OFFSHORE HELICOPTER SAFETY INQUIRY
January 12, 2010
Tara Place, Suite 213, 31 Peet Street
St. John's, NL

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PRESENT:

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..... Petroleum Board (C-NLOPB)

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Cecily Strickland..... Development Company (HMDC)

Denis Mahoney/D. Blair Pritchett.....Suncor (Petro-Canada)

Alexander C. MacDonald, Q.C.. .....Husky Oil Operations Ltd.

Lewis Manning/
Nick Schultz .....Canadian Association of Petroleum Producers (CAPP)

Laura Brown Laengle .....Government of Newfoundland and Labrador

Norman J. Whalen, Q.C.....Cougar Helicopters Inc.

Jamie Martin/Allison Battcock.....Families of Deceased Passengers

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..... agent on behalf of Douglas A. Latto for Lanouette Estate (Co-pilot)

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COMMISSIONER:

Q. Good morning, ladies and gentlemen. Good morning, gentlemen. Are you ready, Mr. Roil?

ROIL, Q.C.:

Q. Yes, thank you, Commissioner. The next section of the presentation is we are commencing, I understand, with Mr. Vokey being the first presenter on the HOTF. So Mr. Vokey, I'll leave it to you to start.

MR. TREVOR PRITCHARD, MR. PAUL SACUTA AND MR. GARY VOKEY, RESUME STAND

MR. VOKEY:

A. Okay. The next section, Commissioner, is on the Helicopter Operations Task Force, and in this section, I'll provide information on that Task Force including its charter, the roles of the Task Force members, communications that were conducted and the activities associated with returning to flight operations following the March 12th incident in May of 2009. It's important to note, Commissioner, that following the March 12th incident, S-92s worldwide were grounded until the mounting studs that connects the oil filter bowls to

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the main gearbox were changed to a different material. This process took less than one week to complete on all S-92s worldwide. Although the S-92s continued to be certified after the studs were changed, the Grand Banks' operators suspended flying the S-92s for over two months to ensure that all aspects of our flying operations were reviewed to ensure personnel safety prior to resuming flying.

Following the crash of 491, three levels of investigation or assessments were undertaken. First, it's important to recall the regulatory environment within which we work. Transport Canada is the regulator for the Canadian Aviation Industry. The Transportation Safety Board or TSB, as we know it, are independent from Transport Canada and have the responsibility for the investigation of aviation events. These two parties, working independently, form the regulatory level of investigation within Canadian jurisdiction and as we know, within hours of the crash, the Transportation Safety Board investigators arrived in St. John's and took charge of the investigation. Transport Canada

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also undertook a post-accident regulatory compliance audit on Cougar following the crash of 491.

In addition to the regulatory investigation, Cougar Helicopters immediately conducted an internal investigation and they also brought in an independent assessor to assist them in their process.

While the above levels of investigation were significant, the Newfoundland and Labrador oil and gas industry key players, ExxonMobil, Suncor Energy, Husky, Statoil and HMDC, determined that an additional level of review should be initiated. A steering team with senior representatives of the companies I just mentioned was formed to oversee the process. A Helicopter Operations Task Force or HOTF, as it's sometimes called, was established who would conduct a detailed review. In addition, several subteams were also established and you can see that on the bottom right of the slide: a specialized team to review aviation safety, known as the Aviation Safety Review Team; and also a team of health and safety professionals to review

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passenger safety issues and concerns.

When we established the charter for the Helicopter Operations Task Force, it is important to note that the Grand Banks' operator scope did not overlap with other levels of investigation that were ongoing. A charter was put in place, and I ask if you can just make reference to the slide there because I think it's important to review the purpose and the scope of the charter.

ROIL, Q.C.:

Q. Before you go on any further, Mr. Vokey, where did you and others -- because I gather you were personally involved in this process?

MR. VOKEY:

A. Yes, I was, sir.

ROIL, Q.C.:

Q. Where did you go to seek a process or a format or a precedent? Did you have anything available to you? Is this an industry standard approach or how do we understand the context for this? We know where TSB comes from. We know where the others come from. Where did you go to get this process?

MR. VOKEY:

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A. There actually was no process, to my knowledge. We met with our senior management from each of the companies collectively a couple of days following Flight 491 and we determined that we had to do something, because of the significance of what happened, and notwithstanding other levels of investigation, we felt compelled to ensure that we did our due diligence as operators.

ROIL, Q.C.:

Q. So in terms of the scope and objectives, who set the scope and objectives?

MR. VOKEY:

A. We actually set our own, sir.

ROIL, Q.C.:

Q. Okay. That's fine, just wanted to understand the context for this before you gave us what the scope and objectives were. We'll get the actual document in a moment.

MR. VOKEY:

A. Yeah.

ROIL, Q.C.:

Q. We'll refer to it in evidence and I'd ask the Registrar to get ready to pull up the exhibits 117, the series under that, and I'll give you

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as much notice in advance as I can of when I need a particular document.

REGISTRAR:

Q. Are you finished with this one?

ROIL, Q.C.:

Q. No, not yet.

REGISTRAR:

Q. Okay.

ROIL, Q.C.:

Q. Thank you.

MR. VOKEY:

A. So the purpose of the charter was to lead industry efforts to safely resume personnel transportation by helicopter to the Grand Banks, and that would be helicopter operations. In terms of scope and objectives, they were to define the issues to be addressed prior to the resumption of helicopter operations and to coordinate their resolution, also to develop and execute a road map for the resumption of helicopter operations, to develop and roll out a stakeholder communication plan for the industry to the various stakeholders, to monitor the findings emerging from the TSB and Cougar incident

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investigations to ensure that they were addressed promptly, also to monitor Cougar's return to helicopter flying operations, and also to coordinate an independent assessment of Cougar's operations and that would be issued to each operator for their review and their consideration, and that's where the aviation safety review team came into this.

The expectations were as follows: the Task Force was to begin immediately and continue until the resumption of helicopter operations and I just want to make note here, when we went into this activity, we never had any preconceived notions of how long this process would take. We didn't know if it was going to be a week, you know, a month, two months, three months or whatever. In reality, it was, I think, somewhere around two months and a week, but there was no preconceived notion. During this period, we transported all our people to and from the offshore via supply vessel at that time.

COMMISSIONER:

Q. Mr. Vokey, just on that note, so that I'm quite sure. The authorities, when I say the

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authorities I mean Transport Canada, after what was it, a week, that these helicopters were entitled to fly?

MR. VOKEY:

A. That's correct.

COMMISSIONER:

Q. And did fly elsewhere in the world?

MR. VOKEY:

A. Correct.

COMMISSIONER:

Q. So the decision to delay flying in the Newfoundland Labrador offshore was the operators' decision?

MR. VOKEY:

A. It was taken solely from the operators.

COMMISSIONER:

Q. Okay.

MR. VOKEY:

A. Solely from the operators. Continuing on with the expectations, the Task Force members, that's the Helicopter Operations Task Force members, were to be full-time dedicated resources due to the significance. The Task Force was to provide twice weekly updates to the steering team and three of us here today

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were part of that steering team. Cougar Helicopters was responsible for the integrity of its operations and in addressing industry concerns related to resuming normal helicopter operations and what we're trying to say there is that anything related to the S-92 or directly within the scope of Cougar's operation, that they would be responsible for answering those types of questions, and all aspects related to flight safety should be evaluated by the Task Force. So it wasn't just helicopters. Their scope was fairly wide.

ROIL, Q.C.:

Q. When you -- I think in earlier evidence, I had the impression, perhaps from one of the panellists, but it might have been you, that in fact Cougar was flying the S-92, but for freight and other purposes and not for carriage of passengers. Is that correct?

MR. VOKEY:

A. That's correct. Following the change out of the titanium studs to a different material, Cougar continued to fly and, you know, they do have to maintain pilot certification and

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things of that nature, and I'm sure Mr. Burt will be -- you know, Cougar will be a lot better suited to answer that, but they were -- those helicopters themselves were not grounded. The operators -

ROIL, Q.C.:

Q. That was the point I was making. I think people might have seen them in the air, and you're not saying they weren't flying.

MR. VOKEY:

A. They were flying around the City, I mean, doing, you know, different exercises and whatnot, but we elected not to use those helicopters to fly personnel to and from the offshore, and in fact, we did bring in another helicopter, an S-61 for first response SAR duties to stand by.

MR. SACUTA:

A. Just to be clear, the helicopters were not travelling back and forth to the offshore installations with cargo. They were travelling around St. John's to keep their pilots current. It was not a factor that we allowed the helicopters to transit offshore without personnel. We didn't. They were not

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allowed to fly offshore during that period, period.

ROIL, Q.C.:

Q. They weren't flying back and forth to the facilities at all -

MR. SACUTA:

A. That's correct.

ROIL, Q.C.:

Q. - until the HOTF report was complete, okay.

MR. SACUTA:

A. I guess, you know, they weren't being used by any of the operators.

ROIL, Q.C.:

Q. Yeah. Whether there was other uses, obviously Cougar can speak of that in their own evidence.

MR. SACUTA:

A. That's correct.

ROIL, Q.C.:

Q. Okay. Thank you for clearing that up, Mr. Sacuta.

MR. VOKEY:

A. The next slide is a relatively busy slide, but I just want to walk you through the different roles reporting communication. The slide is

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intended to depict the roles and the interaction between the various parties who were involved in the return to service. I'll start in the middle. As I mentioned, a Newfoundland oil and gas industry steering team was established to oversee the activity. This team was comprised of management representatives of Exxon, Suncor, Husky and HMDC and StatoilHydro. The team members reported directly back to the senior management representatives.

ROIL, Q.C.:

Q. Okay. So the industry steering team, you said senior management people and I think you said earlier you and others on this panel were a part of that team?

MR. VOKEY:

A. We -

ROIL, Q.C.:

Q. We can actually go to the document, if you'd prefer, to -

MR. VOKEY:

A. No. Well, I don't have a copy of it here, but we were senior representatives established for this steering team, but we reported back to

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our senior management on this issue.

ROIL, Q.C.:

Q. Okay.

MR. PRITCHARD:

A. Mr. Roil, just for clarity on that, I personally was part of the initial industry steering team, but I also mentioned I was the most senior person for Husky on site at that time. So I had a dual role until Mr. Ken Dyer took my position on the industry steering team and I became the operations senior management within the context of this slide.

ROIL, Q.C.:

Q. Okay. So you -- that's right, Mr. Dyer stepped in for you.

MR. PRITCHARD:

A. Correct.

ROIL, Q.C.:

Q. And then you moved up to the senior management level.

MR. PRITCHARD:

A. Correct.

ROIL, Q.C.:

Q. And he reported, okay, thank you.

MR. VOKEY:

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A. I've spoken to the scope of the work of the Helicopter Operations Task Force and I'll briefly speak about its composition. This team was comprised of a cross-disciplinary team, including engineering, operations and occupational health and safety committee representatives. I've also mentioned previously that there were subteams formed to address specific topics. So the line of boxes along the bottom reflects those teams. The one that I mentioned first was the Aviation Safety Review Team. There was a health and safety team, a communications team, a logistics team and other support services included things like human resources and employee assistance, and there was recommendations from each of these teams that flowed back to the HOTF for final assessment and recommendation back -

ROIL, Q.C.:

Q. So HOTF is the way we pronounce H-O-T-F, is it?

MR. VOKEY:

A. HOTF, Helicopter Operations Task Force.

ROIL, Q.C.:

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Q. Yeah, okay, just so those who are listening to us in another room might wonder what the HOTF is.

MR. VOKEY:

A. Okay.

ROIL, Q.C.:

Q. Okay, and that's fine. Once we understand what the expression is, feel free to use it.

MR. VOKEY:

A. Thank you. So moving up to the two circles, while the work of the HOTF was ongoing, Cougar was also completing their own internal investigation and Sikorsky was addressing the mounting stud issue. The Transportation Safety Board was conducting its investigation and Transport Canada was conducting its special purpose regulatory inspection of Cougar Helicopters. Just a point of note here, there was regular communication between all of the parties to share any learnings and significant findings that would influence or be of benefit to the Helicopter Operations Task Force as it conducted its work. The Helicopter Operations Task Force had communication at all levels, both directly

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with Transport Canada, the TSB, Sikorsky, Cougar, pretty well everyone involved in any aspects of this investigation.

Finally, moving to the boxes on the top left and right-hand side of the chart. The levels of communications both within our respective organizations and with our employees and contractors and with government officials and the oil and gas industry was significant and ongoing throughout this process.

ROIL, Q.C.:

Q. So just before you go on, just so we understand, go back to that slide before, if we can? Okay. Now we're back there, okay. So the consult and inform, so the personnel, contractors, unions, partners and public, who were the parties that were responsible to consult with and inform? Was it the steering team or the oil companies themselves? How did that piece work?

MR. VOKEY:

A. I'll get into it a little bit more later into this, but it was undertaken at various levels, in particular the steering team.

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ROIL, Q.C.:
Q. Okay.
MR. VOKEY:
A. We communicated with the government. We communicated regularly and independently with our JOHS teams and others, and I'll talk a little bit more about that.
ROIL, Q.C.:
Q. Okay. So that will be fleshed out in some of the subsequent slides?
MR. VOKEY:
A. Yes.
ROIL, Q.C.:
Q. Okay, thank you.
MR. VOKEY:
A. This next slide again is a little bit busy, but it depicts the work to establish our readiness to return to flight operations. We realized early on -- and we refer to it as a road map, but it was, you know, from right after March 12th incident and we recognized there was a lot of work to be done in terms of evaluations, investigation, assessment, but we did need a plan for resumption of helicopter operations. We knew we just couldn't say

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"okay, we've got the information. Let's go. We're ready to fly." We did appreciate the significance of the sensitivity to this issue and we wanted to make sure that it was rolled out in a systematic way. So that's what this is primarily about.

On the left side of the slide, you'll see three significant inputs related to Cougar readiness and the readiness of the S-92s to return to service. First, there was the work of the Transportation Safety Board and the results of Cougar's own internal investigation. Secondly, there was confirmation of Cougar's regulatory compliance and certification by Transport Canada. And third, there was an assessment by the Aviation Safety Review Team and that was the team that was established by the operators represented here today and ExxonMobil.

ROIL, Q.C.:
Q. Okay, and we'll talk a little more about the expertise of those persons when we get there.
MR. VOKEY:
A. Yes, we will.
ROIL, Q.C.:

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Q. Okay.
MR. VOKEY:
A. On the right-hand side of the page, you'll see there were a number of passenger safety concerns and issues that had to be addressed. That work also fed directly into the HOTF final assessment. So like, as I said previously, this wasn't just about helicopters. It did include things like the suits, HUEBA, PLBs and other issues at the time. Also, during the review process, we asked that any workforce concerns and issues be identified and addressed. The box at the top of this chart notes the work that was done to assess and respond to the occupational health and safety committees.

This box also notes the work that we did to communicate our process and recommendations to the oil and gas industry regulator, the C-NLOPB. We had a series of meetings with the Board post March the 12th to keep them apprised of what our process was and where we were in our process.

These boxes represent a road map that we established to make the final determination of

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our readiness to return to helicopter operations. Once that decision was made, as you'll see in the box at the bottom of the chart, we initiated an extensive communication process.

Passenger Safety Review Team, this team was comprised of representatives from the health and safety departments of each of the operators. Their primary purpose was to review and provide any recommendations required for the improvement in passenger safety areas, including flight suits, flight suit standards -- and I believe this work was introduced in the testimony of Mr. Collins with Helly Hansen back before Christmas -- to take a look at personal locator beacons, HUEBA or helicopter underwater breathing apparatus, and I just want to make a point here, and I'm not sure if it was made yesterday, but the operators were in the final stages of implementation of HUEBA prior to the loss of Flight 491. Also, to take a look at passenger training and orientation, emergency response procedures and many of the areas addressed by this team and the work that has resulted since

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that team was established will be discussed later in the presentation when we review the recommendations by Mr. Sacuta and Mr. Pritchard.

ROIL, Q.C.:

Q. Before you go on, the team that was responsible for this passenger safety review issues was called the HSEQ team, the Health Safety and Environment and Quality team. Without naming the names of the persons, what sort of skills and what sort of sources did you go to to staff that team?

MR. VOKEY:

A. From each of the operator organizations, as I indicated, and they would have been at a lead manager level. I would say that's probably the two most accurate levels.

ROIL, Q.C.:

Q. Yeah, okay. So it wasn't the senior management of the company. It was the -

MR. VOKEY:

A. The managers of those departments.

ROIL, Q.C.:

Q. - the managers of the departments, departmental level.

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MR. VOKEY:

A. Yes.

ROIL, Q.C.:

Q. Yeah, okay. Thank you.

MR. VOKEY:

A. The next team that I just want to talk a little bit about is the Aviation Safety Review Team. This team was established to provide a recommendation regarding the readiness of Cougar Helicopters to resume air transportation services to all the facilities located on the Grand Banks. It had a wide review mandate, including the following: review of the maintenance department, a review of aircraft condition and compliance, quality assurance, safety management systems, validity of regulatory documents, staffing levels, operations department, spares and inventory, dispatch functions, personnel training including pilot training and maintenance, document control and standard operating procedures.

The Aviation Safety Review Team was comprised of aviation experts. The team provided a range of expertise that included

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international helicopter operations, aeronautical engineering and significant pilot experience. The combined experience of the team members exceeded 160 years in the aviation field and there were four members on that team. In terms of their expertise, as I indicated, safety, quality, there were pilots, as well as engineers, aeronautical engineers on that team.

ROIL, Q.C.:

Q. I think again, while we don't need to spend time on it, unless somebody wants to cross-examine on it or we don't cross-examine, we probe deeper, the exhibit has the credentials of those individuals. It's Exhibit P117/202. Were all of those persons persons employed by the oil companies or were there outside experts as well?

MR. VOKEY:

A. There were outside individuals. In fact, I stand corrected, I believe only one was an employee.

MR. SACUTA:

A. The head of the four-person team was an ExxonMobil aviation adviser that HMDC utilizes

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for our annual audits. So he was the lead of the Aviation Safety Review Team and then each of the others was a specialist consultant hired by each one of the operators.

