

**SUBMISSION TO OFFSHORE HELICOPTER SAFETY INQUIRY  
(FAMILIES OF DECEASED PASSENGERS)**

**To: Commissioner Wells**  
Offshore Helicopter Safety Inquiry  
31 Peet Street, Suite 213  
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**From: Roebathan McKay Marshall**  
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**Attn: Jamie Martin**

**Date: July 30, 2010**

The lives of passengers on Cougar 491 changed dramatically on March 12, 2009. Several family members presented to the Commission of Inquiry on Helicopter Safety on February 10, 2010. Sharon Pike, referred to her late husband, Paul, as dying in a very “public way”. Marilyn Nash, indicated that “all of our lives are changed forever”. Lori Chynn, describes learning of her husband’s situation and referred to the devastation that followed as indescribable. She added:

“To call it a nightmare is an understatement. You wake up from a nightmare. My whole world as I knew it was decimated.”

- Transcript Evidence, February 10, 2010 p. 21

Ms. Chynn referred to the considerable publicity to which the families were subjected as further compounding a difficult situation. A copy of the transcript of the February 10<sup>th</sup> proceedings is attached as Schedule “A”.

The offshore oil industry makes a considerable contribution to the economy of Newfoundland and Labrador and indeed the country. Highly skilled individuals have acquired employment, consistent with their training and these opportunities have provided good remuneration. There has always been an expectation that all stakeholders including the regulator(s), Government and industry will provide a safe working environment.

The families of deceased passengers do not profess to be technical experts. They do not have the specialized or technical knowledge to comment on many of the issues that have been identified before this Commission, including among others, suit size, the adequacy of underwater breathing devices, the location of search and rescue facilities, and the problems of flying at night as opposed to day. They do however share the experiences of their loved ones, some of whom complained about their suit size, and their aversion to flying. The anecdotal evidence provided to the Commission should assist Commissioner Wells in his deliberations.

Families of the deceased passengers acknowledge and appreciate the efforts of the CNOLPB ("Board") in setting up the Inquiry. They also commend Commissioner Wells for his compassion and understanding of their individual circumstances and his willingness to consider the issues that are of importance to them.

### **Terms of Reference**

Commissioner Wells terms of reference require him to report on a number of issues. They specifically direct the Commissioner to inquire into, report, on and make recommendation in respect of:

- (a) Safety plan requirements for operators and the role that operators play in ensuring that their safety plans, as represented to and approved by the Board are maintained by helicopter operators;
- (b) Search and rescue obligations of helicopter operators by way of contractual undertakings or regulatory requirements;
- (c) The role of the CNLOPB and other regulators in ensuring compliance with legislative requirements in respect of worker safety.

Commissioner Wells will be assisted in his deliberations by the team of experts he retained to look at several issues, in particular those dealing with size of suits, location of search and rescue, training and governance issues associated with the regulation of the offshore oil industry. Commissioner Wells will also be assisted by the evidence presented to him in over 37 days of public hearings, including the presentations made by several of the family members on February 10<sup>th</sup>. At the conclusion of the February 10<sup>th</sup> evidence, Commissioner Wells referred to it as being a “moving experience” and he felt it was important for people to “speak from the heart”.

While the family members cannot change their individual circumstances, they wish to provide input in order to ensure that the offshore oil industry operates in a

safe environment and to the extent possible, that the events surrounding Cougar 491 will never happen again.

### **Governance Issues**

Throughout the public hearing phase of the Inquiry, counsel for the families of the deceased passengers, the families of deceased pilots, and the union representing workers in offshore Newfoundland and Labrador, asked several questions of the CNLOPB as it affects the regulation of offshore helicopter transportation.

At the conclusion of the public hearing process Commissioner Wells identified several “over arching” issues for his consideration, a copy of which is attached as Schedule “B”. One of these issues is whether there should be a degree of separation within the CNLOPB between offshore helicopter regulation and other offshore industry regulation.

At the inquiry, there were proponents of a complete separation of responsibility for offshore safety as between the Board and an independent regulator. Most notable among these proponents were the Federation of Labour and Lorraine Michael, leader of the provincial New Democratic Party.

Kimberly Turner, CEO of Aerosafe Risk Management presented a paper on jurisdictional issues entitled "Review of Selected Offshore Petroleum Regulatory Regimes". That report examined the regulatory regime in several countries including the United States, Australia, Norway, the United Kingdom and offshore Nova Scotia.

As part of her analysis, Ms. Turner considered the need to implement a governance model that considered, among other things, the size of the industry, and the location of oil fields. It was felt these factors, among others, have to be considered in order to determine the overall effectiveness of making changes to the existing system. While stakeholders have to be mindful of costs, this should not be the only determining factor. The families of deceased passengers wish to ensure that a regulatory regime exists that fulfills the needs of industry and at the same time ensures a safe working environment for workers. At the conclusion of her presentation, Ms. Turner was asked by Commissioner Wells to further explore the regulatory regime in New Zealand given the closeness in the size of that industry, as compared to Newfoundland and Labrador. We look forward to the outcome of that investigation.

### **Specific Issues**

#### **Passenger Survey**

As part of the Commission's deliberations, Aerosafe Risk Management was retained to undertake a passenger survey report. That survey was completed in May, 2010. The response rate was considered good by industry standards. One of the positive messages emanating from that survey is that 65% of Respondents have noticed changes in safety procedures to helicopter transportation since Cougar 491 (question 10, p. 20 of survey). There are however still a significant number of people who do not feel safe travelling in a helicopter to and from the rig/platform (question 8, p. 19).

