

OFFSHORE HELICOPTER SAFETY INQUIRY

January 12, 2010

Tara Place, Suite 213, 31 Peet Street

St. John's, NL

January 12, 2010

PRESENT:

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

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

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

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

**Kate O'Brien.....Davis Estate (Pilot) and
..... agent on behalf of Douglas A. Latto for Lanouette Estate (Co-pilot)**

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1 January 12, 2010
 2 COMMISSIONER:
 3 Q. Good morning, ladies and gentlemen. Good
 4 morning, gentlemen. Are you ready, Mr. Roil?
 5 ROIL, Q.C.:
 6 Q. Yes, thank you, Commissioner. The next
 7 section of the presentation is we are
 8 commencing, I understand, with Mr. Vokey being
 9 the first presenter on the HOTF. So Mr.
 10 Vokey, I'll leave it to you to start.
 11 MR. TREVOR PRITCHARD, MR. PAUL SACUTA AND MR. GARY VOKEY,
 12 RESUME STAND
 13 MR. VOKEY:
 14 A. Okay. The next section, Commissioner, is on
 15 the Helicopter Operations Task Force, and in
 16 this section, I'll provide information on that
 17 Task Force including its charter, the roles of
 18 the Task Force members, communications that
 19 were conducted and the activities associated
 20 with returning to flight operations following
 21 the March 12th incident in May of 2009. It's
 22 important to note, Commissioner, that
 23 following the March 12th incident, S-92s
 24 worldwide were grounded until the mounting
 25 studs that connects the oil filter bowls to

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1 the main gearbox were changed to a different
 2 material. This process took less than one
 3 week to complete on all S-92s worldwide.
 4 Although the S-92s continued to be certified
 5 after the studs were changed, the Grand Banks'
 6 operators suspended flying the S-92s for over
 7 two months to ensure that all aspects of our
 8 flying operations were reviewed to ensure
 9 personnel safety prior to resuming flying.
 10 Following the crash of 491, three levels
 11 of investigation or assessments were
 12 undertaken. First, it's important to recall
 13 the regulatory environment within which we
 14 work. Transport Canada is the regulator for
 15 the Canadian Aviation Industry. The
 16 Transportation Safety Board or TSB, as we know
 17 it, are independent from Transport Canada and
 18 have the responsibility for the investigation
 19 of aviation events. These two parties,
 20 working independently, form the regulatory
 21 level of investigation within Canadian
 22 jurisdiction and as we know, within hours of
 23 the crash, the Transportation Safety Board
 24 investigators arrived in St. John's and took
 25 charge of the investigation. Transport Canada

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1 also undertook a post-accident regulatory
 2 compliance audit on Cougar following the crash
 3 of 491.
 4 In addition to the regulatory
 5 investigation, Cougar Helicopters immediately
 6 conducted an internal investigation and they
 7 also brought in an independent assessor to
 8 assist them in their process.
 9 While the above levels of investigation
 10 were significant, the Newfoundland and
 11 Labrador oil and gas industry key players,
 12 ExxonMobil, Suncor Energy, Husky, Statoil and
 13 HMDC, determined that an additional level of
 14 review should be initiated. A steering team
 15 with senior representatives of the companies I
 16 just mentioned was formed to oversee the
 17 process. A Helicopter Operations Task Force
 18 or HOTF, as it's sometimes called, was
 19 established who would conduct a detailed
 20 review. In addition, several subteams were
 21 also established and you can see that on the
 22 bottom right of the slide: a specialized team
 23 to review aviation safety, known as the
 24 Aviation Safety Review Team; and also a team
 25 of health and safety professionals to review

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1 passenger safety issues and concerns.
 2 When we established the charter for the
 3 Helicopter Operations Task Force, it is
 4 important to note that the Grand Banks'
 5 operator scope did not overlap with other
 6 levels of investigation that were ongoing. A
 7 charter was put in place, and I ask if you can
 8 just make reference to the slide there because
 9 I think it's important to review the purpose
 10 and the scope of the charter.
 11 ROIL, Q.C.:
 12 Q. Before you go on any further, Mr. Vokey, where
 13 did you and others -- because I gather you
 14 were personally involved in this process?
 15 MR. VOKEY:
 16 A. Yes, I was, sir.
 17 ROIL, Q.C.:
 18 Q. Where did you go to seek a process or a format
 19 or a precedent? Did you have anything
 20 available to you? Is this an industry
 21 standard approach or how do we understand the
 22 context for this? We know where TSB comes
 23 from. We know where the others come from.
 24 Where did you go to get this process?
 25 MR. VOKEY:

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1 A. There actually was no process, to my
 2 knowledge. We met with our senior management
 3 from each of the companies collectively a
 4 couple of days following Flight 491 and we
 5 determined that we had to do something,
 6 because of the significance of what happened,
 7 and notwithstanding other levels of
 8 investigation, we felt compelled to ensure
 9 that we did our due diligence as operators.
 10 ROIL, Q.C.:
 11 Q. So in terms of the scope and objectives, who
 12 set the scope and objectives?
 13 MR. VOKEY:
 14 A. We actually set our own, sir.
 15 ROIL, Q.C.:
 16 Q. Okay. That's fine, just wanted to understand
 17 the context for this before you gave us what
 18 the scope and objectives were. We'll get the
 19 actual document in a moment.
 20 MR. VOKEY:
 21 A. Yeah.
 22 ROIL, Q.C.:
 23 Q. We'll refer to it in evidence and I'd ask the
 24 Registrar to get ready to pull up the exhibits
 25 117, the series under that, and I'll give you

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1 as much notice in advance as I can of when I
 2 need a particular document.
 3 REGISTRAR:
 4 Q. Are you finished with this one?
 5 ROIL, Q.C.:
 6 Q. No, not yet.
 7 REGISTRAR:
 8 Q. Okay.
 9 ROIL, Q.C.:
 10 Q. Thank you.
 11 MR. VOKEY:
 12 A. So the purpose of the charter was to lead
 13 industry efforts to safely resume personnel
 14 transportation by helicopter to the Grand
 15 Banks, and that would be helicopter
 16 operations. In terms of scope and objectives,
 17 they were to define the issues to be addressed
 18 prior to the resumption of helicopter
 19 operations and to coordinate their resolution,
 20 also to develop and execute a road map for the
 21 resumption of helicopter operations, to
 22 develop and roll out a stakeholder
 23 communication plan for the industry to the
 24 various stakeholders, to monitor the findings
 25 emerging from the TSB and Cougar incident

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1 investigations to ensure that they were
 2 addressed promptly, also to monitor Cougar's
 3 return to helicopter flying operations, and
 4 also to coordinate an independent assessment
 5 of Cougar's operations and that would be
 6 issued to each operator for their review and
 7 their consideration, and that's where the
 8 aviation safety review team came into this.
 9 The expectations were as follows: the
 10 Task Force was to begin immediately and
 11 continue until the resumption of helicopter
 12 operations and I just want to make note here,
 13 when we went into this activity, we never had
 14 any preconceived notions of how long this
 15 process would take. We didn't know if it was
 16 going to be a week, you know, a month, two
 17 months, three months or whatever. In reality,
 18 it was, I think, somewhere around two months
 19 and a week, but there was no preconceived
 20 notion. During this period, we transported
 21 all our people to and from the offshore via
 22 supply vessel at that time.
 23 COMMISSIONER:
 24 Q. Mr. Vokey, just on that note, so that I'm
 25 quite sure. The authorities, when I say the

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1 authorities I mean Transport Canada, after
 2 what was it, a week, that these helicopters
 3 were entitled to fly?
 4 MR. VOKEY:
 5 A. That's correct.
 6 COMMISSIONER:
 7 Q. And did fly elsewhere in the world?
 8 MR. VOKEY:
 9 A. Correct.
 10 COMMISSIONER:
 11 Q. So the decision to delay flying in the
 12 Newfoundland Labrador offshore was the
 13 operators' decision?
 14 MR. VOKEY:
 15 A. It was taken solely from the operators.
 16 COMMISSIONER:
 17 Q. Okay.
 18 MR. VOKEY:
 19 A. Solely from the operators. Continuing on with
 20 the expectations, the Task Force members,
 21 that's the Helicopter Operations Task Force
 22 members, were to be full-time dedicated
 23 resources due to the significance. The Task
 24 Force was to provide twice weekly updates to
 25 the steering team and three of us here today

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1 were part of that steering team. Cougar
 2 Helicopters was responsible for the integrity
 3 of its operations and in addressing industry
 4 concerns related to resuming normal helicopter
 5 operations and what we're trying to say there
 6 is that anything related to the S-92 or
 7 directly within the scope of Cougar's
 8 operation, that they would be responsible for
 9 answering those types of questions, and all
 10 aspects related to flight safety should be
 11 evaluated by the Task Force. So it wasn't
 12 just helicopters. Their scope was fairly
 13 wide.
 14 ROIL, Q.C.:
 15 Q. When you -- I think in earlier evidence, I had
 16 the impression, perhaps from one of the
 17 panellists, but it might have been you, that
 18 in fact Cougar was flying the S-92, but for
 19 freight and other purposes and not for
 20 carriage of passengers. Is that correct?
 21 MR. VOKEY:
 22 A. That's correct. Following the change out of
 23 the titanium studs to a different material,
 24 Cougar continued to fly and, you know, they do
 25 have to maintain pilot certification and

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1 things of that nature, and I'm sure Mr. Burt
 2 will be -- you know, Cougar will be a lot
 3 better suited to answer that, but they were --
 4 those helicopters themselves were not
 5 grounded. The operators -
 6 ROIL, Q.C.:
 7 Q. That was the point I was making. I think
 8 people might have seen them in the air, and
 9 you're not saying they weren't flying.
 10 MR. VOKEY:
 11 A. They were flying around the City, I mean,
 12 doing, you know, different exercises and
 13 whatnot, but we elected not to use those
 14 helicopters to fly personnel to and from the
 15 offshore, and in fact, we did bring in another
 16 helicopter, an S-61 for first response SAR
 17 duties to stand by.
 18 MR. SACUTA:
 19 A. Just to be clear, the helicopters were not
 20 travelling back and forth to the offshore
 21 installations with cargo. They were
 22 travelling around St. John's to keep their
 23 pilots current. It was not a factor that we
 24 allowed the helicopters to transit offshore
 25 without personnel. We didn't. They were not

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1 allowed to fly offshore during that period,
 2 period.
 3 ROIL, Q.C.:
 4 Q. They weren't flying back and forth to the
 5 facilities at all -
 6 MR. SACUTA:
 7 A. That's correct.
 8 ROIL, Q.C.:
 9 Q. - until the HOTF report was complete, okay.
 10 MR. SACUTA:
 11 A. I guess, you know, they weren't being used by
 12 any of the operators.
 13 ROIL, Q.C.:
 14 Q. Yeah. Whether there was other uses, obviously
 15 Cougar can speak of that in their own
 16 evidence.
 17 MR. SACUTA:
 18 A. That's correct.
 19 ROIL, Q.C.:
 20 Q. Okay. Thank you for clearing that up, Mr.
 21 Sacuta.
 22 MR. VOKEY:
 23 A. The next slide is a relatively busy slide, but
 24 I just want to walk you through the different
 25 roles reporting communication. The slide is

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1 intended to depict the roles and the
 2 interaction between the various parties who
 3 were involved in the return to service. I'll
 4 start in the middle. As I mentioned, a
 5 Newfoundland oil and gas industry steering
 6 team was established to oversee the activity.
 7 This team was comprised of management
 8 representatives of Exxon, Suncor, Husky and
 9 HMDC and StatoilHydro. The team members
 10 reported directly back to the senior
 11 management representatives.
 12 ROIL, Q.C.:
 13 Q. Okay. So the industry steering team, you said
 14 senior management people and I think you said
 15 earlier you and others on this panel were a
 16 part of that team?
 17 MR. VOKEY:
 18 A. We -
 19 ROIL, Q.C.:
 20 Q. We can actually go to the document, if you'd
 21 prefer, to -
 22 MR. VOKEY:
 23 A. No. Well, I don't have a copy of it here, but
 24 we were senior representatives established for
 25 this steering team, but we reported back to

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1 our senior management on this issue.
 2 ROIL, Q.C.:
 3 Q. Okay.
 4 MR. PRITCHARD:
 5 A. Mr. Roil, just for clarity on that, I
 6 personally was part of the initial industry
 7 steering team, but I also mentioned I was the
 8 most senior person for Husky on site at that
 9 time. So I had a dual role until Mr. Ken Dyer
 10 took my position on the industry steering team
 11 and I became the operations senior management
 12 within the context of this slide.
 13 ROIL, Q.C.:
 14 Q. Okay. So you -- that's right, Mr. Dyer
 15 stepped in for you.
 16 MR. PRITCHARD:
 17 A. Correct.
 18 ROIL, Q.C.:
 19 Q. And then you moved up to the senior management
 20 level.
 21 MR. PRITCHARD:
 22 A. Correct.
 23 ROIL, Q.C.:
 24 Q. And he reported, okay, thank you.
 25 MR. VOKEY:

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1 A. I've spoken to the scope of the work of the
 2 Helicopter Operations Task Force and I'll
 3 briefly speak about its composition. This
 4 team was comprised of a cross-disciplinary
 5 team, including engineering, operations and
 6 occupational health and safety committee
 7 representatives. I've also mentioned
 8 previously that there were subteams formed to
 9 address specific topics. So the line of boxes
 10 along the bottom reflects those teams. The
 11 one that I mentioned first was the Aviation
 12 Safety Review Team. There was a health and
 13 safety team, a communications team, a
 14 logistics team and other support services
 15 included things like human resources and
 16 employee assistance, and there was
 17 recommendations from each of these teams that
 18 flowed back to the HOTF for final assessment
 19 and recommendation back -
 20 ROIL, Q.C.:
 21 Q. So HOTF is the way we pronounce H-O-T-F, is
 22 it?
 23 MR. VOKEY:
 24 A. HOTF, Helicopter Operations Task Force.
 25 ROIL, Q.C.:

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1 Q. Yeah, okay, just so those who are listening to
 2 us in another room might wonder what the HOTF
 3 is.
 4 MR. VOKEY:
 5 A. Okay.
 6 ROIL, Q.C.:
 7 Q. Okay, and that's fine. Once we understand
 8 what the expression is, feel free to use it.
 9 MR. VOKEY:
 10 A. Thank you. So moving up to the two circles,
 11 while the work of the HOTF was ongoing, Cougar
 12 was also completing their own internal
 13 investigation and Sikorsky was addressing the
 14 mounting stud issue. The Transportation
 15 Safety Board was conducting its investigation
 16 and Transport Canada was conducting its
 17 special purpose regulatory inspection of
 18 Cougar Helicopters. Just a point of note
 19 here, there was regular communication between
 20 all of the parties to share any learnings and
 21 significant findings that would influence or
 22 be of benefit to the Helicopter Operations
 23 Task Force as it conducted its work. The
 24 Helicopter Operations Task Force had
 25 communication at all levels, both directly

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1 with Transport Canada, the TSB, Sikorsky,
 2 Cougar, pretty well everyone involved in any
 3 aspects of this investigation.
 4 Finally, moving to the boxes on the top
 5 left and right-hand side of the chart. The
 6 levels of communications both within our
 7 respective organizations and with our
 8 employees and contractors and with government
 9 officials and the oil and gas industry was
 10 significant and ongoing throughout this
 11 process.
 12 ROIL, Q.C.:
 13 Q. So just before you go on, just so we
 14 understand, go back to that slide before, if
 15 we can? Okay. Now we're back there, okay.
 16 So the consult and inform, so the personnel,
 17 contractors, unions, partners and public, who
 18 were the parties that were responsible to
 19 consult with and inform? Was it the steering
 20 team or the oil companies themselves? How did
 21 that piece work?
 22 MR. VOKEY:
 23 A. I'll get into it a little bit more later into
 24 this, but it was undertaken at various levels,
 25 in particular the steering team.

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1 ROIL, Q.C.:

2 Q. Okay.

3 MR. VOKEY:

4 A. We communicated with the government. We

5 communicated regularly and independently with

6 our JOHS teams and others, and I'll talk a

7 little bit more about that.

8 ROIL, Q.C.:

9 Q. Okay. So that will be fleshed out in some of

10 the subsequent slides?

11 MR. VOKEY:

12 A. Yes.

13 ROIL, Q.C.:

14 Q. Okay, thank you.

15 MR. VOKEY:

16 A. This next slide again is a little bit busy,

17 but it depicts the work to establish our

18 readiness to return to flight operations. We

19 realized early on -- and we refer to it as a

20 road map, but it was, you know, from right

21 after March 12th incident and we recognized

22 there was a lot of work to be done in terms of

23 evaluations, investigation, assessment, but we

24 did need a plan for resumption of helicopter

25 operations. We knew we just couldn't say

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1 "okay, we've got the information. Let's go.

2 We're ready to fly." We did appreciate the

3 significance of the sensitivity to this issue

4 and we wanted to make sure that it was rolled

5 out in a systematic way. So that's what this

6 is primarily about.

7 On the left side of the slide, you'll see

8 three significant inputs related to Cougar

9 readiness and the readiness of the S-92s to

10 return to service. First, there was the work

11 of the Transportation Safety Board and the

12 results of Cougar's own internal

13 investigation. Secondly, there was

14 confirmation of Cougar's regulatory compliance

15 and certification by Transport Canada. And

16 third, there was an assessment by the Aviation

17 Safety Review Team and that was the team that

18 was established by the operators represented

19 here today and ExxonMobil.

20 ROIL, Q.C.:

21 Q. Okay, and we'll talk a little more about the

22 expertise of those persons when we get there.

23 MR. VOKEY:

24 A. Yes, we will.

25 ROIL, Q.C.:

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1 Q. Okay.

2 MR. VOKEY:

3 A. On the right-hand side of the page, you'll see

4 there were a number of passenger safety

5 concerns and issues that had to be addressed.

6 That work also fed directly into the HOTF

7 final assessment. So like, as I said

8 previously, this wasn't just about

9 helicopters. It did include things like the

10 suits, HUEBA, PLBs and other issues at the

11 time. Also, during the review process, we

12 asked that any workforce concerns and issues

13 be identified and addressed. The box at the

14 top of this chart notes the work that was done

15 to assess and respond to the occupational

16 health and safety committees.

17 This box also notes the work that we did

18 to communicate our process and recommendations

19 to the oil and gas industry regulator, the C-

20 NLOPB. We had a series of meetings with the

21 Board post March the 12th to keep them

22 apprised of what our process was and where we

23 were in our process.

24 These boxes represent a road map that we

25 established to make the final determination of

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1 our readiness to return to helicopter

2 operations. Once that decision was made, as

3 you'll see in the box at the bottom of the

4 chart, we initiated an extensive communication

5 process.

6 Passenger Safety Review Team, this team

7 was comprised of representatives from the

8 health and safety departments of each of the

9 operators. Their primary purpose was to

10 review and provide any recommendations

11 required for the improvement in passenger

12 safety areas, including flight suits, flight

13 suit standards -- and I believe this work was

14 introduced in the testimony of Mr. Collins

15 with Helly Hansen back before Christmas -- to

16 take a look at personal locator beacons, HUEBA

17 or helicopter underwater breathing apparatus,

18 and I just want to make a point here, and I'm

19 not sure if it was made yesterday, but the

20 operators were in the final stages of

21 implementation of HUEBA prior to the loss of

22 Flight 491. Also, to take a look at passenger

23 training and orientation, emergency response

24 procedures and many of the areas addressed by

25 this team and the work that has resulted since

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1 that team was established will be discussed
 2 later in the presentation when we review the
 3 recommendations by Mr. Sacuta and Mr.
 4 Pritchard.
 5 ROIL, Q.C.:
 6 Q. Before you go on, the team that was
 7 responsible for this passenger safety review
 8 issues was called the HSEQ team, the Health
 9 Safety and Environment and Quality team.
 10 Without naming the names of the persons, what
 11 sort of skills and what sort of sources did
 12 you go to to staff that team?
 13 MR. VOKEY:
 14 A. From each of the operator organizations, as I
 15 indicated, and they would have been at a lead
 16 manager level. I would say that's probably
 17 the two most accurate levels.
 18 ROIL, Q.C.:
 19 Q. Yeah, okay. So it wasn't the senior
 20 management of the company. It was the -
 21 MR. VOKEY:
 22 A. The managers of those departments.
 23 ROIL, Q.C.:
 24 Q. - the managers of the departments,
 25 departmental level.