ROIL, Q.C.:

Q. Okay, thank you.

MR. VOKEY:

A. In terms of the Aviation Safety Review Team findings, following a detailed analysis of Cougar's operations, the Aviation Safety Review Team provides its report to the Helicopter Operations Task Force. Their key findings and observations, and this is just a summary of them, was: that Cougar's maintenance of the S-92A meets the manufacturer's recommendations, regulatory requirements and industry norms; that Cougar's maintenance engineers are well trained and well qualified; that Cougar's pilots were well trained and well qualified; and that Cougar's standard operating procedures and emergency response plan manual exceed regulatory requirements and industry norms.

The HOTF report and recommendations were provided to the steering team. The report was

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a comprehensive document that provided an in-depth assessment of the components of the S-92 return to service road map, which included a review of the incident investigation, the assessment of the S-92's readiness, the assessment of Cougar flight operations readiness, the assessment of passenger safety issues such as flight suits, PLBs, et cetera, that I mentioned earlier, and the stakeholder engagement plan. In light of the detailed assessment of the above, the HOTF recommended that the operators return to flight operations.

In addition, the HOTF brought forward 18 continuous improvement recommendations for operator consideration, which as I indicated, Mr. Sacuta and Mr. Pritchard will address in more detail later in the presentation.

ROIL, Q.C.:

Q. Okay. Perhaps this is an appropriate time. The panel members have asked me to indicate, for the record, Mr. Chairman, Mr. Commissioner, that the report, which we have been provided with in its entirety, was not redacted by them and neither were they putting

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any conditions upon the various documents that were within it. That being said, Inquiry counsel have made determinations that certain of the material is not probative to our issues, but rather they go to the issues that are before the Transportation Safety Board, and so we have redacted or removed those portions from this document. In addition, the confidential designation for some of the documents was at the request of Cougar and a quite understandable request, in my view, because the extracts from their various proprietary manuals were included here, and so they had concerns that those would go into widespread circulation and be available to their competitors and others and so those have been designated as confidential documents, and so that, I think, is a point that the operators wanted to make. That these were -- these changes were not requested by them. They were requested by other parties and as I say, made by Inquiry counsel as well.

COMMISSIONER:

Q. Okay, and you know, I would make the point that Inquiry counsel consulted with me on the

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details of these things and we reviewed them together and it was a decision of the Inquiry that these things did not impact on our mandate. I think Mr. Whalen wants to say something.

WHALEN, Q.C.:

Q. I just wonder if counsel could note that even though those documents are confidential, they are available to counsel who are participating in the Inquiry.

REGISTRAR:

Q. Excuse me. Would counsel come to the mike, please, and identify himself? Thank you.

WHALEN, Q.C.:

Q. Thank you, Mr. Chairman. Norman Whalen for Cougar. I would just like it to be noted that while some of the documents are marked confidential, they have been made available to all counsel participating in the hearing and are available for use in that regard.

COMMISSIONER:

Q. That's a good point, and I am glad -

WHALEN, Q.C.:

Q. I would just want that noted. It isn't -- it is simply that they are not available to

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circulation to the public or to competitors.

COMMISSIONER:

Q. Yes, I think that's a good point, Mr. Whalen, because everything is available that comes to us to counsel.

WHALEN, Q.C.:

Q. Thank you.

ROIL, Q.C.:

Q. Okay.

MR. VOKEY:

A. Continue?

ROIL, Q.C.:

Q. Okay, Mr. Vokey.

MR. VOKEY:

A. I'm on slide 117. Before we finalized the return to service plan, there's several additional things that should be noted that occurred while the HOTF work was under way. We, as operators, solicited questions from the offshore and onshore occupational health and safety committees. We received collectively in excess of 350 questions from which the HOTF then divided into common themes and topics. Responses were provided in each of the topic areas.

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Throughout the process, as additional information or updates became available, each of the operators also took on additional meetings and briefings with their workforce, which included employees, key stakeholders, contractors, the occupational health and safety committees, union representatives where applicable, and the regulator. These meetings would have been in addition to the regular workforce communications that form part of our regular business operations. Finally, onshore and offshore town hall meetings were conducted, and we used that term yesterday.

ROIL, Q.C.:

Q. Yeah, I think we now understand what town hall meetings are, so we're fine to go with that expression.

MR. VOKEY:

A. Thank you. These meetings were attended by senior management representatives of the operator companies, Cougar Helicopters, as well as the chair of the C-NLOPB. While each of the operators conducted its own meetings, there were several elements of the meetings that were common to all. Family members were

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invited to the onshore town hall meetings. There was a detailed review of the return to flight road map, so people would understand what our process was, as well as the timeline that we established once the HOTF report was accepted.

There was also a review of the conclusions of the HOTF report and also a review of changes that Cougar made post March 12th, and typically a lengthy question and answer opportunity, and in terms of the HOTF report, there were copies of that report provided to all our offshore installations.

ROIL, Q.C.:

Q. Before you go on then, the questions that were solicited, the 350, what was the kind of mechanism that you used? Was there a form or were people just invited to ask questions? How did you solicit that kind of -- perhaps I should ask it of you, in terms of your facility rather than the others.

MR. VOKEY:

A. There were a number of avenues. As I indicated, they're our primary focus and the primary bodies that we use, both offshore and

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onshore, when it comes to employee safety, is the Occupational Health and Safety Committees. Also we did solicit questions from them and there were also other parties of interest or stakeholders that provided questions that were actually unsolicited. If memory serves me correct, we even got a list of questions from the Board, from some of their people that fly to and from the offshore. So the scope of that was actually quite wide also. We never limited it. We started off, as I indicated, I think it was 350 odd, and we narrowed it down in terms of themes, topic areas, somewhere around 125/130 questions.

ROIL, Q.C.:

Q. So the 350 could be -- there were some that were sort of common?

MR. VOKEY:

A. There was repetition, yes, correct.

ROIL, Q.C.:

Q. Okay, and then how did the answers get out to the people who had asked them? Did you individually answer people, or what was the mechanism, were they answered just in the report? How did that work?

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MR. VOKEY:

A. Primarily in the report, but we also sent copies to the Occupational Health and Safety Committee and to the Board, you know, on an ongoing basis, but there was a complete copy in the HOTF Report that was sent offshore also.

ROIL, Q.C.:

Q. Okay. I'm going to take a moment, perhaps before I ask you the questions, I would ask the Registrar if she would be able to bring up Exhibit 117/204, which is the correlated answers and questions. I've alerted the witnesses that I was going to ask questions on four -- or just ask for the questions and answers on four of these questions simply to show the range of kinds of questions and how they were answered.

REGISTRAR:

Q. Number?

ROIL, Q.C.:

Q. 117/204. Sorry, 402. I'm dyslexic this morning. Okay, if we could just scan down the first page, please. I'll ask the Registrar to make the scanning for us. You'll see the

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answers to certain of the questions have been redacted as they're not within the jurisdiction of this Inquiry, and most of them are, in fact, within the exclusive jurisdiction of the Transportation Safety Board. So we'll go down the first page. So question number three was all about your safety bulletins and what not. I take it that that question was answered as best you could at the time. We have taken out your answer.

MR. VOKEY:

A. Okay.

ROIL, Q.C.:

Q. That's the -- I wanted to make sure, rather than for somebody to think that you didn't answer that question. Okay, turn to question number 14 which is on page four, please, the bottom of page four. Here we go, okay. So would you read the question and then read the answer?

MR. VOKEY:

A. "Military helicopters require that crew and passengers wear helmets for head protection. Has this been considered as a requirement by the Steering Team".

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ROIL, Q.C.:

Q. Okay.

MR. VOKEY:

A. The answer --

ROIL, Q.C.:

Q. And that's this question, 156, out of the total of 350, was it?

MR. VOKEY:

A. That's correct.

ROIL, Q.C.:

Q. Okay, and the answer was?

MR. VOKEY:

A. "This is not required for passengers or crew on civilian helicopters. Some of Cougar's pilots do wear helmets, but it is a personal preference. There are no plans to consider the use of helmets for passengers".

ROIL, Q.C.:

Q. Now in coming to that conclusion, making that answer, what sort of process would you have gone through in terms of, would you have simply answered it based on your own knowledge, would you have sourced other people, how would -- I don't mean that particular question because you may not

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particularly recall that, but in terms of making these answers, where did you go for information?

MR. PRITCHARD:

A. We would have conversation with Cougar, of course, to understand whether they need to wear them, the pilots. From the crew point of view to facilitate putting the helmet on the flight suit, you know, a helmet would not be appropriate to fit over the top of that flight suit hood, so it becomes a means of practicality as well as, you know, no requirement per se, and then practicalities on top of that.

ROIL, Q.C.:

Q. Okay.

MR. VOKEY:

A. Also in the event, as an example, and we probably could have elaborated a little bit more here, but part of the consideration was in the event that you had to don the flight suit, now you had upwards of 15 or 16 helmets that would be loose in a cabin, and the reference to the military, I mean, typically the people that do wear it there, it's our

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understanding they are mobile, they are not stationary, they are moving around a helicopter and what not, and it serves a different purpose both for communications and for head protection.

ROIL, Q.C.:

Q. Okay, the next one I asked you to look at was number 50, which is on page 13. I take it we don't understand the person or persons who asked this, there was no requirement to divulge your source, was it?

MR. VOKEY:

A. No.

ROIL, Q.C.:

Q. Just anonymous questions.

MR. VOKEY:

A. Some people put their names, but for the most part the vast majority just put questions in. So question 50?

ROIL, Q.C.:

Q. Yes.

MR. VOKEY:

A. Okay, "Are there too many flights on the east coast for the four dedicated helicopters? Should there be more flights with less

Page 37

passengers, how is that determined", and that was also in reference to three other questions, and the answer to that was, "No. In actual fact, the number of flights have decreased with the introduction of the S-92A and Cougar is now flying fewer hours overall. Flying less inherently reduces risk exposure and passenger delays".

ROIL, Q.C.:

Q. Okay, I think that answer again speaks for itself. So the answer was that we have not determined that it's appropriate to add additional flights?

MR. VOKEY:

A. That's correct. We previously did reviews in terms of norms, you know, based on our operating environment, and our reality is in terms of flight hours, I mean, our helicopters fly significantly less hours than they do in other areas, other operating areas.

ROIL, Q.C.:

Q. By other operating areas, you mean in the world?

MR. VOKEY:

A. In terms of the oil and gas industry offshore.

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MR. PRITCHARD:

A. I think also we discussed previously that our schedule now has our scheduled flights going out before midday. We have the afternoon for any ad hoc flights. If in the times when we can't fly, we end up with a backlog of passengers to go out, no matter how many helicopters you have on those days, you cannot fly, you simply cannot fly, and, therefore, it's the requirement to remove the backlog and get the passengers out there that we utilize both the flying time of the morning schedule and the ad hoc time in the afternoon, and potentially any night time flying depending on the criteria for night time flying.

ROIL, Q.C.:

Q. Okay, the next question I asked you to look at was number 60. Again a different type of question entirely, and this one is on page 15?

MR. VOKEY:

A. Question 60 was, "Has anyone considered a flight engineer, a person to monitor the functions of the chopper".

ROIL, Q.C.:

Q. And what did you understand that person to be,

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another person on board the helicopter in addition to the two pilots?

MR. VOKEY:

A. That's correct. So the answer to that question was, "S-92A helicopters are designed to operate without a flight engineer, as is common with most modern aircraft. Cougar crews have access to engineers throughout the flight. They are available for consultation via satellite telephone or radio".

ROIL, Q.C.:

Q. The next question would be number 92 on page 22.

MR. VOKEY:

A. The question is, "There are concerns that pumps and other parts are sometimes shipped as cargo within the passenger compartment. Is this a regular practice? Will any freight be allowed in the cabin area with the passengers", and the answer to that is, "Cargo is not to be transported in the passenger cabin. Cougar advises that it does not carry cargo in the passenger cabin while passengers are on board. If you see any cargo in the passenger cabin in the future, you should

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bring this to Cougar's and your supervisor's attention immediately".

ROIL, Q.C.:

Q. Before you go on, since that time have you had any advice -- it says the supervisor's attention. Have either of you received any advice that cargo is being carried in the passenger compartment?

MR. VOKEY:

A. No, sir.

MR. PRITCHARD:

A. Not to my knowledge, no.

MR. SACUTA:

A. Not to my knowledge.

ROIL, Q.C.:

Q. Thank you. Finally, question 111. This is on page 26, and this appears to be a question that was asked by many people?

MR. VOKEY:

A. Yeah. The question is, "All should be informed" I guess this is a statement, "All should be informed, briefed, and kept in the loop of causes if and when flights are aborted in flight", and the answer to that was, "We have heard from the workforce that when there

Page 41

are flight delays, communications from Cougar needs to be more transparent and timely. We will work with Cougar to identify ways to improve communications with the workforce. Any concerns should be raised to Cougar at the time. If not resolved, concerns should be brought forward to your supervisor".

ROIL, Q.C.:

Q. And again, I guess, my follow-up question is since that time what, to your knowledge, if anything has changed in terms of the communication? I gather that the question - I took the question to be, I'm on a flight, I'm flying out, and it turns around and goes back, I want to know why. What, if anything, has changed in that regard? Was there communication before, is there better communication now, or is it still a difficult area?

MR. VOKEY:

A. There was communication before. I believe it's an area for continuous improvement. It's an area that we could and we have improved on. Part of the challenge here, though, is when the pilots do get an indication, whether it's

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a chipped light or some other type of indication, they don't necessarily have the answer resolved by the time the parties or the passengers get on another helicopter and return offshore. So it's the sensitive piece between, you know, inaccurate or not enough information too soon, or delaying until you've got the full answer for us, but we do share the information with our employees and each of the operators have different, but the same level of communication protocols such that if there are issues, our workforce will find out what the issues are, but it's the timeliness and it's the accuracy, and it's that balance.

ROIL, Q.C.:

Q. Has that continued to be a concern for the workforce, to any of your knowledge, are you continuing to get concerns back about, "We want to know more, we want to know more"?

MR. VOKEY:

A. I can't say on behalf of Suncor. I haven't heard specifically that -- you know, it is a focus area for us and we do put a lot of effort into communication, and I believe the other companies --

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MR. PRITCHARD:

A. We've committed to -- if a flight turns around, we commit to the individuals on that helicopter being informed whenever the correct reliable information is available to be given to those passengers.

ROIL, Q.C.:

Q. Okay, you mean if the flight is --

COMMISSIONER:

Q. May I just ask a question there, because, you know, we all fly on commercial flights all the time and the more -- this is a personal view, the more information the pilot or the co-pilot give about what's going on, the better I, as a passenger, feel. Now when you're in the air, would you not say that this information is most required by the individual? The individual may be nervous or whatever. If there's a problem, do the pilots say, look, we've got a problem, we're not sure quite what it is, but we're going to turn around and go back, anyway?

MR. VOKEY:

A. Absolutely, they actually do.

MR. SACUTA:

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A. Yeah, they make a PA announcement while in transit, and normally if it was a chipped light, for example, the pilot would get on and say that they have a chip indication light and they've made a decision to turn around. They will keep the passengers informed as to whatever they can information-wise as to why they're turning around and going back to the St. John's Airport.

COMMISSIONER:

Q. I must say, I think that's very important.

MR. VOKEY:

A. The key is they can't be speculative, but they do have to be as accurate as they can, and one thing we do need to be sensitive of, their focus is the safety of the operation of that helicopter. So, you know, our workforce, while we endeavour to provide the information as soon as we can on a timely basis, we do have to be sensitive to the needs of the pilot to ensure that they maintain the integrity of that aircraft.

MR. SACUTA:

A. And I think fair enough to say that all three of the operators have worked very hard with

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Cougar on this whole communication issue, making sure that our workforce is kept up to date when those circumstances happen. As Mr. Vokey mentioned, there are times when they can't give them the specific information before they get on another helicopter because the one they flew out on may have to go into the maintenance shop for a look with the maintenance personnel, but eventually the message is to get back to those individuals as to the reason for the turn around.

ROIL, Q.C.:

Q. Thank you. I think that's all the questions. There are many, many more, but I just wanted to share with the public, the Commissioner, and everybody here the nature of some of the questions and how they were answered.

MR. VOKEY:

A. Okay.

ROIL, Q.C.:

Q. Did you ever get feedback from people that, "we like the answers, or we don't like that answer, it's not the answer we want to hear"? Was there ever any additional feedback that any of you ever received?

Page 46

MR. VOKEY:

A. Not that I'm aware of, no.

ROIL, Q.C.:

Q. I mean, obviously giving answers doesn't mean that the person who received them necessarily likes the answer, but --

MR. VOKEY:

A. I think it's fair to say, as the Commissioner indicated, our workforce, I mean, do appreciate, you know, the feedback, especially timely feedback. Whether or not, you know, they say anything about it, the bottom line is it is important to communicate with them. So even if they're not saying anything, we know that it's appreciated.

ROIL, Q.C.:

Q. And I take it from your evidence that this document still remains on each facility offshore and is available to be inspected by any employee out there, so anybody that's not looked for the answers, they have the opportunity to do that?

MR. VOKEY:

A. That's correct.

ROIL, Q.C.:

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Q. And they will have access to all of the answers, not just the ones that we have been talking about?

MR. VOKEY:

A. Yes. Is that it?

ROIL, Q.C.:

Q. Yes, okay, that's fine.

MR. VOKEY:

A. Just to continue on Slide 118, in a previous slide I mentioned changes that Cougar made to its operations as a direct result of their learnings from the March 12th tragedy. While I'm sure that Cougar will cover the information in this slide in significantly more detail when they provide testimony, I do want to at least provide a high level of understanding of the most significant changes. First, in accordance with the Alert Service Bulletin issued back in March, 2009, Cougar changed out the material of the studs in the oil filter bowl assembly. Second, following a detailed review of all procedures, Cougar made changes to improve the effectiveness of their emergency procedures and checklist. Third, Cougar also reviewed its emergency descent

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profile and it's a change which also established a lower altitude for regular flight operations.

ROIL, Q.C.:

Q. For those of us that don't fly, what's a descent profile? I think we all know what lower altitude is.

MR. VOKEY:

A. A descent profile, if say, for example, you were at 5,000 feet and you wanted to get to zero, it was the time and the rate at which you descend.

ROIL, Q.C.:

Q. So the angle of descent?

MR. VOKEY:

A. The angle of descent and the speed.

ROIL, Q.C.:

Q. Okay.

MR. VOKEY:

A. Cougar also implemented additional flight training or pilot training on their new procedures, and they changed the location of the auxiliary fuel tank. There was some discussion about the location of the auxiliary fuel tank on Flight 491 on March 12th when Mr.

