

INTERPRETATION
Pressure Equipment Safety Regulation Section 35
Reporting Unsafe Conditions, Accidents and Fires

Introduction

This Information Bulletin provides compliance guidance respecting the owner’s duty to report unsafe conditions, accidents and fires pursuant to Section 35 of the *Pressure Equipment Safety Regulation* which states:

35(1) The owner of pressure equipment must forthwith report to the Administrator under section 59 of the Act any unsafe condition, accident or fire that occurs with respect to that pressure equipment.

This Information Bulletin replaces IB18-004 issued on February 22, 2018 which is hereby rescinded.

Interpretation

1.0 Definitions

The following definitions shall apply with respect to unsafe conditions, accidents and fires.

1.1 Unsafe condition:

- a) A “pressure equipment integrity near miss” as defined in API RP 585: “The discovery of equipment degradation or process operating conditions outside of acceptable limits that requires immediate action to shut down the equipment and/or perform repairs to avoid a loss of containment, usually the result of some form of damage mechanism such as those covered in API 571, but did NOT result in a loss of containment or structural stability”.
- b) Loss of containment due to misoperation of pressure equipment.

Note: “Misoperation” means operating the pressure equipment in a manner that is inconsistent with its intended use or design, which requires immediate action to shutdown the equipment.

TYPE: INTERPRETATION	DESCRIPTION: Report Unsafe Conditions, Accidents and Fires	REGULATION: PESR
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- c) The discovery of in-service pressure equipment components in which the construction, or the repaired or altered condition, does not conform to the pressure equipment design.
- d) A condition of pressure equipment installation or operation having high potential to cause injury that requires immediate action to shut down the pressure equipment.
- e) Circumvention of critical safety devices or controls, or maintenance practices or procedures, with a high potential for injury to personnel or damage to the pressure equipment that requires immediate action to shut down the pressure equipment.

1.2 Accident

- a) Pressure equipment failure or operation that results in an Alberta Workers' Compensation Board (WCB) reportable accident.

Note: See the Alberta WCB website for information regarding WCB reportable accidents.

- b) Pressure equipment failure or operation that results in an injury or fatality that did not occur in a workplace.
- c) A "pressure equipment integrity failure" as defined in API RP 585: "The termination of the ability of a pressure equipment system, structure, or component to perform its function of containment of the process fluid (i.e. a leak or loss of containment)."
- d) An event that is not associated with the operation of the pressure equipment, which results in damage to the pressure equipment.

1.3 Fire

- a) Fire means a fire that has caused any damage to the pressure equipment, or was caused by the unintentional release of fluid from the pressure equipment.

2.0 What to Report

2.1 All unsafe conditions, as defined in section 1.1, must be reported.

2.2 Any WCB reportable accident, fatality, or injury as defined in section 1.2 a) or b) must be reported.

Note: in cases involving serious injury or fatality, the accident site shall be secured in accordance with section 35 of the Pressure Equipment Safety Regulation.

TYPE: INTERPRETATION	DESCRIPTION: Report Unsafe Conditions, Accidents and Fires	REGULATION: PESR
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2.3 Any pressure equipment integrity failure, as defined in 1.2 c), must be reported if:

- a) The failure results in the release of more than 10 litres of fluid, or property damage exceeding \$500; or
- b) It is a Tier 1 or Tier 2 process safety event as defined in API RP 754, or a Tier 3 process safety event that involves deviation from the safe operating limits for pressure equipment that is owned by an organization holding a Pressure Equipment Integrity Management System (PEIMS) certificate of authorization permit, and that has adopted the principles of API RP 754; or

Note: operation outside safe operating limits is contrary to section 37(e) of the Pressure Equipment Safety Regulation.

- c) Alternative reporting criteria acceptable to the Administrator that is described in the PEIMS quality management system and satisfactorily demonstrated during a PEIMS audit.