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1 MR. VOKEY:
 2 A. Yes.
 3 ROIL, Q.C.:
 4 Q. Yeah, okay. Thank you.
 5 MR. VOKEY:
 6 A. The next team that I just want to talk a
 7 little bit about is the Aviation Safety Review
 8 Team. This team was established to provide a
 9 recommendation regarding the readiness of
 10 Cougar Helicopters to resume air
 11 transportation services to all the facilities
 12 located on the Grand Banks. It had a wide
 13 review mandate, including the following:
 14 review of the maintenance department, a review
 15 of aircraft condition and compliance, quality
 16 assurance, safety management systems, validity
 17 of regulatory documents, staffing levels,
 18 operations department, spares and inventory,
 19 dispatch functions, personnel training
 20 including pilot training and maintenance,
 21 document control and standard operating
 22 procedures.
 23 The Aviation Safety Review Team was
 24 comprised of aviation experts. The team
 25 provided a range of expertise that included

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1 international helicopter operations,
 2 aeronautical engineering and significant pilot
 3 experience. The combined experience of the
 4 team members exceeded 160 years in the
 5 aviation field and there were four members on
 6 that team. In terms of their expertise, as I
 7 indicated, safety, quality, there were pilots,
 8 as well as engineers, aeronautical engineers
 9 on that team.
 10 ROIL, Q.C.:
 11 Q. I think again, while we don't need to spend
 12 time on it, unless somebody wants to cross-
 13 examine on it or we don't cross-examine, we
 14 probe deeper, the exhibit has the credentials
 15 of those individuals. It's Exhibit P117/202.
 16 Were all of those persons persons employed by
 17 the oil companies or were there outside
 18 experts as well?
 19 MR. VOKEY:
 20 A. There were outside individuals. In fact, I
 21 stand corrected, I believe only one was an
 22 employee.
 23 MR. SACUTA:
 24 A. The head of the four-person team was an
 25 ExxonMobil aviation adviser that HMDC utilizes

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1 for our annual audits. So he was the lead of
 2 the Aviation Safety Review Team and then each
 3 of the others was a specialist consultant
 4 hired by each one of the operators.
 5 ROIL, Q.C.:
 6 Q. Okay, thank you.
 7 MR. VOKEY:
 8 A. In terms of the Aviation Safety Review Team
 9 findings, following a detailed analysis of
 10 Cougar's operations, the Aviation Safety
 11 Review Team provides its report to the
 12 Helicopter Operations Task Force. Their key
 13 findings and observations, and this is just a
 14 summary of them, was: that Cougar's
 15 maintenance of the S-92A meets the
 16 manufacturer's recommendations, regulatory
 17 requirements and industry norms; that Cougar's
 18 maintenance engineers are well trained and
 19 well qualified; that Cougar's pilots were well
 20 trained and well qualified; and that Cougar's
 21 standard operating procedures and emergency
 22 response plan manual exceed regulatory
 23 requirements and industry norms.
 24 The HOTF report and recommendations were
 25 provided to the steering team. The report was

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1 a comprehensive document that provided an in-
 2 depth assessment of the components of the S-92
 3 return to service road map, which included a
 4 review of the incident investigation, the
 5 assessment of the S-92's readiness, the
 6 assessment of Cougar flight operations
 7 readiness, the assessment of passenger safety
 8 issues such as flight suits, PLBs, et cetera,
 9 that I mentioned earlier, and the stakeholder
 10 engagement plan. In light of the detailed
 11 assessment of the above, the HOTF recommended
 12 that the operators return to flight
 13 operations.
 14 In addition, the HOTF brought forward 18
 15 continuous improvement recommendations for
 16 operator consideration, which as I indicated,
 17 Mr. Sacuta and Mr. Pritchard will address in
 18 more detail later in the presentation.
 19 ROIL, Q.C.:
 20 Q. Okay. Perhaps this is an appropriate time.
 21 The panel members have asked me to indicate,
 22 for the record, Mr. Chairman, Mr.
 23 Commissioner, that the report, which we have
 24 been provided with in its entirety, was not
 25 redacted by them and neither were they putting

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1 any conditions upon the various documents that
 2 were within it. That being said, Inquiry
 3 counsel have made determinations that certain
 4 of the material is not probative to our
 5 issues, but rather they go to the issues that
 6 are before the Transportation Safety Board,
 7 and so we have redacted or removed those
 8 portions from this document. In addition, the
 9 confidential designation for some of the
 10 documents was at the request of Cougar and a
 11 quite understandable request, in my view,
 12 because the extracts from their various
 13 proprietary manuals were included here, and so
 14 they had concerns that those would go into
 15 widespread circulation and be available to
 16 their competitors and others and so those have
 17 been designated as confidential documents, and
 18 so that, I think, is a point that the
 19 operators wanted to make. That these were --
 20 these changes were not requested by them.
 21 They were requested by other parties and as I
 22 say, made by Inquiry counsel as well.
 23 COMMISSIONER:
 24 Q. Okay, and you know, I would make the point
 25 that Inquiry counsel consulted with me on the

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1 details of these things and we reviewed them
 2 together and it was a decision of the Inquiry
 3 that these things did not impact on our
 4 mandate. I think Mr. Whalen wants to say
 5 something.
 6 WHALEN, Q.C.:
 7 Q. I just wonder if counsel could note that even
 8 though those documents are confidential, they
 9 are available to counsel who are participating
 10 in the Inquiry.
 11 REGISTRAR:
 12 Q. Excuse me. Would counsel come to the mike,
 13 please, and identify himself? Thank you.
 14 WHALEN, Q.C.:
 15 Q. Thank you, Mr. Chairman. Norman Whalen for
 16 Cougar. I would just like it to be noted that
 17 while some of the documents are marked
 18 confidential, they have been made available to
 19 all counsel participating in the hearing and
 20 are available for use in that regard.
 21 COMMISSIONER:
 22 Q. That's a good point, and I am glad -
 23 WHALEN, Q.C.:
 24 Q. I would just want that noted. It isn't -- it
 25 is simply that they are not available to

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1 circulation to the public or to competitors.
 2 COMMISSIONER:
 3 Q. Yes, I think that's a good point, Mr. Whalen,
 4 because everything is available that comes to
 5 us to counsel.
 6 WHALEN, Q.C.:
 7 Q. Thank you.
 8 ROIL, Q.C.:
 9 Q. Okay.
 10 MR. VOKEY:
 11 A. Continue?
 12 ROIL, Q.C.:
 13 Q. Okay, Mr. Vokey.
 14 MR. VOKEY:
 15 A. I'm on slide 117. Before we finalized the
 16 return to service plan, there's several
 17 additional things that should be noted that
 18 occurred while the HOTF work was under way.
 19 We, as operators, solicited questions from the
 20 offshore and onshore occupational health and
 21 safety committees. We received collectively
 22 in excess of 350 questions from which the HOTF
 23 then divided into common themes and topics.
 24 Responses were provided in each of the topic
 25 areas.

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1 Throughout the process, as additional
 2 information or updates became available, each
 3 of the operators also took on additional
 4 meetings and briefings with their workforce,
 5 which included employees, key stakeholders,
 6 contractors, the occupational health and
 7 safety committees, union representatives where
 8 applicable, and the regulator. These meetings
 9 would have been in addition to the regular
 10 workforce communications that form part of our
 11 regular business operations. Finally, onshore
 12 and offshore town hall meetings were
 13 conducted, and we used that term yesterday.
 14 ROIL, Q.C.:
 15 Q. Yeah, I think we now understand what town hall
 16 meetings are, so we're fine to go with that
 17 expression.
 18 MR. VOKEY:
 19 A. Thank you. These meetings were attended by
 20 senior management representatives of the
 21 operator companies, Cougar Helicopters, as
 22 well as the chair of the C-NLOPB. While each
 23 of the operators conducted its own meetings,
 24 there were several elements of the meetings
 25 that were common to all. Family members were

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1 invited to the onshore town hall meetings.
 2 There was a detailed review of the return to
 3 flight road map, so people would understand
 4 what our process was, as well as the timeline
 5 that we established once the HOTF report was
 6 accepted.
 7 There was also a review of the
 8 conclusions of the HOTF report and also a
 9 review of changes that Cougar made post March
 10 12th, and typically a lengthy question and
 11 answer opportunity, and in terms of the HOTF
 12 report, there were copies of that report
 13 provided to all our offshore installations.
 14 ROIL, Q.C.:
 15 Q. Before you go on then, the questions that were
 16 solicited, the 350, what was the kind of
 17 mechanism that you used? Was there a form or
 18 were people just invited to ask questions?
 19 How did you solicit that kind of -- perhaps I
 20 should ask it of you, in terms of your
 21 facility rather than the others.
 22 MR. VOKEY:
 23 A. There were a number of avenues. As I
 24 indicated, they're our primary focus and the
 25 primary bodies that we use, both offshore and

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1 onshore, when it comes to employee safety, is
 2 the Occupational Health and Safety Committees.
 3 Also we did solicit questions from them and
 4 there were also other parties of interest or
 5 stakeholders that provided questions that were
 6 actually unsolicited. If memory serves me
 7 correct, we even got a list of questions from
 8 the Board, from some of their people that fly
 9 to and from the offshore. So the scope of
 10 that was actually quite wide also. We never
 11 limited it. We started off, as I indicated, I
 12 think it was 350 odd, and we narrowed it down
 13 in terms of themes, topic areas, somewhere
 14 around 125/130 questions.
 15 ROIL, Q.C.:
 16 Q. So the 350 could be -- there were some that
 17 were sort of common?
 18 MR. VOKEY:
 19 A. There was repetition, yes, correct.
 20 ROIL, Q.C.:
 21 Q. Okay, and then how did the answers get out to
 22 the people who had asked them? Did you
 23 individually answer people, or what was the
 24 mechanism, were they answered just in the
 25 report? How did that work?

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1 MR. VOKEY:
 2 A. Primarily in the report, but we also sent
 3 copies to the Occupational Health and Safety
 4 Committee and to the Board, you know, on an
 5 ongoing basis, but there was a complete copy
 6 in the HOTF Report that was sent offshore
 7 also.
 8 ROIL, Q.C.:
 9 Q. Okay. I'm going to take a moment, perhaps
 10 before I ask you the questions, I would ask
 11 the Registrar if she would be able to bring up
 12 Exhibit 117/204, which is the correlated
 13 answers and questions. I've alerted the
 14 witnesses that I was going to ask questions on
 15 four -- or just ask for the questions and
 16 answers on four of these questions simply to
 17 show the range of kinds of questions and how
 18 they were answered.
 19 REGISTRAR:
 20 Q. Number?
 21 ROIL, Q.C.:
 22 Q. 117/204. Sorry, 402. I'm dyslexic this
 23 morning. Okay, if we could just scan down the
 24 first page, please. I'll ask the Registrar to
 25 make the scanning for us. You'll see the

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1 answers to certain of the questions have been
 2 redacted as they're not within the
 3 jurisdiction of this Inquiry, and most of them
 4 are, in fact, within the exclusive
 5 jurisdiction of the Transportation Safety
 6 Board. So we'll go down the first page. So
 7 question number three was all about your
 8 safety bulletins and what not. I take it that
 9 that question was answered as best you could
 10 at the time. We have taken out your answer.
 11 MR. VOKEY:
 12 A. Okay.
 13 ROIL, Q.C.:
 14 Q. That's the -- I wanted to make sure, rather
 15 than for somebody to think that you didn't
 16 answer that question. Okay, turn to question
 17 number 14 which is on page four, please, the
 18 bottom of page four. Here we go, okay. So
 19 would you read the question and then read the
 20 answer?
 21 MR. VOKEY:
 22 A. "Military helicopters require that crew and
 23 passengers wear helmets for head protection.
 24 Has this been considered as a requirement by
 25 the Steering Team".

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1 ROIL, Q.C.:
 2 Q. Okay.
 3 MR. VOKEY:
 4 A. The answer --
 5 ROIL, Q.C.:
 6 Q. And that's this question, 156, out of the
 7 total of 350, was it?
 8 MR. VOKEY:
 9 A. That's correct.
 10 ROIL, Q.C.:
 11 Q. Okay, and the answer was?
 12 MR. VOKEY:
 13 A. "This is not required for passengers or crew
 14 on civilian helicopters. Some of Cougar's
 15 pilots do wear helmets, but it is a personal
 16 preference. There are no plans to consider
 17 the use of helmets for passengers".
 18 ROIL, Q.C.:
 19 Q. Now in coming to that conclusion, making that
 20 answer, what sort of process would you have
 21 gone through in terms of, would you have
 22 simply answered it based on your own
 23 knowledge, would you have sourced other
 24 people, how would -- I don't mean that
 25 particular question because you may not

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1 particularly recall that, but in terms of
 2 making these answers, where did you go for
 3 information?
 4 MR. PRITCHARD:
 5 A. We would have conversation with Cougar, of
 6 course, to understand whether they need to
 7 wear them, the pilots. From the crew point of
 8 view to facilitate putting the helmet on the
 9 flight suit, you know, a helmet would not be
 10 appropriate to fit over the top of that flight
 11 suit hood, so it becomes a means of
 12 practicality as well as, you know, no
 13 requirement per se, and then practicalities on
 14 top of that.
 15 ROIL, Q.C.:
 16 Q. Okay.
 17 MR. VOKEY:
 18 A. Also in the event, as an example, and we
 19 probably could have elaborated a little bit
 20 more here, but part of the consideration was
 21 in the event that you had to don the flight
 22 suit, now you had upwards of 15 or 16 helmets
 23 that would be loose in a cabin, and the
 24 reference to the military, I mean, typically
 25 the people that do wear it there, it's our

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1 understanding they are mobile, they are not
 2 stationary, they are moving around a
 3 helicopter and what not, and it serves a
 4 different purpose both for communications and
 5 for head protection.
 6 ROIL, Q.C.:
 7 Q. Okay, the next one I asked you to look at was
 8 number 50, which is on page 13. I take it we
 9 don't understand the person or persons who
 10 asked this, there was no requirement to
 11 divulge your source, was it?
 12 MR. VOKEY:
 13 A. No.
 14 ROIL, Q.C.:
 15 Q. Just anonymous questions.
 16 MR. VOKEY:
 17 A. Some people put their names, but for the most
 18 part the vast majority just put questions in.
 19 So question 50?
 20 ROIL, Q.C.:
 21 Q. Yes.
 22 MR. VOKEY:
 23 A. Okay, "Are there too many flights on the east
 24 coast for the four dedicated helicopters?
 25 Should there be more flights with less

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1 passengers, how is that determined", and that
 2 was also in reference to three other
 3 questions, and the answer to that was, "No.
 4 In actual fact, the number of flights have
 5 decreased with the introduction of the S-92A
 6 and Cougar is now flying fewer hours overall.
 7 Flying less inherently reduces risk exposure
 8 and passenger delays".
 9 ROIL, Q.C.:
 10 Q. Okay, I think that answer again speaks for
 11 itself. So the answer was that we have not
 12 determined that it's appropriate to add
 13 additional flights?
 14 MR. VOKEY:
 15 A. That's correct. We previously did reviews in
 16 terms of norms, you know, based on our
 17 operating environment, and our reality is in
 18 terms of flight hours, I mean, our helicopters
 19 fly significantly less hours than they do in
 20 other areas, other operating areas.
 21 ROIL, Q.C.:
 22 Q. By other operating areas, you mean in the
 23 world?
 24 MR. VOKEY:
 25 A. In terms of the oil and gas industry offshore.

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1 MR. PRITCHARD:
 2 A. I think also we discussed previously that our
 3 schedule now has our scheduled flights going
 4 out before midday. We have the afternoon for
 5 any ad hoc flights. If in the times when we
 6 can't fly, we end up with a backlog of
 7 passengers to go out, no matter how many
 8 helicopters you have on those days, you cannot
 9 fly, you simply cannot fly, and, therefore,
 10 it's the requirement to remove the backlog and
 11 get the passengers out there that we utilize
 12 both the flying time of the morning schedule
 13 and the ad hoc time in the afternoon, and
 14 potentially any night time flying depending on
 15 the criteria for night time flying.
 16 ROIL, Q.C.:
 17 Q. Okay, the next question I asked you to look at
 18 was number 60. Again a different type of
 19 question entirely, and this one is on page 15?
 20 MR. VOKEY:
 21 A. Question 60 was, "Has anyone considered a
 22 flight engineer, a person to monitor the
 23 functions of the chopper".
 24 ROIL, Q.C.:
 25 Q. And what did you understand that person to be,

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1 another person on board the helicopter in
 2 addition to the two pilots?
 3 MR. VOKEY:
 4 A. That's correct. So the answer to that
 5 question was, "S-92A helicopters are designed
 6 to operate without a flight engineer, as is
 7 common with most modern aircraft. Cougar crews
 8 have access to engineers throughout the
 9 flight. They are available for consultation
 10 via satellite telephone or radio".
 11 ROIL, Q.C.:
 12 Q. The next question would be number 92 on page
 13 22.
 14 MR. VOKEY:
 15 A. The question is, "There are concerns that
 16 pumps and other parts are sometimes shipped as
 17 cargo within the passenger compartment. Is
 18 this a regular practice? Will any freight be
 19 allowed in the cabin area with the
 20 passengers", and the answer to that is, "Cargo
 21 is not to be transported in the passenger
 22 cabin. Cougar advises that it does not carry
 23 cargo in the passenger cabin while passengers
 24 are on board. If you see any cargo in the
 25 passenger cabin in the future, you should

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1 bring this to Cougar's and your supervisor's
 2 attention immediately".
 3 ROIL, Q.C.:
 4 Q. Before you go on, since that time have you had
 5 any advice -- it says the supervisor's
 6 attention. Have either of you received any
 7 advice that cargo is being carried in the
 8 passenger compartment?
 9 MR. VOKEY:
 10 A. No, sir.
 11 MR. PRITCHARD:
 12 A. Not to my knowledge, no.
 13 MR. SACUTA:
 14 A. Not to my knowledge.
 15 ROIL, Q.C.:
 16 Q. Thank you. Finally, question 111. This is on
 17 page 26, and this appears to be a question
 18 that was asked by many people?
 19 MR. VOKEY:
 20 A. Yeah. The question is, "All should be
 21 informed" I guess this is a statement, "All
 22 should be informed, briefed, and kept in the
 23 loop of causes if and when flights are aborted
 24 in flight", and the answer to that was, "We
 25 have heard from the workforce that when there

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1 are flight delays, communications from Cougar
 2 needs to be more transparent and timely. We
 3 will work with Cougar to identify ways to
 4 improve communications with the workforce.
 5 Any concerns should be raised to Cougar at the
 6 time. If not resolved, concerns should be
 7 brought forward to your supervisor".
 8 ROIL, Q.C.:
 9 Q. And again, I guess, my follow-up question is
 10 since that time what, to your knowledge, if
 11 anything has changed in terms of the
 12 communication? I gather that the question - I
 13 took the question to be, I'm on a flight, I'm
 14 flying out, and it turns around and goes back,
 15 I want to know why. What, if anything, has
 16 changed in that regard? Was there
 17 communication before, is there better
 18 communication now, or is it still a difficult
 19 area?
 20 MR. VOKEY:
 21 A. There was communication before. I believe
 22 it's an area for continuous improvement. It's
 23 an area that we could and we have improved on.
 24 Part of the challenge here, though, is when
 25 the pilots do get an indication, whether it's

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1 a chipped light or some other type of
 2 indication, they don't necessarily have the
 3 answer resolved by the time the parties or the
 4 passengers get on another helicopter and
 5 return offshore. So it's the sensitive piece
 6 between, you know, inaccurate or not enough
 7 information too soon, or delaying until you've
 8 got the full answer for us, but we do share
 9 the information with our employees and each of
 10 the operators have different, but the same
 11 level of communication protocols such that if
 12 there are issues, our workforce will find out
 13 what the issues are, but it's the timeliness
 14 and it's the accuracy, and it's that balance.
 15 ROIL, Q.C.:
 16 Q. Has that continued to be a concern for the
 17 workforce, to any of your knowledge, are you
 18 continuing to get concerns back about, "We
 19 want to know more, we want to know more"?
 20 MR. VOKEY:
 21 A. I can't say on behalf of Suncor. I haven't
 22 heard specifically that -- you know, it is a
 23 focus area for us and we do put a lot of
 24 effort into communication, and I believe the
 25 other companies --

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1 MR. PRITCHARD:
 2 A. We've committed to -- if a flight turns
 3 around, we commit to the individuals on that
 4 helicopter being informed whenever the correct
 5 reliable information is available to be given
 6 to those passengers.
 7 ROIL, Q.C.:
 8 Q. Okay, you mean if the flight is --
 9 COMMISSIONER:
 10 Q. May I just ask a question there, because, you
 11 know, we all fly on commercial flights all the
 12 time and the more -- this is a personal view,
 13 the more information the pilot or the co-pilot
 14 give about what's going on, the better I, as a
 15 passenger, feel. Now when you're in the air,
 16 would you not say that this information is
 17 most required by the individual? The
 18 individual may be nervous or whatever. If
 19 there's a problem, do the pilots say, look,
 20 we've got a problem, we're not sure quite what
 21 it is, but we're going to turn around and go
 22 back, anyway?
 23 MR. VOKEY:
 24 A. Absolutely, they actually do.
 25 MR. SACUTA:

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1 A. Yeah, they make a PA announcement while in
 2 transit, and normally if it was a chipped
 3 light, for example, the pilot would get on and
 4 say that they have a chip indication light and
 5 they've made a decision to turn around. They
 6 will keep the passengers informed as to
 7 whatever they can information-wise as to why
 8 they're turning around and going back to the
 9 St. John's Airport.
 10 COMMISSIONER:
 11 Q. I must say, I think that's very important.
 12 MR. VOKEY:
 13 A. The key is they can't be speculative, but they
 14 do have to be as accurate as they can, and one
 15 thing we do need to be sensitive of, their
 16 focus is the safety of the operation of that
 17 helicopter. So, you know, our workforce,
 18 while we endeavour to provide the information
 19 as soon as we can on a timely basis, we do
 20 have to be sensitive to the needs of the pilot
 21 to ensure that they maintain the integrity of
 22 that aircraft.
 23 MR. SACUTA:
 24 A. And I think fair enough to say that all three
 25 of the operators have worked very hard with

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1 Cougar on this whole communication issue,
 2 making sure that our workforce is kept up to
 3 date when those circumstances happen. As Mr.
 4 Vokey mentioned, there are times when they
 5 can't give them the specific information
 6 before they get on another helicopter because
 7 the one they flew out on may have to go into
 8 the maintenance shop for a look with the
 9 maintenance personnel, but eventually the
 10 message is to get back to those individuals as
 11 to the reason for the turn around.
 12 ROIL, Q.C.:
 13 Q. Thank you. I think that's all the questions.
 14 There are many, many more, but I just wanted
 15 to share with the public, the Commissioner,
 16 and everybody here the nature of some of the
 17 questions and how they were answered.
 18 MR. VOKEY:
 19 A. Okay.
 20 ROIL, Q.C.:
 21 Q. Did you ever get feedback from people that,
 22 "we like the answers, or we don't like that
 23 answer, it's not the answer we want to hear"?
 24 Was there ever any additional feedback that
 25 any of you ever received?