Page 49

Decker provided his testimony.

ROIL, Q.C.:

Q. I think we actually have up on the easel before us the diagram that he provided to us. It was not put as an exhibit, but it is a diagram that was his best recollection of what the configuration was on the flight of March 12th.

MR. VOKEY:

A. Okay.

ROIL, Q.C.:

Q. You have it there. Is that your understanding of the way it was at that time?

MR. VOKEY:

A. That is accurate for the way it was prior to March 12th, yes.

ROIL, Q.C.:

Q. Yes.

MR. VOKEY:

A. I'll just comment on that. With respect to the auxiliary fuel tank, first I want to say that it's important to understand the reason why we fly with an auxiliary fuel tank. The fuel tank is necessary in order to provide the required range in a variety of weather

Page 50

conditions, and we did talk yesterday with respect to the distance that we fly offshore, and auxiliary fuel tanks are not uncommon. In the predecessor helicopters that we did fly, the Super Pumas, there were also auxiliary fuel tanks.

ROIL, Q.C.:

Q. Were they also in the passenger cabin?

MR. VOKEY:

A. In the passenger cabin with them. The tank design, installation, maintenance, and operation have been both approved by Transport Canada and the Federal Aviation Authority, the FAA. In accordance with its certification, the tank can be installed on either the port, which is the left side which is shown there, or the starboard side, the right side of the S-92A. During his testimony Mr. Decker noted that on Flight 491, the tank was installed on the port side or the left side, as it's shown there, and that he sat on the right side in the single seat. When installed on the port side of the S-92, three of the inside row seats, as depicted in the picture there, would be removed, thus leaving three rows with one

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seat next to a tank, and I'm not sure how visible that is there, but the reference point is right here. There's three seats adjacent the auxiliary fuel tank. When installed on the starboard side of the S-92, three of the single seats would be removed, thus leaving the tandem seats in place, and, Sandy, if you just want to get that for me, please.

ROIL, Q.C.:

Q. So what we now have put up is a larger version of the image that is on Slide 119?

MR. VOKEY:

A. That's correct, sir. So as was shown in the previous slide, these three seats here were removed previously and the tanks were installed there, and there were single seats on the starboard side. The tank is certified to fit on either the left or the right side. Post March 12th for a number of reasons we moved it from the port side to the starboard side, and I'll just talk a little bit about that. It's important to note that during flight operations, the pilots will first draw on the fuel in the auxiliary tank before using the main fuel. In reality what happens, my

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understanding from Cougar, is that they do draw from a primary tank, but as they're doing it, they will take from the auxiliary tank. So the net effect is that the auxiliary tank within the first 20/25 minutes of flight becomes empty and then they operate of the two primary tanks. Through the Occupational Health and Safety Committee's questions and answer process, there were a number of concerns raised by members of the workforce regarding the overall safety and design of the tank because it is located within the body of the airframe, and the ability of passenger to egress through the window located next to the tank. The design and location of the tank was reviewed by the operators in the town hall meetings to ensure that the workforce understood the certification of the tank and the way in which fuel is used from the tank. In light of the concerns associated with passenger egress, however, it was decided that the auxiliary fuel tank would be relocated from the left side to the right side or the starboard side of the airframe. This change was reviewed with the workforce during the

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return to service town hall meetings prior to the resumption of flights to the Grand Banks.

ROIL, Q.C.:

Q. If you're planning to go on to the next slide, I don't think I want to do that right now.

MR. VOKEY:

A. Okay.

ROIL, Q.C.:

Q. I just have a couple more questions here, and then it'll probably be time for us to have our morning break. I heard your explanation, but I'm not sure I understand. Was it that it's now on that side because the workforce is more comfortable with it there, or that there were some egress issues that were made more comfortable for people? What -- in layman's terms, what was the reason?

MR. VOKEY:

A. In layman's terms, there was concern if the tanks were right here, that depending on the physical attributes of the individuals sitting there, they may not be able to get to their reference point, which would be the secondary exit, the emergency window.

ROIL, Q.C.:

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Q. I think we heard that part of the training is to train people to immediately identify --

MR. VOKEY:

A. To identify your exit there, your secondary exit point, and depending on the size of the individual, their arms may not be long enough. Like, in my case, there's no issues. Somebody smaller than I am might have an issue with the window. So rather than get into a selective seating process, which doesn't work for us, what we said was the tank is certified for each side, the helicopter is designed with two seats there, so tandem seating is by certification, so to take away from individuals who might not be able to egress through the secondary, we'll put it on the right side and just take out the single seats and then the issue goes away. I will say even today, I mean, the workforce is certainly not unanimous in this area. Some people preferred it on the left side, some preferred it on the right, but because there were individuals that had the potential of not being able to reach the window, we said we're going to put it on the right side.

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ROIL, Q.C.:

Q. Okay, the final question that I'd like to ask, and again I recognize that neither of you gentlemen are aeronautical engineers, and neither am I, but what jumps out to me for asking is why would it not be simply easier to fit an external fuel tank externally as opposed to internally?

MR. VOKEY:

A. And I can't answer that question.

ROIL, Q.C.:

Q. You're not aware of any impediment. Others may be able to tell us that there is a reason why.

MR. VOKEY:

A. I think the closest you'll come would be Cougar in their testimony and the work that they did, whether or not they investigated it, but I have no idea.

ROIL, Q.C.:

Q. Do the others have the same --

MR. SACUTA:

A. I mean, to me it's a Sikorsky issue. Sikorsky designs the aircraft. Sikorsky would be best suited to answer that question.

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ROIL, Q.C.:

Q. But who requests additional capacity? It would be the operator saying we want to fly them this far. So you ask for the helicopter to be made able to get out there and back safely with adequate fuel reserves and what not, and the answer comes back to you that this is the way that we are going to do it?

MR. SACUTA:

A. That's correct.

MR. VOKEY:

A. That's correct.

ROIL, Q.C.:

Q. You don't direct whether it's internal or external?

MR. VOKEY:

A. No. Providing that it's certified by Transport Canada, that's our --

ROIL, Q.C.:

Q. And by the FAA, who are the --

MR. VOKEY:

A. It would have to be. In order to receive Transport Canada -- the fact that it's an American helicopter by Sikorsky, it has to be approved by the FAA before Transport Canada,

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and for us on flight type issues, that is our -- that's our indicator that it is safe to use. If it receives Transport Canada approval, our assessment is it's safe to use.

ROIL, Q.C.:

Q. Okay, Mr. Commissioner, unless there's something arising out of that, I think that's probably as good a place as any for us to take our break.

MR. VOKEY:

A. I've only got one more slide here, so -- well, two more. It's up to you.

ROIL, Q.C.:

Q. I've got two more slides -- three more slides, in fact.

MR. VOKEY:

A. Have you? Okay.

ROIL, Q.C.:

Q. So we'll stop here because I understand that others made commitments based on our time schedule.

MR. VOKEY:

A. Oh, okay.

ROIL, Q.C.:

Q. We'll take a break.

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(RECESS)

ROIL, Q.C.:

Q. Okay, Mr. Vokey, I understand that before we move off this slide, that you or somebody else might like to have a further comment about the issue of the placement of the fuel tank?

MR. VOKEY:

A. That's correct. Mr. Sacuta has a comment to make, but I just want to clarify, I guess, my previous testimony. When we talked about the window exits possibly being impeded due to the auxiliary fuel tank, especially if people couldn't access it, the windows that we're talking about are secondary egress. There's four primary egress points on the helicopter; two forward, two aft, and they're shown there with the A, B, C, D. So the windows that we are talking about, the three that, you know, people felt may or have the potential to be impeded, they're secondary exists, and just one other point of note, in the BST training, I mean, individuals are trained that if the primary access is not impeded in any way, that is the exit route and it's only in the event of an overturned helicopter, or if the primary

Page 59

is impeded, that you'd use the secondary. So I just wanted to clarify that point. We're not talking about main exits being potentially impeded, you know, based on people's size. I just wanted to clarify that point, and I think Mr. Sacuta had a comment.

MR. SACUTA:

A. I just wanted to remind you, Mr. Roil, and Mr. Commissioner, of the two refusals we had related to the auxiliary fuel tank which I discussed yesterday. They did follow the complete right to refuse dangerous work process, which resulted in the Board, the C-NLOPB, issuing a decision on the validity of the refusal. The Board, in their decision, recognized that there are inherent risks associated with helicopter transportation, but the presence of the auxiliary fuel tank did not result in an unacceptable increase in that level of risk. That was the decision that was rendered by the Board on both refusals related to the auxiliary fuel tank.

COMMISSIONER:

Q. I see. Thank you.

MR. VOKEY:

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A. Okay, we're on Slide 120. So before moving on to the recommendations, the 18 recommendations associated with the Helicopter Operations Task Force Report, just a couple of more slides that sort of round out the final pieces of information associated with the decision to return to flight. Prior to returning to service, the regulator, the C-NLOPB, required that the operators individually submit a declaration that stated that the equipment was fit for purpose for which it was being used, that the operating procedures relating to helicopter operations and maintenance were appropriate for use, and that personnel who are deployed -- who are to be employed, sorry, in the connection with the operations and maintenance of the helicopters are qualified and competent.

ROIL, Q.C.:

Q. So I take it that this is a restatement of their principle that responsibility, primary responsibility for the transport of workers is that of the operator?

MR. VOKEY:

A. That's correct, sir.

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ROIL, Q.C.:
Q. And you had no objection with that?
MR. VOKEY:
A. We had no objection whatsoever. So the HOTF Report was sent to the C-NLOPB, Chief Safety Officer, on May 5th, 2009, and that would be 13 days prior to the operators resuming flying. You can also see on Slide 120, there was a letter from the Chief Safety Officer with the Board, which accepted the HOTF Report and said -- it says the letter was received on May 15th, stating their acceptance of the report and the declaration as a demonstration of the requirements for support craft under Section 55 of the Newfoundland Offshore Petroleum Production Conservation Regulations, that their acceptance of the HOTF Report as an interim report as required by Part 15 of the Newfoundland Offshore Petroleum Occupational Health and Safety Regulations, and it says, "We will accept the final report of the TSB as meeting this requirement, but will require the GBO" or Grand Banks operators, "to review all findings that arise from the TSB final report and provide a satisfactory report on this

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review once it is completed", and again that letter was from the C-NLOPB, May 15th, 2009.
ROIL, Q.C.:
Q. In the first bullet, they accepted the report and declaration as a demonstration of the requirements for support craft. The expression "support craft" there, I take it, means -- it includes helicopter?
MR. VOKEY:
A. That's correct, sir.
ROIL, Q.C.:
Q. You used support craft to refer to the vessels, so this is referring to the airframes?
MR. VOKEY:
A. Yes, vessels and airframes are considered support craft.
ROIL, Q.C.:
Q. They're all support craft?
MR. VOKEY:
A. That's correct. The last slide before I hand it over to Mr. Sacuta has to do with the operator return to service. So at this point in time, and I'm going back now to the submission and acceptance of the HOTF Report

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by the operators, at this point the operators concluded that we were ready to return to flight operations. As I previously indicated, regular flight operations commenced May 18th, 2009, and for those who were offshore at the time of the return to service, they were provided an opportunity to return home by boat and that was to give them an opportunity to talk to their families prior to being required to start flying back and forth to the offshore again. As I previously indicated, a copy of the HOTF Report was made available on each of the installations offshore, and that is a summary of the HOTF piece of our presentation, and I'll now hand it over to Mr. Sacuta and Mr. Pritchard to review the recommendations of the HOTF.
ROIL, Q.C.:
Q. Okay, and again, I think for convenience, we've got all the recommendations restated in the presentations, so that we don't have to go -- I take it that these are taken verbatim from the final report?
MR. SACUTA:
A. That's correct, verbatim from the HOTF Report.

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Further to the decision made by the operators to resume safe flight operations with the S-92, the Helicopter Operations Task Force also identified a number of recommendations for future consideration by each operator, 18 in total. It was not necessary to complete these recommendations before we returned to service, but they were follow-up recommendations for consideration. The operators continue to meet regularly to progress the resolution of the status of these recommendations. Periodic updates are provided to the onshore and offshore workforce and the C-NLOPB. For example, in October, I went offshore on October 10th on a flight that the Commissioner actually returned to St. John's on, and did a town hall to review the status of these recommendations, and then 21 days later I also went offshore so that I could get the back to back crews, and I believe each of the other operators did a similar update with their workforce. So I'll be reviewing the first nine recommendations, and I'll hand over to Mr. Pritchard for the final nine.
ROIL, Q.C.:

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Q. That's fine, and those that relate to TSB matters, we can just speak briefly of them, and we understand that they're not for us to make decisions upon.

MR. SACUTA:

A. Right. Okay, the first recommendation, number one, was monitor the Transportation Safety Board and Cougar internal investigations for further learnings and actions. Of course, at the time that the HOTF Report was issued, the Transportation Safety Board was still in their investigation process and they continue in that process today. We are monitoring the process or the progress of that investigation. The TSB has been very open with us. Whenever they have an issue, they inform us of something that they think we may need to know immediately. They did indicate that the cause of the crash, as most of us know, was a loss of main gear box oil due to the failure of the stud on the filter bowl assembly. It also recommended changes to the S-92 emergency checklist, which were implemented by Cougar with input from Sikorsky soon after the accident. Mr. Commissioner, I would also like

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to highlight that in December, Sikorsky did issue an Alert Service Bulletin which directed operators of the S-92 to replace the existing filter bowl assembly with an improved version. The original filter bowl was fully compliant with all regulations, and the new filter bowl was part of a continuous improvement process. It is my understanding that all four of the S-92 aircraft currently operating in the St. John's area have completed this replacement. Recommendation number two, support and monitor Cougar's rollout of its new safety management system incorporating their management of change process. Cougar had actually begun implementation of their safety management system prior to the March 12th incident. The rollout was scheduled to be completed in the third quarter -- sorry, the rollout was completed in the third quarter of 2009. After the rollout, a joint operator assessment of the safety management system was completed in October, and the final report has been submitted to Cougar for their information and follow-up. It was a joint audit between the three operators to review Cougar's safety

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management system and whether or not they were meeting the intent of the safety management system.

ROIL, Q.C.:

Q. Okay, and can I take it, or can you tell us what your conclusion was?

MR. SACUTA:

A. There were three fairly minor non-conformances identified as part of the review. One was associated with the full implementation of the management of change process that was identified in the safety management system.

ROIL, Q.C.:

Q. And what is a management of change process for those not familiar?

MR. SACUTA:

A. It's a logical step by step process that when you change something in your operation, that you've looked at the risks, identified any hazards and mitigation plans in place, such that you're not making changes without fully evaluating the risks and potential risks of doing those changes.

ROIL, Q.C.:

Q. It's based on the principle that change may

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bring risk and you manage that?

MR. SACUTA:

A. Change may create a change in the risk level of whatever you've done. They want to make sure that you don't make a change without fully evaluating the risks of that change.

ROIL, Q.C.:

Q. Okay.

MR. SACUTA:

A. The second finding was their quality assurance and quality control, follow-up on purchased products needed to be improved, and the third was that there was some evidence that documents without formal identification numbers, which is part of their safety management system, were being utilized in the facility. So they just needed to make sure that any documents being utilized by any personnel in the Cougar facility had actually been registered and had a document number.

ROIL, Q.C.:

Q. Okay.

MR. SACUTA:

A. Recommendation three was to consider revisiting the current sea state limitations

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imposed on flights, to ensure helicopter risk is as low as reasonably practicable. There are three components of helicopter operations which may be impacted by sea state. The first is flying to and from an offshore installation. If you were to talk to Sikorsky or Cougar whether or not there were any sea state restrictions associated with flying from St. John's to the platform, they would say, no, at a high level, it's a helicopter, it's not a boat, so there are no restrictions for the transit from St. John's to the facilities offshore.

ROIL, Q.C.:

Q. So if it stays in the air, the sea does not affect it?

MR. SACUTA:

A. That's correct.

ROIL, Q.C.:

Q. That seems simple.

MR. SACUTA:

A. Right. The second component is the actual landing at the installation. As previously mentioned, Hibernia is a gravity based structure which does not move. So landing at

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the Hibernia installation is not impacted by sea state conditions because the platform does not move.

ROIL, Q.C.:

Q. The platform does not float up and down?

MR. SACUTA:

A. It does not float, does not move side to side. It's a fixed facility, so the helideck stays fixed. As far as the floating facilities, they are impacted by the heave, pitch, and roll conditions, so there are the possibility that sea state conditions could impact the actual landing operations at the Sea Rose and Terra Nova facilities.

ROIL, Q.C.:

Q. I take it that with a floating helideck, that the sea state can affect the ability of the helicopter to land on that deck?

MR. SACUTA:

A. Absolutely, and I'll talk about some of the restrictions a little further on. The last one is the recovery from sea, and this is the one that has the most impact. If you were to end up in the water, the ability to recover personnel from the sea is affected, obviously,

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by sea state conditions. Recovery by the standby vessel, for example, can be accomplished through the use of a fast rescue craft or through mechanical retrieval. Currently, Hibernia, HMDC, has a seven metre restriction when it comes to recovery from the sea. So when sea states are above seven metres, we do not fly offshore.

ROIL, Q.C.:

Q. So the flight will not leave if the sea state, what, at Hibernia, or between Hibernia and the --

MR. SACUTA:

A. If the sea state at Hibernia is seven metres.

ROIL, Q.C.:

Q. Okay, at your location.

MR. SACUTA:

A. Right, it's -- we don't have the forecast of the entire flight path, but Hibernia -- the location of the facilities is really -- we do have the ability to track sea state conditions at that point.

ROIL, Q.C.:

Q. And you have people on board regularly who measure sea state conditions?

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MR. SACUTA:

A. We have equipment that can measure sea state.

ROIL, Q.C.:

Q. So you're telling us that if the sea state conditions are above seven metres at the facility, the flight will not leave St. John's?

MR. SACUTA:

A. That's correct.

ROIL, Q.C.:

Q. Okay, and I presume would the converse apply if it was seven metres, it will not leave from the facility to come back to St. John's?