### **Information Sharing**

A relatively large number of individuals in the survey expressed concern about the provision of information to them from helicopter operators (question 21, p. 21). We also refer to question 34, where 40% were satisfied with the level of information provided. In question No. 36, p. 37 which was essentially an identification of areas for improvement, some 122 respondents identified the need to:

“Improved communication frequency/level/amount between Cougar and operators to passengers regarding all aspects of helicopter operations (including flight line).”

In terms of specific changes observed, some 60 individuals surveyed have noticed post accident, that there has been better communications/information sharing (question 10, p. 21). Representatives of the deceased families provided

information to the Commission that their loved ones had an aversion to flying, and had fears about the training provided. Lori Chynn in particular felt strongly about the need for companies to provide passengers with information on alert service bulletins pertaining to the helicopters that transport workers to the offshore. Ms. Chynn noted that:

“Workers have the right to be provided with pertinent information so they themselves can assess the risk and make informed decisions on managing their own risk.”

- Transcript evidence, February 10, 2010 at p. 24

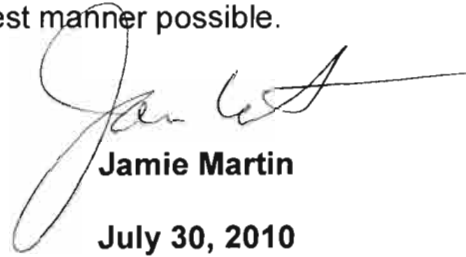
In response to the survey, six (6) individuals identified the need for industry to act on client service bulletins/air worthiness directives immediately (see question 36, p. 38). While improvements had been made, the expectations of the families of deceased passengers is that changes should be ongoing. These changes should be reflected, to the extent possible, in the legislative and regulatory framework governing the offshore oil industry in Newfoundland and Labrador.

### **Conclusions**

The overriding message which families of deceased passengers conveyed to Commissioner Wells is the need to ensure that regulators are responsive and the regulators in conjunction with industry facilitates a safety culture that responds to the particular needs of workers. The ultimate goal of the Commission is to ensure a safer offshore Newfoundland and Labrador. It is the desire of the



families of deceased passengers to ensure this becomes a reality and that all individuals who currently work in the industry and those that follow, will be transported to their workplace in the safest manner possible.



**Jamie Martin**  
**July 30, 2010**

Enclosures:

Schedule "A" – Transcript of Offshore Helicopter Safety Inquiry, February 10, 2010

Schedule "B" – Issues of Consideration, Offshore Helicopter Safety Inquiry

Schedule "A"

**OFFSHORE HELICOPTER SAFETY INQUIRY**  
*February 10, 2010*  
*Tara Place, Suite 213, 31 Peet Street*  
*St. John's, NL*

February 10, 2010

**PRESENT:**

John F. Roil, Q.C./  
Anne Fagan.....Inquiry Counsel

Amy Crosbie..... Canada-Newfoundland and Labrador Offshore  
..... Petroleum Board (C-NLOPB)

Cecily Strickland/Ian Wallace..... Hibernia Management and  
..... Development Company (HMDC)

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

Alexander C. MacDonald, Q.C./  
Stephanie Hickman.. ..... Husky Oil Operations Ltd.

Paul Barnes ..... Canadian Association of Petroleum Producers (CAPP)  
(without counsel)

Jennifer Berlin ..... Government of Newfoundland and Labrador

Jack Harris, Q.C. .... Member of Parliament

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

Glen Roebothan, Q.C./ Stephen Marshall, Q.C./ ..... Families of Deceased Passengers  
Jamie Martin

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

V. Randell J. Earle, Q.C. .... Communications, Energy and Paperworkers Union  
..... Local 2121

David F. Hurley, Q.C. .... Offshore Safety and Survival Centre, Marine Institute

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1 February 10, 2010  
 2 COMMISSIONER:  
 3 Q. Good morning, ladies and gentlemen. We have  
 4 this morning, as you know, and Ms. Fagan will  
 5 explain matters and lead them through it, but  
 6 we have Ms. Sharon Pike, accompanied by her  
 7 daughter, Andrea, and son Stephen. We have  
 8 Ms. Marilyn Nash and family members with her,  
 9 and Ms. Lori Chynn, and all of them are going  
 10 to make statements, as Ms. Fagan has explained  
 11 to you. So are you ready, Ms. Fagan? We'll  
 12 begin now.  
 13 MS. FAGAN:  
 14 Q. Thank you, Commissioner. The first presenter  
 15 this morning is Sharon Pike. Mrs. Pike is the  
 16 widow of Paul Pike, one of the passengers that  
 17 died in the crash of Flight 491 on March 12th.  
 18 Mrs. Pike is accompanied by her two children,  
 19 Andrea and Stephen. Stephen has travelled  
 20 here from Quebec to be with his mother today.  
 21 First of all, I would like to pass on my  
 22 deepest sympathies for the loss of your  
 23 husband, and Andrea and Stephen, for the loss  
 24 of your father. On behalf of the Inquiry, I'd  
 25 like to thank you for coming here today to

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1 nephew, cousin, and friend. He was a loving  
 2 and caring man who touched many lives. He was  
 3 concerned for the wellbeing of family and  
 4 friends and was always there when needed. He  
 5 had a warm smile and a good word for everyone.  
 6 If you had the privilege to know Paul, you  
 7 would be proud to call him friend. He  
 8 dedicated his entire being to family. We were  
 9 his world, and he was our world. Andrea and  
 10 Stephen were the most important things in his  
 11 life and he will always live on in them.  
 12 Words can never express the devastation and  
 13 loss my family feels. Andrea, Stephen, and I,  
 14 are thankful for every precious moment we had  
 15 with him. We love you, Paul, and we will miss  
 16 you forever. On the helicopter with Paul that  
 17 morning were 16 other people, who also lost  
 18 their lives; Thomas Anyll, Peter Breen, Gary  
 19 Corbett, Matthew Davis, Wade Drake, Wade  
 20 Duggan, Corey Eddy, Keith Escott, Colin  
 21 Henley, Timothy Lanouette, Allison Maher, Ken  
 22 MacRae, Gregory Morris, Derrick Mallowney,  
 23 Burch Nash, and John Pelley, and one survivor,  
 24 Robert Decker. Robert, my family wishes you a  
 25 happy, prosperous, and above all, peaceful