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1 MR. VOKEY:
 2 A. Not that I'm aware of, no.
 3 ROIL, Q.C.:
 4 Q. I mean, obviously giving answers doesn't mean
 5 that the person who received them necessarily
 6 likes the answer, but --
 7 MR. VOKEY:
 8 A. I think it's fair to say, as the Commissioner
 9 indicated, our workforce, I mean, do
 10 appreciate, you know, the feedback, especially
 11 timely feedback. Whether or not, you know,
 12 they say anything about it, the bottom line is
 13 it is important to communicate with them. So
 14 even if they're not saying anything, we know
 15 that it's appreciated.
 16 ROIL, Q.C.:
 17 Q. And I take it from your evidence that this
 18 document still remains on each facility
 19 offshore and is available to be inspected by
 20 any employee out there, so anybody that's not
 21 looked for the answers, they have the
 22 opportunity to do that?
 23 MR. VOKEY:
 24 A. That's correct.
 25 ROIL, Q.C.:

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1 Q. And they will have access to all of the
 2 answers, not just the ones that we have been
 3 talking about?
 4 MR. VOKEY:
 5 A. Yes. Is that it?
 6 ROIL, Q.C.:
 7 Q. Yes, okay, that's fine.
 8 MR. VOKEY:
 9 A. Just to continue on Slide 118, in a previous
 10 slide I mentioned changes that Cougar made to
 11 its operations as a direct result of their
 12 learnings from the March 12th tragedy. While
 13 I'm sure that Cougar will cover the
 14 information in this slide in significantly
 15 more detail when they provide testimony, I do
 16 want to at least provide a high level of
 17 understanding of the most significant changes.
 18 First, in accordance with the Alert Service
 19 Bulletin issued back in March, 2009, Cougar
 20 changed out the material of the studs in the
 21 oil filter bowl assembly. Second, following a
 22 detailed review of all procedures, Cougar made
 23 changes to improve the effectiveness of their
 24 emergency procedures and checklist. Third,
 25 Cougar also reviewed its emergency descent

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1 profile and it's a change which also
 2 established a lower altitude for regular
 3 flight operations.
 4 ROIL, Q.C.:
 5 Q. For those of us that don't fly, what's a
 6 descent profile? I think we all know what
 7 lower altitude is.
 8 MR. VOKEY:
 9 A. A descent profile, if say, for example, you
 10 were at 5,000 feet and you wanted to get to
 11 zero, it was the time and the rate at which
 12 you descend.
 13 ROIL, Q.C.:
 14 Q. So the angle of descent?
 15 MR. VOKEY:
 16 A. The angle of descent and the speed.
 17 ROIL, Q.C.:
 18 Q. Okay.
 19 MR. VOKEY:
 20 A. Cougar also implemented additional flight
 21 training or pilot training on their new
 22 procedures, and they changed the location of
 23 the auxiliary fuel tank. There was some
 24 discussion about the location of the auxiliary
 25 fuel tank on Flight 491 on March 12th when Mr.

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1 Decker provided his testimony.
 2 ROIL, Q.C.:
 3 Q. I think we actually have up on the easel
 4 before us the diagram that he provided to us.
 5 It was not put as an exhibit, but it is a
 6 diagram that was his best recollection of what
 7 the configuration was on the flight of March
 8 12th.
 9 MR. VOKEY:
 10 A. Okay.
 11 ROIL, Q.C.:
 12 Q. You have it there. Is that your understanding
 13 of the way it was at that time?
 14 MR. VOKEY:
 15 A. That is accurate for the way it was prior to
 16 March 12th, yes.
 17 ROIL, Q.C.:
 18 Q. Yes.
 19 MR. VOKEY:
 20 A. I'll just comment on that. With respect to
 21 the auxiliary fuel tank, first I want to say
 22 that it's important to understand the reason
 23 why we fly with an auxiliary fuel tank. The
 24 fuel tank is necessary in order to provide the
 25 required range in a variety of weather

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1 conditions, and we did talk yesterday with
 2 respect to the distance that we fly offshore,
 3 and auxiliary fuel tanks are not uncommon. In
 4 the predecessor helicopters that we did fly,
 5 the Super Pumas, there were also auxiliary
 6 fuel tanks.
 7 ROIL, Q.C.:
 8 Q. Were they also in the passenger cabin?
 9 MR. VOKEY:
 10 A. In the passenger cabin with them. The tank
 11 design, installation, maintenance, and
 12 operation have been both approved by Transport
 13 Canada and the Federal Aviation Authority, the
 14 FAA. In accordance with its certification,
 15 the tank can be installed on either the port,
 16 which is the left side which is shown there,
 17 or the starboard side, the right side of the
 18 S-92A. During his testimony Mr. Decker noted
 19 that on Flight 491, the tank was installed on
 20 the port side or the left side, as it's shown
 21 there, and that he sat on the right side in
 22 the single seat. When installed on the port
 23 side of the S-92, three of the inside row
 24 seats, as depicted in the picture there, would
 25 be removed, thus leaving three rows with one

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1 seat next to a tank, and I'm not sure how
 2 visible that is there, but the reference point
 3 is right here. There's three seats adjacent
 4 the auxiliary fuel tank. When installed on
 5 the starboard side of the S-92, three of the
 6 single seats would be removed, thus leaving
 7 the tandem seats in place, and, Sandy, if you
 8 just want to get that for me, please.
 9 ROIL, Q.C.:
 10 Q. So what we now have put up is a larger version
 11 of the image that is on Slide 119?
 12 MR. VOKEY:
 13 A. That's correct, sir. So as was shown in the
 14 previous slide, these three seats here were
 15 removed previously and the tanks were
 16 installed there, and there were single seats
 17 on the starboard side. The tank is certified
 18 to fit on either the left or the right side.
 19 Post March 12th for a number of reasons we
 20 moved it from the port side to the starboard
 21 side, and I'll just talk a little bit about
 22 that. It's important to note that during
 23 flight operations, the pilots will first draw
 24 on the fuel in the auxiliary tank before using
 25 the main fuel. In reality what happens, my

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

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1 return to service town hall meetings prior to
 2 the resumption of flights to the Grand Banks.
 3 ROIL, Q.C.:
 4 Q. If you're planning to go on to the next slide,
 5 I don't think I want to do that right now.
 6 MR. VOKEY:
 7 A. Okay.
 8 ROIL, Q.C.:
 9 Q. I just have a couple more questions here, and
 10 then it'll probably be time for us to have our
 11 morning break. I heard your explanation, but
 12 I'm not sure I understand. Was it that it's
 13 now on that side because the workforce is more
 14 comfortable with it there, or that there were
 15 some egress issues that were made more
 16 comfortable for people? What -- in layman's
 17 terms, what was the reason?
 18 MR. VOKEY:
 19 A. In layman's terms, there was concern if the
 20 tanks were right here, that depending on the
 21 physical attributes of the individuals sitting
 22 there, they may not be able to get to their
 23 reference point, which would be the secondary
 24 exit, the emergency window.
 25 ROIL, Q.C.:

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1 Q. I think we heard that part of the training is
 2 to train people to immediately identify --
 3 MR. VOKEY:
 4 A. To identify your exit there, your secondary
 5 exit point, and depending on the size of the
 6 individual, their arms may not be long enough.
 7 Like, in my case, there's no issues. Somebody
 8 smaller than I am might have an issue with the
 9 window. So rather than get into a selective
 10 seating process, which doesn't work for us,
 11 what we said was the tank is certified for
 12 each side, the helicopter is designed with two
 13 seats there, so tandem seating is by
 14 certification, so to take away from
 15 individuals who might not be able to egress
 16 through the secondary, we'll put it on the
 17 right side and just take out the single seats
 18 and then the issue goes away. I will say even
 19 today, I mean, the workforce is certainly not
 20 unanimous in this area. Some people preferred
 21 it on the left side, some preferred it on the
 22 right, but because there were individuals that
 23 had the potential of not being able to reach
 24 the window, we said we're going to put it on
 25 the right side.

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1 ROIL, Q.C.:
 2 Q. Okay, the final question that I'd like to ask,
 3 and again I recognize that neither of you
 4 gentlemen are aeronautical engineers, and
 5 neither am I, but what jumps out to me for
 6 asking is why would it not be simply easier to
 7 fit an external fuel tank externally as
 8 opposed to internally?
 9 MR. VOKEY:
 10 A. And I can't answer that question.
 11 ROIL, Q.C.:
 12 Q. You're not aware of any impediment. Others
 13 may be able to tell us that there is a reason
 14 why.
 15 MR. VOKEY:
 16 A. I think the closest you'll come would be
 17 Cougar in their testimony and the work that
 18 they did, whether or not they investigated it,
 19 but I have no idea.
 20 ROIL, Q.C.:
 21 Q. Do the others have the same --
 22 MR. SACUTA:
 23 A. I mean, to me it's a Sikorsky issue. Sikorsky
 24 designs the aircraft. Sikorsky would be best
 25 suited to answer that question.

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1 ROIL, Q.C.:
 2 Q. But who requests additional capacity? It
 3 would be the operator saying we want to fly
 4 them this far. So you ask for the helicopter
 5 to be made able to get out there and back
 6 safely with adequate fuel reserves and what
 7 not, and the answer comes back to you that
 8 this is the way that we are going to do it?
 9 MR. SACUTA:
 10 A. That's correct.
 11 MR. VOKEY:
 12 A. That's correct.
 13 ROIL, Q.C.:
 14 Q. You don't direct whether it's internal or
 15 external?
 16 MR. VOKEY:
 17 A. No. Providing that it's certified by
 18 Transport Canada, that's our --
 19 ROIL, Q.C.:
 20 Q. And by the FAA, who are the --
 21 MR. VOKEY:
 22 A. It would have to be. In order to receive
 23 Transport Canada -- the fact that it's an
 24 American helicopter by Sikorsky, it has to be
 25 approved by the FAA before Transport Canada,

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1 and for us on flight type issues, that is our
 2 -- that's our indicator that it is safe to
 3 use. If it receives Transport Canada
 4 approval, our assessment is it's safe to use.
 5 ROIL, Q.C.:
 6 Q. Okay, Mr. Commissioner, unless there's
 7 something arising out of that, I think that's
 8 probably as good a place as any for us to take
 9 our break.
 10 MR. VOKEY:
 11 A. I've only got one more slide here, so -- well,
 12 two more. It's up to you.
 13 ROIL, Q.C.:
 14 Q. I've got two more slides -- three more slides,
 15 in fact.
 16 MR. VOKEY:
 17 A. Have you? Okay.
 18 ROIL, Q.C.:
 19 Q. So we'll stop here because I understand that
 20 others made commitments based on our time
 21 schedule.
 22 MR. VOKEY:
 23 A. Oh, okay.
 24 ROIL, Q.C.:
 25 Q. We'll take a break.

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1 (RECESS)
 2 ROIL, Q.C.:
 3 Q. Okay, Mr. Vokey, I understand that before we
 4 move off this slide, that you or somebody else
 5 might like to have a further comment about the
 6 issue of the placement of the fuel tank?
 7 MR. VOKEY:
 8 A. That's correct. Mr. Sacuta has a comment to
 9 make, but I just want to clarify, I guess, my
 10 previous testimony. When we talked about the
 11 window exits possibly being impeded due to the
 12 auxiliary fuel tank, especially if people
 13 couldn't access it, the windows that we're
 14 talking about are secondary egress. There's
 15 four primary egress points on the helicopter;
 16 two forward, two aft, and they're shown there
 17 with the A, B, C, D. So the windows that we
 18 are talking about, the three that, you know,
 19 people felt may or have the potential to be
 20 impeded, they're secondary exists, and just
 21 one other point of note, in the BST training,
 22 I mean, individuals are trained that if the
 23 primary access is not impeded in any way, that
 24 is the exit route and it's only in the event
 25 of an overturned helicopter, or if the primary

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1 is impeded, that you'd use the secondary. So
 2 I just wanted to clarify that point. We're
 3 not talking about main exits being potentially
 4 impeded, you know, based on people's size. I
 5 just wanted to clarify that point, and I think
 6 Mr. Sacuta had a comment.
 7 MR. SACUTA:
 8 A. I just wanted to remind you, Mr. Roil, and Mr.
 9 Commissioner, of the two refusals we had
 10 related to the auxiliary fuel tank which I
 11 discussed yesterday. They did follow the
 12 complete right to refuse dangerous work
 13 process, which resulted in the Board, the C-
 14 NLOPB, issuing a decision on the validity of
 15 the refusal. The Board, in their decision,
 16 recognized that there are inherent risks
 17 associated with helicopter transportation, but
 18 the presence of the auxiliary fuel tank did
 19 not result in an unacceptable increase in that
 20 level of risk. That was the decision that was
 21 rendered by the Board on both refusals related
 22 to the auxiliary fuel tank.
 23 COMMISSIONER:
 24 Q. I see. Thank you.
 25 MR. VOKEY:

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1 A. Okay, we're on Slide 120. So before moving on
 2 to the recommendations, the 18 recommendations
 3 associated with the Helicopter Operations Task
 4 Force Report, just a couple of more slides
 5 that sort of round out the final pieces of
 6 information associated with the decision to
 7 return to flight. Prior to returning to
 8 service, the regulator, the C-NLOPB, required
 9 that the operators individually submit a
 10 declaration that stated that the equipment was
 11 fit for purpose for which it was being used,
 12 that the operating procedures relating to
 13 helicopter operations and maintenance were
 14 appropriate for use, and that personnel who
 15 are deployed -- who are to be employed, sorry,
 16 in the connection with the operations and
 17 maintenance of the helicopters are qualified
 18 and competent.
 19 ROIL, Q.C.:
 20 Q. So I take it that this is a restatement of
 21 their principle that responsibility, primary
 22 responsibility for the transport of workers is
 23 that of the operator?
 24 MR. VOKEY:
 25 A. That's correct, sir.

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1 ROIL, Q.C.:

2 Q. And you had no objection with that?

3 MR. VOKEY:

4 A. We had no objection whatsoever. So the HOTF

5 Report was sent to the C-NLOPB, Chief Safety

6 Officer, on May 5th, 2009, and that would be

7 13 days prior to the operators resuming

8 flying. You can also see on Slide 120, there

9 was a letter from the Chief Safety Officer

10 with the Board, which accepted the HOTF Report

11 and said -- it says the letter was received on

12 May 15th, stating their acceptance of the

13 report and the declaration as a demonstration

14 of the requirements for support craft under

15 Section 55 of the Newfoundland Offshore

16 Petroleum Production Conservation Regulations,

17 that their acceptance of the HOTF Report as an

18 interim report as required by Part 15 of the

19 Newfoundland Offshore Petroleum Occupational

20 Health and Safety Regulations, and it says,

21 "We will accept the final report of the TSB as

22 meeting this requirement, but will require the

23 GBO" or Grand Banks operators, "to review all

24 findings that arise from the TSB final report

25 and provide a satisfactory report on this

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1 review once it is completed", and again that

2 letter was from the C-NLOPB, May 15th, 2009.

3 ROIL, Q.C.:

4 Q. In the first bullet, they accepted the report

5 and declaration as a demonstration of the

6 requirements for support craft. The

7 expression "support craft" there, I take it,

8 means -- it includes helicopter?

9 MR. VOKEY:

10 A. That's correct, sir.

11 ROIL, Q.C.:

12 Q. You used support craft to refer to the

13 vessels, so this is referring to the

14 airframes?

15 MR. VOKEY:

16 A. Yes, vessels and airframes are considered

17 support craft.

18 ROIL, Q.C.:

19 Q. They're all support craft?

20 MR. VOKEY:

21 A. That's correct. The last slide before I hand

22 it over to Mr. Sacuta has to do with the

23 operator return to service. So at this point

24 in time, and I'm going back now to the

25 submission and acceptance of the HOTF Report

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1 by the operators, at this point the operators

2 concluded that we were ready to return to

3 flight operations. As I previously indicated,

4 regular flight operations commenced May 18th,

5 2009, and for those who were offshore at the

6 time of the return to service, they were

7 provided an opportunity to return home by boat

8 and that was to give them an opportunity to

9 talk to their families prior to being required

10 to start flying back and forth to the offshore

11 again. As I previously indicated, a copy of

12 the HOTF Report was made available on each of

13 the installations offshore, and that is a

14 summary of the HOTF piece of our presentation,

15 and I'll now hand it over to Mr. Sacuta and

16 Mr. Pritchard to review the recommendations of

17 the HOTF.

18 ROIL, Q.C.:

19 Q. Okay, and again, I think for convenience,

20 we've got all the recommendations restated in

21 the presentations, so that we don't have to go

22 -- I take it that these are taken verbatim

23 from the final report?