MR. SACUTA:

A. That's correct.

ROIL, Q.C.:

Q. Okay.

MR. SACUTA:

A. Husky has a six metre restriction, and currently Suncor does not have a defined wave height restriction, however, with the Terra Nova being a floating production and storage vessel, it is likely they would not be able to fly and land on Terra Nova if the sea conditions were above six to seven metres,

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just based on the nature of the role of the vessel. So it's not a prescribed landing limit, but it is unlikely they would be able to fly in sea state conditions above six to seven metres, anyway, based on the heave and pitch of the vessel itself.

ROIL, Q.C.:

Q. So the sea state condition is dictated by the fact that the helideck is moving too much, not necessarily by what the retrieval issues are?

MR. SACUTA:

A. Correct.

MR. VOKEY:

A. If I can just comment on that, as Mr. Sacuta indicated, it's a function of heave, pitch, and roll, and pitch and roll are absolute angle numbers, 3 degrees, I won't get into the details, but with the helideck it's not just the absolute, it's the rate or the acceleration which the helideck is moving.

ROIL, Q.C.:

Q. How quickly it moves up and down?

MR. SACUTA:

A. How quickly it moves up and down, and while Terra Nova do not have a sea state limitation,

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it is less than 5 percent of our flights that have been done in over six metre seas, and I think it's less than 1 percent beyond seven metres. So while there's not an absolute number, the sea state, the six or seven metre sea state will, by virtue of working in the North Atlantic, it will create a vessel motion that we won't fly, anyway, because the pilots won't land, so -- there's two ways of measuring. One; vessel motion, and that actually relates to the sea state.

MR. PRITCHARD:

A. If I could just add to that, Mr. Roil, in terms of the Sea Rose, we discussed our offset helideck, and, therefore, the motion characteristics are even simply different again and the speed and rise of the helideck being offset with a roll is increased once again, so we don't even have the stability of the helideck that the Terra Nova has, and six metre seas would probably take us out with our limits.

MR. SACUTA:

A. I think recognizing that there are individual differences between the three operators, we

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are currently discussing whether a common sea state limitation is justified. So we continue to discuss whether it's justified to have a common sea state limit between the three operators, recognizing that there are differences between the three facilities.

ROIL, Q.C.:

Q. So there are two issues that you must confront, I take it. One is whether to have a common state, and then if so, what that number is?

MR. SACUTA:

A. That's correct.

ROIL, Q.C.:

Q. But do we take it that it would likely be somewhere seven or below?

MR. SACUTA:

A. Oh, yes, yes.

ROIL, Q.C.:

Q. Okay. What's the timing for that kind of discussion?

MR. SACUTA:

A. I don't know the answer to that. We're continuing to talk about it. There are some considerations to make between the three

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operators as to whether -- how that impacts our operations. So there's no guarantee that we'll come to an agreement on sea state limitations, but we do think it's worth talking about.

MR. PRITCHARD:

A. I think the recommendation was given for consistency to take away any confusion of the workforce that why do I travel in seven, why do I travel in six. That's the basis of that recommendation to take away any confusion.

MR. VOKEY:

A. Ultimately, whatever the number is, it has to -- it has to consider recovery, and that will be a key part of the decision whether it is six or whether it is seven.

ROIL, Q.C.:

Q. Okay, thank you.

MR. SACUTA:

A. Recommendation number four, consideration in consultation with Cougar Helicopters, the installation of additional floatation on the S-92A fleet to a sea state six capability. I'd just like to highlight that the designed sea state specification does not guarantee the

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helicopter will remain upright in those conditions. It depends on the angle at which it would land, versus the sea state, the distance between the waves. I think there are situations where if the tail rotor was impacted by the ocean, it would result in a flip regardless of the fact it may have been less sea state conditions than more. So it's not a guarantee. This is just equipment that's there as an enhancement to try to reduce the possibility of the helicopter inverting should it land on the water.

ROIL, Q.C.:

Q. So if I can draw an analogy, it's like the airbags that are in my car, they won't guarantee I won't get hurt, it's just another piece of technology that's trying to help?

MR. SACUTA:

A. Right. However, the addition of additional floats should provide more stability on the sea surface. All floatation deploys automatically if armed, which means there's an armed switch that if you were to hit the water, the floats would deploy automatically, or they can be activated manually by the

Page 78

pilots. We did order additional floatation for all three S-92s in May of 2009. It's a long lead item. We expect the floatation will be available for installation by mid year 2010 and it's estimated that it would take ten days per aircraft to install this additional floatation. I would like to highlight it's important to note that the FAA has not certified any helicopter above sea state four conditions, which is just the way the FAA works. However, Sikorsky has tested the current floatation to a mid sea state five condition, which is the equivalent of a four metre sea. It is also my understanding that the new additional floats have been tested by Sikorsky to a mid sea state six condition by Sikorsky, and a sea state six is a range of between four and six metre seas, just for reference.

ROIL, Q.C.:

Q. Again I don't think this is the appropriate forum to solve complex problems, but these additional floats, I just want to get an understanding, are they designed to keep it upright, i.e. it will sit with its bottom on

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the water, or is it designed to stop them from going over too far?

MR. SACUTA:

A. It's designed to keep the helicopter floating with the intent of trying to avoid, but it does not guarantee it will not invert.

ROIL, Q.C.:

Q. Right.

MR. SACUTA:

A. And you can see on the diagram the additional floats are actually on the pontoons of the S-92 on the bottom picture. So the desire is to improve the stability once it ends up on the ocean, but it doesn't guarantee that the helicopter won't still invert. There are no guarantees, depending on the location of the helicopter versus the sea state and the prevailing current conditions. So it's not a guarantee.

ROIL, Q.C.:

Q. Again this is perhaps a better question for Cougar, but I'll probe it just to see what you know about it, are you aware of any technology or any testing anywhere in the world where the objective is to not necessarily keep it level,

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but to allow it to fall to one side and not turn upside down?

MR. SACUTA:

A. It's a question better asked probably of Cougar or the helicopter manufacturer.

COMMISSIONER:

Q. I should say, in fairness to you, you know, I've been in past months reading everything I can get my hands on about the North Sea actions and conditions and things like that, and I'll share that with everybody, because as I said in the beginning, I don't want anybody to be blind sided, but I guess you know that in the North Sea they're now looking at scoops, you know, which if an aircraft goes in ditching, these scoops fill with water and, therefore, the weight makes it less likely that it's going to roll over, and also that they're working on floatation devices by the engine cowling to let it roll so that it's more or less on its side with windows or two of the escape doors out of the water and remain in that condition so people can get out more readily. All this is ongoing.

MR. SACUTA:

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A. Yes, I wasn't aware of that, but it's nice to know.

COMMISSIONER:

Q. It's most interesting, you know, and I mention it because anything that I read, you know, I will share with everybody so there will be no thought, you know, that I'm going to sort of keep things muffled up and not revealed, but these are very interesting experiments and discussions.

MR. SACUTA:

A. HOTF recommendation number five, participate through CAPP on the Canadian General Standards Boards, the CGSB evaluation of the survival suit standards. As you may be aware, the current survival suit standards are ten years old, moving into their 11th year, last done in 1999. So there is a national review committee which includes more than 40 members, which includes representation from the various stakeholders, which includes the government departments, the regulators, both the C-NLOPB and the C-NSOPB from Nova Scotia, and that includes the suit manufacturers, scientific groups, and any other interested group. The

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operators are represented through CAPP. The working group includes Suncor, ExxonMobil, Chevron, Statoil, Husky Energy, and ConocoPhillips. Through CAPP, we submitted feedback on the current standard, including the issues related to testing requirements, fit issues, comfort issues, and the thermal requirements.

ROIL, Q.C.:

Q. I take it that the issues we were talking about in our earlier evidence in the fall --

MR. SACUTA:

A. Correct.

ROIL, Q.C.:

Q. All of those issues have gone off to this committee?

MR. SACUTA:

A. I mean, the key component is we do have a suit that's certified to this current CGSB standard, but I think that all of us have realized that we need -- the standard is more than ten years old, that needs to be reviewed. Based on our conversations with the CGSB, they expect the review the standards, which commenced in November of 2009, could take

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anywhere between 18 and 24 months to complete. We've combined recommendations number six and number seven. The original number six recommendation was to consider adding additional standard immersion suit sizes, especially in extra extra small size, and consideration of modified suits and custom suits, and evaluated option of immersion suit zipper enhancements currently being tested by Helly Hansen. During the review of these recommendations, a number of suit initiatives were identified which we felt met the recommendation's original intent. They include suit assessment and fitting, a modified E-452 suit, the introduction of the HTS-1 suit, custom suits, and also some water ingress testing. So I have some further information on each of those sections in the coming slides.

ROIL, Q.C.:

Q. Okay.

MR. SACUTA:

A. After March 12th, it was recognized that improvements in the assessment and fitting of helicopter transportation suits were

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necessary. A formal process was instituted in May for all personnel travelling offshore to be assessed by Helly Hansen to determine the appropriate suit size. During the period from May to October, approximately 10 percent of the total population of persons fitted were unable to obtain an acceptable fit. Until a properly fitted suit became available, these personnel were transported offshore by supply boat. I'd like the take the opportunity to highlight, Mr. Commissioner, that the TSB issued an Aviation Safety Advisory Letter to the Director General of Civil Aviation at Transport Canada on December 7th, 2009. The letter highlighted the process that the east coast operators implemented during the return to service, and suggested Transport Canada may want to inform other operators about the importance of confirming appropriate suit sizes. We certainly feel this was an indorsement of the process we followed during the return to helicopter operations. Furthermore --

ROIL, Q.C.:

Q. Just on that point, Commissioner, I have

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recently, as recent as Friday, received a copy of this letter. It was not addressed to us, but it's addressed to a number of other different organizations and groups, so I don't think there's anything secretive about it. I have a copy which I will distribute which counsel can read, if anyone wants to cross-examine on it this afternoon, I suppose, or to ask questions about it.

COMMISSIONER:

Q. This was provide by the operators?

ROIL, Q.C.:

Q. Yes, it was.

COMMISSIONER:

Q. Thank you for doing that because things like that we don't get.

MR. SACUTA:

A. Right. I'd like to also highlight that the letter did identify that the one survivor of the accident had been provided a large size suit when his body measurements indicated a medium size suit would have been more appropriate. So that was identified in the letter from the Transportation Safety Board. This is just a graphical representation of the

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suit fitting process we went through. You can see that approximately 91 percent of our personnel that were tested were able to pass a fit testing with the original E-452 suit. Approximately 3 percent of the remaining 9 percent were able to be successfully fit with a modified E-452 suit, and a modified E- 452 suit I'll talk about a little later, but mainly just change a smaller hood size, smaller boot size, to get the face seal proper. Then there was approximately 6 percent that could not achieve a successful fit with the E-452, and we'll talk about what we did for them in the next set of slides.

ROIL, Q.C.:

Q. Before you move off that slide, a couple of questions I have for you. So 91 percent of the workforce travelling offshore was able to be fitted into a standard production suit?

MR. SACUTA:

A. Yes, standard E-452.

ROIL, Q.C.:

Q. But that does not say that 91 percent were properly fitted from the outset, does it?

MR. SACUTA:

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A. That's correct. That just means that when we went into this extensive refitting exercise, that of all the people that we tested, 91 percent we were able to get a successful fit test with a standard E-452 suit without any modifications.

ROIL, Q.C.:

Q. And then the other 9 percent required either a custom suit or some sort of modification?

MR. SACUTA:

A. That's correct.

ROIL, Q.C.:

Q. The other question that I'd like to ask you is, and it will take a moment or two to frame it, I think, but we have heard from you as the operators about the risk management process, we've heard from our consultant about the risk management process, and if the process is as good as it advocates, say it is, then it adds value, and I guess my question to you, Mr. Sacuta, or to anyone of you who wishes to answer, is if a risk management process had been properly applied -- assuming that a risk management process was properly applied to the suit fit process at the beginning, would we

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have ended up with the same problems with those suits not fitting or not being properly fitted to the individuals?

MR. SACUTA:

A. I mean, I think what I would comment is that during the rollout, the original rollout of the E-452 suit, we did have Helly Hansen personnel on location during that fitting and transition process. At that point in time, we didn't have any indication from any of the workforce associated with concerns with the face seal of the suit. There were some concerns raised with the comfort of the suit, with the stiffness of the zipper, on the ability to -- how hard it was to get the zipper done up. Helly Hansen did respond to those issues by exercising the zippers more frequently during the turnaround of suits, and actually putting some bee's wax on the zipper to try to make the zippers a little easier to get up, but at no point during this process until after March 12th did we actually get an indication that the actual fit of the suit around the face seal was a concern. I'm not aware of any issues that were raised. All the

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issues that I was made aware of were associated with the comfort of the suit.

MR. VOKEY:

A. If I can just comment, there was one within Suncor with respect to the fit of the suit, and that was, I believe, back in late 2008, and that issue was being worked with Helly Hansen to resolve, but other than that, as Mr. Sacuta indicated, it was mostly the tightness of wrist seals, stiffness of zippers, and just the stiffness of the suit in general.

ROIL, Q.C.:

Q. I think -- again to be clear here, because my objective is not to criticize, but to see if we can learn, and it seems to me that that issue of the fact that suits were not initially fitted, people were allowed to select their own size based on comfort rather than on what was best for them, might be one of those little holes in the piece of cheese.

MR. SACUTA:

A. I think that, generally speaking, when we first rolled out the suits, individuals just did not pick their suit size, they were fitted by Helly Hansen individually.

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ROIL, Q.C.:

Q. Initially?

MR. SACUTA:

A. Initially. After time, people -- there were circumstances were people started to complain about the comfort of their suits and then started to ask for other size suits. So, yes, that may have been one of those cases where the hole in the swiss cheese may have grown.

ROIL, Q.C.:

Q. Or moved?

MR. SACUTA:

A. Or moved, as part of this process, that's correct.

ROIL, Q.C.:

Q. Okay.

COMMISSIONER:

Q. There were two competing interests really at play there.

MR. SACUTA:

A. Yes.

COMMISSIONER:

Q. One, the safety issue, which would require the very tight, and the comfort issue, which any of us may say, ah, this is much more

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comfortable, but did not provide the seal.

MR. SACUTA:

A. That's right. I mean, any time that I've worn the suit, for me it's very easy to tell when the face seal is correct because the process that Cougar makes you follow where you sit down and don the hood, normally you stand up afterwards and when you stand up and the face seal is proper, the suit actually sucks up against your body a little bit. If you feel air passing by the face seal when you stand up, then you don't have a good fit. So, you know, individuals also can identify themselves when they've got an issue with the face seal because you should be able to tell should you feel the ingress of air when you stand up, then your face seal is not right.

ROIL, Q.C.:

Q. Thank you.

MR. SACUTA:

A. So for those that could not fit into the standard E-452 suit, we had some options. Helly Hansen did create a pool of modified suits which incorporated smaller components of the existing 452 suit, basically the boots and

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the hoods, and this addressed some of the fitting concerns for personnel who did not achieve a good fit with the standard E- 452 suit, and I think the previous page, the graph, showed around 3 percent were able to get a successful fit with the modified E- 452 suit. In order to address those personnel for whom a proper fit could not be obtained with either the standard E-452 suit or the modified E-452 suit, an additional solution was necessary. In 2008, ExxonMobil at Sable had contracted Helly Hansen to address E- 452 comfort concerns that they were experiencing. This resulted in the Helly Hansen designed HTS-1 suit.

ROIL, Q.C.:

Q. Okay, I think I recall there the evidence of Helly Hansen that there was a transit group that was using these suits on a very frequent basis?

MR. SACUTA:

A. Yeah, I was going to mention that their comfort issues were a little bit different as they have an intervention crew that jumps around between facilities because they have

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multiple facilities, and because they had to have the suits on frequently and for an extended period during those transitions, they found the suits very uncomfortable from a temperature perspective. So they started to look at what they could do to improve that. So the HTS-1 suit includes a new neoprene hood with an adjustment strap to improve the comfort and fit, a new enhanced zipper and arm cuffs making donning and removal easier, and internal suspenders to allow the fit in the legs to be adjusted. Based on the work previously completed in the design of the HTS-1 suit, the operators in Newfoundland area introduced the HTS-1 suit, and fittings commenced in September of 2009. The HTS-1 suit received Transport Canada approval on November 26th, 2009, and we immediately started the process of implementing and using the suit as they were being manufactured. There may be a small number of custom suits that may be required for those who have not been successfully fitted in any of the three suits; the E-452, the modified E-452, or the HTS-1, but that's a handful of people, and

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we'll continue to work with Helly Hansen to try to get a custom suit for those individuals.

ROIL, Q.C.:

Q. With respect to ongoing work and ongoing production, is it that the E-452 now will no longer be made and that the HTS-1 will become the --

MR. SACUTA:

A. The operators are currently evaluating the HTS-1 suit. We want to get some run time on it. We will be looking at whether or not in the long term we'll want to convert to an HTS-1 suit for everyone, or whether we'll want to stay with the current bank of suits that we have. So it's something that requires further evaluation.

ROIL, Q.C.:

Q. And I take it that the impact of the decision of the Canada Standards Board, Canadian General Standards Board, two years down, will also have some impact on that decision?

MR. SACUTA:

A. Yes, because there may be a change to the standard, and then we'd have to revisit our

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current suits to see how they compare against any revisions made to the standard.

ROIL, Q.C.:

Q. Okay, we've got another couple of pictures.

MR. SACUTA:

A. Right, I'm not going to talk very much about the differences, but the main differences on this are the hood, you can notice it's a different hood setup. It's got a strap on the back that allows you to tighten the fit on the head, and the other main thing, in the bottom right hand corner, you can see the internal suspenders that allow an individual to hike up so that you get a suit a fits vertically a little better because some people may be a little bit shorter than others, and they --

ROIL, Q.C.:

Q. In the body --

MR. SACUTA:

A. Yeah.

ROIL, Q.C.:

Q. Yeah. Water ingress testing. The operators conducted an independent assessment of the performance of the E-452 suit in July of 2009, and the HTS-1 suit in November of 2009,

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related to water ingress. Based on Mr. Decker's situation, we wanted to make sure that this whole suit fitting process we were going through worked and that we were able to do some water ingress testing to see if the suit when properly fitted met the standards of the CGSB. This testing did include participation of members of the JOHS Committees of the operators. The assessment included a review of a simulated helicopter egress scenario and a survival situation. The actual test included an escape from a helicopter, a swim in moderately gusty winds of between 30 and 70 kilometres per hour, waves random and confused, and rain continuous and heavy, followed by boarding a life raft. A second test involved a thirty minute swim in moderately gusty winds and waves. The results of the test indicated water ingress for both suits was below the leakage amount allowed by the current CGSB standard. This testing methodology used will be provided to the National Review Committee currently evaluating the CGSB standard. We think that we'd like to give the people looking at the current

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standard this testing procedure that we went through to see if they'd like to maybe incorporate it in their revision or review of the current CGSB standard because we thought it was very representative of the conditions under which our workers could be exposed should they end up in the water.

