

March 19, 2007

**Subject: Gas-Fired Equipment Located on
Oil and Gas Sites within Alberta**

This is to clarify the application of the *Safety Codes Act* in respect to existing equipment and the CSA B149 Installation Codes and Standards in the Province of Alberta.

The old Gas Protection Act and the Regulation Governing Gas Installation contained the same requirements prior to the *Safety Codes Act* in Alberta. The B149.1 Installation Codes date back to the 1960's and they contained requirements for gas systems in excess of 1/2 psig and applications exceeding 400,000. This was prior to first edition the B149.3, Code for Field Approval of Fuel -Related Components on Appliances and Equipment published in 1989 by the Canadian Gas Association.

The *Safety Codes Act* under Part 1, states Responsibilities for compliance is shared between those individuals involved with the design, manufacture, and installation of gas-fired equipment.

Designer duties - A person who creates, alters, has care and control of or owns a design or offers a design for use by others shall ensure that the design complies with this Act

Manufacturers' duties - A person who manufactures any thing or undertakes a process or activity to which this Act applies shall ensure that the thing, the process or the activity complies with this Act.

Vendors' duties - A person who is a vendor in the ordinary course of business, other than as an employee or an agent, shall not advertise, display or offer for sale, for lease or for other disposal, or sell, lease, or otherwise dispose of, any thing to which this Act applies unless that thing complies with the Act.

In addition, under the *Safety Codes Act* an owner or the person who authorizes, undertakes or supervises the process or activity covered by the Act, is by definition the person who is ultimately responsible for ensure compliance as follows:

Owners, Care and Control

The owner of any thing, process or activity to which this Act applies shall ensure that it meets the requirements of this Act, that the thing is maintained as required by the regulations and that when the process or activity is undertaken it is done in a safe manner.

The interpretation of the Act indicates:

"Owner" includes a lessee, a person in charge, a person who has care and control and a person who holds out that the person has the powers and authority of ownership or who for the time being exercises the powers and authority of ownership.

When upgrading of existing gas-fired equipment is undertaken, the cost is not considered to be a factor; therefore, modifications that would need to be upgraded for compliance to the **CSA-B149.3-05** and/or Standards will involve the following:

- making changes to the burner(s) that modifies the operation;
- manifold pressures either increase or decreasing;
- upgrading burner management systems;
- changing the application of the equipment; and
- when upgrading of exist equipment (certified or non-certified) is undertaken.

The big issue is when dealing with existing gas-fired equipment that may not have been approved or certified and/or was not built to an approved standard. Therefore, any gas-fired equipment that is being shut down for major repairs, upgrading or being rebuilt, or is being relocated the fuel-related components and their assembly shall be upgraded to meet the minimum requirements of the current Codes.

Therefore, if a designer, manufacturer, contractor, vendor is involved with a new installation or the maintenance and repair of existing gas-fired equipment shall advise the "owner" of any unsafe condition that could create a hazard to persons or property. The person who has identified a hazardous situation and exercising due diligence shall advise "owner/user" of the gas-fired equipment in writing of the unsafe condition.

Due diligence – "is the level of judgement, care, prudence, determination, and activity that a person would reasonably be expected to do under particular circumstances".

Due Diligence is measured by 3-Factors

(1) **Foreseeability** - could a reasonable person have foreseen that something could go wrong?

(2) **Preventability** - was there an opportunity to prevent the injury or accident?

(3) **Control** - who was the responsible person who could have prevented the accident or incident?

Failure to prove that you have been duly diligent in complying with safety legislation can result in significant penalties.

Should you require any further information regarding gas Codes and Standards or if you have any questions, please call Alberta Municipal Affairs at toll free 1-866-421-6929 and ask to speak with a Gas Safety Codes Officer.



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