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1 speak, and I understand you have some speaking  
 2 notes, so when you're ready you can begin,  
 3 okay.  
 4 PRESENTATION BY MRS. SHARON PIKE:  
 5 A. Okay, thank you. Honourable Commissioner,  
 6 Judge Wells, Inquiry Counsel, and staff, thank  
 7 you for allowing us this opportunity to  
 8 address the Offshore Helicopter Safety  
 9 Inquiry. My name is Sharon Pike, this is my  
 10 daughter, Andrea, and my son, Stephen. We're  
 11 speaking today of Paul Randy Pike. His life,  
 12 along with 16 other lives, tragically ended on  
 13 the morning of Thursday, March 12th, 2009, as  
 14 he travelled to his place of work on the Sea  
 15 Rose FPSO via Flight 491. Paul was a very  
 16 private man who died in a very public way. I  
 17 would like the public to remember him for the  
 18 remarkable man that he was, and not just as a  
 19 man who was killed in a helicopter crash of  
 20 Flight 491. Paul was 49 years old and resided  
 21 in Shearstown, Newfoundland. He is my husband  
 22 and the father of our two wonderful children;  
 23 our daughter, Andrea, and our son, Stephen.  
 24 He was an amazing husband, father, brother,  
 25 brother-in-law, son, son-in-law, uncle,

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1 future filled with all the pleasant things  
 2 life has to offer. To the families, our world  
 3 was unbearably shattered on the morning of  
 4 Thursday, March 12th, 2009. Our lives will  
 5 never be the same, but it is the hope of my  
 6 family that we can all comes to terms with  
 7 this tragedy that has been thrust upon us and  
 8 continue on, cherishing each wonderful memory  
 9 we have of our loved ones. To the families,  
 10 especially the children of Captain Matthew  
 11 Davis, and First Officer, Timothy Lanouette,  
 12 we know that they did everything humanly  
 13 possibly to bring all passengers on Flight 491  
 14 home safely. Please know that my family truly  
 15 appreciates the heroic efforts of these two  
 16 fine men. We would like to express our  
 17 appreciation and deep gratitude to each person  
 18 who was instrumental in bringing Paul back to  
 19 us. To all those individuals and  
 20 organizations that supported us in our time of  
 21 need, thank you. We would like to thank  
 22 Paul's employer, Crosbie Salamis Limited, for  
 23 all your support over the years, especially  
 24 during this last year. Thank you to all  
 25 Newfoundlanders and Paul's offshore family for

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1 keeping us in your thoughts and prayers. The  
 2 concern of all Canadians and people around the  
 3 world is truly appreciated and will forever be  
 4 remembered. Commissioner Wells, I realize  
 5 that it is not in the mandate of this Inquiry  
 6 to determine the cause of the crash or to lay  
 7 blame. However, I feel that I must say what  
 8 is in my heart and what my husband, Paul,  
 9 would want me to say. Paul would want me to  
 10 say to the manufacturer of the helicopter, to  
 11 the operator of the helicopter, and to the oil  
 12 companies, that he did not have to lose his  
 13 life on the morning of Thursday, March 12th,  
 14 2009. He did not have to lose his life, he  
 15 did not have to die in such a horrific way.  
 16 If these companies had acted upon the warning  
 17 they had when the helicopter was forced to  
 18 land in Australia in July, 2008, and fixed the  
 19 problem with the gearbox immediately rather  
 20 than allowing for a time frame of one year or  
 21 1250 flying hours, Paul would be with his  
 22 children and me today. Someone in one of  
 23 these companies should have taken this  
 24 situation more seriously. Someone should have  
 25 said, hey, let's make sure we fix this

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1 dangerous situation sooner than later and make  
 2 all passengers and crew as safe as humanly  
 3 possible, but no one did that. The first  
 4 thought should have been for safety.  
 5 Commissioner Wells, this Inquiry is about  
 6 safety. We can talk about safety and we can  
 7 plan for safety, but it's more than talking,  
 8 it's more than planning, it's about choice.  
 9 So whatever the reason, the wrong choice was  
 10 made. To all the companies, please make the  
 11 right choices in the future and to not allow  
 12 another family to endure the tragedy and the  
 13 heartache that we have endured and continue to  
 14 endure. Paul would want me to say that there  
 15 is a lesson to be learned, and he would hope  
 16 that the parties involved have learned that  
 17 lesson. Finally, my family's thoughts and  
 18 prayers will be with each and every person  
 19 travelling offshore to the Sea Rose FPSO, the  
 20 Terra Nova FPSO, the Hibernia Platform, the  
 21 Henry Goodrich, the GST Grand Banks Glomar,  
 22 and the Stena Carron. Nothing, absolutely  
 23 nothing, is more important than your safety.  
 24 Thank you.  
 25 COMMISSIONER:

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1 Q. Thank you.  
 2 MS. FAGAN:  
 3 Q. Thank you, Mrs. Pike, for your presentation  
 4 and we appreciate your efforts in coming here  
 5 today, and I'd also like to thank your  
 6 children for supporting you today in this  
 7 difficult time.  
 8 MRS. PIKE:  
 9 A. Thank you.  
 10 MS. FAGAN:  
 11 Q. Commissioner, the second presenter this  
 12 morning is Marilyn Nash. Marilyn Nash is the  
 13 widow of Burch Nash, who is another passenger  
 14 that died on March 12th when Flight 491  
 15 crashed. Marilyn and Burch Nash have three  
 16 children; Alicia, Alexandria, and Allison.  
 17 Alicia and Alexandria are with her today at  
 18 the table, and Allison is also here to support  
 19 her mother in the room. I would also like to  
 20 pass on my condolences on my own behalf and on  
 21 behalf of the Inquiry. I know this process is  
 22 very intimidating and I appreciate your  
 23 efforts in coming to speak to us today. I  
 24 understand you also have some speaking notes  
 25 and that your daughters are here to help you,

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1 and I believe Alicia has some speaking notes  
 2 as well, and Alex may step in to help if need  
 3 be. So when you're ready, you can begin,  
 4 okay.  
 5 PRESENTATION BY MRS. MARILYN NASH:  
 6 A. Commissioner Judge Wells, Inquiry Counsel, and  
 7 staff, thank you for giving us this opportunity  
 8 to speak at the Offshore Helicopter Safety  
 9 Inquiry. My name is Marilyn Nash. My  
 10 husband, Burch, was on Cougar Flight 491 on  
 11 March 12th, the day all of our lives changed  
 12 forever. My husband worked with Canship  
 13 Uglund and Husky Energy. We have three  
 14 beautiful daughters who should not have to  
 15 have their graduations and their wedding days  
 16 without their dad. I feel that each and every  
 17 family has been robbed of our happiness.  
 18 Getting the call that dreadful morning was the  
 19 most difficult thing we have ever had to face.  
 20 Telling your children that their dad will not  
 21 be coming home was absolutely heartbreaking.  
 22 Just to see the look in their eyes tore my  
 23 heart out. I dropped my husband off that  
 24 morning and I told him, as I always did when  
 25 he left for work, that I loved him, hoped the

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1 flight was good, and call me as soon as you  
 2 arrive. I didn't get the call that day. I  
 3 will never in my life forget seeing him  
 4 smiling at me and calling out things that I  
 5 needed to do. He kept coming back to the  
 6 truck reminding me of things. When I left, I  
 7 told him to go to work and tell me what he  
 8 wanted to tell me tonight when you call. Every  
 9 day I think about telling him to go to work,  
 10 and I should have told him to stay home. It  
 11 breaks my heart knowing I will never hear,  
 12 see, or be with him ever again. No one should  
 13 have to go through this. There were a few  
 14 times when Burch arrived home from the  
 15 offshore that he told me he felt that he was  
 16 very lucky to get home that day. The last  
 17 eight to ten months of my husband's life, he  
 18 began to have reoccurring dreams almost every  
 19 night. He would never tell me what it was, he  
 20 just said it was foolishness, and a few nights  
 21 after the funeral I was at our friend's home  
 22 and there were several people there, and I  
 23 just said now I'll never know Burch's dream,  
 24 and all my friend's eyes dropped and they knew  
 25 what his dream was because a few months before

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1 we were all together, and I had to leave the  
 2 room, and Burch made a comment that he  
 3 couldn't stay out all night because he had to  
 4 go to church so he could get in with the Lord,  
 5 and one of his friends laughed at him, and he  
 6 said, well, I have this reoccurring dream and  
 7 he told his friends the dream was he was  
 8 crashing in a helicopter and drowning, and he  
 9 wanted to make sure that he would be brought  
 10 home. My heart broke even more that that was  
 11 even possible. All I could think was how he  
 12 had to feel every single time that he stepped  
 13 on that chopper. He had to wonder if today  
 14 was the day. I truly believe the minute they  
 15 turned around that Burch knew this was it,  
 16 this is the end. I cannot even begin to  
 17 imagine feeling that way. The fear must have  
 18 been unbearable. My husband was a very brave  
 19 man, but I know that he had to be very scared  
 20 that morning. How could this happen, why did  
 21 our husbands and our daughter have to die;  
 22 they all died because some people decided that  
 23 they seen this inexpensive part could wait,  
 24 and they didn't even bother to inspect those  
 25 bolts before they left for the offshore.

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1 Wouldn't you think that knowing there was a  
 2 problem with the bolts in the gearbox, that it  
 3 would make a point of checking to make sure  
 4 everything was okay. All 17 people who lost  
 5 their lives that morning should be here. My  
 6 life ended on March 12th with my husband's  
 7 life. Recently the companies in question  
 8 moved the fuel tanks from one side to the  
 9 other and made the seats double up. Doesn't  
 10 this still make it very difficult for every  
 11 person to get out if they had to ditch. Why  
 12 couldn't they just put the fuel tank along the  
 13 back wall and give all passengers window  
 14 seats. I also believe if they're going to  
 15 give oxygen, they're going to need more than  
 16 two minutes. If they have to ditch in the  
 17 water, two minutes would still not be enough  
 18 time for them to get out safely, and they also  
 19 should have a choice whether they want to fly  
 20 offshore or go by boat. Every man and woman  
 21 should also be given their very own survival  
 22 suits custom made just to fit them and only  
 23 them. The training needed to work offshore  
 24 should be more realistic and use helicopters  
 25 identical to the S-92. I would like to thank