ROIL, Q.C.:

Q. And I understand from the earlier evidence that the current testing under the standard is a more static testing.

MR. SACUTA:

A. That's correct.

ROIL, Q.C.:

Q. Jumping into a pool that is flat and level.

MR. SACUTA:

A. It's not as rigorous as this testing that the operators did.

Recommendation number eight was to review the current immersion suit gloves for ease of use and practicality, consider having passengers wear a thin glove with adequate dexterity for seatbelt release and thermal protection during initial immersion until suit gloves can be donned, and I think,

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Commissioner, you've got an interest in this because you brought it up in previous testimony. This past summer, Helly Hansen undertook a glove enhancement project. We do have a new glove. The new glove is easier to put on. It's got a Velcro wrist strap with less stitching and new Neoprene fabric with more stretch. The new glove has been approved by Transport Canada and the glove replacement program commenced on November 16th and it is anticipated it'll take approximately four to five months to complete the change out. As the suits go in to get cleaned, they'll take the old gloves off and put the new gloves on.

COMMISSIONER:

Q. That's quite interesting. Would the new glove allow -- if it was put on before a ditching, allow the seatbelt -- could the person -- no?

MR. SACUTA:

A. No. No, we'd still want the individual to don the gloves after they got out of the helicopter. So it doesn't fully address the specifics of a thin glove, but it certainly addressed the issue where some of our people complained, even during the pool testing or

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during the BS -- pool portion of the BST where they struggled to get the glove on when they were wet, but -

COMMISSIONER:

Q. Yeah, I found that too.

MR. SACUTA:

A. - it's been demonstrated that this new glove is easier to get on should you end up in the water. It doesn't address specifically the issue of a thin glove.

ROIL, Q.C.:

Q. Is anybody pursuing that on an ongoing basis?

MR. SACUTA:

A. I think it's something longer term we might want to have a look at, but there are some risks associated with that -- not risk, maybe risk isn't the right term -- concerns associated with that just having a glove on in transit, you know, the heat associated with that. What Clo values would you have to put on that? So it's something that, I think, needs to be looked at by the appropriate group of people, whether it's the suit manufacturers or the CGSB.

ROIL, Q.C.:

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Q. And number nine, I think -

MR. SACUTA:

A. Recommendation number nine will be the last one that I review. To develop an information database for Cougar and Helly Hansen that specifies the approved suit size for each passenger so that it no longer is up to the passengers to select their preferred size. Following the accident, as I've mentioned, all personnel were fit tested with sizes assigned based on that testing. Cougar now has a database with suit sizes identified for all personnel who regularly travel offshore. Personnel flying offshore are now required to use the suit size that has been specified for them. However, Cougar personnel have also been trained in the suit fitting process to ensure future personnel travelling offshore will be properly assessed and anybody who wants to change their suit size, as I mentioned yesterday, and I've personally gone through this experience. I mentioned October 10th. October 10th, I flew offshore with a double extra large suit, not proud of that, but -

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ROIL, Q.C.:
Q. This is show and tell time, is it?
MR. SACUTA:
A. - double extra large suit. The face seal, it had been verified by Helly Hansen during our return to service that that was the proper suit size, but I noticed the suit was very big on me. So when I travelled offshore on the 31st, I asked if I could try an extra large suit to see if I could get a successful fitting. So what Cougar did is check in all the other passengers, took me to the side and stepped me through a suit fitting process that they had been trained to implement and I was able to get a successful face seal and the suit was not so bulky for me. So it was a better suit size. So I actually now have changed my suit size in the database from double extra large to extra large.
ROIL, Q.C.:
Q. And so unless your body shape changes -
MR. SACUTA:
A. Changes again, which wouldn't be unusual in my case.
ROIL, Q.C.:

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Q. Get back to our turkey dinner example.
COMMISSIONER:
Q. You're not alone.
MR. SACUTA:
A. So I'd like to hand over to Mr. Pritchard for the next nine recommendations.
ROIL, Q.C.:
Q. Thank you. Mr. Pritchard, when you're ready, sir.
MR. PRITCHARD:
A. Recommendation number ten. Develop guidelines for technical emergencies requiring use of the SAR helicopter. The standby crew currently responds and this affects the availability of the SAR and medevac.
ROIL, Q.C.:
Q. Excuse me, the SAR helicopter, we have to be careful with expressions here because there is a government SAR and there is a first rescue or first response.
MR. PRITCHARD:
A. This is the SAR first response Cougar operator-supplied helicopter.
ROIL, Q.C.:
Q. Yeah. So the one you're referring to here is

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the Cougar operated one?
MR. PRITCHARD:
A. Correct.
ROIL, Q.C.:
Q. I think the sensitivity to that expression might not have been as apparent to you at the time this report was done.
MR. PRITCHARD:
A. Yeah.
ROIL, Q.C.:
Q. So what you're referring to there is the first response one.
MR. PRITCHARD:
A. Absolutely.
ROIL, Q.C.:
Q. Yeah.
MR. PRITCHARD:
A. As of May 2009, the operators committed to no longer using that Cougar standby helicopter or crew for technical emergency flights. So now any technical emergencies requires its own helicopter and the dedicated helicopter remains on the ground and available at all times.
ROIL, Q.C.:

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Q. Okay. Just a couple of questions on the first response issue that come out of this. Was the event of March the 12th the only or the first time that a Cougar helicopter had been used for a company activated first response issue?
MR. PRITCHARD:
A. No, there'd be many times. We discussed in medical terms, a medevac from a facility where we would use that SAR first response type helicopter in medical evacuation times.
ROIL, Q.C.:
Q. Yes, that's using the first response helicopter in a medevac mode. I'm thinking of a response to an incident mode. In other words, pulling somebody out of the water.
MR. PRITCHARD:
A. Not to my knowledge.
MR. SACUTA:
A. First time that I'm aware that we've actually had to recover somebody from the water.
ROIL, Q.C.:
Q. Yeah, okay, so that's the first time. Other than that, this helicopter had been used for your medevac requirements?
MR. PRITCHARD:

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A. That's correct.
ROIL, Q.C.:
Q. Okay. Are there any other times that you're aware of that this helicopter would have been used for a medevac or search rescue retrieval objective of any person?
MR. PRITCHARD:
A. Occasionally, I believe, we've been asked by the Provincial Health authority to sometimes utilize the helicopter for the repatriation of someone in distress on medical grounds.
ROIL, Q.C.:
Q. Right, okay. To your knowledge, and again, better questions asked of the government SAR people, has it ever been dispatched for another emergency, to your knowledge, that wasn't actioned by some activity in the offshore but was rather either search and rescue fishing related or something else?
MR. PRITCHARD:
A. Not that I'm aware of.
MR. VOKEY:
A. Again, Cougar would be the best people to ask this, but I do believe, on occasion, they do get requests from Search and Rescue to provide

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assistance. The level of assistance or the amount, I don't know.
ROIL, Q.C.:
Q. I take it that neither of the companies have any standing written arrangement or relationship with either of the Provincial Government or the Federal Government that directs how that activity would take place?
MR. PRITCHARD:
A. We do not.
MR. SACUTA:
A. We do not either.
MR. VOKEY:
A. No.
ROIL, Q.C.:
Q. No. Thank you.
MR. PRITCHARD:
A. So we do not use that standby helicopter, in essence, for any technical emergencies offshore now.
ROIL, Q.C.:
Q. Okay.
MR. PRITCHARD:
A. Recommendation 11 is to reevaluate the current SAR arrangements the operators have with

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Cougar, recognizing that the last formal assessment was completed in 1997. Consideration should be given to response time and night flights. So we discussed yesterday, as of return to flight service in May, the operators no longer use the inbound flight 30 minutes running time as part of the one-hour wheels up. We now continuously have an airframe on the ground for the one-hour wheels up capabilities.

Additional emergency response enhancements since that time. We have increased the number of rescue specialists in the back of the aircraft, the SAR techs as they're called, from two to three. Pilot SAR training is now limited to the core group, as described yesterday in testimony, and increased the pilot's training to 40 hours per month.

The plan and schedule for night hoisting training is pending and ongoing and really awaiting the final bullet point there, which is to obtain the auto-hover certification and install it on our aircraft, and that will require 20 additional hours of training per

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month for pilots when the auto hover is in place.
ROIL, Q.C.:
Q. Okay. Before you move on there, again, I'm going back to the issue of the one-hour turnaround and again, the question might perhaps be more properly asked of Cougar and others, and I'm sure it will be, but to give you an opportunity to comment on it, would an airframe in St. John's, fully configured for search and rescue missions with the hoist already installed, would that enable a shorter period of time to get that aircraft into the air in the event of an emergency?
MR. PRITCHARD:
A. I think that question is best directed towards Cougar. I do know there are going to be concurrent activities that you need to perform in order to get an airframe ready for a SAR mission. But how all of that timing works and whether that would be shortened by virtue of having a fully equipped aircraft, I can't speculate on.
ROIL, Q.C.:
Q. So there are -- there may be other issues that

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impact the departure time?
MR. PRITCHARD:
A. Correct.
ROIL, Q.C.:
Q. Other than simply the installation of a hoist?
MR. PRITCHARD:
A. Correct. It might submitting flight plans or whatever, but those kinds of -
ROIL, Q.C.:
Q. On the -- sorry, on the day in question, do you know how long it took to get the helicopter in the air, in terms of that one hour?
MR. PRITCHARD:
A. I know the airframe -- from the initial call of turning around of Flight 491, the SAR mission helicopter was above the location in one hour 15 minutes. I think it took something in the nature of 41 minutes, 42 minutes to get the wheels up.
ROIL, Q.C.:
Q. Okay. Yeah, so as measured against the one hour, they were able to perform, at that time -
MR. PRITCHARD:

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A. From the instigation of we request the flight to -- the SAR mission to take place, I believe it was 41 minutes.
ROIL, Q.C.:
Q. Okay. That's all the questions I have in that area.
MR. PRITCHARD:
A. So recommendation 12 is develop criteria and approval process and guidelines for scheduling night flights. So with the return to service, the operators communicated and committed to continue with the existing practice of minimizing the night flights, balancing the requirements of night time flying with the need to adhere, to the greatest extent possible, to the offshore rotation. So that's really the balance of people, I'll say, being guaranteed to be stuck on board if we do not perform some night flights, as opposed to the night flight taking off.
We've discussed a little bit about the differences of the installations, the FPSOs and the fixed platform, and this is part and parcel of the criteria and look forward of should we go for night flight or not. So we

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did describe a little bit about those criteria of the FPSOs during the hours of darkness, the limitations are halved. So if we had a three degree rule during daylight hours, that limitation goes to one and a half degrees on a night time mission, if the helicopter is going to arrive during the hours of darkness. So you can see that the weather conditions on those night missions is going to have to be pretty good in order to achieve those type of criteria on an FPSO.
Where a night flight may be required, operators consider the following: the operational requirements, so there was some aspects of operations there. Opportunity and likelihood of the next day flights. So we are looking at the weather forecast on a continuous basis. If we see that the weather forecast for the next four days is fogged in or weather conditions, wave state, is going to prevent flights going out and that particular evening, it's good flying conditions, weather conditions are stable, we look towards 103 squadron to ensure that they are there. So we have a number of criteria that we would work

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through before launching a night time mission. So the OIM, in conjunction with the onshore logistics, goes through that list of criteria well before a night time flight operation is considered.
ROIL, Q.C.:
Q. Mr. Pritchard, the expression "minimizing night flights" gives me at least the impression that you would prefer not to have night time flights. I guess my question is for you -- because again, this is simple logic and the answer may not be as simple as I think it might be. You're currently using three aircraft to fly your workers back and forth. Would the simple addition of another airframe to having a pool of four, instead of three, would that eliminate any, all or none of the night flights that are currently being performed?
MR. PRITCHARD:
A. We usually have to perform night time flights when we have a backlog of personnel to transfer to and from the installations and that backlog is realized because we haven't been able to perform flights on specific days.

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So once again, no matter how many aircraft we have in place during those days that we cannot fly, it simply means that no aircraft will be flying. When we avail of good weather and we can fly, the inclusion of an additional flight would obviously make the backlog that much quicker to pull back from. But the mainstay is that we have our schedule available to us on the normal course of business complete by midday, all scheduled flights out by midday, and therefore we have the afternoon to reduce that backlog. So we have flights available to us.

ROIL, Q.C.:

Q. Okay. I think that's fine for that issue. Next one. Unless the Commissioner had a question.

COMMISSIONER:

Q. I think I'm clear. Thank you.

MR. PRITCHARD:

A. The next one, recommendation 13 is to follow up with Cougar and offshore facilities to ensure that correct usage of passenger seatbelts is reenforced. This was not something specific from the incident or

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feedback from the workforce particularly. There was a safety bulletin at the time that was issued out and then I'll say some feedback from the users about the seatbelt slipping off of the shoulder arrangements. So safety notices were prepared by Cougar and posted both at the heliport and at our own heli-admin areas where we congregate for repatriation by helicopter, and the flight support personnel check the passengers' seatbelts for correct usage prior to take out. At the Cougar facilities, it is the Cougar personnel who perform that duty, and offshore, it's the helideck team who go into the passenger cabin and check the passenger seatbelts, make sure it is both located in the correct physical location on the body and also make sure that the straps have no interference with the likes of the HUEBA now.

ROIL, Q.C.:

Q. Okay, thank you.

MR. PRITCHARD:

A. Recommendation number 14 was to implement training program and introduce the helicopter underwater emergency breathing apparatus or

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the HUEBA. So the HUEBA training program implemented using the independent sessions and is now part of the standard BST and BST-R refresher courses. So as of October the 1st, 2009, all personnel flying offshore are required to have completed the HUEBA training. So we introduced the HUEBA with a training program, a video and physical representation to get the HUEBA in place prior to the, I'll call it, the wet training physically in the pool.

ROIL, Q.C.:

Q. Just I'd point out to you, you referred to BST and BST-R. There's also the one-day course. I take it that HUEBA is also a part of that, the course that the Commissioner and Ms. Fagan have taken.

MR. PRITCHARD:

A. That's correct, yes.

ROIL, Q.C.:

Q. Yeah, okay. It didn't appear on that line, so I just wanted to make sure that you weren't singling out that group for different treatment.

MR. PRITCHARD:

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A. No, not at all. Heliport HUEBA demonstrations occur by exception. So that if we do have -- this is in the exceptions area. Cougar provide trained personnel to provide the briefings based on those established by the HUEBA training providers. So we do show the videos and we physically demonstrate the equipment and the mechanics of the use of that equipment on requirements to escape.

ROIL, Q.C.:

Q. Okay. But if everybody gets the training, who are the people that would be the exceptions?

MR. PRITCHARD:

A. These are people who come on an exceptional basis. It may be a one-of individual from Norway, for instance, who has a BST course that's acceptable and deemed acceptable to our regulations, but has not had that specific element of training in the Norwegian area. So we give them that specific training in the use of the HUEBA here.

ROIL, Q.C.:

Q. Okay.

MR. SACUTA:

A. I think there were also examples after October

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1st where an employee may have been weeks away from doing his BST refresher or recurrent and so rather than have him do the HUEBA training separate and then go two or three weeks later and do his BST-R, it was decided to give him the opportunity for the demonstration at the heliport and then just a matter of a few weeks later, he would get the full training as part of his scheduled BST-R course.

MR. PRITCHARD:

A. Recommendation number 15 was to reevaluate the current setup of the S-92 emergency locator transmitter or the ELT and consider the procurement of an ADELT, which is an automatically deployable emergency locator transmitter, which can be detected from the aircraft -- sorry, detached from the aircraft. So this was a review of the locator transmitter arrangements and the recommendation for the automatically deployable emergency locator transmitter was that if the aircraft was to go in the water, this would come away from the aircraft and give the location.

Cougar utilized a Blue Sky tracking

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system, which provides instantaneous aircraft location. So you saw in my previous testimony the typical day between St. John's and the offshore environment, the number of aircraft and supply vessels in the area. So we have a picture continuously of the exact locations of the aircraft themselves. The S-92 also has other locator beacons in the passenger cabins and in the life rafts.

A study by Husky Energy determined that the use of the ADELT does not provide any additional benefit to helicopter operations. It concluded that the Blue Sky system currently used in Cougar already provides the same last known position as an ADELT. Plus, it also provides altitude, heading and ground speed. So we get much more information from that system than just a locator transmitter. So that recommendation was not taken.

ROIL, Q.C.:

Q. I understand that in the Cougar evidence, they will give us a demonstration of how the Blue Sky system works and how it plots the location of airframes.

MR. PRITCHARD:

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A. Recommendation number 16 was to work with the Marine Institute to better align survival training equipment and programs with S-92A characteristics. So industry is working through CAPP to progress near-term and long-term enhancements to survival training programs. CAPP recently completed an audit of the basic survival training programs at the Marine Institute and Survival Systems in Nova Scotia. Results are under review by CAPP subcommittees, Marine Institute and Survival Systems.

Formally engaged Marine Institute and Survival Systems on the improvement expectations. So we've completed our audit. We did a review and we have discussed that, the outcomes of that audit with Marine Institute and Survival Systems, and this is really a work in progress as we move forward.

Recommendation number 17 is to review the use, type and location of the goggles in the helicopter, as well as the potential effects of the goggle strap we have on the suit for the air vent. So we've -- Cougar has recently implemented a new practice for goggles. The

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goggles are no longer stored underneath the seat, which in some instances were awkward to recover. Goggles are now located in the seat pocket in front of you and if there is no seat pocket in front of you -- as you can see from the diagram occasionally there are seats with no seat pocket in front of them -- then the goggles are located on the seats. So passengers go in, lift up the goggles and they can secure them usually on their arm during the transit to and from the installations.