24 MR. SACUTA:

25 A. That's correct, verbatim from the HOTF Report.

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1 Further to the decision made by the operators

2 to resume safe flight operations with the S-

3 92, the Helicopter Operations Task Force also

4 identified a number of recommendations for

5 future consideration by each operator, 18 in

6 total. It was not necessary to complete these

7 recommendations before we returned to service,

8 but they were follow-up recommendations for

9 consideration. The operators continue to meet

10 regularly to progress the resolution of the

11 status of these recommendations. Periodic

12 updates are provided to the onshore and

13 offshore workforce and the C-NLOPB. For

14 example, in October, I went offshore on

15 October 10th on a flight that the Commissioner

16 actually returned to St. John's on, and did a

17 town hall to review the status of these

18 recommendations, and then 21 days later I also

19 went offshore so that I could get the back to

20 back crews, and I believe each of the other

21 operators did a similar update with their

22 workforce. So I'll be reviewing the first

23 nine recommendations, and I'll hand over to

24 Mr. Pritchard for the final nine.

25 ROIL, Q.C.:

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1 Q. That's fine, and those that relate to TSB
 2 matters, we can just speak briefly of them,
 3 and we understand that they're not for us to
 4 make decisions upon.
 5 MR. SACUTA:
 6 A. Right. Okay, the first recommendation, number
 7 one, was monitor the Transportation Safety
 8 Board and Cougar internal investigations for
 9 further learnings and actions. Of course, at
 10 the time that the HOTF Report was issued, the
 11 Transportation Safety Board was still in their
 12 investigation process and they continue in
 13 that process today. We are monitoring the
 14 process or the progress of that investigation.
 15 The TSB has been very open with us. Whenever
 16 they have an issue, they inform us of
 17 something that they think we may need to know
 18 immediately. They did indicate that the cause
 19 of the crash, as most of us know, was a loss
 20 of main gear box oil due to the failure of the
 21 stud on the filter bowl assembly. It also
 22 recommended changes to the S-92 emergency
 23 checklist, which were implemented by Cougar
 24 with input from Sikorsky soon after the
 25 accident. Mr. Commissioner, I would also like

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1 to highlight that in December, Sikorsky did
 2 issue an Alert Service Bulletin which directed
 3 operators of the S-92 to replace the existing
 4 filter bowl assembly with an improved version.
 5 The original filter bowl was fully compliant
 6 with all regulations, and the new filter bowl
 7 was part of a continuous improvement process.
 8 It is my understanding that all four of the S-
 9 92 aircraft currently operating in the St.
 10 John's area have completed this replacement.
 11 Recommendation number two, support and monitor
 12 Cougar's rollout of its new safety management
 13 system incorporating their management of
 14 change process. Cougar had actually begun
 15 implementation of their safety management
 16 system prior to the March 12th incident. The
 17 rollout was scheduled to be completed in the
 18 third quarter -- sorry, the rollout was
 19 completed in the third quarter of 2009. After
 20 the rollout, a joint operator assessment of
 21 the safety management system was completed in
 22 October, and the final report has been
 23 submitted to Cougar for their information and
 24 follow-up. It was a joint audit between the
 25 three operators to review Cougar's safety

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1 management system and whether or not they were
 2 meeting the intent of the safety management
 3 system.
 4 ROIL, Q.C.:
 5 Q. Okay, and can I take it, or can you tell us
 6 what your conclusion was?
 7 MR. SACUTA:
 8 A. There were three fairly minor non-conformances
 9 identified as part of the review. One was
 10 associated with the full implementation of the
 11 management of change process that was
 12 identified in the safety management system.
 13 ROIL, Q.C.:
 14 Q. And what is a management of change process for
 15 those not familiar?
 16 MR. SACUTA:
 17 A. It's a logical step by step process that when
 18 you change something in your operation, that
 19 you've looked at the risks, identified any
 20 hazards and mitigation plans in place, such
 21 that you're not making changes without fully
 22 evaluating the risks and potential risks of
 23 doing those changes.
 24 ROIL, Q.C.:
 25 Q. It's based on the principle that change may

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1 bring risk and you manage that?
 2 MR. SACUTA:
 3 A. Change may create a change in the risk level
 4 of whatever you've done. They want to make
 5 sure that you don't make a change without
 6 fully evaluating the risks of that change.
 7 ROIL, Q.C.:
 8 Q. Okay.
 9 MR. SACUTA:
 10 A. The second finding was their quality assurance
 11 and quality control, follow-up on purchased
 12 products needed to be improved, and the third
 13 was that there was some evidence that
 14 documents without formal identification
 15 numbers, which is part of their safety
 16 management system, were being utilized in the
 17 facility. So they just needed to make sure
 18 that any documents being utilized by any
 19 personnel in the Cougar facility had actually
 20 been registered and had a document number.
 21 ROIL, Q.C.:
 22 Q. Okay.
 23 MR. SACUTA:
 24 A. Recommendation three was to consider
 25 revisiting the current sea state limitations

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1 imposed on flights, to ensure helicopter risk
 2 is as low as reasonably practicable. There
 3 are three components of helicopter operations
 4 which may be impacted by sea state. The first
 5 is flying to and from an offshore
 6 installation. If you were to talk to Sikorsky
 7 or Cougar whether or not there were any sea
 8 state restrictions associated with flying from
 9 St. John's to the platform, they would say,
 10 no, at a high level, it's a helicopter, it's
 11 not a boat, so there are no restrictions for
 12 the transit from St. John's to the facilities
 13 offshore.
 14 ROIL, Q.C.:
 15 Q. So if it stays in the air, the sea does not
 16 affect it?
 17 MR. SACUTA:
 18 A. That's correct.
 19 ROIL, Q.C.:
 20 Q. That seems simple.
 21 MR. SACUTA:
 22 A. Right. The second component is the actual
 23 landing at the installation. As previously
 24 mentioned, Hibernia is a gravity based
 25 structure which does not move. So landing at

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1 the Hibernia installation is not impacted by
 2 sea state conditions because the platform does
 3 not move.
 4 ROIL, Q.C.:
 5 Q. The platform does not float up and down?
 6 MR. SACUTA:
 7 A. It does not float, does not move side to side.
 8 It's a fixed facility, so the helideck stays
 9 fixed. As far as the floating facilities,
 10 they are impacted by the heave, pitch, and
 11 roll conditions, so there are the possibility
 12 that sea state conditions could impact the
 13 actual landing operations at the Sea Rose and
 14 Terra Nova facilities.
 15 ROIL, Q.C.:
 16 Q. I take it that with a floating helideck, that
 17 the sea state can affect the ability of the
 18 helicopter to land on that deck?
 19 MR. SACUTA:
 20 A. Absolutely, and I'll talk about some of the
 21 restrictions a little further on. The last
 22 one is the recovery from sea, and this is the
 23 one that has the most impact. If you were to
 24 end up in the water, the ability to recover
 25 personnel from the sea is affected, obviously,

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1 by sea state conditions. Recovery by the
 2 standby vessel, for example, can be
 3 accomplished through the use of a fast rescue
 4 craft or through mechanical retrieval.
 5 Currently, Hibernia, HMDC, has a seven metre
 6 restriction when it comes to recovery from the
 7 sea. So when sea states are above seven
 8 metres, we do not fly offshore.
 9 ROIL, Q.C.:
 10 Q. So the flight will not leave if the sea state,
 11 what, at Hibernia, or between Hibernia and the
 12 --
 13 MR. SACUTA:
 14 A. If the sea state at Hibernia is seven metres.
 15 ROIL, Q.C.:
 16 Q. Okay, at your location.
 17 MR. SACUTA:
 18 A. Right, it's -- we don't have the forecast of
 19 the entire flight path, but Hibernia -- the
 20 location of the facilities is really -- we do
 21 have the ability to track sea state conditions
 22 at that point.
 23 ROIL, Q.C.:
 24 Q. And you have people on board regularly who
 25 measure sea state conditions?

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1 MR. SACUTA:
 2 A. We have equipment that can measure sea state.
 3 ROIL, Q.C.:
 4 Q. So you're telling us that if the sea state
 5 conditions are above seven metres at the
 6 facility, the flight will not leave St.
 7 John's?
 8 MR. SACUTA:
 9 A. That's correct.
 10 ROIL, Q.C.:
 11 Q. Okay, and I presume would the converse apply
 12 if it was seven metres, it will not leave from
 13 the facility to come back to St. John's?
 14 MR. SACUTA:
 15 A. That's correct.
 16 ROIL, Q.C.:
 17 Q. Okay.
 18 MR. SACUTA:
 19 A. Husky has a six metre restriction, and
 20 currently Suncor does not have a defined wave
 21 height restriction, however, with the Terra
 22 Nova being a floating production and storage
 23 vessel, it is likely they would not be able to
 24 fly and land on Terra Nova if the sea
 25 conditions were above six to seven metres,

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1 just based on the nature of the role of the
 2 vessel. So it's not a prescribed landing
 3 limit, but it is unlikely they would be able
 4 to fly in sea state conditions above six to
 5 seven metres, anyway, based on the heave and
 6 pitch of the vessel itself.
 7 ROIL, Q.C.:
 8 Q. So the sea state condition is dictated by the
 9 fact that the helideck is moving too much, not
 10 necessarily by what the retrieval issues are?
 11 MR. SACUTA:
 12 A. Correct.
 13 MR. VOKEY:
 14 A. If I can just comment on that, as Mr. Sacuta
 15 indicated, it's a function of heave, pitch,
 16 and roll, and pitch and roll are absolute
 17 angle numbers, 3 degrees, I won't get into the
 18 details, but with the helideck it's not just
 19 the absolute, it's the rate or the
 20 acceleration which the helideck is moving.
 21 ROIL, Q.C.:
 22 Q. How quickly it moves up and down?
 23 MR. SACUTA:
 24 A. How quickly it moves up and down, and while
 25 Terra Nova do not have a sea state limitation,

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1 it is less than 5 percent of our flights that
 2 have been done in over six metre seas, and I
 3 think it's less than 1 percent beyond seven
 4 metres. So while there's not an absolute
 5 number, the sea state, the six or seven metre
 6 sea state will, by virtue of working in the
 7 North Atlantic, it will create a vessel motion
 8 that we won't fly, anyway, because the pilots
 9 won't land, so -- there's two ways of
 10 measuring. One; vessel motion, and that
 11 actually relates to the sea state.
 12 MR. PRITCHARD:
 13 A. If I could just add to that, Mr. Roil, in
 14 terms of the Sea Rose, we discussed our offset
 15 helideck, and, therefore, the motion
 16 characteristics are even simply different
 17 again and the speed and rise of the helideck
 18 being offset with a roll is increased once
 19 again, so we don't even have the stability of
 20 the helideck that the Terra Nova has, and six
 21 metre seas would probably take us out with our
 22 limits.
 23 MR. SACUTA:
 24 A. I think recognizing that there are individual
 25 differences between the three operators, we

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1 are currently discussing whether a common sea
 2 state limitation is justified. So we continue
 3 to discuss whether it's justified to have a
 4 common sea state limit between the three
 5 operators, recognizing that there are
 6 differences between the three facilities.
 7 ROIL, Q.C.:
 8 Q. So there are two issues that you must
 9 confront, I take it. One is whether to have a
 10 common state, and then if so, what that number
 11 is?
 12 MR. SACUTA:
 13 A. That's correct.
 14 ROIL, Q.C.:
 15 Q. But do we take it that it would likely be
 16 somewhere seven or below?
 17 MR. SACUTA:
 18 A. Oh, yes, yes.
 19 ROIL, Q.C.:
 20 Q. Okay. What's the timing for that kind of
 21 discussion?
 22 MR. SACUTA:
 23 A. I don't know the answer to that. We're
 24 continuing to talk about it. There are some
 25 considerations to make between the three

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1 operators as to whether -- how that impacts
 2 our operations. So there's no guarantee that
 3 we'll come to an agreement on sea state
 4 limitations, but we do think it's worth
 5 talking about.
 6 MR. PRITCHARD:
 7 A. I think the recommendation was given for
 8 consistency to take away any confusion of the
 9 workforce that why do I travel in seven, why
 10 do I travel in six. That's the basis of that
 11 recommendation to take away any confusion.
 12 MR. VOKEY:
 13 A. Ultimately, whatever the number is, it has to
 14 -- it has to consider recovery, and that will
 15 be a key part of the decision whether it is
 16 six or whether it is seven.
 17 ROIL, Q.C.:
 18 Q. Okay, thank you.
 19 MR. SACUTA:
 20 A. Recommendation number four, consideration in
 21 consultation with Cougar Helicopters, the
 22 installation of additional floatation on the
 23 S-92A fleet to a sea state six capability.
 24 I'd just like to highlight that the designed
 25 sea state specification does not guarantee the

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1 helicopter will remain upright in those
 2 conditions. It depends on the angle at which
 3 it would land, versus the sea state, the
 4 distance between the waves. I think there are
 5 situations where if the tail rotor was
 6 impacted by the ocean, it would result in a
 7 flip regardless of the fact it may have been
 8 less sea state conditions than more. So it's
 9 not a guarantee. This is just equipment
 10 that's there as an enhancement to try to
 11 reduce the possibility of the helicopter
 12 inverting should it land on the water.
 13 ROIL, Q.C.:
 14 Q. So if I can draw an analogy, it's like the
 15 airbags that are in my car, they won't
 16 guarantee I won't get hurt, it's just another
 17 piece of technology that's trying to help?
 18 MR. SACUTA:
 19 A. Right. However, the addition of additional
 20 floats should provide more stability on the
 21 sea surface. All floatation deploys
 22 automatically if armed, which means there's an
 23 armed switch that if you were to hit the
 24 water, the floats would deploy automatically,
 25 or they can be activated manually by the

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1 pilots. We did order additional floatation
 2 for all three S-92s in May of 2009. It's a
 3 long lead item. We expect the floatation will
 4 be available for installation by mid year 2010
 5 and it's estimated that it would take ten days
 6 per aircraft to install this additional
 7 floatation. I would like to highlight it's
 8 important to note that the FAA has not
 9 certified any helicopter above sea state four
 10 conditions, which is just the way the FAA
 11 works. However, Sikorsky has tested the
 12 current floatation to a mid sea state five
 13 condition, which is the equivalent of a four
 14 metre sea. It is also my understanding that
 15 the new additional floats have been tested by
 16 Sikorsky to a mid sea state six condition by
 17 Sikorsky, and a sea state six is a range of
 18 between four and six metre seas, just for
 19 reference.
 20 ROIL, Q.C.:
 21 Q. Again I don't think this is the appropriate
 22 forum to solve complex problems, but these
 23 additional floats, I just want to get an
 24 understanding, are they designed to keep it
 25 upright, i.e. it will sit with its bottom on

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1 the water, or is it designed to stop them from
 2 going over too far?
 3 MR. SACUTA:
 4 A. It's designed to keep the helicopter floating
 5 with the intent of trying to avoid, but it
 6 does not guarantee it will not invert.
 7 ROIL, Q.C.:
 8 Q. Right.
 9 MR. SACUTA:
 10 A. And you can see on the diagram the additional
 11 floats are actually on the pontoons of the S-
 12 92 on the bottom picture. So the desire is to
 13 improve the stability once it ends up on the
 14 ocean, but it doesn't guarantee that the
 15 helicopter won't still invert. There are no
 16 guarantees, depending on the location of the
 17 helicopter versus the sea state and the
 18 prevailing current conditions. So it's not a
 19 guarantee.
 20 ROIL, Q.C.:
 21 Q. Again this is perhaps a better question for
 22 Cougar, but I'll probe it just to see what you
 23 know about it, are you aware of any technology
 24 or any testing anywhere in the world where the
 25 objective is to not necessarily keep it level,

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1 but to allow it to fall to one side and not
 2 turn upside down?
 3 MR. SACUTA:
 4 A. It's a question better asked probably of
 5 Cougar or the helicopter manufacturer.
 6 COMMISSIONER:
 7 Q. I should say, in fairness to you, you know,
 8 I've been in past months reading everything I
 9 can get my hands on about the North Sea
 10 actions and conditions and things like that,
 11 and I'll share that with everybody, because as
 12 I said in the beginning, I don't want anybody
 13 to be blind sided, but I guess you know that
 14 in the North Sea they're now looking at
 15 scoops, you know, which if an aircraft goes in
 16 ditching, these scoops fill with water and,
 17 therefore, the weight makes it less likely
 18 that it's going to roll over, and also that
 19 they're working on floatation devices by the
 20 engine cowling to let it roll so that it's
 21 more or less on its side with windows or two
 22 of the escape doors out of the water and
 23 remain in that condition so people can get out
 24 more readily. All this is ongoing.
 25 MR. SACUTA:

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1 A. Yes, I wasn't aware of that, but it's nice to
 2 know.
 3 COMMISSIONER:
 4 Q. It's most interesting, you know, and I mention
 5 it because anything that I read, you know, I
 6 will share with everybody so there will be no
 7 thought, you know, that I'm going to sort of
 8 keep things muffled up and not revealed, but
 9 these are very interesting experiments and
 10 discussions.
 11 MR. SACUTA:
 12 A. HOTF recommendation number five, participate
 13 through CAPP on the Canadian General Standards
 14 Boards, the CGSB evaluation of the survival
 15 suit standards. As you may be aware, the
 16 current survival suit standards are ten years
 17 old, moving into their 11th year, last done in
 18 1999. So there is a national review committee
 19 which includes more than 40 members, which
 20 includes representation from the various
 21 stakeholders, which includes the government
 22 departments, the regulators, both the C-NLOPB
 23 and the C-NSOPB from Nova Scotia, and that
 24 includes the suit manufacturers, scientific
 25 groups, and any other interested group. The

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1 operators are represented through CAPP. The
 2 working group includes Suncor, ExxonMobil,
 3 Chevron, Statoil, Husky Energy, and
 4 ConocoPhillips. Through CAPP, we submitted
 5 feedback on the current standard, including
 6 the issues related to testing requirements,
 7 fit issues, comfort issues, and the thermal
 8 requirements.
 9 ROIL, Q.C.:
 10 Q. I take it that the issues we were talking
 11 about in our earlier evidence in the fall --
 12 MR. SACUTA:
 13 A. Correct.
 14 ROIL, Q.C.:
 15 Q. All of those issues have gone off to this
 16 committee?
 17 MR. SACUTA:
 18 A. I mean, the key component is we do have a suit
 19 that's certified to this current CGSB
 20 standard, but I think that all of us have
 21 realized that we need -- the standard is more
 22 than ten years old, that needs to be reviewed.
 23 Based on our conversations with the CGSB, they
 24 expect the review the standards, which
 25 commenced in November of 2009, could take

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1 anywhere between 18 and 24 months to complete.
 2 We've combined recommendations number six and
 3 number seven. The original number six
 4 recommendation was to consider adding
 5 additional standard immersion suit sizes,
 6 especially in extra extra small size, and
 7 consideration of modified suits and custom
 8 suits, and evaluated option of immersion suit
 9 zipper enhancements currently being tested by
 10 Helly Hansen. During the review of these
 11 recommendations, a number of suit initiatives
 12 were identified which we felt met the
 13 recommendation's original intent. They
 14 include suit assessment and fitting, a
 15 modified E-452 suit, the introduction of the
 16 HTS-1 suit, custom suits, and also some water
 17 ingress testing. So I have some further
 18 information on each of those sections in the
 19 coming slides.
 20 ROIL, Q.C.:
 21 Q. Okay.
 22 MR. SACUTA:
 23 A. After March 12th, it was recognized that
 24 improvements in the assessment and fitting of
 25 helicopter transportation suits were

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1 necessary. A formal process was instituted in
 2 May for all personnel travelling offshore to
 3 be assessed by Helly Hansen to determine the
 4 appropriate suit size. During the period from
 5 May to October, approximately 10 percent of
 6 the total population of persons fitted were
 7 unable to obtain an acceptable fit. Until a
 8 properly fitted suit became available, these
 9 personnel were transported offshore by supply
 10 boat. I'd like the take the opportunity to
 11 highlight, Mr. Commissioner, that the TSB
 12 issued an Aviation Safety Advisory Letter to
 13 the Director General of Civil Aviation at
 14 Transport Canada on December 7th, 2009. The
 15 letter highlighted the process that the east
 16 coast operators implemented during the return
 17 to service, and suggested Transport Canada may
 18 want to inform other operators about the
 19 importance of confirming appropriate suit
 20 sizes. We certainly feel this was an
 21 indorsement of the process we followed during
 22 the return to helicopter operations.
 23 Furthermore --
 24 ROIL, Q.C.:
 25 Q. Just on that point, Commissioner, I have

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

10 COMMISSIONER:
 11 Q. This was provide by the operators?
 12 ROIL, Q.C.:
 13 Q. Yes, it was.
 14 COMMISSIONER:
 15 Q. Thank you for doing that because things like
 16 that we don't get.
 17 MR. SACUTA:
 18 A. Right. I'd like to also highlight that the
 19 letter did identify that the one survivor of
 20 the accident had been provided a large size
 21 suit when his body measurements indicated a
 22 medium size suit would have been more
 23 appropriate. So that was identified in the
 24 letter from the Transportation Safety Board.
 25 This is just a graphical representation of the

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

15 ROIL, Q.C.:
 16 Q. Before you move off that slide, a couple of
 17 questions I have for you. So 91 percent of
 18 the workforce travelling offshore was able to
 19 be fitted into a standard production suit?
 20 MR. SACUTA:
 21 A. Yes, standard E-452.
 22 ROIL, Q.C.:
 23 Q. But that does not say that 91 percent were
 24 properly fitted from the outset, does it?
 25 MR. SACUTA:

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1 A. That's correct. That just means that when we
 2 went into this extensive refitting exercise,
 3 that of all the people that we tested, 91
 4 percent we were able to get a successful fit
 5 test with a standard E-452 suit without any
 6 modifications.
 7 ROIL, Q.C.:
 8 Q. And then the other 9 percent required either a
 9 custom suit or some sort of modification?
 10 MR. SACUTA:
 11 A. That's correct.
 12 ROIL, Q.C.:
 13 Q. The other question that I'd like to ask you
 14 is, and it will take a moment or two to frame
 15 it, I think, but we have heard from you as the
 16 operators about the risk management process,
 17 we've heard from our consultant about the risk
 18 management process, and if the process is as
 19 good as it advocates, say it is, then it adds
 20 value, and I guess my question to you, Mr.
 21 Sacuta, or to anyone of you who wishes to
 22 answer, is if a risk management process had
 23 been properly applied -- assuming that a risk
 24 management process was properly applied to the
 25 suit fit process at the beginning, would we

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1 have ended up with the same problems with
 2 those suits not fitting or not being properly
 3 fitted to the individuals?
 4 MR. SACUTA:
 5 A. I mean, I think what I would comment is that
 6 during the rollout, the original rollout of
 7 the E-452 suit, we did have Helly Hansen
 8 personnel on location during that fitting and
 9 transition process. At that point in time, we
 10 didn't have any indication from any of the
 11 workforce associated with concerns with the
 12 face seal of the suit. There were some
 13 concerns raised with the comfort of the suit,
 14 with the stiffness of the zipper, on the
 15 ability to -- how hard it was to get the
 16 zipper done up. Helly Hansen did respond to
 17 those issues by exercising the zippers more
 18 frequently during the turnaround of suits, and
 19 actually putting some bee's wax on the zipper
 20 to try to make the zippers a little easier to
 21 get up, but at no point during this process
 22 until after March 12th did we actually get an
 23 indication that the actual fit of the suit
 24 around the face seal was a concern. I'm not
 25 aware of any issues that were raised. All the

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1 issues that I was made aware of were
 2 associated with the comfort of the suit.
 3 MR. VOKEY:
 4 A. If I can just comment, there was one within
 5 Suncor with respect to the fit of the suit,
 6 and that was, I believe, back in late 2008,
 7 and that issue was being worked with Helly
 8 Hansen to resolve, but other than that, as Mr.
 9 Sacuta indicated, it was mostly the tightness
 10 of wrist seals, stiffness of zippers, and just
 11 the stiffness of the suit in general.
 12 ROIL, Q.C.:
 13 Q. I think -- again to be clear here, because my
 14 objective is not to criticize, but to see if
 15 we can learn, and it seems to me that that
 16 issue of the fact that suits were not
 17 initially fitted, people were allowed to
 18 select their own size based on comfort rather
 19 than on what was best for them, might be one
 20 of those little holes in the piece of cheese.
 21 MR. SACUTA:
 22 A. I think that, generally speaking, when we
 23 first rolled out the suits, individuals just
 24 did not pick their suit size, they were fitted
 25 by Helly Hansen individually.