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1 Mr. Decker for telling us his story. Each and  
 2 every word was so hard to hear, but I hope he  
 3 can continue to live a long and happy life.  
 4 This was an accident that did not need to  
 5 happen, it could have been prevented, and I  
 6 hope and pray every single day this doesn't  
 7 happen again. However, having said that, all  
 8 the problems that have surfaced since March  
 9 12th, 2009, I would not be shocked if this did  
 10 happen to someone else again someday, but I  
 11 pray to God that I'm wrong. Thank you.  
 12 COMMISSIONER:  
 13 Q. Thank you.  
 14 PRESENTATION BY MS. ALICIA NASH:  
 15 A. Hi, everyone. I came here today to share with  
 16 you a story of great heartache. On March  
 17 12th, 2009, I lost my supporter, my protector,  
 18 and my best friend. It's been over 10 months  
 19 since I lost my father, Burch Nash. It feels  
 20 like only yesterday he came into my room to  
 21 give me a good-bye hug and told me to make him  
 22 proud. Little did I know those would be the  
 23 last words I'd hear him say. Let me just fill  
 24 you in. Me and my dad was as close as a  
 25 father and daughter could be, daddy's little

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1 girl. Everything I did in life was to make  
 2 him proud, from sports I competed in to the  
 3 grades I got in school. Going into the career  
 4 I chose to do for the rest of my life, I'm  
 5 currently a Marine Engineering and Design  
 6 student at the Marine Institute of Memorial  
 7 University. I finish my program this June,  
 8 and to know my father will not be there to  
 9 witness this accomplishment breaks my heart.  
 10 My dad helped me with this career decision. At  
 11 first I wasn't sure if I made the right  
 12 choice, and it wasn't until he came home one  
 13 day and he told me -- I told him what I was  
 14 after learning, and he looked at me and said,  
 15 wow, sis - yeah, that's what he called me,  
 16 sis, I'm so proud of you, and I didn't have a  
 17 second thought after that about my career  
 18 choice until March 12th, my life was over.  
 19 The one person I looked up to the most, and  
 20 the one person who gave me all the advice I  
 21 needed, the one person I called my hero was  
 22 gone.  
 23 On March 17th, I began to plan my  
 24 father's funeral. I couldn't get the words he  
 25 said to me that morning out of my head, "make

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1 me proud." I felt like putting together my  
 2 father's funeral would be just one more item I  
 3 could add to my list of things I did to make  
 4 my father proud. However, a girl my age  
 5 shouldn't have to bury her father, and he was  
 6 so young and in such great health should have  
 7 still been here with us. The same goes for  
 8 all 17 passengers of Flight 491. As much as I  
 9 try to think that things will get easier in  
 10 time, I don't believe it will. I will always  
 11 see my grandparents hurt, my mother hurt and  
 12 my sisters hurt every day. For the times that  
 13 are supposed to be happy in our lives, such as  
 14 graduations, weddings and our first born will  
 15 now be only an upsetting occasion because my  
 16 father is not there to share the happiness  
 17 with us. Not a day goes by that I don't think  
 18 of him, how amazing he was, and how much we  
 19 were alike.  
 20 I just want to end this with a few  
 21 thoughts I think about frequently. What good  
 22 is going to come from this? Will there  
 23 finally be a solution to such a problem so  
 24 that no more lives are lost at sea? It was  
 25 mentioned before when we lost 84 lives at sea

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1 during the Ocean Ranger disaster that St.  
 2 John's, Newfoundland should require a full-  
 3 time search and rescue dedicated helicopter  
 4 provided by the government or industry, fully  
 5 equipped to search and rescue standards. So  
 6 now after losing another 17 lives at sea, will  
 7 something along these lines finally be done?  
 8 Thank you.  
 9 COMMISSIONER:  
 10 Q. Thank you.  
 11 MS. FAGAN:  
 12 Q. Thank you, Mrs. Nash for coming here to speak  
 13 to us today and we appreciate your views on  
 14 the safety improvements that we should  
 15 consider and Alicia, as well, I'd like to  
 16 thank you for giving us some insight as to how  
 17 this disaster has impacted you and the  
 18 families, and as well your suggestions as to  
 19 what we should be considering. I know how  
 20 difficult this has been and we really  
 21 appreciate your efforts. Thank you.  
 22 Commissioner, Lori Chynn is the final  
 23 presenter today. Lori is the widow of John  
 24 Pelley who lost his life on March 12th in the  
 25 crash of Flight 491. Lori and John were

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1 married on August 13th, 1994 and I would also  
 2 like to pass on my condolences to you for the  
 3 loss of your husband. Although Lori lives in  
 4 Deer Lake, she has been present for most of  
 5 the proceedings and Lori's father, George, has  
 6 also travelled from Deer Lake today to be here  
 7 to support his daughter. Lori has some  
 8 speaking notes and when she's ready, you can  
 9 begin.  
 10 PRESENTATION BY MS. LORI CHYNN  
 11 MS. CHYNN:  
 12 A. Good morning, Commissioner Wells, Inquiry  
 13 counsel and staff. I would like to thank you  
 14 for the opportunity to make this presentation  
 15 to the Inquiry today. As Anne stated, my name  
 16 is Lori Chynn and my husband, John Pelley, was  
 17 aboard Cougar Flight 491 on March 12th, 2009.  
 18 John was the offshore health advisor or  
 19 what's commonly known as the medic or nurse on  
 20 board of the SeaRose FPSO. He was 41 years  
 21 old and we were married for 14 and a half  
 22 years. John and I started dating in 1983. We  
 23 were high school sweethearts.  
 24 Although John and I lived a very private  
 25 life in Deer Lake, I decided that it was



1 important to present today on my husband's  
 2 behalf. I felt that it was imperative to give  
 3 John a voice. You see my husband, a very  
 4 proud, intelligent and articulate man, was  
 5 known for speaking up for what he believed in.  
 6 John gives me the strength to be here today.

7 John was no stranger to dealing with  
 8 tragedy. He lost his own father to a motor  
 9 vehicle accident when he was only 15 years  
 10 old.

11 John was committed to his job offshore  
 12 and was dedicated to providing optimal health  
 13 care, as well as promoting safety in the  
 14 workplace.