Cougar Helicopter landing officer ensure that goggles are secured. So that goes for the offshore helideck crew team as well. They make sure. We also have a number of goggles offshore on the installations to make sure if there's any issues with the goggles in the flight out, that they can be changed out for the passengers on the inbound flight.

ROIL, Q.C.:

Q. We haven't had a lot of evidence about the goggles, but I take it that these are to provide protection against the cold saltwater or is there some other purpose for them?

MR. PRITCHARD:

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A. The cold saltwater, the shock on the eyes and indeed, if you come to the surface and there is any fuel disbursed of course on the sea surface from the sponsons perhaps coming off from the aircraft, then that will give you a little bit of protection from that as well.

ROIL, Q.C.:

Q. Okay.

MR. PRITCHARD:

A. In terms of the goggle strap, we are looking of course with the HDS1 suit that the air vent is removed from the hood itself and that would take that effect away.

Recommendation number 18 is share the results of the Cougar personal locator beacon, the PLB, functionality assessment with each JOHS committee. So there's some issue when the -- in the UK, there was an accident whereby a helicopter went down into the sea and there was interference between the PLBs that they use in the UK, which were a wristwatch style of personal locator beacon, and the aircraft locator beacon. The arrangement was such that if one PLB sense another PLB, there was a battery support

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mechanism that would shut that one down and conserve the energy of your PLB whilst another transmitter was actually operating. That interference on that particular day was recognized and the helicopter PLB was starting to shut down because it could recognize other PLBs in the area. The PLBs that we use in Newfoundland are such that they're not that automated and they will just keep on functioning no matter what. There is no interference or interaction between PLBs. So we just wanted to make sure that people who were getting information from the UK sector and recognizing interference issues, we needed to inform everybody that we did not have those same interference issues. And that is the -

ROIL, Q.C.:

Q. Okay, thank you, Mr. Pritchard. That, I think, covers your input at this stage and we are left now with the closing remarks, which I understand Mr. Sacuta will lead us in.

MR. SACUTA:

A. Based on the testimony delivered so far in the Inquiry, the operators have identified some areas that we feel may require further review

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and discussion during Phase 1B of this Inquiry. They include emergency response and search and rescue, including response times and the interface between the Basin operators and the Department of National Defence.

Communications with the workforce. Although we believe we have well established communication processes with our workforce, in the spirit of continuous improvement, we are always willing to consider ways to improve these communications.

Between regulators. Although the communication between ourselves and the Board, the C-NLOPB, and the certifying authorities we feel is good, there may be an opportunity to improve the communications between the regulators for aviation operations and production operations. In other words, between the Board and Transport Canada.

Between Cougar and passengers. Although we have taken steps to improve this communication since March 12th, as mentioned above, we are always willing to consider ways to further improve in the spirit of continuous improvement.

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Between the operators and the training institutions, based on some of the comments made during this Inquiry. Passenger training: looking forward, it is key for the industry to identify our expectations and requirements related to helicopter specific training. The fidelity of the HUET training is an example.

And last, the responsiveness of CAPP initiatives. We have talked at length on the HUEBA issue and a lessons learned review will be completed. Coming out of that review may be recommendations to improve the responsiveness and timeliness of CAPP initiatives.

In closing, Mr. Commissioner, I'd like to highlight a couple of points. There is nothing more important than the safety of our workforce. There will never be anything more important than the safety of our workforce. Based on our experience, Newfoundland has one of the highest safety standards for helicopter transportation in the world. Our systems for managing safety are effective and provide continuous improvements in our safety performance. The operators are committed to

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continuous safety improvement opportunities. We recognize the importance and are committed to communication with all stakeholders, JOHS, our workforce, the regulators, our contract service providers and between operators.

We are very proud of the way we assessed our return to helicopter operations in 2009, the work that was completed by the Helicopter Operations Task Force, the continuous engagement of our workforce, of the regulator and our communications plan, which included roll out of our return-to-service plans with the regulator and most certainly with our offshore workforce prior to putting people back on helicopters, and we are committed to working with the Inquiry in Phase 1B.

Finally, we will never forget March 12th, 2009. The families of those on board Flight 491 will forever be in our thoughts. For Mr. Decker, wherever your life takes you, we wish you health and happiness, and for the families, we hope with time comes peace.

Mr. Commissioner, we thank you for the opportunity to testify at this Inquiry. This has been a difficult time for the families,

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for the industry and the entire Newfoundland and Labrador community. The industry supports the Inquiry and will continue to contribute in the hope of achieving your mandate of improving helicopter safety. Thank you.

COMMISSIONER:

Q. Thank you.

ROIL, Q.C.:

Q. Unless either of the other of you would want to add something, I have no further questions. Commissioner, it's now 5 after 12 and we would now move into the next round of questioning. I don't know what your plans would be in terms of whether you wish to start that now or whether you'd want to wait until after lunch. I can tell you that some progress has been made on the issue that came up yesterday morning. It may be necessary for counsel to attend on you to discuss details as to how some things might be done, but -- and so there might be an opportunity to do that perhaps either now or before we resume with the other questioning after lunch.

COMMISSIONER:

Q. Well, we have 25 minutes, if that's -- yes, we

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have 25 minutes. Now might be a good time to do that.

ROIL, Q.C.:

Q. Okay. I think what I'm going to suggest is that we would take an adjournment from the formal hearing process.

COMMISSIONER:

Q. Yes.

ROIL, Q.C.:

Q. And I'll see if legal counsel have come to an agreement that is workable for everybody and if we need some direction from you, I'll report to you very briefly.

COMMISSIONER:

Q. Yeah, absolutely. We'll do that. We'll adjourn now then and I'll be there as soon as you need me for the meeting.

ROIL, Q.C.:

Q. Thank you.

COMMISSIONER:

Q. Okay, thank you.

(LUNCH BREAK)

COMMISSIONER:

Q. Before we resume the normal process of the afternoon, you'll remember that before we

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closed before lunch, Mr. Roil raised the matter of a meeting between Inquiry counsel, myself and counsel for the various parties, and indeed we had that meeting and the gist of the meeting, I will outline for you, and it was this.

In the Inquiry rules, the expectation is that witnesses who appear before the Inquiry would have an opportunity to prepare for any questioning and that has to be followed whenever possible. On the other hand, you will also remember that the Canadian Association of Petroleum Producers gave evidence back in the fall and out of their evidence came the factual matter that nine years elapsed between the time when the Offshore Petroleum Board raised the question of the HUEBA, the breathing device, underwater breathing device, with the Association of Petroleum Producers that nine years passed before it was finally introduced, and it was felt at the time by some people, counsel in the Inquiry, that that was too long and that has been confirmed this morning by Mr. Sacuta who said himself that it was too long.

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At any rate, after the Association of Petroleum Producers came to the conclusion or the end of their evidence, it was agreed that certain documentation that had been asked for would be produced. That documentation was produced very recently. How long, Mr. Roil, two weeks, three?

ROIL, Q.C.:

Q. Just actually before Christmas, I believe.

COMMISSIONER:

Q. Just before Christmas. So with the Christmas break, there's very little opportunity for anyone really to have closely examined that material. I, myself, have not seen it yet and I don't know how many of you here in the room have seen it.

Anyway, the question that arose at our meeting was whether there should be cross -- not cross-examination because this is not a trial, but examination of witnesses should be allowed on the matters raised in the documentation produced by CAPP, which some people may or may not have seen, or whether cross-examination or examination on that point should be left to another time or perhaps to

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witnesses who would be more familiar with it.

A difficult question because we have a rule in one sense, but the rule is not, as the expression goes nowadays, carved in stone, but there is also a more fundamental position, I think, to be considered. This is a public inquiry and it's a public inquiry for reasons and the C-NLOPB, the Offshore Petroleum Board, deliberately made it to be a public inquiry, and to my mind, one of the hallmarks of a public inquiry is transparency, where people with standing or their counsel should have every right to ask questions of individuals who appear before the Inquiry as witnesses or to give testimony.

Bearing in mind the two -- the difficulty which exists this afternoon perhaps exists in terms of knowledge on the part of these three gentlemen and I don't know the extent of their knowledge or if they have seen the documentation produced by CAPP, but at the same time, I think any counsel present has a right, in my view, because of the need for transparency and because this is a public inquiry, to ask questions of these gentlemen,

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should they wish to, on that issue.

By the same token, and I'm speaking to you gentlemen now, you can only answer what you know and you are not expected to answer what you don't know, but to frankly admit that you don't know. So under these circumstances then, I have decided that no one's cross-examination, as long as it's relevant to matters before the Inquiry -- I keep using that word cross-examination. That's the result of many years of using it, I guess. But that no one's opportunity to examine should be curtailed, as long as it's relevant to the purposes of the Inquiry.

The purpose of the Inquiry, at this stage, is to determine what are the issues that we should focus on, and after hearing and being present at the meeting this morning, although I have not made a decision, it would be premature to do at this stage, on what the issues are, including the issue of the role of CAPP in these matters, nevertheless there's a strong reason to believe, from what I heard from everyone this morning, that this may indeed be one of the issues. So that being

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so, any counsel who wishes to ask questions on the subject may do so, subject to the caveat, of course, that the people who are witnesses today may or may not know the answers to these questions. If they don't know, they will say so and we will endeavour to find out so that no one is left without information on this subject.

Okay, thank you. Now, Mr. Roil.

ROIL, Q.C.:

Q. Yes, Commissioner. Arising from your guidance a few minutes ago, there are two really housekeeping issues that I need to deal with. First of all, we had the document that was referred to this morning, that was the letter from the Transportation Safety Board to Transport Canada concerning the sizing of passenger transportation suit systems.

COMMISSIONER:

Q. Yes.

ROIL, Q.C.:

Q. We have now been able to make that to electronically download, as we have to do in these modern days, that document so that I'm asking you to admit as an exhibit, it will be

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Exhibit P-00119, which is the letter to Transport Canada from Transportation Safety Board re: sizing of passenger transportation suit systems. It's only been redacted in terms of some persons' names have been taken out. I understand that the Registrar has copies that she could distribute to people today.

The second thing, I guess, we have to deal with as a consequence of your direction is the issue of all of the CAPP documentation that was provided to us. It was put on the Filebridge access site that the parties here have access to, but we would need to have a few moments to get that downloaded into our exhibit base so that it can come up and be viewed electronically and everything. So if there were to be any questions on that this afternoon, and it might be that the parties have other things they can ask about, but if there were to be any questions on it, we'd have to do it later in the afternoon to give our staff an opportunity to get that material loaded into the appropriate place to make it exhibits.

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COMMISSIONER:

Q. How long would that take?

ROIL, Q.C.:

Q. There's some changes have to take place. I don't pretend to understand some of these high tech IT things, but I understand that by the time of the break this afternoon, we should very well be in a position to do that.

COMMISSIONER:

Q. Okay. Well, so you'd like to proceed now then and do what we can?

ROIL, Q.C.:

Q. Yes, and in terms of proceeding, you know, I have closed the examination on behalf of the Inquiry and the people and we would now move into the stage of examination by the various parties.

COMMISSIONER:

Q. I see. Okay then.

ROIL, Q.C.:

Q. I think in the past, you've sort of canvassed the room first to see who might be interested in asking questions.

COMMISSIONER:

Q. Yes. Well, I think I'll go through everything. Inquiry counsel are finished. Now counsel for the parties being examined, which are three, would you prefer to go last? Yes, I thought perhaps you would. All right then, counsel for the Offshore Petroleum Board. Yes, Ms. Crosbie?

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MS. CROSBIE:

Q. We have no questions at this point. Thank you.

COMMISSIONER:

Q. No questions, okay. Counsel for Transport Canada, they're not present. Counsel for the Canadian Association of Petroleum Producers?

MR. MANNING:

Q. No questions, thank you.

COMMISSIONER:

Q. No questions, thank you. Counsel for Cougar?

WHALEN, Q.C.:

Q. No questions at this time, Mr. Chairman, but reserve the right if anything arises during further examination to deal with any.

COMMISSIONER:

Q. Okay, thank you. Counsel for Sikorsky is not present. Counsel for Helly Hansen, no, they're not present. Counsel for Memorial University of Newfoundland, yes, Mr. Hurley?

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HURLEY, Q.C.:

Q. No questions at this time.

COMMISSIONER:

Q. Thank you. Counsel for the Government of Newfoundland and Labrador.

MS. BROWN LAENGLE:

Q. No questions at this time, Commissioner.

COMMISSIONER:

Q. Thank you. Mr. Harris is not present, I don't think he is. Counsel for the Union, CEP, Mr. Earle.

MR. TREVOR PRITCHARD, MR. PAUL SACUTA, MR. GARY VOKEY,

EXAMINATION BY RANDELL EARLE, Q.C.

EARLE, Q.C.:

Q. Good afternoon, gentlemen.

MR. PRITCHARD:

A. Afternoon.

MR. SACUTA:

A. Good afternoon.

MR. VOKEY:

A. Good afternoon.

EARLE, Q.C.

Q. As you're aware, I'm counsel for CEP Local 2121, an organization with which two of you

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deal, and Mr. Pritchard, we hope that some day you'll have the opportunity to deal with our organization. One of these days, Mr. Commissioner, I'm going to say "no questions at this time" just to watch everybody fall off their seat. However, gentlemen, the issue of sea state was one which you addressed and you moved from metres to the Beaufort scale, I guess, or the sea state generated on the Beaufort scale, and I'd like to go through with you and just get the various sea states that are restrictions, and first of all, could each of you indicate again, and I understand that from the point of view of Suncor, there is no numerical limitation, but could you, Mr. Sacuta, indicate the sea state limitation that HMDC has adopted for helicopter flights?

MR. SACUTA:

A. HMDC has adopted sea state maximum as seven metres.

EARLE, Q.C.

Q. Seven metres. Mr. -- and I have to say, I tend to pronounce your name the way we locals pronounce -- we pronounce it Pritchard, but you put a little -

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MR. PRITCHARD:

A. No, I don't. That's fine.

EARLE, Q.C.

Q. That's fine. For Husky?

MR. PRITCHARD:

A. The sea state limitations that we apply at the White Rose field for the Sea Rose is six metres.

EARLE, Q.C.

Q. Six metres. And Mr. Vokey, what then are the parameters for Suncor in determining that it should be a no-fly condition?

MR. VOKEY:

A. It's vessel motion, combination of heave, pitch and roll.

EARLE, Q.C.

Q. Heave, pitch and roll. Now how is that communicated to Cougar? Because sea state changes, and in particularly with wind direction and unlike the Husky FPSO, you're not weather vaning. You're, if you will, controlled. So how do you communicate to Cougar sea state conditions? Is there a sea state decision made prior to the helicopter leaving St. John's? Is it something that the

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pilot communicates with the helicopter landing officer on the FPSO at a certain point in the trip? How does that work?

MR. VOKEY:

A. Okay, you've asked a couple or a number of questions. I'll try and answer them in sequence. First of all, Terra Nova don't weather vane, but we do orientate into the prevailing weather, whether it's wind driven, sea state driven or whatever, and we'll typically offset 10 to 15 degrees. So while we're not truly weather vaning, so that's, we are in some ways similar to White Rose.

With respect to vessel motion, prior to a decision being made to fly offshore, sea states are in that range and Cougar knows what the weather is offshore. They know enough about our installation. There is communication to and from the installation with respect to vessel motion, and like I mentioned to the Commissioner earlier, while we don't have an absolute number, in essence, it is six metres because what we've done is to go back since we've gone offshore and it's less than five percent that we have flown in

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excess of the six metres. So it's probably 6-6.1, but it's certainly not above seven and closer to six. It's just that we use vessel motion as the criteria.

EARLE, Q.C.

Q. So a functional limit of six metres really?

MR. VOKEY:

A. Essentially it is.

MR. PRITCHARD:

A. If I could add to that, Mr. Earle. There are weather observers on board and prior to flights taking place, I think it's an hour before the flight takes off, we have constant weather observations sometime before and during the flight, and of course, on the return leg also. So weather observers are continually updating the local weather forecast to Cougar and relayed to the pilots.

EARLE, Q.C.

Q. And Mr. Sacuta, I presume you have similar observation?

MR. SACUTA:

A. Yes. The radio operators have been trained in weather observation and they provide those weather observations on the Hibernia platform.

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EARLE, Q.C.
Q. You will recall Mr. Decker mentioned that it was difficult, perhaps amongst one of the more difficult parts of that task, to estimate sea state. You know, reference points are difficult and things of that nature. How confident do you feel about the ability to have a good handle on sea state out there?
MR. SACUTA:
A. On the Hibernia platform, the radio operator actually does not determine sea state. It's done by a wave radar. So it's not a person that says "I think it's about four metres." We've got equipment which determines the sea state, the height of the sea state at the time.
EARLE, Q.C.
Q. How would it be -- you have the advantage of being fixed, Mr. Sacuta.
MR. SACUTA:
A. That's correct.
EARLE, Q.C.
Q. Which means you don't move with the sea state. Mr. Pritchard, how do you determine sea state?
MR. PRITCHARD:

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A. We have rider buoys, so we still have an automated system that comes back. So that's how we deal with our -
EARLE, Q.C.
Q. How distant is the rider buoy?
MR. PRITCHARD:
A. I couldn't be exact. It's within the location of the area. It's not miles and miles away. It's within a nautical mile.
EARLE, Q.C.
Q. And is that the case with Suncor as well, Mr. Vokey?
MR. VOKEY:
A. The specific technology I can't comment on, but I do know we have an automated system for the vicinity of the vessel.
EARLE, Q.C.
Q. Okay. So now is there a sea state in height limitation for the launch of the FRC from the standby vessel?
MR. SACUTA:
A. Our standby vessels would normally not launch the FRC above five metres.
EARLE, Q.C.
Q. And do you gentlemen understand that to be the same?