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1 ROIL, Q.C.:
 2 Q. Initially?
 3 MR. SACUTA:
 4 A. Initially. After time, people -- there were
 5 circumstances where people started to complain
 6 about the comfort of their suits and then
 7 started to ask for other size suits. So, yes,
 8 that may have been one of those cases where
 9 the hole in the swiss cheese may have grown.
 10 ROIL, Q.C.:
 11 Q. Or moved?
 12 MR. SACUTA:
 13 A. Or moved, as part of this process, that's
 14 correct.
 15 ROIL, Q.C.:
 16 Q. Okay.
 17 COMMISSIONER:
 18 Q. There were two competing interests really at
 19 play there.
 20 MR. SACUTA:
 21 A. Yes.
 22 COMMISSIONER:
 23 Q. One, the safety issue, which would require the
 24 very tight, and the comfort issue, which any
 25 of us may say, ah, this is much more

Page 91

1 comfortable, but did not provide the seal.
 2 MR. SACUTA:
 3 A. That's right. I mean, any time that I've worn
 4 the suit, for me it's very easy to tell when
 5 the face seal is correct because the process
 6 that Cougar makes you follow where you sit
 7 down and don the hood, normally you stand up
 8 afterwards and when you stand up and the face
 9 seal is proper, the suit actually sucks up
 10 against your body a little bit. If you feel
 11 air passing by the face seal when you stand
 12 up, then you don't have a good fit. So, you
 13 know, individuals also can identify themselves
 14 when they've got an issue with the face seal
 15 because you should be able to tell should you
 16 feel the ingress of air when you stand up,
 17 then your face seal is not right.
 18 ROIL, Q.C.:
 19 Q. Thank you.
 20 MR. SACUTA:
 21 A. So for those that could not fit into the
 22 standard E-452 suit, we had some options.
 23 Helly Hansen did create a pool of modified
 24 suits which incorporated smaller components of
 25 the existing 452 suit, basically the boots and

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1 the hoods, and this addressed some of the
 2 fitting concerns for personnel who did not
 3 achieve a good fit with the standard E- 452
 4 suit, and I think the previous page, the
 5 graph, showed around 3 percent were able to
 6 get a successful fit with the modified E- 452
 7 suit. In order to address those personnel for
 8 whom a proper fit could not be obtained with
 9 either the standard E-452 suit or the modified
 10 E-452 suit, an additional solution was
 11 necessary. In 2008, ExxonMobil at Sable had
 12 contracted Helly Hansen to address E- 452
 13 comfort concerns that they were experiencing.
 14 This resulted in the Helly Hansen designed
 15 HTS-1 suit.
 16 ROIL, Q.C.:
 17 Q. Okay, I think I recall there the evidence of
 18 Helly Hansen that there was a transit group
 19 that was using these suits on a very frequent
 20 basis?
 21 MR. SACUTA:
 22 A. Yeah, I was going to mention that their
 23 comfort issues were a little bit different as
 24 they have an intervention crew that jumps
 25 around between facilities because they have

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1 multiple facilities, and because they had to
 2 have the suits on frequently and for an
 3 extended period during those transitions, they
 4 found the suits very uncomfortable from a
 5 temperature perspective. So they started to
 6 look at what they could do to improve that.
 7 So the HTS-1 suit includes a new neoprene hood
 8 with an adjustment strap to improve the
 9 comfort and fit, a new enhanced zipper and arm
 10 cuffs making donning and removal easier, and
 11 internal suspenders to allow the fit in the
 12 legs to be adjusted. Based on the work
 13 previously completed in the design of the HTS-
 14 1 suit, the operators in Newfoundland area
 15 introduced the HTS-1 suit, and fittings
 16 commenced in September of 2009. The HTS-1
 17 suit received Transport Canada approval on
 18 November 26th, 2009, and we immediately
 19 started the process of implementing and using
 20 the suit as they were being manufactured.
 21 There may be a small number of custom suits
 22 that may be required for those who have not
 23 been successfully fitted in any of the three
 24 suits; the E-452, the modified E-452, or the
 25 HTS-1, but that's a handful of people, and

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1 we'll continue to work with Helly Hansen to
 2 try to get a custom suit for those
 3 individuals.
 4 ROIL, Q.C.:
 5 Q. With respect to ongoing work and ongoing
 6 production, is it that the E-452 now will no
 7 longer be made and that the HTS-1 will become
 8 the --
 9 MR. SACUTA:
 10 A. The operators are currently evaluating the
 11 HTS-1 suit. We want to get some run time on
 12 it. We will be looking at whether or not in
 13 the long term we'll want to convert to an HTS-
 14 1 suit for everyone, or whether we'll want to
 15 stay with the current bank of suits that we
 16 have. So it's something that requires further
 17 evaluation.
 18 ROIL, Q.C.:
 19 Q. And I take it that the impact of the decision
 20 of the Canada Standards Board, Canadian
 21 General Standards Board, two years down, will
 22 also have some impact on that decision?
 23 MR. SACUTA:
 24 A. Yes, because there may be a change to the
 25 standard, and then we'd have to revisit our

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1 current suits to see how they compare against
 2 any revisions made to the standard.
 3 ROIL, Q.C.:
 4 Q. Okay, we've got another couple of pictures.
 5 MR. SACUTA:
 6 A. Right, I'm not going to talk very much about
 7 the differences, but the main differences on
 8 this are the hood, you can notice it's a
 9 different hood setup. It's got a strap on the
 10 back that allows you to tighten the fit on the
 11 head, and the other main thing, in the bottom
 12 right hand corner, you can see the internal
 13 suspenders that allow an individual to hike up
 14 so that you get a suit a fits vertically a
 15 little better because some people may be a
 16 little bit shorter than others, and they --
 17 ROIL, Q.C.:
 18 Q. In the body --
 19 MR. SACUTA:
 20 A. Yeah.
 21 ROIL, Q.C.:
 22 Q. Yeah. Water ingress testing. The operators
 23 conducted an independent assessment of the
 24 performance of the E-452 suit in July of 2009,
 25 and the HTS-1 suit in November of 2009,

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

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1 standard this testing procedure that we went
 2 through to see if they'd like to maybe
 3 incorporate it in their revision or review of
 4 the current CGSB standard because we thought
 5 it was very representative of the conditions
 6 under which our workers could be exposed
 7 should they end up in the water.
 8 ROIL, Q.C.:
 9 Q. And I understand from the earlier evidence
 10 that the current testing under the standard is
 11 a more static testing.
 12 MR. SACUTA:
 13 A. That's correct.
 14 ROIL, Q.C.:
 15 Q. Jumping into a pool that is flat and level.
 16 MR. SACUTA:
 17 A. It's not as rigorous as this testing that the
 18 operators did.
 19 Recommendation number eight was to review
 20 the current immersion suit gloves for ease of
 21 use and practicality, consider having
 22 passengers wear a thin glove with adequate
 23 dexterity for seatbelt release and thermal
 24 protection during initial immersion until suit
 25 gloves can be donned, and I think,

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1 Commissioner, you've got an interest in this
 2 because you brought it up in previous
 3 testimony. This past summer, Helly Hansen
 4 undertook a glove enhancement project. We do
 5 have a new glove. The new glove is easier to
 6 put on. It's got a Velcro wrist strap with
 7 less stitching and new Neoprene fabric with
 8 more stretch. The new glove has been approved
 9 by Transport Canada and the glove replacement
 10 program commenced on November 16th and it is
 11 anticipated it'll take approximately four to
 12 five months to complete the change out. As
 13 the suits go in to get cleaned, they'll take
 14 the old gloves off and put the new gloves on.
 15 COMMISSIONER:
 16 Q. That's quite interesting. Would the new glove
 17 allow -- if it was put on before a ditching,
 18 allow the seatbelt -- could the person -- no?
 19 MR. SACUTA:
 20 A. No. No, we'd still want the individual to don
 21 the gloves after they got out of the
 22 helicopter. So it doesn't fully address the
 23 specifics of a thin glove, but it certainly
 24 addressed the issue where some of our people
 25 complained, even during the pool testing or

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1 during the BS -- pool portion of the BST where
 2 they struggled to get the glove on when they
 3 were wet, but -
 4 COMMISSIONER:
 5 Q. Yeah, I found that too.
 6 MR. SACUTA:
 7 A. - it's been demonstrated that this new glove
 8 is easier to get on should you end up in the
 9 water. It doesn't address specifically the
 10 issue of a thin glove.
 11 ROIL, Q.C.:
 12 Q. Is anybody pursuing that on an ongoing basis?
 13 MR. SACUTA:
 14 A. I think it's something longer term we might
 15 want to have a look at, but there are some
 16 risks associated with that -- not risk, maybe
 17 risk isn't the right term -- concerns
 18 associated with that just having a glove on in
 19 transit, you know, the heat associated with
 20 that. What Clo values would you have to put
 21 on that? So it's something that, I think,
 22 needs to be looked at by the appropriate group
 23 of people, whether it's the suit manufacturers
 24 or the CGSB.
 25 ROIL, Q.C.:

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1 Q. And number nine, I think -
 2 MR. SACUTA:
 3 A. Recommendation number nine will be the last
 4 one that I review. To develop an information
 5 database for Cougar and Helly Hansen that
 6 specifies the approved suit size for each
 7 passenger so that it no longer is up to the
 8 passengers to select their preferred size.
 9 Following the accident, as I've mentioned, all
 10 personnel were fit tested with sizes assigned
 11 based on that testing. Cougar now has a
 12 database with suit sizes identified for all
 13 personnel who regularly travel offshore.
 14 Personnel flying offshore are now required to
 15 use the suit size that has been specified for
 16 them. However, Cougar personnel have also
 17 been trained in the suit fitting process to
 18 ensure future personnel travelling offshore
 19 will be properly assessed and anybody who
 20 wants to change their suit size, as I
 21 mentioned yesterday, and I've personally gone
 22 through this experience. I mentioned October
 23 10th. October 10th, I flew offshore with a
 24 double extra large suit, not proud of that,
 25 but -

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1 ROIL, Q.C.:

2 Q. This is show and tell time, is it?

3 MR. SACUTA:

4 A. - double extra large suit. The face seal, it

5 had been verified by Helly Hansen during our

6 return to service that that was the proper

7 suit size, but I noticed the suit was very big

8 on me. So when I travelled offshore on the

9 31st, I asked if I could try an extra large

10 suit to see if I could get a successful

11 fitting. So what Cougar did is check in all

12 the other passengers, took me to the side and

13 stepped me through a suit fitting process that

14 they had been trained to implement and I was

15 able to get a successful face seal and the

16 suit was not so bulky for me. So it was a

17 better suit size. So I actually now have

18 changed my suit size in the database from

19 double extra large to extra large.

20 ROIL, Q.C.:

21 Q. And so unless your body shape changes -

22 MR. SACUTA:

23 A. Changes again, which wouldn't be unusual in my

24 case.

25 ROIL, Q.C.:

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1 Q. Get back to our turkey dinner example.

2 COMMISSIONER:

3 Q. You're not alone.

4 MR. SACUTA:

5 A. So I'd like to hand over to Mr. Pritchard for

6 the next nine recommendations.

7 ROIL, Q.C.:

8 Q. Thank you. Mr. Pritchard, when you're ready,

9 sir.

10 MR. PRITCHARD:

11 A. Recommendation number ten. Develop guidelines

12 for technical emergencies requiring use of the

13 SAR helicopter. The standby crew currently

14 responds and this affects the availability of

15 the SAR and medevac.

16 ROIL, Q.C.:

17 Q. Excuse me, the SAR helicopter, we have to be

18 careful with expressions here because there is

19 a government SAR and there is a first rescue

20 or first response.

21 MR. PRITCHARD:

22 A. This is the SAR first response Cougar

23 operator-supplied helicopter.

24 ROIL, Q.C.:

25 Q. Yeah. So the one you're referring to here is

Page 103

1 the Cougar operated one?

2 MR. PRITCHARD:

3 A. Correct.

4 ROIL, Q.C.:

5 Q. I think the sensitivity to that expression

6 might not have been as apparent to you at the

7 time this report was done.

8 MR. PRITCHARD:

9 A. Yeah.

10 ROIL, Q.C.:

11 Q. So what you're referring to there is the first

12 response one.

13 MR. PRITCHARD:

14 A. Absolutely.

15 ROIL, Q.C.:

16 Q. Yeah.

17 MR. PRITCHARD:

18 A. As of May 2009, the operators committed to no

19 longer using that Cougar standby helicopter or

20 crew for technical emergency flights. So now

21 any technical emergencies requires its own

22 helicopter and the dedicated helicopter

23 remains on the ground and available at all

24 times.

25 ROIL, Q.C.:

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1 Q. Okay. Just a couple of questions on the first

2 response issue that come out of this. Was the

3 event of March the 12th the only or the first

4 time that a Cougar helicopter had been used

5 for a company activated first response issue?

6 MR. PRITCHARD:

7 A. No, there'd be many times. We discussed in

8 medical terms, a medevac from a facility where

9 we would use that SAR first response type

10 helicopter in medical evacuation times.

11 ROIL, Q.C.:

12 Q. Yes, that's using the first response

13 helicopter in a medevac mode. I'm thinking of

14 a response to an incident mode. In other

15 words, pulling somebody out of the water.

16 MR. PRITCHARD:

17 A. Not to my knowledge.

18 MR. SACUTA:

19 A. First time that I'm aware that we've actually

20 had to recover somebody from the water.

21 ROIL, Q.C.:

22 Q. Yeah, okay, so that's the first time. Other

23 than that, this helicopter had been used for

24 your medevac requirements?

25 MR. PRITCHARD:

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1 A. That's correct.

2 ROIL, Q.C.:

3 Q. Okay. Are there any other times that you're

4 aware of that this helicopter would have been

5 used for a medevac or search rescue retrieval

6 objective of any person?

7 MR. PRITCHARD:

8 A. Occasionally, I believe, we've been asked by

9 the Provincial Health authority to sometimes

10 utilize the helicopter for the repatriation of

11 someone in distress on medical grounds.

12 ROIL, Q.C.:

13 Q. Right, okay. To your knowledge, and again,

14 better questions asked of the government SAR

15 people, has it ever been dispatched for

16 another emergency, to your knowledge, that

17 wasn't actioned by some activity in the

18 offshore but was rather either search and

19 rescue fishing related or something else?

20 MR. PRITCHARD:

21 A. Not that I'm aware of.

22 MR. VOKEY:

23 A. Again, Cougar would be the best people to ask

24 this, but I do believe, on occasion, they do

25 get requests from Search and Rescue to provide

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1 assistance. The level of assistance or the

2 amount, I don't know.

3 ROIL, Q.C.:

4 Q. I take it that neither of the companies have

5 any standing written arrangement or

6 relationship with either of the Provincial

7 Government or the Federal Government that

8 directs how that activity would take place?

9 MR. PRITCHARD:

10 A. We do not.

11 MR. SACUTA:

12 A. We do not either.

13 MR. VOKEY:

14 A. No.

15 ROIL, Q.C.:

16 Q. No. Thank you.

17 MR. PRITCHARD:

18 A. So we do not use that standby helicopter, in

19 essence, for any technical emergencies

20 offshore now.

21 ROIL, Q.C.:

22 Q. Okay.

23 MR. PRITCHARD:

24 A. Recommendation 11 is to reevaluate the current

25 SAR arrangements the operators have with

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1 Cougar, recognizing that the last formal

2 assessment was completed in 1997.

3 Consideration should be given to response time

4 and night flights. So we discussed yesterday,

5 as of return to flight service in May, the

6 operators no longer use the inbound flight 30

7 minutes running time as part of the one-hour

8 wheels up. We now continuously have an

9 airframe on the ground for the one-hour wheels

10 up capabilities.

11 Additional emergency response

12 enhancements since that time. We have

13 increased the number of rescue specialists in

14 the back of the aircraft, the SAR techs as

15 they're called, from two to three. Pilot SAR

16 training is now limited to the core group, as

17 described yesterday in testimony, and

18 increased the pilot's training to 40 hours per

19 month.

20 The plan and schedule for night hoisting

21 training is pending and ongoing and really

22 awaiting the final bullet point there, which

23 is to obtain the auto-hover certification and

24 install it on our aircraft, and that will

25 require 20 additional hours of training per

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1 month for pilots when the auto hover is in

2 place.

3 ROIL, Q.C.:

4 Q. Okay. Before you move on there, again, I'm

5 going back to the issue of the one-hour

6 turnaround and again, the question might

7 perhaps be more properly asked of Cougar and

8 others, and I'm sure it will be, but to give

9 you an opportunity to comment on it, would an

10 airframe in St. John's, fully configured for

11 search and rescue missions with the hoist

12 already installed, would that enable a shorter

13 period of time to get that aircraft into the

14 air in the event of an emergency?

15 MR. PRITCHARD:

16 A. I think that question is best directed towards

17 Cougar. I do know there are going to be

18 concurrent activities that you need to perform

19 in order to get an airframe ready for a SAR

20 mission. But how all of that timing works and

21 whether that would be shortened by virtue of

22 having a fully equipped aircraft, I can't

23 speculate on.

24 ROIL, Q.C.:

25 Q. So there are -- there may be other issues that

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1 impact the departure time?
 2 MR. PRITCHARD:
 3 A. Correct.
 4 ROIL, Q.C.:
 5 Q. Other than simply the installation of a hoist?
 6 MR. PRITCHARD:
 7 A. Correct. It might submitting flight plans or
 8 whatever, but those kinds of -
 9 ROIL, Q.C.:
 10 Q. On the -- sorry, on the day in question, do
 11 you know how long it took to get the
 12 helicopter in the air, in terms of that one
 13 hour?
 14 MR. PRITCHARD:
 15 A. I know the airframe -- from the initial call
 16 of turning around of Flight 491, the SAR
 17 mission helicopter was above the location in
 18 one hour 15 minutes. I think it took
 19 something in the nature of 41 minutes, 42
 20 minutes to get the wheels up.
 21 ROIL, Q.C.:
 22 Q. Okay. Yeah, so as measured against the one
 23 hour, they were able to perform, at that time
 24 -
 25 MR. PRITCHARD:

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

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

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

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1 So once again, no matter how many aircraft we
 2 have in place during those days that we cannot
 3 fly, it simply means that no aircraft will be
 4 flying. When we avail of good weather and we
 5 can fly, the inclusion of an additional flight
 6 would obviously make the backlog that much
 7 quicker to pull back from. But the mainstay
 8 is that we have our schedule available to us
 9 on the normal course of business complete by
 10 midday, all scheduled flights out by midday,
 11 and therefore we have the afternoon to reduce
 12 that backlog. So we have flights available to
 13 us.
 14 ROIL, Q.C.:
 15 Q. Okay. I think that's fine for that issue.
 16 Next one. Unless the Commissioner had a
 17 question.
 18 COMMISSIONER:
 19 Q. I think I'm clear. Thank you.
 20 MR. PRITCHARD:
 21 A. The next one, recommendation 13 is to follow
 22 up with Cougar and offshore facilities to
 23 ensure that correct usage of passenger
 24 seatbelts is reinforced. This was not
 25 something specific from the incident or

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1 feedback from the workforce particularly.
 2 There was a safety bulletin at the time that
 3 was issued out and then I'll say some feedback
 4 from the users about the seatbelt slipping off
 5 of the shoulder arrangements. So safety
 6 notices were prepared by Cougar and posted
 7 both at the heliport and at our own heli-admin
 8 areas where we congregate for repatriation by
 9 helicopter, and the flight support personnel
 10 check the passengers' seatbelts for correct
 11 usage prior to take out. At the Cougar
 12 facilities, it is the Cougar personnel who
 13 perform that duty, and offshore, it's the
 14 helideck team who go into the passenger cabin
 15 and check the passenger seatbelts, make sure
 16 it is both located in the correct physical
 17 location on the body and also make sure that
 18 the straps have no interference with the likes
 19 of the HUEBA now.
 20 ROIL, Q.C.:
 21 Q. Okay, thank you.
 22 MR. PRITCHARD:
 23 A. Recommendation number 14 was to implement
 24 training program and introduce the helicopter
 25 underwater emergency breathing apparatus or