15 Ironically, John began his offshore  
 16 career in 2002 on the GFS Grand Banks. In  
 17 2005, he transferred to the SeaRose at its  
 18 inception at Marystown. John was attracted to  
 19 offshore nursing for a number of reasons. The  
 20 position provides a good income and is highly  
 21 regarded among nursing professions. John was  
 22 also intrigued with the challenges regarding  
 23 the level of emergency response and trauma  
 24 care associated with the position. My husband  
 25 was an exceptional and well-respected nurse.

1 John's medical background is emergency  
 2 trauma response. He began as a paramedic in  
 3 1989 and then graduated from Western Memorial  
 4 Regional School of Nursing in 1997 where he  
 5 started working in the emergency and ICU  
 6 departments at Western. Between 1998 and  
 7 2000, John was employed as a trauma nurse at  
 8 Central Maine Medical Centre in the United  
 9 States. Responding to trauma and saving lives  
 10 were John's specialties.

11 Although John was not fond of being away  
 12 from home for three weeks, he did enjoy his  
 13 three weeks off, which he filled with his many  
 14 hobbies and home projects. He was passionate  
 15 about life and was a true outdoorsman. John  
 16 was an avid salmon fisherman who prided  
 17 himself on his knowledge of the rivers on the  
 18 west coast of the island. He also enjoyed  
 19 troutng, the recreational cod fishery, bird,  
 20 caribou and moose hunting and snowmobiling.  
 21 He did it all. John was also an amateur  
 22 carpenter who loved taking on home projects  
 23 with the help of family and friends. He  
 24 helped build our home in Deer Lake, which  
 25 coincidentally is on the Humber River.

1 Music was an important part of John's  
 2 life. He played guitar, mandolin and banjo  
 3 and loved to sing. John enjoyed getting  
 4 together with others on the SeaRose to jam.  
 5 One of the greatest moments of his life was  
 6 Christmas 2008 on the SeaRose when he got to  
 7 play with one of his heroes, Fergus O'Byrne.  
 8 I would also like to take this opportunity to  
 9 publicly thank one of John's musician friends  
 10 on the SeaRose, Mr. Mark Frost, for his  
 11 beautiful song "Fall into the Ocean". Thank  
 12 you, Mark.

13 John also loved sports, especially  
 14 football and hockey. He faithfully followed  
 15 the San Diego Chargers, his number one NFL  
 16 team. When it came to hockey, he was a die-  
 17 hard Toronto Maple Leaf fan and was a proud  
 18 member of the popular Hot Stoves Satellite  
 19 edition on the SeaRose. John also was a big  
 20 supporter of our local Deer Lake Red Wings  
 21 team.

22 One aspect of working offshore that John  
 23 was not enthused about was the flight to the  
 24 platform. I have been aware of his aversion  
 25 to flying since we met over 25 years ago.

1 John did fly when necessary, but only when he  
 2 had to. As an emergency nurse at Western, he  
 3 willingly accepted air ambulance transfers.  
 4 With regard to the discussion of offshore  
 5 flying, that was not a topic of conversation  
 6 in our home, but he did make it clear that he  
 7 preferred the 16 to 18-hour boat ride. Since  
 8 March 12th, family and friends have recounted  
 9 conversations with John regarding his concerns  
 10 about flying by helicopter to the offshore.

11 On March 12th, 2009, around 12 noon, I  
 12 received a call at my place of employment from  
 13 Atlantic Offshore Medical Services reporting  
 14 that John's helicopter had gone down, but with  
 15 no other details. It certainly was a shock to  
 16 hear that my husband's chopper had gone down,  
 17 but given the fact that an airplane had  
 18 recently gone down in the Hudson River where  
 19 everyone walked away, along with John's  
 20 training in trauma response, his extensive  
 21 medical background, as well as his determined  
 22 personality, my only mental image was John  
 23 going into crisis response mode and helping  
 24 everyone into the life rafts.

25 After the call, I flew directly to St.

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1 John's, accompanied by my father. When I  
 2 arrived at the airport, I was expecting to be  
 3 escorted to the Health Sciences Centre where I  
 4 would meet my husband. I thought that he  
 5 would have to be assessed and maybe have to  
 6 stay in for a few days of observation. This  
 7 was not to be. I was met at the airport by  
 8 AOMS employees and brought to the Comfort Inn  
 9 and then to the Capital Hotel. Even with news  
 10 that the lifeboats were empty, I believed with  
 11 all my heart, given John's determination, that  
 12 he was still alive.

13 I spent two days expecting my husband to  
 14 be found alive. The devastation that followed  
 15 is indescribable. To call it a nightmare is  
 16 an understatement. You wake up from a  
 17 nightmare. My whole world as I knew it was  
 18 decimated.

19 To compound this terrible loss is the  
 20 considerable publicity that the families have  
 21 been subjected to. John and I lived a very  
 22 private and low-key lifestyle. The past 11  
 23 months, our families have continuously been  
 24 reminded of our tragedy on a daily basis  
 25 because it is newsworthy. I understand this,

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1 but it is very difficult to deal with on a  
 2 personal level.

3 Our families appreciate the support and  
 4 condolences of those people in our hometown of  
 5 Deer Lake and from the Province and beyond.  
 6 Our family would also like to thank those who  
 7 helped bring John home, especially the staff  
 8 on the Osprey, Dr. Simon Avis, Air Labrador,  
 9 Caults, as well as Parsons Funeral Homes.