2.4 Any damage to pressure equipment caused by action unrelated to the operation of the pressure equipment must be reported if the resulting damage exceeds:

- a) \$500 for owners who do not hold a Pressure Equipment Integrity Management System certificate of authorization permit, or
- b) \$500,000 for owners who hold a Pressure Equipment Integrity Management System certificate of authorization permit.

Note: All pressure equipment repairs must be performed in accordance with Section 40 of the Pressure Equipment Safety Regulation.

2.5 All fires, as defined in section 1.3, must be reported.

3.0 When to Report

The following timelines apply to reporting of unsafe conditions, accidents and fires:

3.1 Initial Reporting – Unsafe Conditions, Accidents and Fires

Section 35(1) of the *Pressure Equipment Safety Regulation* requires the owner to forthwith report all unsafe conditions, accidents and fires. With respect to this initial reporting, “forthwith” means:

TYPE: INTERPRETATION	DESCRIPTION: Report Unsafe Conditions, Accidents and Fires	REGULATION: PESR
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- Unsafe conditions are to be reported in a timely manner that is deemed appropriate to the circumstances, but in all cases within 30 days of the discovery of the unsafe condition.
- Accidents should be reported the same day, and must be reported no later than the following business day.
- Fires should be reported the same day, and must be reported no later than the following business day.

3.2 Owner-User Initial Reporting

Organizations that hold an owner-user quality management certificate of authorization permit for pressure equipment integrity management may report in accordance with the above or shall otherwise

- Report within 24 hours all incidents in which pressure failure results in an injury or fatality, and
- Report within 90 days all unsafe conditions, accidents and fires that do not result in injury or fatality.

Note: The Administrator may direct a safety codes officer to request earlier reporting of unsafe conditions, accidents and fires that do not result in injury or fatality, if the Administrator is of the opinion earlier reporting better serves the interests of public safety.

3.3 Further Reporting - Accidents

For all accidents, Section 35(2) of the *Pressure Equipment Safety Regulation* requires the owner to provide a full report in writing as soon as possible. The report must include the items specified in Subsection 35(2) and is to include the cause of the accident “as far as may be ascertained”.

With respect to submitting this report, “as soon as possible” shall be within 21 days of the accident initial report pursuant to the reporting requirement in section 3.1 and 3.2 above, and “cause” may be taken to mean probable cause.

It is understood that a report submitted within 21 days may not be representative of a full and exhaustive investigation into the cause and particulars of an accident. However, early indications of the “probable cause” are useful in meeting the objective of ABSA’s investigation, being to identify the cause of an accident in order to prevent similar accidents in the future.

TYPE: INTERPRETATION	DESCRIPTION: Report Unsafe Conditions, Accidents and Fires	REGULATION: PESR
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Additional information that changes, supplements or corrects the initial report is to be submitted if it furthers this objective.

4.0 Investigation and Follow up

Section 48 of the Safety Codes Act provides the authority for safety codes officers to investigate unsafe conditions, accidents and fires.

ABSA safety codes officers shall review and assess all reported unsafe conditions, accidents and fires as defined above and determine the level of investigation required.

The purpose of an ABSA safety codes officer’s investigation of an unsafe condition, accident or fire is to identify the cause in order to prevent similar occurrences in the future.

Information about unsafe conditions, accidents or fires may be published on the ABSA website to make people aware of the general nature of pressure equipment accidents and incidents. The intent is to heighten the awareness of the general public to the hazards of pressure equipment in an effort to prevent injury. Information shall be published in a manner that maintains confidentiality of the parties involved in the matter.

5.0 Reference Documents

API Recommended Practice 571 Damage Mechanisms Affecting Fixed Equipment in the Refining Industry

API Recommended Practice 585 Pressure Equipment Integrity Incident Investigation

API Recommended Practice 754 Process Safety Performance Indicators for the Refining and Petrochemical Industries

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TYPE: INTERPRETATION	DESCRIPTION: Report Unsafe Conditions, Accidents and Fires	REGULATION: PESR
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