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1 the HUEBA. So the HUEBA training program
 2 implemented using the independent sessions and
 3 is now part of the standard BST and BST-R
 4 refresher courses. So as of October the 1st,
 5 2009, all personnel flying offshore are
 6 required to have completed the HUEBA training.
 7 So we introduced the HUEBA with a training
 8 program, a video and physical representation
 9 to get the HUEBA in place prior to the, I'll
 10 call it, the wet training physically in the
 11 pool.
 12 ROIL, Q.C.:
 13 Q. Just I'd point out to you, you referred to BST
 14 and BST-R. There's also the one-day course.
 15 I take it that HUEBA is also a part of that,
 16 the course that the Commissioner and Ms. Fagan
 17 have taken.
 18 MR. PRITCHARD:
 19 A. That's correct, yes.
 20 ROIL, Q.C.:
 21 Q. Yeah, okay. It didn't appear on that line, so
 22 I just wanted to make sure that you weren't
 23 singling out that group for different
 24 treatment.
 25 MR. PRITCHARD:

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1 A. No, not at all. Heliport HUEBA demonstrations
 2 occur by exception. So that if we do have --
 3 this is in the exceptions area. Cougar
 4 provide trained personnel to provide the
 5 briefings based on those established by the
 6 HUEBA training providers. So we do show the
 7 videos and we physically demonstrate the
 8 equipment and the mechanics of the use of that
 9 equipment on requirements to escape.
 10 ROIL, Q.C.:
 11 Q. Okay. But if everybody gets the training, who
 12 are the people that would be the exceptions?
 13 MR. PRITCHARD:
 14 A. These are people who come on an exceptional
 15 basis. It may be a one-of individual from
 16 Norway, for instance, who has a BST course
 17 that's acceptable and deemed acceptable to our
 18 regulations, but has not had that specific
 19 element of training in the Norwegian area. So
 20 we give them that specific training in the use
 21 of the HUEBA here.
 22 ROIL, Q.C.:
 23 Q. Okay.
 24 MR. SACUTA:
 25 A. I think there were also examples after October

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

10 MR. PRITCHARD:

11 A. Recommendation number 15 was to reevaluate the
 12 current setup of the S-92 emergency locator
 13 transmitter or the ELT and consider the
 14 procurement of an ADELTA, which is an
 15 automatically deployable emergency locator
 16 transmitter, which can be detected from the
 17 aircraft -- sorry, detached from the aircraft.
 18 So this was a review of the locator
 19 transmitter arrangements and the
 20 recommendation for the automatically
 21 deployable emergency locator transmitter was
 22 that if the aircraft was to go in the water,
 23 this would come away from the aircraft and
 24 give the location.
 25 Cougar utilized a Blue Sky tracking

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

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

20 ROIL, Q.C.:

21 Q. I understand that in the Cougar evidence, they
 22 will give us a demonstration of how the Blue
 23 Sky system works and how it plots the location
 24 of airframes.
 25 MR. PRITCHARD:

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

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

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

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

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

20 ROIL, Q.C.:

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

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1 A. The cold saltwater, the shock on the eyes and
 2 indeed, if you come to the surface and there
 3 is any fuel disbursed of course on the sea
 4 surface from the sponsons perhaps coming off
 5 from the aircraft, then that will give you a
 6 little bit of protection from that as well.
 7 ROIL, Q.C.:
 8 Q. Okay.
 9 MR. PRITCHARD:
 10 A. In terms of the goggle strap, we are looking
 11 of course with the HDS1 suit that the air vent
 12 is removed from the hood itself and that would
 13 take that effect away.
 14 Recommendation number 18 is share the
 15 results of the Cougar personal locator beacon,
 16 the PLB, functionality assessment with each
 17 JOHS committee. So there's some issue when
 18 the -- in the UK, there was an accident
 19 whereby a helicopter went down into the sea
 20 and there was interference between the PLBs
 21 that they use in the UK, which were a
 22 wristwatch style of personal locator beacon,
 23 and the aircraft locator beacon. The
 24 arrangement was such that if one PLB sense
 25 another PLB, there was a battery support

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1 mechanism that would shut that one down and
 2 conserve the energy of your PLB whilst another
 3 transmitter was actually operating. That
 4 interference on that particular day was
 5 recognized and the helicopter PLB was starting
 6 to shut down because it could recognize other
 7 PLBs in the area. The PLBs that we use in
 8 Newfoundland are such that they're not that
 9 automated and they will just keep on
 10 functioning no matter what. There is no
 11 interference or interaction between PLBs. So
 12 we just wanted to make sure that people who
 13 were getting information from the UK sector
 14 and recognizing interference issues, we needed
 15 to inform everybody that we did not have those
 16 same interference issues. And that is the -
 17 ROIL, Q.C.:
 18 Q. Okay, thank you, Mr. Pritchard. That, I
 19 think, covers your input at this stage and we
 20 are left now with the closing remarks, which I
 21 understand Mr. Sacuta will lead us in.
 22 MR. SACUTA:
 23 A. Based on the testimony delivered so far in the
 24 Inquiry, the operators have identified some
 25 areas that we feel may require further review

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1 and discussion during Phase 1B of this
 2 Inquiry. They include emergency response and
 3 search and rescue, including response times
 4 and the interface between the Basin operators
 5 and the Department of National Defence.
 6 Communications with the workforce.
 7 Although we believe we have well established
 8 communication processes with our workforce, in
 9 the spirit of continuous improvement, we are
 10 always willing to consider ways to improve
 11 these communications.
 12 Between regulators. Although the
 13 communication between ourselves and the Board,
 14 the C-NLOPB, and the certifying authorities we
 15 feel is good, there may be an opportunity to
 16 improve the communications between the
 17 regulators for aviation operations and
 18 production operations. In other words,
 19 between the Board and Transport Canada.
 20 Between Cougar and passengers. Although
 21 we have taken steps to improve this
 22 communication since March 12th, as mentioned
 23 above, we are always willing to consider ways
 24 to further improve in the spirit of continuous
 25 improvement.

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1 Between the operators and the training
 2 institutions, based on some of the comments
 3 made during this Inquiry. Passenger training:
 4 looking forward, it is key for the industry to
 5 identify our expectations and requirements
 6 related to helicopter specific training. The
 7 fidelity of the HUET training is an example.
 8 And last, the responsiveness of CAPP
 9 initiatives. We have talked at length on the
 10 HUEBA issue and a lessons learned review will
 11 be completed. Coming out of that review may
 12 be recommendations to improve the
 13 responsiveness and timeliness of CAPP
 14 initiatives.
 15 In closing, Mr. Commissioner, I'd like to
 16 highlight a couple of points. There is
 17 nothing more important than the safety of our
 18 workforce. There will never be anything more
 19 important than the safety of our workforce.
 20 Based on our experience, Newfoundland has one
 21 of the highest safety standards for helicopter
 22 transportation in the world. Our systems for
 23 managing safety are effective and provide
 24 continuous improvements in our safety
 25 performance. The operators are committed to

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1 continuous safety improvement opportunities.
 2 We recognize the importance and are committed
 3 to communication with all stakeholders, JOHS,
 4 our workforce, the regulators, our contract
 5 service providers and between operators.
 6 We are very proud of the way we assessed
 7 our return to helicopter operations in 2009,
 8 the work that was completed by the Helicopter
 9 Operations Task Force, the continuous
 10 engagement of our workforce, of the regulator
 11 and our communications plan, which included
 12 roll out of our return-to-service plans with
 13 the regulator and most certainly with our
 14 offshore workforce prior to putting people
 15 back on helicopters, and we are committed to
 16 working with the Inquiry in Phase 1B.
 17 Finally, we will never forget March 12th,
 18 2009. The families of those on board Flight
 19 491 will forever be in our thoughts. For Mr.
 20 Decker, wherever your life takes you, we wish
 21 you health and happiness, and for the
 22 families, we hope with time comes peace.
 23 Mr. Commissioner, we thank you for the
 24 opportunity to testify at this Inquiry. This
 25 has been a difficult time for the families,

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1 for the industry and the entire Newfoundland
 2 and Labrador community. The industry supports
 3 the Inquiry and will continue to contribute in
 4 the hope of achieving your mandate of
 5 improving helicopter safety. Thank you.
 6 COMMISSIONER:
 7 Q. Thank you.
 8 ROIL, Q.C.:
 9 Q. Unless either of the other of you would want
 10 to add something, I have no further questions.
 11 Commissioner, it's now 5 after 12 and we would
 12 now move into the next round of questioning.
 13 I don't know what your plans would be in terms
 14 of whether you wish to start that now or
 15 whether you'd want to wait until after lunch.
 16 I can tell you that some progress has been
 17 made on the issue that came up yesterday
 18 morning. It may be necessary for counsel to
 19 attend on you to discuss details as to how
 20 some things might be done, but -- and so there
 21 might be an opportunity to do that perhaps
 22 either now or before we resume with the other
 23 questioning after lunch.
 24 COMMISSIONER:
 25 Q. Well, we have 25 minutes, if that's -- yes, we

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1 have 25 minutes. Now might be a good time to
 2 do that.
 3 ROIL, Q.C.:
 4 Q. Okay. I think what I'm going to suggest is
 5 that we would take an adjournment from the
 6 formal hearing process.
 7 COMMISSIONER:
 8 Q. Yes.
 9 ROIL, Q.C.:
 10 Q. And I'll see if legal counsel have come to an
 11 agreement that is workable for everybody and
 12 if we need some direction from you, I'll
 13 report to you very briefly.
 14 COMMISSIONER:
 15 Q. Yeah, absolutely. We'll do that. We'll
 16 adjourn now then and I'll be there as soon as
 17 you need me for the meeting.
 18 ROIL, Q.C.:
 19 Q. Thank you.
 20 COMMISSIONER:
 21 Q. Okay, thank you.
 22 (LUNCH BREAK)
 23 COMMISSIONER:
 24 Q. Before we resume the normal process of the
 25 afternoon, you'll remember that before we

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1 closed before lunch, Mr. Roil raised the
 2 matter of a meeting between Inquiry counsel,
 3 myself and counsel for the various parties,
 4 and indeed we had that meeting and the gist of
 5 the meeting, I will outline for you, and it
 6 was this.
 7 In the Inquiry rules, the expectation is
 8 that witnesses who appear before the Inquiry
 9 would have an opportunity to prepare for any
 10 questioning and that has to be followed
 11 whenever possible. On the other hand, you
 12 will also remember that the Canadian
 13 Association of Petroleum Producers gave
 14 evidence back in the fall and out of their
 15 evidence came the factual matter that nine
 16 years elapsed between the time when the
 17 Offshore Petroleum Board raised the question
 18 of the HUEBA, the breathing device, underwater
 19 breathing device, with the Association of
 20 Petroleum Producers that nine years passed
 21 before it was finally introduced, and it was
 22 felt at the time by some people, counsel in
 23 the Inquiry, that that was too long and that
 24 has been confirmed this morning by Mr. Sacuta
 25 who said himself that it was too long.

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1 At any rate, after the Association of
 2 Petroleum Producers came to the conclusion or
 3 the end of their evidence, it was agreed that
 4 certain documentation that had been asked for
 5 would be produced. That documentation was
 6 produced very recently. How long, Mr. Roil,
 7 two weeks, three?
 8 ROIL, Q.C.:
 9 Q. Just actually before Christmas, I believe.
 10 COMMISSIONER:
 11 Q. Just before Christmas. So with the Christmas
 12 break, there's very little opportunity for
 13 anyone really to have closely examined that
 14 material. I, myself, have not seen it yet and
 15 I don't know how many of you here in the room
 16 have seen it.
 17 Anyway, the question that arose at our
 18 meeting was whether there should be cross --
 19 not cross-examination because this is not a
 20 trial, but examination of witnesses should be
 21 allowed on the matters raised in the
 22 documentation produced by CAPP, which some
 23 people may or may not have seen, or whether
 24 cross-examination or examination on that point
 25 should be left to another time or perhaps to

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1 witnesses who would be more familiar with it.
 2 A difficult question because we have a
 3 rule in one sense, but the rule is not, as the
 4 expression goes nowadays, carved in stone, but
 5 there is also a more fundamental position, I
 6 think, to be considered. This is a public
 7 inquiry and it's a public inquiry for reasons
 8 and the C-NLOPB, the Offshore Petroleum Board,
 9 deliberately made it to be a public inquiry,
 10 and to my mind, one of the hallmarks of a
 11 public inquiry is transparency, where people
 12 with standing or their counsel should have
 13 every right to ask questions of individuals
 14 who appear before the Inquiry as witnesses or
 15 to give testimony.
 16 Bearing in mind the two -- the difficulty
 17 which exists this afternoon perhaps exists in
 18 terms of knowledge on the part of these three
 19 gentlemen and I don't know the extent of their
 20 knowledge or if they have seen the
 21 documentation produced by CAPP, but at the
 22 same time, I think any counsel present has a
 23 right, in my view, because of the need for
 24 transparency and because this is a public
 25 inquiry, to ask questions of these gentlemen,

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1 should they wish to, on that issue.
 2 By the same token, and I'm speaking to
 3 you gentlemen now, you can only answer what
 4 you know and you are not expected to answer
 5 what you don't know, but to frankly admit that
 6 you don't know. So under these circumstances
 7 then, I have decided that no one's cross-
 8 examination, as long as it's relevant to
 9 matters before the Inquiry -- I keep using
 10 that word cross-examination. That's the
 11 result of many years of using it, I guess.
 12 But that no one's opportunity to examine
 13 should be curtailed, as long as it's relevant
 14 to the purposes of the Inquiry.
 15 The purpose of the Inquiry, at this
 16 stage, is to determine what are the issues
 17 that we should focus on, and after hearing and
 18 being present at the meeting this morning,
 19 although I have not made a decision, it would
 20 be premature to do at this stage, on what the
 21 issues are, including the issue of the role of
 22 CAPP in these matters, nevertheless there's a
 23 strong reason to believe, from what I heard
 24 from everyone this morning, that this may
 25 indeed be one of the issues. So that being

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1 so, any counsel who wishes to ask questions on
 2 the subject may do so, subject to the caveat,
 3 of course, that the people who are witnesses
 4 today may or may not know the answers to these
 5 questions. If they don't know, they will say
 6 so and we will endeavour to find out so that
 7 no one is left without information on this
 8 subject.
 9 Okay, thank you. Now, Mr. Roil.
 10 ROIL, Q.C.:
 11 Q. Yes, Commissioner. Arising from your guidance
 12 a few minutes ago, there are two really
 13 housekeeping issues that I need to deal with.
 14 First of all, we had the document that was
 15 referred to this morning, that was the letter
 16 from the Transportation Safety Board to
 17 Transport Canada concerning the sizing of
 18 passenger transportation suit systems.
 19 COMMISSIONER:
 20 Q. Yes.
 21 ROIL, Q.C.:
 22 Q. We have now been able to make that to
 23 electronically download, as we have to do in
 24 these modern days, that document so that I'm
 25 asking you to admit as an exhibit, it will be

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1 Exhibit P-00119, which is the letter to
 2 Transport Canada from Transportation Safety
 3 Board re: sizing of passenger transportation
 4 suit systems. It's only been redacted in
 5 terms of some persons' names have been taken
 6 out. I understand that the Registrar has
 7 copies that she could distribute to people
 8 today.
 9 The second thing, I guess, we have to
 10 deal with as a consequence of your direction
 11 is the issue of all of the CAPP documentation
 12 that was provided to us. It was put on the
 13 Filebridge access site that the parties here
 14 have access to, but we would need to have a
 15 few moments to get that downloaded into our
 16 exhibit base so that it can come up and be
 17 viewed electronically and everything. So if
 18 there were to be any questions on that this
 19 afternoon, and it might be that the parties
 20 have other things they can ask about, but if
 21 there were to be any questions on it, we'd
 22 have to do it later in the afternoon to give
 23 our staff an opportunity to get that material
 24 loaded into the appropriate place to make it
 25 exhibits.

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1 COMMISSIONER:
 2 Q. How long would that take?
 3 ROIL, Q.C.:
 4 Q. There's some changes have to take place. I
 5 don't pretend to understand some of these high
 6 tech IT things, but I understand that by the
 7 time of the break this afternoon, we should
 8 very well be in a position to do that.
 9 COMMISSIONER:
 10 Q. Okay. Well, so you'd like to proceed now then
 11 and do what we can?
 12 ROIL, Q.C.:
 13 Q. Yes, and in terms of proceeding, you know, I
 14 have closed the examination on behalf of the
 15 Inquiry and the people and we would now move
 16 into the stage of examination by the various
 17 parties.
 18 COMMISSIONER:
 19 Q. I see. Okay then.
 20 ROIL, Q.C.:
 21 Q. I think in the past, you've sort of canvassed
 22 the room first to see who might be interested
 23 in asking questions.
 24 COMMISSIONER:
 25 Q. Yes. Well, I think I'll go through

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1 everything. Inquiry counsel are finished.
 2 Now counsel for the parties being examined,
 3 which are three, would you prefer to go last?
 4 Yes, I thought perhaps you would. All right
 5 then, counsel for the Offshore Petroleum
 6 Board. Yes, Ms. Crosbie?
 7 MS. CROSBIE:
 8 Q. We have no questions at this point. Thank
 9 you.
 10 COMMISSIONER:
 11 Q. No questions, okay. Counsel for Transport
 12 Canada, they're not present. Counsel for the
 13 Canadian Association of Petroleum Producers?
 14 MR. MANNING:
 15 Q. No questions, thank you.
 16 COMMISSIONER:
 17 Q. No questions, thank you. Counsel for Cougar?
 18 WHALEN, Q.C.:
 19 Q. No questions at this time, Mr. Chairman, but
 20 reserve the right if anything arises during
 21 further examination to deal with any.
 22 COMMISSIONER:
 23 Q. Okay, thank you. Counsel for Sikorsky is not
 24 present. Counsel for Helly Hansen, no,
 25 they're not present. Counsel for Memorial

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1 University of Newfoundland, yes, Mr. Hurley?
 2 HURLEY, Q.C.:
 3 Q. No questions at this time.
 4 COMMISSIONER:
 5 Q. Thank you. Counsel for the Government of
 6 Newfoundland and Labrador.
 7 MS. BROWN LAENGLE:
 8 Q. No questions at this time, Commissioner.
 9 COMMISSIONER:
 10 Q. Thank you. Mr. Harris is not present, I don't
 11 think he is. Counsel for the Union, CEP, Mr.
 12 Earle.
 13 MR. TREVOR PRITCHARD, MR. PAUL SACUTA, MR. GARY VOKEY,
 14 EXAMINATION BY RANDELL EARLE, Q.C.
 15 EARLE, Q.C.:
 16 Q. Good afternoon, gentlemen.
 17 MR. PRITCHARD:
 18 A. Afternoon.
 19 MR. SACUTA:
 20 A. Good afternoon.
 21 MR. VOKEY:
 22 A. Good afternoon.
 23 EARLE, Q.C.:
 24 Q. As you're aware, I'm counsel for CEP Local
 25 2121, an organization with which two of you

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1 deal, and Mr. Pritchard, we hope that some day
 2 you'll have the opportunity to deal with our
 3 organization. One of these days, Mr.
 4 Commissioner, I'm going to say "no questions
 5 at this time" just to watch everybody fall off
 6 their seat. However, gentlemen, the issue of
 7 sea state was one which you addressed and you
 8 moved from metres to the Beaufort scale, I
 9 guess, or the sea state generated on the
 10 Beaufort scale, and I'd like to go through
 11 with you and just get the various sea states
 12 that are restrictions, and first of all, could
 13 each of you indicate again, and I understand
 14 that from the point of view of Suncor, there
 15 is no numerical limitation, but could you, Mr.
 16 Sacuta, indicate the sea state limitation that
 17 HMDC has adopted for helicopter flights?
 18 MR. SACUTA:
 19 A. HMDC has adopted sea state maximum as seven
 20 metres.
 21 EARLE, Q.C.
 22 Q. Seven metres. Mr. -- and I have to say, I
 23 tend to pronounce your name the way we locals
 24 pronounce -- we pronounce it Pritchard, but
 25 you put a little -

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1 MR. PRITCHARD:
 2 A. No, I don't. That's fine.
 3 EARLE, Q.C.
 4 Q. That's fine. For Husky?
 5 MR. PRITCHARD:
 6 A. The sea state limitations that we apply at the
 7 White Rose field for the Sea Rose is six
 8 metres.
 9 EARLE, Q.C.
 10 Q. Six metres. And Mr. Vokey, what then are the
 11 parameters for Suncor in determining that it
 12 should be a no-fly condition?
 13 MR. VOKEY:
 14 A. It's vessel motion, combination of heave,
 15 pitch and roll.
 16 EARLE, Q.C.
 17 Q. Heave, pitch and roll. Now how is that
 18 communicated to Cougar? Because sea state
 19 changes, and in particularly with wind
 20 direction and unlike the Husky FPSO, you're
 21 not weather vaning. You're, if you will,
 22 controlled. So how do you communicate to
 23 Cougar sea state conditions? Is there a sea
 24 state decision made prior to the helicopter
 25 leaving St. John's? Is it something that the

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1 pilot communicates with the helicopter landing
 2 officer on the FPSO at a certain point in the
 3 trip? How does that work?
 4 MR. VOKEY:
 5 A. Okay, you've asked a couple or a number of
 6 questions. I'll try and answer them in
 7 sequence. First of all, Terra Nova don't
 8 weather vane, but we do orientate into the
 9 prevailing weather, whether it's wind driven,
 10 sea state driven or whatever, and we'll
 11 typically offset 10 to 15 degrees. So while
 12 we're not truly weather vaning, so that's, we
 13 are in some ways similar to White Rose.
 14 With respect to vessel motion, prior to a
 15 decision being made to fly offshore, sea
 16 states are in that range and Cougar knows what
 17 the weather is offshore. They know enough
 18 about our installation. There is
 19 communication to and from the installation
 20 with respect to vessel motion, and like I
 21 mentioned to the Commissioner earlier, while
 22 we don't have an absolute number, in essence,
 23 it is six metres because what we've done is to
 24 go back since we've gone offshore and it's
 25 less than five percent that we have flown in

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1 excess of the six metres. So it's probably 6-
 2 6.1, but it's certainly not above seven and
 3 closer to six. It's just that we use vessel
 4 motion as the criteria.
 5 EARLE, Q.C.
 6 Q. So a functional limit of six metres really?
 7 MR. VOKEY:
 8 A. Essentially it is.
 9 MR. PRITCHARD:
 10 A. If I could add to that, Mr. Earle. There are
 11 weather observers on board and prior to
 12 flights taking place, I think it's an hour
 13 before the flight takes off, we have constant
 14 weather observations sometime before and
 15 during the flight, and of course, on the
 16 return leg also. So weather observers are
 17 continually updating the local weather
 18 forecast to Cougar and relayed to the pilots.
 19 EARLE, Q.C.
 20 Q. And Mr. Sacuta, I presume you have similar
 21 observation?
 22 MR. SACUTA:
 23 A. Yes. The radio operators have been trained in
 24 weather observation and they provide those
 25 weather observations on the Hibernia platform.