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MR. PRITCHARD:
A. That's the same for -- That's exactly the same for us.
EARLE, Q.C.
Q. And the prescription by C-NLOPB that the helicopter be able to land in water in a moderate sea state, what wave height do you gentlemen understand that to be?
MR. VOKEY:
A. I believe it's a sea state four, from the World Meteorological Centre.
EARLE, Q.C.
Q. Which translates into how many metres or feet?
MR. VOKEY:
A. I'd have to get that number for you. I don't recall it exactly. I'd be guessing right now. It is less than six metres.
EARLE, Q.C.
Q. Less than six metres. Do you know if it's less than five metres?
MR. SACUTA:
A. It is.
EARLE, Q.C.
Q. So do you know what -

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MR. SACUTA:
A. I believe it's 2.5 metres.
EARLE, Q.C.
Q. 2.5 metres. And the proposed new technology for a Sikorsky with the additional floatation, what wave height do you anticipate that will bring you to?
MR. SACUTA:
A. I believe, as I said in my testimony this morning, that it's been tested by Sikorsky to sea state six.
EARLE, Q.C.
Q. And again, can we put that in -
MR. SACUTA:
A. Between four and six metres, but not guaranteed to remain afloat in that condition, as I mentioned this morning.
EARLE, Q.C.
Q. And I think you also indicated that there was a limitation in sea state for the vessels generally, the standby vessels, in that they would not attempt recovery in a sea state of greater than seven metres?
MR. SACUTA:
A. I think the vessels would attempt a recovery

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at any sea state, provided they did not put their personnel at risk. We have implemented a seven-metre restriction based on the mechanical recovery abilities of the equipment on board our standby vessels. And the reason I say at any sea state is in the late 1990s, there was an aircraft that ditched near the Hibernia platform and the standby vessel attempted to recover in 14 metre seas.

EARLE, Q.C.

Q. The law of the sea.

MR. SACUTA:

A. Yes.

EARLE, Q.C.

Q. You know, rescue those in distress to the point of putting your own life at risk. Gentlemen, would you agree then that there are some disparities here in that what we have is helicopters flying, in your case, Mr. Sacuta, to the Platform, in sea states of seven metres when the FRC, the fast rescue craft, which would be part of the rescue system for a downed helicopter, particularly if it was close to the platform, would not be launched beyond five metres?

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MR. SACUTA:

A. Yeah, the recovery -- the process would be if the sea states were less than five metres that the FRC would be launched. In sea states between five and seven metres, the standby vessel would use its mechanical recovery equipment to attempt a retrieval.

EARLE, Q.C.:

Q. The supply vessels have a speed, what, 20 knots?

MR. VOKEY:

A. 16 knots.

MR. SACUTA:

A. I don't think it's 20. I think it's less than that. Transit time offshore, I think, at full speed would be anywhere around 12.5 hours to travel 315 kilometres, so --

EARLE, Q.C.:

Q. And in a severe sea state, speed would be reduced?

MR. SACUTA:

A. Correct.

EARLE, Q.C.:

Q. So it seems to me in keeping with your risk analysis approach that what we're talking about is a situation where you're flying in circumstances where possibly one of your mitigators, or two of your mitigators actually presently, that is the ability for the helicopter to deploy floatation and stay afloat, and the availability of the FRC decrease, so that your risk doesn't simply increase because you have a higher sea state, and all other things are equal, but your risks increase because you take out the ability to float the downed aircraft and you take out the ability to launch an FRC. Do you agree with me that that's a proper view of what happens?

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MR. VOKEY:

A. I'd just like to say in terms of floatation, we do use the latest technology, notwithstanding what the Commissioner talked about this morning in, you know, other things under investigation, but the objective here is to keep these helicopters in the air, and we can't forget that.

EARLE, Q.C.:

Q. I appreciate that, and I think we all had it resonate with us when Mr. Decker said the way to keep people safe is to keep the helicopters in the air, but it seems to me that you would, by having a seven metre limitation on flying, seven metre sea state, that you are courting increased risk because two of the factors that are supposed to mitigate that risk in the event of a downed helicopter would be eliminated at that kind of sea state?

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MR. PRITCHARD:

A. It's all about the overall risk, and I think using -- the mitigation factors are used really as a means of recovery. The overall risk is looked at in terms of the likelihood, and so when you look at a year's evaluation of the sea states that we operate in, then, of course, anything between summertime of one metre, and wintertime, to our imposed limits. So it's the overall risk that we are looking at there. Helicopters are a safe means of transportation to and from the offshore, and certainly our limitations are imposed in some physical sense the operation, and in some physical sense of recovery by mechanical means.

EARLE, Q.C.:

Q. But as your matrix says, the consequence index

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changes?
MR. PRITCHARD:
A. Sorry, can you repeat that?
EARLE, Q.C.:
Q. As your matrix in your documents --
MR. PRITCHARD:
A. Yeah.
EARLE, Q.C.:
Q. And if we need to, we can go to the actual document, on the left hand side of your square, you have a consequence --
MR. PRITCHARD:
A. Yes.
EARLE, Q.C.:
Q. Index, and it seems to me that the consequence of a downed helicopter in a six to seven metre sea is very definitely significantly higher than the consequence of a downed helicopter in a one metre sea?
MR. VOKEY;
A. Having said that, the probability of a helicopter going down in a seven metre sea is no different than the probability of a helicopter going down in a one metre sea.
EARLE, Q.C.:

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Q. Exactly.
MR. VOKEY:
A. So you've got to look at it holistically. The probability doesn't change that you're going to have increased frequencies in high sea states.
EARLE, Q.C.:
Q. But, Mr. Vokey, isn't that why we use a matrix, that we impose the other factors on probability?
MR. VOKEY:
A. I'm not following your --
EARLE, Q.C.:
Q. Well, let's --
MR. PRITCHARD:
A. The probability is actually less because sea states in general across the term of one year, the sea state will be less than, say, five metres in a larger percentage of the time than it is six to seven. In our case, the time that we fly between five metres and six metres is much reduced. So, therefore, the probability of a helicopter incident in that smaller time, the probability is reduced, the likelihood is reduced.

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EARLE, Q.C.:
Q. Because the frequency is reduced.
MR. PRITCHARD:
A. The consequence, of course, we control with, you know, the --
EARLE, Q.C.:
Q. Can we have page 42 brought up?
REGISTRAR:
Q. Of the PowerPoint presentation?
EARLE, Q.C.:
Q. Uh-hm.
REGISTRAR:
Q. Page slide again, Mr. Earle?
EARLE, Q.C.:
Q. 42. Now we have -- I take it everybody's got that on the screen. It's certainly on the screen in front of me. Let's say, Mr. Vokey, that the possibility of a helicopter crash is remote.
MR. VOKEY:
A. Okay.
EARLE, Q.C.:
Q. We know it's not improbable because we've had numbers of them in the North Sea, and we unfortunately had one here. If you look at

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your consequence ranking on the side, would you not agree with me that taking out the mitigators changes the ranking of the consequence?
MR. VOKEY:
A. Okay, if you want to use your assumption that it is remote by the fact that you're saying it is remote there, it's LR, it's as low as reasonably practical. It's outside the red. So starting off, it's outside the red zone. So as you progress up, based on sea state, even at a consequence five, you're still LR, and that's the point Mr. Pritchard was trying to make.
EARLE, Q.C.:
Q. Well, I would take it that -- so what you're saying is that the higher number of consequence ranking, the highest number never defeats a remote possibility?
MR. PRITCHARD:
A. When you're in that position there with a remote possibility and a very high ranking, you obviously apply further mitigations. The mitigations are within our training requirements and the additional floatation

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that we're looking for.
EARLE, Q.C.:
Q. So a remote event, no matter how high the consequence, does not get you in trouble?
MR. PRITCHARD:
A. You should look for further mitigations, and the mitigations are within the training and enhanced equipment that we are looking towards supplying the S-92.
MR. VOKEY:
A. And that would take it from a five to a four or lower.
EARLE, Q.C.:
Q. I suppose, Mr. Pritchard, you should look for mitigators wherever they're available, shouldn't you?
MR. PRITCHARD:
A. You should.
EARLE, Q.C.:
Q. Whatever the consequence level.
MR. PRITCHARD:
A. You should always look at that, as long as the practicalities of those mitigators are suitable for the event.
MR. SACUTA:

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A. I think when we're talking about helicopter incidents that result in the landing at sea, the consequence, regardless of the sea state, will always be a consequent five in this case, or the highest consequence rating. You attempt to mitigate that, but the consequence, in my opinion, will always be the highest level consequence when you're talking about a helicopter incident that results in a helicopter having to ditch at sea.
EARLE, Q.C.:
Q. Okay, while we have this matrix before us, if you -- you know, all your installations have some pretty sophisticated plumbing on it.
MR. VOKEY:
A. Sophisticated what, sorry?
EARLE, Q.C.:
Q. Plumbing, in terms of all those pipelines and valves, and things like that. If you received a notification from a manufacturer that a valve had a potential defect in it, would you do this kind of risk analysis in terms of deciding when you take that valve out and replace it?
MR. PRITCHARD:

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A. Yes, we would take some form of risk assessment and determine further use or not.
EARLE, Q.C.:
Q. So you mentioned that you expect your contractors to apply similar type of safety plan to yourselves. Would you then have expected that in a notification of a problem with a helicopter, that a similar risk analysis to this would have been done?
MR. VOKEY:
A. I'm not sure what the question is. Can you repeat that, please?
EARLE, Q.C.:
Q. Pardon?
MR. VOKEY:
A. Can you repeat your question, I wasn't clear on what the question was?
EARLE, Q.C.:
Q. In a circumstance where a helicopter provider gets a notification, either from the FAA or the Canadian regulator, or from the manufacturer, that there is a problem, a potential problem with the helicopter and they are advised that, you know, a part should be changed within so many hours of flying, would

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you as the party to the contract with the helicopter provider expect that they would carry out a similar risk analysis to this in determining when to replace that part, or would they simply rely on the guidelines provided by the manufacturer or Civil Aviation Authority?
MR. VOKEY:
A. Okay, just -- if it was me personally, I would trust in the helicopter provider. That's me personally. Having said that, when the manufacturer issues timelines, it's also reviewed by the certification authorities, and nobody should be in a better position than the manufacturer to determine when something has to be replaced. We can't forget, Sikorsky Helicopter has over 3,000 engineers, and I'm sure they're in a better position to judge when something has to be changed than an operator, notwithstanding March 12th.
EARLE, Q.C.:
Q. Mr. Vokey, I'm not asking for your personal opinion. I'm asking for your company's position, and that's what I want to know. I want to know do you expect an independent risk

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analysis to be done, or do you essentially defer either to the manufacturer or the Civil Aviation Authority?

MR. VOKEY:

A. Suncor Energy would defer to the authorities, the certification authorities.

EARLE, Q.C.:

Q. And would that be the same position for the other two?

MR. PRITCHARD:

A. That would be the same for us, correct.

MR. SACUTA:

A. We would expect our helicopter service provider to comply with the bulletin itself.

EARLE, Q.C.:

Q. I don't know if any of you were here when the Hibernia Project was being constructed, but there was a phrase that was used a tremendous amount of time during the process of building the platform, and that was to seek industry best practices. Is that an approach that is still in vogue?

MR. PRITCHARD:

A. Yes, it is.

MR. VOKEY:

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A. I think it's fair to say our industry is about learning from each other and other jurisdictions.

EARLE, Q.C.:

Q. The reason I ask that, gentlemen, is that a number of times, and particularly in your answers to the questions that were submitted by the workers, you used the phrase "meets regulatory requirements", and I have to tell you in some of your internal documents that have been made available I've been reading, and I see that phrase fairly frequently, and we're also familiar with the proposition that there is what they call "regulatory lag", that regulatory requirements don't always keep up with best practices. I ask each of you to tell us how your company addresses that problem, that regulatory standards don't always meet best practices.

MR. VOKEY:

A. Well, in terms of the regulations, like, these aren't bargain basement regulations, the standards are high, the Board talks to other jurisdictions that we do know. The Board also, as I think Mr. Sacuta indicated

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yesterday, the Board also writes guidelines. So they do change their standards and they have changed their standards over time. It's not just what's in an Act or a Regulation. Guidelines keep up with best practices, and in addition to that, we have different forums between operators, we share information, and a number of us have operations in other areas of the world, and through the different forums information is shared, but to say that just meets regulations and absolute bare minimum, that's a high standard and we can't forget that. This is not the bottom of the barrel.

EARLE, Q.C.:

Q. I remind you, Mr. Vokey, of the delay in the revision of the standard for the flight suits.

MR. VOKEY:

A. The helicopter suits that we're currently using are still the best helicopter suits in the world. We can't forget that either.

EARLE, Q.C.:

Q. You will agree that the time for revision of the standard has been exceeded?

MR. PRITCHARD:

A. Well, that's an example of the standards

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perhaps "lagging" in your terms, and we looked at the technology and we moved the new suits in 2007 to use the best technology and materials at that time. That wasn't in response necessarily to a new standard, it was just a progression of the use of technology. There are many other examples of technology or movements that we've applied to the offshore regime that are over and above the regulatory requirements.

MR. SACUTA:

A. I would like to also say that the regulations aren't the only criteria under which we operate. We all have our own individual safety management systems which identify our own internal requirements for us to meet, which in some cases may be over and above what the regulations state as the minimum requirements are.

EARLE, Q.C.:

Q. Uh-hm. Now there was some discussion of the fuel tank, and the fuel tank is an item in respect of which the approach of meeting regulatory standards has been used in your own documents provided, but a factual question on

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the fuel tank, if helicopter transportation were always St. John's to installation, would it be necessary to have the auxiliary fuel tank for any flights to your installations?

MR. SACUTA:

A. I can answer from my installation. Approximately 10 percent of the time we would require the auxiliary fuel tank. Normally during situations where there is fog and the alternate airport may be one further away than St. John's, or if the weather conditions during the winter dictate that we need an auxiliary fuel tank, so approximately 10 percent of the time during a year we would require the auxiliary fuel tank.

EARLE, Q.C.:

Q. Uh-hm.

MR. PRITCHARD:

A. In the main, we need the fuel tank constantly for the White Rose field.

MR. VOKEY:

A. And rarely in the case of Terra Nova do we need it.

EARLE, Q.C.:

Q. Now in terms of helicopter flights at night,

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I'm told that Suncor seems to me to use night flights more than the other installations, although none of you have an absolute blanket prohibition against night flights. So, Mr. Vokey, the question Mr. Roil asked you about another helicopter, and you basically said, well, we still have backlogs to get rid off. What is it so crucial to get rid of a backlog that it can't wait until the next day?

MR. VOKEY:

A. First of all, your statement that Suncor has more night flights is not accurate. It's dependent on what the operation is at the time. So at any point in time, it can be either of the operators. In terms of --

MR. PRITCHARD:

A. Sorry, you asked Suncor.

MR. VOKEY:

A. It could be Husky too, but I was going to leave that for you to say. In terms of night flights, one additional helicopter don't get rid of it. I think Mr. Pritchard tried to explain it this morning. Having one additional helicopter when we're backlogged 10 or 11 flights in the field due to fog, one

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helicopter would reduce -- I think Mr. Pritchard said that this morning, it would reduce the number of night flights, but in terms of mitigating night flights, bringing in another helicopter is not going to do that.

EARLE, Q.C.:

Q. Well, but surely it's only a question of how long you're prepared to say it has to take to clear up a backlog?

MR. VOKEY:

A. That's correct. The thing is our people offshore work 21 days on, 21 days off, for the most part. Unless there's undue circumstances, they're not work past 21, and when we look at our overall risk, either quantitatively or qualitatively, if we're into day 23, 24, 25, with individuals that are offshore, we've got all the criteria met in terms of it's a fair weather flight at night, sea states are appropriate, we've got 103 backup, the OIM offshore is in agreement the night flight can proceed, then we have to take a look at do we not fly, and then leave those people that have been offshore 24 days, have them work 25, because there are risks

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extending people beyond their normal shift provision, and we look at our business as a whole, either quantitatively or qualitatively in some cases.

EARLE, Q.C.:

Q. So the driver is the need to get people home?

MR. VOKEY;

A. The driver is to keep your overall operation as safe as we possibly can.

EARLE, Q.C.:

Q. Because I'm familiar with the way that your supply vessels work, and obviously people don't leave those by helicopters, although I suppose it's not entirely impossible in an emergency situation, but on the supply boats, when weather limitations or job exigencies require people to stay, they do work the extra two or three days, and there is an evening out of that over the process of a year, and if at the end of the year they've built up four or five days too many offshore, their pay is adjusted. So, I mean, that's part of your industry and it seems to work all right with the supply boats.

MR. VOKEY:

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A. And it's the same way in our industry.
MR. PRITCHARD:
A. It's not a question of money; this is a question of the balance of the safety of the individuals working offshore, balanced against the risk of taking that night flight. We've had many occasions whereby we've had the right criteria for a night flight, but we've not put that night flight on because we recognize that the following days of sufficient good weather will allow us to accommodate the backlog that we have. It's only when we see that the foregoing weather forecast is significant over a number of days that would prevent us, especially Terra Nova and White Rose with the criteria of pitch, heave and roll, that we need to make every endeavour to make that balance between people remaining on the vessel working and those that are going to take a night flight with the right criteria.
EARLE, Q.C.:
Q. Have you not heard the concern expressed from your workers that they don't want night flights?
MR. PRITCHARD:

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A. I've had many expressions to me that they're thankful that we do night flights because when people offshore are working and their minds are on their going home, day 24, 25, then their minds are not necessarily on their task, they're thinking about going home and that's the balance of the risk that we leave with the people that are there. I've worked offshore for many years and I knows what goes when the helicopter isn't there. It's constantly feedback to the medic in our case, when is the helicopter coming? When is it coming? And people are continuously looking at when is it coming. Now, when they're doing that and then we expect them to go out and perform some tasks out in the field, we're always looking and mindful of that balance between them working in the field and respectfully getting home in a reasonable time. When the helicopter is a safe means of transportation, the right criteria met for the night flight and we don't see a good weather forecast ahead of us, is when we would apply that.
EARLE, Q.C.:
Q. Mr. Pritchard, that's a countervailing point,

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that's not the question I asked. Have you heard expressed from your employees on, in your case the White Rose and I want to hear from all of you, a concern about flying at night?
MR. PRITCHARD:
A. People have given us some feedback with respect to night flights and every time we get that feedback regarding night flights, we go back and explain the criteria that we would work with in order to put the night flight on.
EARLE, Q.C.:
Q. Mr. Vokey, have you heard a concern from your employees?
MR. VOKEY:
A. In the case of Suncor, the jury is out, pardon the pun in terms of people who want to night fly and those who don't. Depending on who you talk to, some are in favour, some aren't. I will say one thing though, there's a whole lot less people that don't like night flying that are offshore when they're coming in.
EARLE, Q.C.:
Q. Fair enough. And Mr. Sacuta?
MR. SACUTA:

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A. I've heard both complaints. I would like to highlight that although HMDC does have a similar checklist to what Suncor and Husky has currently in place, myself, as the president of HMDC, we've decided that we will not fly at night until the standby helicopter is equipped with auto-hover capability, so until that is done, we've made a decision that we will not fly at night We, unless there is a medical emergency that cannot be handled by the offshore medical resources.
MR. PRITCHARD:
A. Can I just qualify Mr. Sacuta's statement there because we need to understand why he is able to take that position with a stable structure compared to the criteria that we would have to be involved with and land with.
EARLE, Q.C.:
Q. Fully realize.
MR. PRITCHARD:
A. And that's the subtlety -
MR. SACUTA:
A. And I understand there's differences between the two. I have a fixed installation which generally doesn't get impacted by sea states,

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for example, unless the seas are greater than 7 metres, in which we wouldn't fly.

