),
(a) by using the prescribed colour codes, mark on the ground the location of the underground infrastructure and provide a written description of that location to the person planning to undertake a ground disturbance; [or]
(b) provide to that person, in writing, any other [an] accurate and clear description of the location of the underground infrastructure that could be damaged by the ground disturbance; or
(c) provide to that person a written confirmation that the ground disturbance is not likely to cause damage to the underground infrastructure.

It is the recommendation of the CGA to add the word “or” at the end of clause (a), and prior to clause (b). It would also recommend removing “any other” and introducing “an” in (b).

This addition would reflect the industry’s policies and procedures found across Canada. Furthermore, the French version prescribes industry to choose any one of the three options. In order to maintain consistency with the French version, which is most aligned with common industry practice, the CGA recommends making this addition.
Conclusion

The CGA and its member companies encourage all Senators to take this simple step to increase safety and reduce costs for communities and their citizens and businesses across Canada. Bill S-229 and damage prevention is a non-partisan issue with inconsequential costs for government.