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

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1 A. We have rider buoys, so we still have an
 2 automated system that comes back. So that's
 3 how we deal with our -
 4 EARLE, Q.C.
 5 Q. How distant is the rider buoy?
 6 MR. PRITCHARD:
 7 A. I couldn't be exact. It's within the location
 8 of the area. It's not miles and miles away.
 9 It's within a nautical mile.
 10 EARLE, Q.C.
 11 Q. And is that the case with Suncor as well, Mr.
 12 Vokey?
 13 MR. VOKEY:
 14 A. The specific technology I can't comment on,
 15 but I do know we have an automated system for
 16 the vicinity of the vessel.
 17 EARLE, Q.C.
 18 Q. Okay. So now is there a sea state in height
 19 limitation for the launch of the FRC from the
 20 standby vessel?
 21 MR. SACUTA:
 22 A. Our standby vessels would normally not launch
 23 the FRC above five metres.
 24 EARLE, Q.C.
 25 Q. And do you gentlemen understand that to be the

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1 same?
 2 MR. PRITCHARD:
 3 A. That's the same for -- That's exactly the same
 4 for us.
 5 EARLE, Q.C.
 6 Q. And the prescription by C-NLOPB that the
 7 helicopter be able to land in water in a
 8 moderate sea state, what wave height do you
 9 gentlemen understand that to be?
 10 MR. VOKEY:
 11 A. I believe it's a sea state four, from the
 12 World Meteorological Centre.
 13 EARLE, Q.C.
 14 Q. Which translates into how many metres or feet?
 15 MR. VOKEY:
 16 A. I'd have to get that number for you. I don't
 17 recall it exactly. I'd be guessing right now.
 18 It is less than six metres.
 19 EARLE, Q.C.
 20 Q. Less than six metres. Do you know if it's
 21 less than five metres?
 22 MR. SACUTA:
 23 A. It is.
 24 EARLE, Q.C.
 25 Q. So do you know what -

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1 MR. SACUTA:
 2 A. I believe it's 2.5 metres.
 3 EARLE, Q.C.
 4 Q. 2.5 metres. And the proposed new technology
 5 for a Sikorsky with the additional floatation,
 6 what wave height do you anticipate that will
 7 bring you to?
 8 MR. SACUTA:
 9 A. I believe, as I said in my testimony this
 10 morning, that it's been tested by Sikorsky to
 11 sea state six.
 12 EARLE, Q.C.
 13 Q. And again, can we put that in -
 14 MR. SACUTA:
 15 A. Between four and six metres, but not
 16 guaranteed to remain afloat in that condition,
 17 as I mentioned this morning.
 18 EARLE, Q.C.
 19 Q. And I think you also indicated that there was
 20 a limitation in sea state for the vessels
 21 generally, the standby vessels, in that they
 22 would not attempt recovery in a sea state of
 23 greater than seven metres?
 24 MR. SACUTA:
 25 A. I think the vessels would attempt a recovery

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1 at any sea state, provided they did not put
 2 their personnel at risk. We have implemented
 3 a seven-metre restriction based on the
 4 mechanical recovery abilities of the equipment
 5 on board our standby vessels. And the reason
 6 I say at any sea state is in the late 1990s,
 7 there was an aircraft that ditched near the
 8 Hibernia platform and the standby vessel
 9 attempted to recover in 14 metre seas.
 10 EARLE, Q.C.
 11 Q. The law of the sea.
 12 MR. SACUTA:
 13 A. Yes.
 14 EARLE, Q.C.
 15 Q. You know, rescue those in distress to the
 16 point of putting your own life at risk.
 17 Gentlemen, would you agree then that there are
 18 some disparities here in that what we have is
 19 helicopters flying, in your case, Mr. Sacuta,
 20 to the Platform, in sea states of seven metres
 21 when the FRC, the fast rescue craft, which
 22 would be part of the rescue system for a
 23 downed helicopter, particularly if it was
 24 close to the platform, would not be launched
 25 beyond five metres?

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1 MR. SACUTA:
 2 A. Yeah, the recovery -- the process would be if
 3 the sea states were less than five metres that
 4 the FRC would be launched. In sea states
 5 between five and seven metres, the standby
 6 vessel would use its mechanical recovery
 7 equipment to attempt a retrieval.
 8 EARLE, Q.C.:
 9 Q. The supply vessels have a speed, what, 20
 10 knots?
 11 MR. VOKEY:
 12 A. 16 knots.
 13 MR. SACUTA:
 14 A. I don't think it's 20. I think it's less than
 15 that. Transit time offshore, I think, at full
 16 speed would be anywhere around 12.5 hours to
 17 travel 315 kilometres, so --
 18 EARLE, Q.C.:
 19 Q. And in a severe sea state, speed would be
 20 reduced?
 21 MR. SACUTA:
 22 A. Correct.
 23 EARLE, Q.C.:
 24 Q. So it seems to me in keeping with your risk
 25 analysis approach that what we're talking

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1 about is a situation where you're flying in
 2 circumstances where possibly one of your
 3 mitigators, or two of your mitigators actually
 4 presently, that is the ability for the
 5 helicopter to deploy floatation and stay
 6 afloat, and the availability of the FRC
 7 decrease, so that your risk doesn't simply
 8 increase because you have a higher sea state,
 9 and all other things are equal, but your risks
 10 increase because you take out the ability to
 11 float the downed aircraft and you take out the
 12 ability to launch an FRC. Do you agree with me
 13 that that's a proper view of what happens?
 14 MR. VOKEY:
 15 A. I'd just like to say in terms of floatation,
 16 we do use the latest technology,
 17 notwithstanding what the Commissioner talked
 18 about this morning in, you know, other things
 19 under investigation, but the objective here is
 20 to keep these helicopters in the air, and we
 21 can't forget that.
 22 EARLE, Q.C.:
 23 Q. I appreciate that, and I think we all had it
 24 resonate with us when Mr. Decker said the way
 25 to keep people safe is to keep the helicopters

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1 in the air, but it seems to me that you would,
 2 by having a seven metre limitation on flying,
 3 seven metre sea state, that you are courting
 4 increased risk because two of the factors that
 5 are supposed to mitigate that risk in the
 6 event of a downed helicopter would be
 7 eliminated at that kind of sea state?
 8 MR. PRITCHARD:
 9 A. It's all about the overall risk, and I think
 10 using -- the mitigation factors are used
 11 really as a means of recovery. The overall
 12 risk is looked at in terms of the likelihood,
 13 and so when you look at a year's evaluation of
 14 the sea states that we operate in, then, of
 15 course, anything between summertime of one
 16 metre, and wintertime, to our imposed limits.
 17 So it's the overall risk that we are looking
 18 at there. Helicopters are a safe means of
 19 transportation to and from the offshore, and
 20 certainly our limitations are imposed in some
 21 physical sense the operation, and in some
 22 physical sense of recovery by mechanical
 23 means.
 24 EARLE, Q.C.:
 25 Q. But as your matrix says, the consequence index

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1 changes?
 2 MR. PRITCHARD:
 3 A. Sorry, can you repeat that?
 4 EARLE, Q.C.:
 5 Q. As your matrix in your documents --
 6 MR. PRITCHARD:
 7 A. Yeah.
 8 EARLE, Q.C.:
 9 Q. And if we need to, we can go to the actual
 10 document, on the left hand side of your
 11 square, you have a consequence --
 12 MR. PRITCHARD:
 13 A. Yes.
 14 EARLE, Q.C.:
 15 Q. Index, and it seems to me that the consequence
 16 of a downed helicopter in a six to seven metre
 17 sea is very definitely significantly higher
 18 than the consequence of a downed helicopter in
 19 a one metre sea?
 20 MR. VOKEY:
 21 A. Having said that, the probability of a
 22 helicopter going down in a seven metre sea is
 23 no different than the probability of a
 24 helicopter going down in a one metre sea.
 25 EARLE, Q.C.:

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1 Q. Exactly.
 2 MR. VOKEY:
 3 A. So you've got to look at it holistically. The
 4 probability doesn't change that you're going
 5 to have increased frequencies in high sea
 6 states.
 7 EARLE, Q.C.:
 8 Q. But, Mr. Vokey, isn't that why we use a
 9 matrix, that we impose the other factors on
 10 probability?
 11 MR. VOKEY:
 12 A. I'm not following your --
 13 EARLE, Q.C.:
 14 Q. Well, let's --
 15 MR. PRITCHARD:
 16 A. The probability is actually less because sea
 17 states in general across the term of one year,
 18 the sea state will be less than, say, five
 19 metres in a larger percentage of the time than
 20 it is six to seven. In our case, the time
 21 that we fly between five metres and six metres
 22 is much reduced. So, therefore, the
 23 probability of a helicopter incident in that
 24 smaller time, the probability is reduced, the
 25 likelihood is reduced.

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1 EARLE, Q.C.:
 2 Q. Because the frequency is reduced.
 3 MR. PRITCHARD:
 4 A. The consequence, of course, we control with,
 5 you know, the --
 6 EARLE, Q.C.:
 7 Q. Can we have page 42 brought up?
 8 REGISTRAR:
 9 Q. Of the PowerPoint presentation?
 10 EARLE, Q.C.:
 11 Q. Uh-hm.
 12 REGISTRAR:
 13 Q. Page slide again, Mr. Earle?
 14 EARLE, Q.C.:
 15 Q. 42. Now we have -- I take it everybody's got
 16 that on the screen. It's certainly on the
 17 screen in front of me. Let's say, Mr. Vokey,
 18 that the possibility of a helicopter crash is
 19 remote.
 20 MR. VOKEY:
 21 A. Okay.
 22 EARLE, Q.C.:
 23 Q. We know it's not improbable because we've had
 24 numbers of them in the North Sea, and we
 25 unfortunately had one here. If you look at

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

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1 that we're looking for.
 2 EARLE, Q.C.:
 3 Q. So a remote event, no matter how high the
 4 consequence, does not get you in trouble?
 5 MR. PRITCHARD:
 6 A. You should look for further mitigations, and
 7 the mitigations are within the training and
 8 enhanced equipment that we are looking towards
 9 supplying the S-92.
 10 MR. VOKEY:
 11 A. And that would take it from a five to a four
 12 or lower.
 13 EARLE, Q.C.:
 14 Q. I suppose, Mr. Pritchard, you should look for
 15 mitigators wherever they're available,
 16 shouldn't you?
 17 MR. PRITCHARD:
 18 A. You should.
 19 EARLE, Q.C.:
 20 Q. Whatever the consequence level.
 21 MR. PRITCHARD:
 22 A. You should always look at that, as long as the
 23 practicalities of those mitigators are
 24 suitable for the event.
 25 MR. SACUTA:

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

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1 A. Yes, we would take some form of risk
 2 assessment and determine further use or not.
 3 EARLE, Q.C.:
 4 Q. So you mentioned that you expect your
 5 contractors to apply similar type of safety
 6 plan to yourselves. Would you then have
 7 expected that in a notification of a problem
 8 with a helicopter, that a similar risk
 9 analysis to this would have been done?
 10 MR. VOKEY:
 11 A. I'm not sure what the question is. Can you
 12 repeat that, please?
 13 EARLE, Q.C.:
 14 Q. Pardon?
 15 MR. VOKEY:
 16 A. Can you repeat your question, I wasn't clear
 17 on what the question was?
 18 EARLE, Q.C.:
 19 Q. In a circumstance where a helicopter provider
 20 gets a notification, either from the FAA or
 21 the Canadian regulator, or from the
 22 manufacturer, that there is a problem, a
 23 potential problem with the helicopter and they
 24 are advised that, you know, a part should be
 25 changed within so many hours of flying, would

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

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1 analysis to be done, or do you essentially
 2 defer either to the manufacturer or the Civil
 3 Aviation Authority?
 4 MR. VOKEY:
 5 A. Suncor Energy would defer to the authorities,
 6 the certification authorities.
 7 EARLE, Q.C.:
 8 Q. And would that be the same position for the
 9 other two?
 10 MR. PRITCHARD:
 11 A. That would be the same for us, correct.
 12 MR. SACUTA:
 13 A. We would expect our helicopter service
 14 provider to comply with the bulletin itself.
 15 EARLE, Q.C.:
 16 Q. I don't know if any of you were here when the
 17 Hibernia Project was being constructed, but
 18 there was a phrase that was used a tremendous
 19 amount of time during the process of building
 20 the platform, and that was to seek industry
 21 best practices. Is that an approach that is
 22 still in vogue?
 23 MR. PRITCHARD:
 24 A. Yes, it is.
 25 MR. VOKEY:

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1 A. I think it's fair to say our industry is about
 2 learning from each other and other
 3 jurisdictions.
 4 EARLE, Q.C.:
 5 Q. The reason I ask that, gentlemen, is that a
 6 number of times, and particularly in your
 7 answers to the questions that were submitted
 8 by the workers, you used the phrase "meets
 9 regulatory requirements", and I have to tell
 10 you in some of your internal documents that
 11 have been made available I've been reading,
 12 and I see that phrase fairly frequently, and
 13 we're also familiar with the proposition that
 14 there is what they call "regulatory lag", that
 15 regulatory requirements don't always keep up
 16 with best practices. I ask each of you to
 17 tell us how your company addresses that
 18 problem, that regulatory standards don't
 19 always meet best practices.
 20 MR. VOKEY:
 21 A. Well, in terms of the regulations, like, these
 22 aren't bargain basement regulations, the
 23 standards are high, the Board talks to other
 24 jurisdictions that we do know. The Board
 25 also, as I think Mr. Sacuta indicated

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1 yesterday, the Board also writes guidelines.
 2 So they do change their standards and they
 3 have changed their standards over time. It's
 4 not just what's in an Act or a Regulation.
 5 Guidelines keep up with best practices, and in
 6 addition to that, we have different forums
 7 between operators, we share information, and a
 8 number of us have operations in other areas of
 9 the world, and through the different forums
 10 information is shared, but to say that just
 11 meets regulations and absolute bare minimum,
 12 that's a high standard and we can't forget
 13 that. This is not the bottom of the barrel.
 14 EARLE, Q.C.:
 15 Q. I remind you, Mr. Vokey, of the delay in the
 16 revision of the standard for the flight suits.
 17 MR. VOKEY:
 18 A. The helicopter suits that we're currently
 19 using are still the best helicopter suits in
 20 the world. We can't forget that either.
 21 EARLE, Q.C.:
 22 Q. You will agree that the time for revision of
 23 the standard has been exceeded?
 24 MR. PRITCHARD:
 25 A. Well, that's an example of the standards

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1 perhaps "lagging" in your terms, and we looked
 2 at the technology and we moved the new suits
 3 in 2007 to use the best technology and
 4 materials at that time. That wasn't in
 5 response necessarily to a new standard, it was
 6 just a progression of the use of technology.
 7 There are many other examples of technology or
 8 movements that we've applied to the offshore
 9 regime that are over and above the regulatory
 10 requirements.
 11 MR. SACUTA:
 12 A. I would like to also say that the regulations
 13 aren't the only criteria under which we
 14 operate. We all have our own individual
 15 safety management systems which identify our
 16 own internal requirements for us to meet,
 17 which in some cases may be over and above what
 18 the regulations state as the minimum
 19 requirements are.
 20 EARLE, Q.C.:
 21 Q. Uh-hm. Now there was some discussion of the
 22 fuel tank, and the fuel tank is an item in
 23 respect of which the approach of meeting
 24 regulatory standards has been used in your own
 25 documents provided, but a factual question on

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1 the fuel tank, if helicopter transportation
 2 were always St. John's to installation, would
 3 it be necessary to have the auxiliary fuel
 4 tank for any flights to your installations?
 5 MR. SACUTA:
 6 A. I can answer from my installation.
 7 Approximately 10 percent of the time we would
 8 require the auxiliary fuel tank. Normally
 9 during situations where there is fog and the
 10 alternate airport may be one further away than
 11 St. John's, or if the weather conditions
 12 during the winter dictate that we need an
 13 auxiliary fuel tank, so approximately 10
 14 percent of the time during a year we would
 15 require the auxiliary fuel tank.
 16 EARLE, Q.C.:
 17 Q. Uh-hm.
 18 MR. PRITCHARD:
 19 A. In the main, we need the fuel tank constantly
 20 for the White Rose field.
 21 MR. VOKEY:
 22 A. And rarely in the case of Terra Nova do we
 23 need it.
 24 EARLE, Q.C.:
 25 Q. Now in terms of helicopter flights at night,

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1 I'm told that Suncor seems to me to use night
 2 flights more than the other installations,
 3 although none of you have an absolute blanket
 4 prohibition against night flights. So, Mr.
 5 Vokey, the question Mr. Roil asked you about
 6 another helicopter, and you basically said,
 7 well, we still have backlogs to get rid off.
 8 What is it so crucial to get rid of a backlog
 9 that it can't wait until the next day?
 10 MR. VOKEY:
 11 A. First of all, your statement that Suncor has
 12 more night flights is not accurate. It's
 13 dependent on what the operation is at the
 14 time. So at any point in time, it can be
 15 either of the operators. In terms of --
 16 MR. PRITCHARD:
 17 A. Sorry, you asked Suncor.
 18 MR. VOKEY:
 19 A. It could be Husky too, but I was going to
 20 leave that for you to say. In terms of night
 21 flights, one additional helicopter don't get
 22 rid of it. I think Mr. Pritchard tried to
 23 explain it this morning. Having one
 24 additional helicopter when we're backlogged 10
 25 or 11 flights in the field due to fog, one

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1 helicopter would reduce -- I think Mr.
 2 Pritchard said that this morning, it would
 3 reduce the number of night flights, but in
 4 terms of mitigating night flights, bringing in
 5 another helicopter is not going to do that.
 6 EARLE, Q.C.:
 7 Q. Well, but surely it's only a question of how
 8 long you're prepared to say it has to take to
 9 clear up a backlog?
 10 MR. VOKEY:
 11 A. That's correct. The thing is our people
 12 offshore work 21 days on, 21 days off, for the
 13 most part. Unless there's undue
 14 circumstances, they're not work past 21, and
 15 when we look at our overall risk, either
 16 quantitatively or qualitatively, if we're into
 17 day 23, 24, 25, with individuals that are
 18 offshore, we've got all the criteria met in
 19 terms of it's a fair weather flight at night,
 20 sea states are appropriate, we've got 103
 21 backup, the OIM offshore is in agreement the
 22 night flight can proceed, then we have to take
 23 a look at do we not fly, and then leave those
 24 people that have been offshore 24 days, have
 25 them work 25, because there are risks

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1 extending people beyond their normal shift
 2 provision, and we look at our business as a
 3 whole, either quantitatively or qualitatively
 4 in some cases.
 5 EARLE, Q.C.:
 6 Q. So the driver is the need to get people home?
 7 MR. VOKEY:
 8 A. The driver is to keep your overall operation
 9 as safe as we possibly can.
 10 EARLE, Q.C.:
 11 Q. Because I'm familiar with the way that your
 12 supply vessels work, and obviously people
 13 don't leave those by helicopters, although I
 14 suppose it's not entirely impossible in an
 15 emergency situation, but on the supply boats,
 16 when weather limitations or job exigencies
 17 require people to stay, they do work the extra
 18 two or three days, and there is an evening out
 19 of that over the process of a year, and if at
 20 the end of the year they've built up four or
 21 five days too many offshore, their pay is
 22 adjusted. So, I mean, that's part of your
 23 industry and it seems to work all right with
 24 the supply boats.
 25 MR. VOKEY:

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

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

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

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

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1 for example, unless the seas are greater than
 2 7 metres, in which we wouldn't fly.
 3 EARLE, Q.C.:
 4 Q. So you probably have a higher success rate in
 5 getting your day flights in than the White
 6 Rose or Terra Nova.
 7 MR. SACUTA:
 8 A. I don't, I haven't seen the data, but I would
 9 think we would.
 10 MR. VOKEY:
 11 A. There's a couple of criteria they don't have
 12 that we do, that's the difference.
 13 EARLE, Q.C.:
 14 Q. But just to follow through and complete the
 15 story there, so you understand that the
 16 concerns expressed by the workers are based on
 17 the fact that the Cougar standby helicopter
 18 does not have the auto-hover capacity, which
 19 is an important element in rescue and also the
 20 fact that the response time for Search and
 21 Rescue in Gander is said to be different at
 22 night, that is the basis upon which these
 23 concerns about night flying have been -
 24 MR. SACUTA:
 25 A. The auto-hover is one component of Cougar--or

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1 of a Search and Rescue helicopter's ability to
 2 recover passengers. You do require visual
 3 reference without auto-hover and at night
 4 there may be circumstances where the pilots
 5 cannot have visual reference of the ocean,
 6 which would not allow them to retrieve someone
 7 from the water. But there are other things
 8 they can do, including dropping SCAD kits or
 9 sea kit, air deployable kits with life rafts
 10 and there are other things that the standby
 11 helicopter is capable of, but without the
 12 visual reference and without the auto hover
 13 capability, they're not able to winch.
 14 EARLE, Q.C.:
 15 Q. Whereas auto hover is a capacity that is
 16 available with Cormorants from Gander.
 17 MR. SACUTA:
 18 A. Correct, and we're waiting for the
 19 certification of the auto hover on the S92
 20 which we're hoping will be sometime in the
 21 next quarter.
 22 EARLE, Q.C.:
 23 Q. But as of now, you don't have it.
 24 MR. SACUTA:
 25 A. It's not certified as of now.