10 Safety in the workplace was a very  
 11 important component to my husband's position  
 12 as offshore medic. I, myself, am not a  
 13 medical professional, engineer or technical  
 14 person, but believe that priority must be  
 15 given to offshore helicopter safety. Our  
 16 province is reaping great financial benefit  
 17 from offshore resources and because of this,  
 18 the men and women who work in the industry  
 19 rightly deserve, as Commissioner Wells has  
 20 stated, **first class safety insurance**. For the  
 21 workers to arrive safely to their offshore  
 22 destinations, as Mr. Decker so eloquently put  
 23 it, the helicopters need to stay in the air.

24 Like Ms. Fagan has said, I have attended  
 25 many of the sessions since October and would

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1 like to thank those people whom I've met  
 2 during the Inquiry and for making me feel  
 3 welcome. I would also like to thank, to  
 4 personally thank Mr. Robert Decker for sharing  
 5 his story. His courage and humility are to be  
 6 commended. His compelling account of March  
 7 12th, 2009 and his perspective on helicopter  
 8 safety speaks volumes and must be heard. I  
 9 wish Mr. Decker a happy and healthy life, God  
 10 speed.

11 I have learned so much from the detailed  
 12 and comprehensive presentations. I trust that  
 13 this Inquiry will bring improvements in  
 14 helicopter safety. Yes, the helicopters need  
 15 to stay in the air, but other safety measures  
 16 that have been noted such as immersion suits,  
 17 breathing apparatus and search and rescue are  
 18 also vital to the workers' safety. I also  
 19 believe that communication between the  
 20 stakeholders involved in the offshore industry  
 21 is also key. As Ms. Lorraine Michael stated,  
 22 there needs to be a proactive approach, not a  
 23 reactive one. In my opinion, the decision to  
 24 fly the helicopters before waiting to replace  
 25 the studs was a reactive tactic, not a

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1 proactive stance. I'm sure we are all aware  
 2 that with knowledge comes responsibility.

3 I have also heard phrases such as risk  
 4 assessment and safety culture used throughout  
 5 the Inquiry. I have to question though why  
 6 aren't the passengers flying offshore not  
 7 provided with alert service bulletins  
 8 pertaining to the helicopters that transport  
 9 workers to the offshore. I believe that  
 10 workers have the right to be provided with  
 11 pertinent information so they themselves can  
 12 assess the risk and make informed decisions on  
 13 managing their own risk.

14 Given John's aversion for flying, I  
 15 strongly feel that if he was provided with the  
 16 information regarding the problems with the  
 17 helicopter studs, he would have opted not to  
 18 fly on Flight 491 on March 12th 2009.

19 Today is Wednesday, February 10th.  
 20 John's schedule would have him flying out  
 21 tomorrow which meant he would have left our  
 22 home in Deer Lake today, just like he did on  
 23 Wednesday, March 11th, 2009, the last time I  
 24 saw my husband.

25 John and I had many hopes and dreams that

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1 will not be fulfilled. We had a wonderful  
 2 life. I miss and love my husband very much,  
 3 as do our families. I have lost a wonderful  
 4 and caring husband and John's mother has lost  
 5 her precious son. We all have been robbed. I  
 6 feel in my heart that this tragedy was  
 7 preventable.

8 Even though John was a brave and strong  
 9 man, I fear of what his last moments of that  
 10 fateful flight were. You see, my husband  
 11 possessed incredible instincts. I'm sure that  
 12 he knew what his fate was to be. I just hope  
 13 and pray that he did not suffer and that his  
 14 death, along with the deaths of his friends  
 15 and colleagues, will not be in vane. I hope  
 16 that the legacy of those lives lost on March  
 17 12th 2009 will be significant improvements in  
 18 helicopter safety. Such a tragedy must not  
 19 happen again.

20 As I was preparing my presentation, I  
 21 could not help but recall the numerous times  
 22 when I relied on John's help in preparing  
 23 public presentations. You see, he was always  
 24 there to help edit and provide more  
 25 sophisticated language for me. He always set

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1 high standards in everything he did. I only  
 2 hope that while I sit here today that I have  
 3 made him proud. I love you, John.

4 Commissioner Wells, I would like to thank  
 5 you once again for this opportunity and I  
 6 would also like to thank my family, John's  
 7 family and all our wonderful friends for their  
 8 amazing support.

9 COMMISSIONER:  
 10 Q. Thank you. Ladies and gentlemen, this has  
 11 been quite a moving experience, I guess for  
 12 all of us. I'm glad that what seems like many  
 13 months ago now, before we had this Inquiry  
 14 process set up, that I wrote the family  
 15 members with the help and cooperation of their  
 16 own solicitors and invited them to come and  
 17 speak, if they wished to, when the Inquiry  
 18 started, and I'm so pleased, and I say this to  
 19 all of you who are family members who have  
 20 come here this morning, that you did come and  
 21 give your perspective on what -- well, on what  
 22 the tragedy meant to all of you, and I would  
 23 only say this in conclusion. In an Inquiry  
 24 like this, and perhaps in other procedures,  
 25 there is a time to hear people who speak from

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1 the heart. Thank you.

2 MS. FAGAN:  
 3 Q. I'd just like to thank Lori for her  
 4 presentation as well, and Lori has been here  
 5 and I understand she's going to leave this  
 6 afternoon. So we'll miss her next week and we  
 7 appreciate your summary of the issues we  
 8 should consider. It's quite clear that you  
 9 have taken in what we've heard and I think  
 10 you've eloquently stated some of the issues  
 11 that we should look at, and I wish you all the  
 12 best in travelling home later today.

13 MS. CHYNN:  
 14 A. Thank you.

15 MS. FAGAN:  
 16 Q. Thank you. That's it for today.

17 COMMISSIONER:  
 18 Q. Okay. Now before we adjourn, we'd better  
 19 speak about tomorrow. It's tomorrow at 2:00,  
 20 2 p.m.