EARLE, Q.C.:

Q. So you probably have a higher success rate in getting your day flights in than the White Rose or Terra Nova.

MR. SACUTA:

A. I don't, I haven't seen the data, but I would think we would.

MR. VOKEY:

A. There's a couple of criteria they don't have that we do, that's the difference.

EARLE, Q.C.:

Q. But just to follow through and complete the story there, so you understand that the concerns expressed by the workers are based on the fact that the Cougar standby helicopter does not have the auto-hover capacity, which is an important element in rescue and also the fact that the response time for Search and Rescue in Gander is said to be different at night, that is the basis upon which these concerns about night flying have been -

MR. SACUTA:

A. The auto-hover is one component of Cougar--or

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of a Search and Rescue helicopter's ability to recover passengers. You do require visual reference without auto-hover and at night there may be circumstances where the pilots cannot have visual reference of the ocean, which would not allow them to retrieve someone from the water. But there are other things they can do, including dropping SCAD kits or sea kit, air deployable kits with life rafts and there are other things that the standby helicopter is capable of, but without the visual reference and without the auto hover capability, they're not able to winch.

EARLE, Q.C.:

Q. Whereas auto hover is a capacity that is available with Cormorants from Gander.

MR. SACUTA:

A. Correct, and we're waiting for the certification of the auto hover on the S92 which we're hoping will be sometime in the next quarter.

EARLE, Q.C.:

Q. But as of now, you don't have it.

MR. SACUTA:

A. It's not certified as of now.

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MR. VOKEY:

A. It's not certified and I would like to say to my knowledge this would be on the first of the civilian aircraft, this technology, for the new S92's that are in commercial use in our industry.

EARLE, Q.C.:

Q. If we could turn then to the issue of fit of the flight suits. Mr. Sacuta, did you say that the fit programs were disclosed after the crash?

MR. SACUTA:

A. What I said was it came to light after the crash. There were a number of issues raised before the crash, almost all of them--I was not aware of any issues that were raised with the seal fit of the suit, all the issues that were raised through the various JOHS minutes were issues with the comfort of the suit, the stickness of the zipper and how it impacted on your ability to move your head and neck. No issues related to the face seal of the suit prior to March 12th.

EARLE, Q.C.:

Q. That was your understanding?

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MR. SACUTA:

A. That was my understanding.

EARLE, Q.C.:

Q. So it came to light how?

MR. SACUTA:

A. Based on the fact that Mr. Decker, his body temperature was 28 degrees after being in the water for approximately an hour. The concerns were raised as to the suitability of the suits; thereafter, I think people started to pay more attention to the face seal area. We certainly had concerns when we heard of Mr. Decker's body temperature and on the issue of TF Review Team, as part of their full review they looked at, said we need to start looking at the fit of these suits because of what happened to Mr. Decker during the events of March 12th.

EARLE, Q.C.:

Q. Mr. Sacuta, did it come up at the town hall meetings, my understanding it did come up at the town hall meetings -

MR. SACUTA:

A. Which town hall meetings?

EARLE, Q.C.:

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Q. Your town hall meetings, the first ones that were held after -

MR. SACUTA:

A. The flight returning to service. There were questions raised about the fit of the suit at the town hall meetings and that's when we outlined that we were going to have the Helly Hansen personnel at the airport as part of our return to service process to verify suit fit testing at that time.

EARLE, Q.C.:

Q. I've got to tell you, my research tells a different story when it comes to the seal being brought forward. I'm going to read you a quote from one of the JOHS committee meetings and this was a meeting which took place on April 19th, 2008. That's eleven months before the crash. "Issues discussed at OHMS Committee meeting that require on shore to follow up: One, issue with tight wrist seals and improper face seal due to individual facial features. HH rep"--which I take to be Helly Hansen--"to attend Cougar to review and determine way forward. Some modifications to suits may be required." And I will tell you

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that that issue appeared in the minutes of that JOHS committee right up through to the crash. Now, do you find that surprising?

MR. SACUTA:

A. Do I find it surprising that it continued up until the crash?

EARLE, Q.C.:

Q. Do you find it surprising that it didn't come to the attention of the operators?

MR. SACUTA:

A. I'm not familiar with this particular issue, so I really can't comment on it. As I mentioned, I wasn't aware that there were any references to the suit seal prior to March 12th.

EARLE, Q.C.:

Q. Were you aware that there was a joint meeting of East Coast operators, which I take it to mean your three companies and Statoil, Cougar Helicopters and Helly Hansen representatives on March 31st, 2008. "During the meeting, issues related to seals and zippers were discussed."

MR. SACUTA:

A. I believe at that time the issues that were

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being discussed was the fact that the zippers were too stiff to move up and down, based on the feedback from our workforce after the implementation.

MR. VOKEY:

A. And the reference to the seals, the wrist seals, is that they were too tight.

EARLE, Q.C.:

Q. Yes, the wrist seals were too tight, but the face seals didn't fit due to facial features is what's said in the -

MR. VOKEY:

A. Yeah, but in your commentary there, you referenced zippers and seals, wrist seals.

EARLE, Q.C.:

Q. These are the same minutes, Mr. Vokey.

MR. VOKEY:

A. Okay, but I'm saying to the second part, reference to zippers is one.

EARLE, Q.C.:

Q. It's the same minutes of your JOHS committee.

MR. VOKEY:

A. But the reference to wrist seals was always that they were too tight. I just want to make sure we're clear on that.

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EARLE, Q.C.:

Q. Good, but I'm telling you that on April 19th of 2008, your JOHS committee minutes record -

MACDONALD, Q.C.:

Q. I wonder if -

REGISTRAR:

Q. Excuse me, could counsel identify themselves please?

MACDONALD, Q.C.:

Q. Yes, Sandy MacDonald. I wonder if counsel could show the witnesses the documents they're referring to.

EARLE, Q.C.:

Q. Sure.

MACDONALD, Q.C.:

Q. Because you refer to your JOHS committee and yet you asked Mr. Sacuta about it.

REGISTRAR:

Q. Is that an exhibit number?

ROIL, Q.C.:

Q. No.

EARLE, Q.C.:

Q. There's the date, there's the referral, the prior issue -

ROIL, Q.C.:

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Q. Excuse me, Commissioner, if it's going to take a few minutes, I wonder would this be a time we would take the afternoon break?

COMMISSIONER:

Q. And then people could look at it, having more time, yes. We'll recess for 15 minutes to give an opportunity to look at these things.

(RECESS)

EARLE, Q.C.:

Q. Mr. Commissioner, we're going to deal with this matter for now on the basis of quotes from the document and we will enter an exhibit tomorrow morning which has been redacted, because PetroCanada's counsel--excuse me, Suncor's counsel, has expressed concerns that he would like certain parts of the exhibit redacted.

COMMISSIONER:

Q. I see, okay.

MS. STRICKLAND:

Q. Commissioner Wells, we would like to clarify one point.

REGISTRAR:

Q. Excuse me, would counsel step to the mike and identify yourself please?

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MS. STRICKLAND:

Q. Sorry, Cecily Strickland for HMDC. Commissioner Wells, we'd like to have one point clarified. The question was put to Mr. Sacuta of HMDC as to whether he was aware of these minutes. These, in fact, are Terra Nova minutes, Mr. Sacuta would not have had any knowledge of them. I'd like to have that corrected for the record.

COMMISSIONER:

Q. Yes, thank you. Mr. Roil mentioned that to me inside, a few moments ago. The best thing probably, Mr. Earle, is to identify documents.

EARLE, Q.C.:

Q. The question that was asked of Mr. Sacuta was was he aware of a JOHS committee.

MR. SACUTA:

A. I'm sorry, but I assumed you were asking me specifically about the HMDC JOHS committee and I will reiterate my response a bit earlier today where I said I am not aware of any issue that was raised with our JOHS committee prior to the crash of March 12th related to the face seal of the suits.

EARLE, Q.C.:

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Q. And perhaps we can move on from there with Mr Sacuta and then I'll come back to you, Mr. Vokey.

MR. VOKEY:

A. Sure.

EARLE, Q.C.:

Q. There appears to have been related to this a joint meeting of East Coast Operators, Cougar Helicopters and Helly Hansen representatives held on March 31st, 2008. During the meeting, issues related to seals and zippers were discussed and then there's a listed--"several actions are to be placed, Cougar will survey outbound and inbound passengers for a six-week period to determine whether seals and zipper issues are continuing to cause concerns. Cougar personnel will continue to check all outbound passengers to ensure personnel are able to appropriately zip the suits and don the hood prior to departure. Helly Hansen is continuing to apply products to the zippers to increase flexibility. As the cycle time on the suits increases, they expect the material and zippers will relax. Helly Hansen also reports that wrists seals are easing as cycle

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time on the suits increases. A follow up meeting will be held in June 2008 to discuss any continuing issues, concerns and determining whether any additional actions are required." The question I have for you, Mr. Sacuta, were you aware of that meeting having occurred?

MR. SACUTA:

A. I knew that the operators were working the issues with Helly Hansen on the ability to zip the suit fully up. I knew there were issues, I knew they were being worked between the three operators at Helly Hansen. Was I aware that it was specifically on March 31st? No, I was not.

EARLE, Q.C.:

Q. And so am I to understand that you understood the issue at that time to be a zipper issue?

MR. SACUTA:

A. A zipper issue and I think I talked about that this morning around the fact that the ability for individuals to fully don their suit and the fact that the zippers were stiff, and reading the minutes, Helly Hansen is continuing to apply products to the zippers to

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increase flexibility is an indication of that. The issue was the inability to fully don the suit and get the zipper all the way up to its proper location.

EARLE, Q.C.:

Q. Now, Mr. Vokey, you mentioned that you became aware that there was an issue raised at the end of the year, 2008, about the fit of face seals.

MR. VOKEY:

A. That's correct.

EARLE, Q.C.:

Q. Looking at the item one in this minute, issue with tight wrist seals and improper face seal due to individual facial features, "Helly Hansen rep to attend Cougar to review and determine way forward. Some modifications to suits may be required." Is that in fact the reference to which you referred in your earlier evidence?

MR. VOKEY:

A. Yes, it was, I was of the understanding it was in December 2008. According to the minutes referenced here, it was earlier in the year, but I also do understand that this will be

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addressed, Mr. Commissioner, in much more detail in terms of what was happening, the history, during the Suncor panel.

EARLE, Q.C.:

Q. So you would acknowledge that the issue came up in April of 2008.

MR. VOKEY:

A. From these minutes, that's correct.

EARLE, Q.C.:

Q. Yes. Now, are we correct in understanding that, to use your words, Mr. Sacuta, when the fit issue came to light and the testing was done, there were in fact 160 people who were listed for flights to the offshore, either on a rotation basis or on an ad hoc basis, there were 160 people out of the people flying offshore or, as you said, approximately ten percent, whose suits did not fit.

MR. SACUTA:

A. During the return to flight assessment process, that's my understanding that there was approximately nine percent of the people that were sized that could not fit into the standard E452 suit.

EARLE, Q.C.:

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Q. So were you surprised to find that, you know, there was a nine percent--well, people don't like me using the word "failure" but it seems to me that's a nine percent failure on suit fitting.

MR. VOKEY:

A. I just think, you know, post March 12th, as Mr. Sacuta said, there was definitely a heightened sensitivity, and the fact that we did implement changes and the fact that the TSB have recommendations for other operators, it was definitely identified as an opportunity for improvement, and the only thing that I can hope is that other jurisdictions are putting the same rigor into it that we are in terms of ensuring suit fit.

EARLE, Q.C.:

Q. Can I ask you gentlemen this, have you given any consideration to the fact that there was a predisposition to perceive the complaints about these suits that were ongoing as comfort issues and not technical fit issues, that people too readily jumped to the conclusion, oh, this is about comfort, this is whining, and disregarded complaints that should have

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caused people to say, you know, we're getting a lot of negative feedback on these suits, people saying they aren't fitting, we should check the fits?

MR. SACUTA:

A. I think absolutely not, there was no predisposition. We have always had a very open communication relationship with our workforce. When individuals bring up issues, we address them. At the time, from a Hibernia perspective, the main issue was around the ability to don the hood, the stiffness of the zipper, and the inability of personnel to get the zipper to the top of its path. We addressed that issue with the suit manufacturer. They exercised the zipper whenever they could and they applied bee's wax to aid with that issue. At no time, as I've mentioned, did we get any indication that our workforce prior to March 12th had issues with the face seal of that suit. The issues that were identified were comfort issues associated with tight wrist seals and the ability to get the zipper done up.

EARLE, Q.C.:

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Q. Mr. Vokey, you know, in the context as you have identified that there was at least one report that was clearly about fit of face seal, I'd ask you to answer the same question?

MR. VOKEY:

A. In terms of the suits, and I think your comment was that comfort wasn't a priority for us in terms of addressing it, I agree with Mr. Sacuta, we did immediately engage Helly Hansen to rectify the comfort issues. Comfort of our employees is important.

EARLE, Q.C.:

Q. That's not the question. The question was -- looking at it with 20/20 hindsight, it's a luxury somebody in my position has, and I can stand up here and ask you fellows questions about things that have happened, but the question for you is given that there was at least one flagging of the seal issue, given that when the seal issue was tested, there was what I think everybody agrees, an unacceptable deviation from proper seal, looking at it, is there in your mind the possibility that there as a predisposition to see this issue when it was raised not as a safety issue, not as a

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seal issue, but as a comfort issue?

MR. VOKEY:

A. I'm going from memory here, but it is my recollection that prior to March 12th, 2009, and I believe it was back actually in late 2008, Suncor did go to its workforce asking them if they thought there were suit fit issues, that they'd bring it to the attention of their supervisors or the committees, and it's also my understanding that we didn't, other than the one that was identified, have any responses up to that point.

EARLE, Q.C.:

Q. I think when we get to the Suncor panel, we'll have to explore this further.

MR. VOKEY:

A. Yes, sir. I don't know, Mr. Pritchard, do you want to proffer an answer as to how that issue was perceived?

MR. PRITCHARD:

A. I'm aligned with my colleagues here, I don't believe there was any predisposition to that.

EARLE, Q.C.:

Q. In the area of a HUEBA instrumentation, and I'm not asking you any questions about

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documents at this point in time, I'd like you to comment on this in terms of a relationship with CAPP, and those of you who are unionized in your operation would be familiar with this model. Very often when you have a multi-employer situation, government will say to the employers, you form one organization which will have the power to represent you all in respect of labour relations. They've done it in respect of your operations by designating the operator as the employer for the purposes of labour relations on your installations, even though there are many employers on each of your installations, Mr. Vokey, and Mr. Sacuta. So the government says there must be one body who can speak with authority and represent all the employers. Now in terms of safety issues in dealing with C-NLOPB, things like the HUEBA, do you think there would be any merit in a situation where in order to preserve the single point of contact between the industry and C-NLOPB on such matters, but to avoid issues of volunteerism and the need for consensus, the ability of an organization to withdraw from the umbrella organization,

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such as Mr. Barnes led us to understand that Husky's relationship with CAPP was not the same as the others, do you think there would be any merit in an approach where for industry-wide safety issues the players are told you should have an organization which has absolutely the authority, not able to be withdrawn, to speak for the industry on these issues, to make commitments to C-NLOPB to deliver to C-NLOPB on these issues essentially an irrevocable delegate of your authority in those respects?

MR. VOKEY:

A. I think it's safe to say there's a number of different models that can be used. I don't think any one model is right or wrong. Given the size of this basin and the number of players, I believe CAPP is an effective mechanism, and with an effective CAPP, notwithstanding the timeline for HUEBA, CAPP has had a number of very significant initiatives followed through, and in terms of how we work with our, in particular offshore employees, the Occupational Health and Safety Committees represent all workers, whether

they're represented by one vendor, or a trade union, or a contractor, or whatever, but I believe the existing mechanisms that we do have are effective and for us it's a continuous improvement on those initiatives.

MR. SACUTA:

A. I think we all believe -- I don't think, I know we all believe we're responsible for the safety of our own individual workforce. There are times when we use CAPP as a facilitator because a basin-wide approach may be appropriate, and I think CAPP has been an effective facilitator. Outside of what we've already identified as an issue with the HUEBA implementation, there are a number of successes that we can talk to, and I talked to in my testimony about what CAPP has done successfully for the basin and for the operators.

EARLE, Q.C.:

Q. Mr. Pritchard, does Husky have anything to offer on that?

MR. PRITCHARD:

A. No, I'm aligned here. CAPP has been very successful in many activities. We do need a

coordinated group that will take forward whatever issues come to light, and that's just needed, and CAPP has been effective in the past. So to be effective going forward, we can apply whatever lessons learned come out of the HUEBA analysis.

EARLE, Q.C.:

Q. Mr. Roil is tapping his watch.

COMMISSIONER:

Q. Okay, then we'll adjourn until 9:30 tomorrow morning.

Upon concluding at 4:30 p.m.

CERTIFICATE

We, the undersigned, do hereby certify that the foregoing is a true and correct transcript of a hearing heard on the 12th day of January, 2010 at Tara Place, 31 Peet Street, Suite 213, St. John's Newfoundland and Labrador and was transcribed by us to the best of our ability by means of a sound apparatus.

Dated at St. John's, NL this 12th day of January, 2010

Cindy Sooley
Discoveries Unlimited Inc.

Judy Moss
Discoveries Unlimited Inc.

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-Y-

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