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1 MR. VOKEY:
 2 A. It's not certified and I would like to say to
 3 my knowledge this would be on the first of the
 4 civilian aircraft, this technology, for the
 5 new S92's that are in commercial use in our
 6 industry.
 7 EARLE, Q.C.:
 8 Q. If we could turn then to the issue of fit of
 9 the flight suits. Mr. Sacuta, did you say
 10 that the fit programs were disclosed after the
 11 crash?
 12 MR. SACUTA:
 13 A. What I said was it came to light after the
 14 crash. There were a number of issues raised
 15 before the crash, almost all of them--I was
 16 not aware of any issues that were raised with
 17 the seal fit of the suit, all the issues that
 18 were raised through the various JOHS minutes
 19 were issues with the comfort of the suit, the
 20 stickiness of the zipper and how it impacted on
 21 your ability to move your head and neck. No
 22 issues related to the face seal of the suit
 23 prior to March 12th.
 24 EARLE, Q.C.:
 25 Q. That was your understanding?

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1 MR. SACUTA:
 2 A. That was my understanding.
 3 EARLE, Q.C.:
 4 Q. So it came to light how?
 5 MR. SACUTA:
 6 A. Based on the fact that Mr. Decker, his body
 7 temperature was 28 degrees after being in the
 8 water for approximately an hour. The concerns
 9 were raised as to the suitability of the
 10 suits; thereafter, I think people started to
 11 pay more attention to the face seal area. We
 12 certainly had concerns when we heard of Mr.
 13 Decker's body temperature and on the issue of
 14 TF Review Team, as part of their full review
 15 they looked at, said we need to start looking
 16 at the fit of these suits because of what
 17 happened to Mr. Decker during the events of
 18 March 12th.
 19 EARLE, Q.C.:
 20 Q. Mr. Sacuta, did it come up at the town hall
 21 meetings, my understanding it did come up at
 22 the town hall meetings -
 23 MR. SACUTA:
 24 A. Which town hall meetings?
 25 EARLE, Q.C.:

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1 Q. Your town hall meetings, the first ones that
 2 were held after -
 3 MR. SACUTA:
 4 A. The flight returning to service. There were
 5 questions raised about the fit of the suit at
 6 the town hall meetings and that's when we
 7 outlined that we were going to have the Helly
 8 Hansen personnel at the airport as part of our
 9 return to service process to verify suit fit
 10 testing at that time.
 11 EARLE, Q.C.:
 12 Q. I've got to tell you, my research tells a
 13 different story when it comes to the seal
 14 being brought forward. I'm going to read you
 15 a quote from one of the JOHS committee
 16 meetings and this was a meeting which took
 17 place on April 19th, 2008. That's eleven
 18 months before the crash. "Issues discussed at
 19 OHMS Committee meeting that require on shore
 20 to follow up: One, issue with tight wrist
 21 seals and improper face seal due to individual
 22 facial features. HH rep"--which I take to be
 23 Helly Hansen--"to attend Cougar to review and
 24 determine way forward. Some modifications to
 25 suits may be required." And I will tell you

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1 that that issue appeared in the minutes of
 2 that JOHS committee right up through to the
 3 crash. Now, do you find that surprising?
 4 MR. SACUTA:
 5 A. Do I find it surprising that it continued up
 6 until the crash?
 7 EARLE, Q.C.:
 8 Q. Do you find it surprising that it didn't come
 9 to the attention of the operators?
 10 MR. SACUTA:
 11 A. I'm not familiar with this particular issue,
 12 so I really can't comment on it. As I
 13 mentioned, I wasn't aware that there were any
 14 references to the suit seal prior to March
 15 12th.
 16 EARLE, Q.C.:
 17 Q. Were you aware that there was a joint meeting
 18 of East Coast operators, which I take it to
 19 mean your three companies and Statoil, Cougar
 20 Helicopters and Helly Hansen representatives
 21 on March 31st, 2008. "During the meeting,
 22 issues related to seals and zippers were
 23 discussed."
 24 MR. SACUTA:
 25 A. I believe at that time the issues that were

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1 being discussed was the fact that the zippers
 2 were too stiff to move up and down, based on
 3 the feedback from our workforce after the
 4 implementation.
 5 MR. VOKEY:
 6 A. And the reference to the seals, the wrist
 7 seals, is that they were too tight.
 8 EARLE, Q.C.:
 9 Q. Yes, the wrist seals were too tight, but the
 10 face seals didn't fit due to facial features
 11 is what's said in the -
 12 MR. VOKEY:
 13 A. Yeah, but in your commentary there, you
 14 referenced zippers and seals, wrist seals.
 15 EARLE, Q.C.:
 16 Q. These are the same minutes, Mr. Vokey.
 17 MR. VOKEY:
 18 A. Okay, but I'm saying to the second part,
 19 reference to zippers is one.
 20 EARLE, Q.C.:
 21 Q. It's the same minutes of your JOHS committee.
 22 MR. VOKEY:
 23 A. But the reference to wrist seals was always
 24 that they were too tight. I just want to make
 25 sure we're clear on that.

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1 EARLE, Q.C.:
 2 Q. Good, but I'm telling you that on April 19th
 3 of 2008, your JOHS committee minutes record -
 4 MACDONALD, Q.C.:
 5 Q. I wonder if -
 6 REGISTRAR:
 7 Q. Excuse me, could counsel identify themselves
 8 please?
 9 MACDONALD, Q.C.:
 10 Q. Yes, Sandy MacDonald. I wonder if counsel
 11 could show the witnesses the documents they're
 12 referring to.
 13 EARLE, Q.C.:
 14 Q. Sure.
 15 MACDONALD, Q.C.:
 16 Q. Because you refer to your JOHS committee and
 17 yet you asked Mr. Sacuta about it.
 18 REGISTRAR:
 19 Q. Is that an exhibit number?
 20 ROIL, Q.C.:
 21 Q. No.
 22 EARLE, Q.C.:
 23 Q. There's the date, there's the referral, the
 24 prior issue -
 25 ROIL, Q.C.:

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1 Q. Excuse me, Commissioner, if it's going to take
 2 a few minutes, I wonder would this be a time
 3 we would take the afternoon break?
 4 COMMISSIONER:
 5 Q. And then people could look at it, having more
 6 time, yes. We'll recess for 15 minutes to
 7 give an opportunity to look at these things.
 8 (RECESS)
 9 EARLE, Q.C.:
 10 Q. Mr. Commissioner, we're going to deal with
 11 this matter for now on the basis of quotes
 12 from the document and we will enter an exhibit
 13 tomorrow morning which has been redacted,
 14 because PetroCanada's counsel--excuse me,
 15 Suncor's counsel, has expressed concerns that
 16 he would like certain parts of the exhibit
 17 redacted.
 18 COMMISSIONER:
 19 Q. I see, okay.
 20 MS. STRICKLAND:
 21 Q. Commissioner Wells, we would like to clarify
 22 one point.
 23 REGISTRAR:
 24 Q. Excuse me, would counsel step to the mike and
 25 identify yourself please?

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1 MS. STRICKLAND:
 2 Q. Sorry, Cecily Strickland for HMDC.
 3 Commissioner Wells, we'd like to have one
 4 point clarified. The question was put to Mr.
 5 Sacuta of HMDC as to whether he was aware of
 6 these minutes. These, in fact, are Terra Nova
 7 minutes, Mr. Sacuta would not have had any
 8 knowledge of them. I'd like to have that
 9 corrected for the record.
 10 COMMISSIONER:
 11 Q. Yes, thank you. Mr. Roil mentioned that to me
 12 inside, a few moments ago. The best thing
 13 probably, Mr. Earle, is to identify documents.
 14 EARLE, Q.C.:
 15 Q. The question that was asked of Mr. Sacuta was
 16 was he aware of a JOHS committee.
 17 MR. SACUTA:
 18 A. I'm sorry, but I assumed you were asking me
 19 specifically about the HMDC JOHS committee and
 20 I will reiterate my response a bit earlier
 21 today where I said I am not aware of any issue
 22 that was raised with our JOHS committee prior
 23 to the crash of March 12th related to the face
 24 seal of the suits.
 25 EARLE, Q.C.:

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1 Q. And perhaps we can move on from there with Mr
 2 Sacuta and then I'll come back to you, Mr.
 3 Vokey.
 4 MR. VOKEY:
 5 A. Sure.
 6 EARLE, Q.C.:
 7 Q. There appears to have been related to this a
 8 joint meeting of East Coast Operators, Cougar
 9 Helicopters and Helly Hansen representatives
 10 held on March 31st, 2008. During the meeting,
 11 issues related to seals and zippers were
 12 discussed and then there's a listed--"several
 13 actions are to be placed, Cougar will survey
 14 outbound and inbound passengers for a six-week
 15 period to determine whether seals and zipper
 16 issues are continuing to cause concerns.
 17 Cougar personnel will continue to check all
 18 outbound passengers to ensure personnel are
 19 able to appropriately zip the suits and don
 20 the hood prior to departure. Helly Hansen is
 21 continuing to apply products to the zippers to
 22 increase flexibility. As the cycle time on
 23 the suits increases, they expect the material
 24 and zippers will relax. Helly Hansen also
 25 reports that wrists seals are easing as cycle

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1 time on the suits increases. A follow up
 2 meeting will be held in June 2008 to discuss
 3 any continuing issues, concerns and
 4 determining whether any additional actions are
 5 required." The question I have for you, Mr.
 6 Sacuta, were you aware of that meeting having
 7 occurred?
 8 MR. SACUTA:
 9 A. I knew that the operators were working the
 10 issues with Helly Hansen on the ability to zip
 11 the suit fully up. I knew there were issues,
 12 I knew they were being worked between the
 13 three operators at Helly Hansen. Was I aware
 14 that it was specifically on March 31st? No, I
 15 was not.
 16 EARLE, Q.C.:
 17 Q. And so am I to understand that you understood
 18 the issue at that time to be a zipper issue?
 19 MR. SACUTA:
 20 A. A zipper issue and I think I talked about that
 21 this morning around the fact that the ability
 22 for individuals to fully don their suit and
 23 the fact that the zippers were stiff, and
 24 reading the minutes, Helly Hansen is
 25 continuing to apply products to the zippers to

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1 increase flexibility is an indication of that.
 2 The issue was the inability to fully don the
 3 suit and get the zipper all the way up to its
 4 proper location.
 5 EARLE, Q.C.:
 6 Q. Now, Mr. Vokey, you mentioned that you became
 7 aware that there was an issue raised at the
 8 end of the year, 2008, about the fit of face
 9 seals.
 10 MR. VOKEY:
 11 A. That's correct.
 12 EARLE, Q.C.:
 13 Q. Looking at the item one in this minute, issue
 14 with tight wrist seals and improper face seal
 15 due to individual facial features, "Helly
 16 Hansen rep to attend Cougar to review and
 17 determine way forward. Some modifications to
 18 suits may be required." Is that in fact the
 19 reference to which you referred in your
 20 earlier evidence?
 21 MR. VOKEY:
 22 A. Yes, it was, I was of the understanding it was
 23 in December 2008. According to the minutes
 24 referenced here, it was earlier in the year,
 25 but I also do understand that this will be

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1 addressed, Mr. Commissioner, in much more
 2 detail in terms of what was happening, the
 3 history, during the Suncor panel.
 4 EARLE, Q.C.:
 5 Q. So you would acknowledge that the issue came
 6 up in April of 2008.
 7 MR. VOKEY:
 8 A. From these minutes, that's correct.
 9 EARLE, Q.C.:
 10 Q. Yes. Now, are we correct in understanding
 11 that, to use your words, Mr. Sacuta, when the
 12 fit issue came to light and the testing was
 13 done, there were in fact 160 people who were
 14 listed for flights to the offshore, either on
 15 a rotation basis or on an ad hoc basis, there
 16 were 160 people out of the people flying
 17 offshore or, as you said, approximately ten
 18 percent, whose suits did not fit.
 19 MR. SACUTA:
 20 A. During the return to flight assessment
 21 process, that's my understanding that there
 22 was approximately nine percent of the people
 23 that were sized that could not fit into the
 24 standard E452 suit.
 25 EARLE, Q.C.:

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1 Q. So were you surprised to find that, you know,
 2 there was a nine percent--well, people don't
 3 like me using the word "failure" but it seems
 4 to me that's a nine percent failure on suit
 5 fitting.
 6 MR. VOKEY:
 7 A. I just think, you know, post March 12th, as
 8 Mr. Sacuta said, there was definitely a
 9 heightened sensitivity, and the fact that we
 10 did implement changes and the fact that the
 11 TSB have recommendations for other operators,
 12 it was definitely identified as an opportunity
 13 for improvement, and the only thing that I can
 14 hope is that other jurisdictions are putting
 15 the same rigor into it that we are in terms of
 16 ensuring suit fit.
 17 EARLE, Q.C.:
 18 Q. Can I ask you gentlemen this, have you given
 19 any consideration to the fact that there was a
 20 predisposition to perceive the complaints
 21 about these suits that were ongoing as comfort
 22 issues and not technical fit issues, that
 23 people too readily jumped to the conclusion,
 24 oh, this is about comfort, this is whining,
 25 and disregarded complaints that should have

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1 caused people to say, you know, we're getting
 2 a lot of negative feedback on these suits,
 3 people saying they aren't fitting, we should
 4 check the fits?
 5 MR. SACUTA:
 6 A. I think absolutely not, there was no
 7 predisposition. We have always had a very
 8 open communication relationship with our
 9 workforce. When individuals bring up issues,
 10 we address them. At the time, from a Hibernia
 11 perspective, the main issue was around the
 12 ability to don the hood, the stiffness of the
 13 zipper, and the inability of personnel to get
 14 the zipper to the top of its path. We
 15 addressed that issue with the suit
 16 manufacturer. They exercised the zipper
 17 whenever they could and they applied bee's wax
 18 to aid with that issue. At no time, as I've
 19 mentioned, did we get any indication that our
 20 workforce prior to March 12th had issues with
 21 the face seal of that suit. The issues that
 22 were identified were comfort issues associated
 23 with tight wrist seals and the ability to get
 24 the zipper done up.
 25 EARLE, Q.C.:

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1 Q. Mr. Vokey, you know, in the context as you
 2 have identified that there was at least one
 3 report that was clearly about fit of face
 4 seal, I'd ask you to answer the same question?
 5 MR. VOKEY:
 6 A. In terms of the suits, and I think your
 7 comment was that comfort wasn't a priority for
 8 us in terms of addressing it, I agree with Mr.
 9 Sacuta, we did immediately engage Helly Hansen
 10 to rectify the comfort issues. Comfort of our
 11 employees is important.
 12 EARLE, Q.C.:
 13 Q. That's not the question. The question was --
 14 looking at it with 20/20 hindsight, it's a
 15 luxury somebody in my position has, and I can
 16 stand up here and ask you fellows questions
 17 about things that have happened, but the
 18 question for you is given that there was at
 19 least one flagging of the seal issue, given
 20 that when the seal issue was tested, there was
 21 what I think everybody agrees, an unacceptable
 22 deviation from proper seal, looking at it, is
 23 there in your mind the possibility that there
 24 as a predisposition to see this issue when it
 25 was raised not as a safety issue, not as a

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1 seal issue, but as a comfort issue?
 2 MR. VOKEY:
 3 A. I'm going from memory here, but it is my
 4 recollection that prior to March 12th, 2009,
 5 and I believe it was back actually in late
 6 2008, Suncor did go to its workforce asking
 7 them if they thought there were suit fit
 8 issues, that they'd bring it to the attention
 9 of their supervisors or the committees, and
 10 it's also my understanding that we didn't,
 11 other than the one that was identified, have
 12 any responses up to that point.
 13 EARLE, Q.C.:
 14 Q. I think when we get to the Suncor panel, we'll
 15 have to explore this further.
 16 MR. VOKEY:
 17 A. Yes, sir. I don't know, Mr. Pritchard, do you
 18 want to proffer an answer as to how that issue
 19 was perceived?
 20 MR. PRITCHARD:
 21 A. I'm aligned with my colleagues here, I don't
 22 believe there was any predisposition to that.
 23 EARLE, Q.C.:
 24 Q. In the area of a HUEBA instrumentation, and
 25 I'm not asking you any questions about

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

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1 such as Mr. Barnes led us to understand that
 2 Husky's relationship with CAPP was not the
 3 same as the others, do you think there would
 4 be any merit in an approach where for
 5 industry-wide safety issues the players are
 6 told you should have an organization which has
 7 absolutely the authority, not able to be
 8 withdrawn, to speak for the industry on these
 9 issues, to make commitments to C-NLOPB to
 10 deliver to C-NLOPB on these issues essentially
 11 an irrevocable delegate of your authority in
 12 those respects?
 13 MR. VOKEY:
 14 A. I think it's safe to say there's a number of
 15 different models that can be used. I don't
 16 think any one model is right or wrong. Given
 17 the size of this basin and the number of
 18 players, I believe CAPP is an effective
 19 mechanism, and with an effective CAPP,
 20 notwithstanding the timeline for HUEBA, CAPP
 21 has had a number of very significant
 22 initiatives followed through, and in terms of
 23 how we work with our, in particular offshore
 24 employees, the Occupational Health and Safety
 25 Committees represent all workers, whether

1 they're represented by one vendor, or a trade
 2 union, or a contractor, or whatever, but I
 3 believe the existing mechanisms that we do
 4 have are effective and for us it's a
 5 continuous improvement on those initiatives.
 6 MR. SACUTA:
 7 A. I think we all believe -- I don't think, I
 8 know we all believe we're responsible for the
 9 safety of our own individual workforce. There
 10 are times when we use CAPP as a facilitator
 11 because a basin-wide approach may be
 12 appropriate, and I think CAPP has been an
 13 effective facilitator. Outside of what we've
 14 already identified as an issue with the HUEBA
 15 implementation, there are a number of
 16 successes that we can talk to, and I talked to
 17 in my testimony about what CAPP has done
 18 successfully for the basin and for the
 19 operators.
 20 EARLE, Q.C.:
 21 Q. Mr. Pritchard, does Husky have anything to
 22 offer on that?
 23 MR. PRITCHARD:
 24 A. No, I'm aligned here. CAPP has been very
 25 successful in many activities. We do need a

1 CERTIFICATE
 2 We, the undersigned, do hereby certify that
 3 the foregoing is a true and correct transcript of a
 4 hearing heard on the 12th day of January, 2010 at
 5 Tara Place, 31 Peet Street, Suite 213, St. John's
 6 Newfoundland and Labrador and was transcribed by us
 7 to the best of our ability by means of a sound
 8 apparatus.
 9 Dated at St. John's, NL this
 10 12th day of January, 2010
 11 Cindy Sooley
 12 Discoveries Unlimited Inc.
 13 Judy Moss
 14 Discoveries Unlimited Inc.

1 coordinated group that will take forward
 2 whatever issues come to light, and that's just
 3 needed, and CAPP has been effective in the
 4 past. So to be effective going forward, we
 5 can apply whatever lessons learned come out of
 6 the HUEBA analysis.
 7 EARLE, Q.C.:
 8 Q. Mr. Roil is tapping his watch.
 9 COMMISSIONER:
 10 Q. Okay, then we'll adjourn until 9:30 tomorrow
 11 morning.
 12 Upon concluding at 4:30 p.m.

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