21 MS. FAGAN:  
 22 Q. 2:00.

23 COMMISSIONER:  
 24 Q. To resume, yes.

25 MS. FAGAN:

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1 Q. 2 p.m. tomorrow.

2 COMMISSIONER:  
 3 Q. All right then. Thank you very much.

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 10th day of February, 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 10th day of February, 2010  
11 Cindy Sooley  
12 Discoveries Unlimited Inc.  
13 Judy Moss  
14 Discoveries Unlimited Inc.

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Newfoundland and Labrador • Canada

Schedule "B"

## ISSUES FOR CONSIDERATION

### TERMS OF REFERENCE (excerpt)

#### *Purpose*

*The purpose of this Inquiry is to determine what improvements can be made so that the Board [Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB)] can determine that the risks of helicopter transportation of offshore workers is as low as is reasonably practicable in the Newfoundland and Labrador Offshore Area.*

#### *General Mandate*

*The Commissioner's mandate will be to inquire into, report on and make recommendations in respect of matters relating to the safety of offshore workers in the context of Operators' accountability for escape, evacuation and rescue procedures while traveling by helicopter over water to installations in the Newfoundland and Labrador Offshore Area, in compliance with occupational health and safety principles and best industry practices.*

#### *Specific Mandate*

*Specifically the Commissioner shall inquire into, report on, and make recommendations in respect of:*

- (a) safety plan requirements for Operators and the role that Operators play in ensuring that their safety plans, as represented to and approved by the Board are maintained by helicopter operators,*
- (b) search and rescue obligations of helicopter operators by way of contractual undertakings or legislative or regulatory requirements,*
- (c) the role of the C-NLOPB and other regulators in ensuring compliance with legislative requirements in respect of worker safety.*

**OVERARCHING ISSUES**

1. Should there be a degree of separation within the C-NLOPB between offshore helicopter regulation and other offshore industry regulation?
2. Are the risk management systems of oil operators and helicopter operator sufficient and adequate to ensure the risks of helicopter transport are as low as reasonably practicable in the Newfoundland and Labrador offshore?
3. What is the role of organizational safety culture in offshore helicopter transport?
4. What are the most appropriate practices, standards and forms of interaction between the C-NLOPB and the following:
  - (a) industry (including suppliers and providers);
  - (b) industry associations;
  - (c) regulators of associated services;
  - (d) other domestic and foreign oil and gas regulators; and
  - (e) worker representatives;

and are these interactions sufficient to ensure requirements that are understood, timely, achievable and enforceable?

5. Does the C-NLOPB use best practices in relation to its regulatory role in helicopter transport safety?

**SPECIFIC ISSUES**

6. What is the appropriate standard of first response search and rescue that the C-NLOPB should require of all operators in the Newfoundland and Labrador offshore?
7. Are there circumstances, other than declared emergencies, when a rescue helicopter should be dispatched to assist a transport helicopter?

8. Should there be a more formal protocol regarding the roles of the Department of National Defence and the helicopter operator regarding first response?
9. Are operational limitations on helicopter transport, in addition to those dictated by Transport Canada, required to ensure the standard of first response search and rescue is able to be maintained at all times? (*Note: For example, operational sea states, night flight and low visibility.*)
10. Should the C-NLOPB impose additional operational requirements on operators to ensure that the risk from helicopter travel in the Newfoundland and Labrador offshore is as low as is reasonably practicable? (*Note: For example, safety systems, auxiliary fuel tanks, location of and restrictions on seating, safety screening, etc.*)
11. Can helicopter transport safety be affected by the capacity of the helicopter transport fleet and, if so, what role should the C-NLOPB play in the determination of fleet capacity?
12. What are the appropriate standards of offshore helicopter safety training to ensure that the risk to passengers is as low as is reasonably practicable, both during training and helicopter transport?
13. What personal protective equipment and clothing is necessary for helicopter passengers and pilots; what are the standards, and should the C-NLOPB require guidelines to ensure such equipment and clothing is properly fitted?
14. Are changes needed to maximize worker and pilot participation in the development, implementation and monitoring of helicopter safety initiatives and activities?
15. Should offshore workers have a level of personal accountability for their own safety in helicopter transport? (*Note: For example, clothing to be worn under the suit, fitness training and reporting.*)
16. Does the C-NLOPB exercise sufficient oversight of the oil operators, aviation contractors and subcontractors to ensure that the risk to workers from helicopter transport is as low as reasonably practicable?
17. Should the C-NLOPB and oil operators' safety aviation audits include reviews of past responses to declared emergencies and emergency preparedness exercises?

18. What information from the helicopter operator about flight operations should the C-NLOPB require the oil operators to provide to offshore workers? *(Note: For example, alert service bulletins, airworthiness directions, incident reports, information regarding departures from normal flight times, routines and the reasons.)*
19. Does the C-NLOPB have sufficient resources and expertise, including access to independent aviation expertise, to evaluate whether a proposal or plan for helicopter transport from industry ensures that the risks of helicopter transport are as low as reasonably practicable?
20. Should the C-NLOPB more directly involve itself in studies and research in Newfoundland and Labrador, and in other jurisdictions, to improve safety where offshore oil industry uses helicopter transport? *(Note: For example, North Sea studies on preventing inversion of ditched helicopters and enhancement of passengers' ability to escape.)*
21. Should there be safety conferences for all parties involved in offshore helicopter transport, and if so, how often should they be held?
22. How often should the C-NLOPB review its regulations, guidelines and standards with respect to offshore helicopter transport?

## **NOTE**

- N.B.** It should be understood by the parties that the choice of the foregoing topics as issues does not imply that the Commissioner will necessarily make recommendations in respect of all or any particular issues.

Recommendations will be made at the sole discretion of the Commissioner after investigation as required by the Terms of Reference and the receipt of submissions from the parties.