

Bulletin 2016-01

February 12, 2016

Release of the *Integrated Compliance Assurance Framework* and *Manual 013: Compliance and Enforcement Program*; Rescission of *Directive 019: Compliance Assurance*

The Alberta Energy Regulator (AER) continues to improve its processes to ensure the safe, efficient, orderly, and environmentally responsible development of hydrocarbon resources. To harmonize the AER's new compliance assurance responsibilities under the energy resource and specified enactments, brought in under AER jurisdiction, the AER is releasing the following, which are effective immediately.

- The *Integrated Compliance Assurance Framework (ICAF)* – specifies the overarching compliance outcomes, principles, and components; specifically, *ICAF* describes the AER's strategic approach and vision to ensure compliance, defines compliance outcomes, and states the guiding principles that AER staff use when undertaking compliance assurance activities. The AER continues to apply the key components of education, prevention, and enforcement.
- *Manual 013: Compliance and Enforcement Program* – defines how compliance assurance activities will be delivered through underlying processes and procedures within the AER. The manual provides details on how the AER will administer compliance assurance, and it guides staff and industry in the development and execution of compliance processes and procedures.

With the release of *ICAF* and *Manual 013*, *Directive 019: Compliance Assurance* has been rescinded. Effective immediately, *Manual 013* replaces and supersedes *Directive 019*.

Where reference is made to “*Directive 019*” in any regulatory instrument or other document issued by the AER or its predecessors, including approvals, directives, orders, directions, and notices, the AER will substitute “*Manual 013*” when interpreting and applying the terms of the regulatory instrument or other document on a go-forward basis, unless the context requires otherwise.

Over the course of the next month, references to *Directive 019*, as well as related information, in AER directives and manuals will be either removed completely or the text will be struck through. These changes are not substantive and do not affect any of the requirements contained in the documents.

Directives in which references have been completely removed will be given a new release date. Directives in which a line has been put through the text will retain the existing release date.

Key Items

ICAF and *Manual 013* include the following key items:

Key items	Location in <i>Manual 013</i>
<p>Compliance and Enforcement</p> <p>When considering how to respond to noncompliance, AER staff consider the factual circumstances of the noncompliance and the severity of its actual or potential impacts. The compliance history of the regulated party is taken into consideration, as well as how to achieve the best environmental, public safety, and operational outcomes.</p>	Chapter 1
<p>Voluntary Self-Disclosure</p> <p>Voluntary self-disclosure (VSD) is a regulated party's disclosure of a noncompliance that may qualify under the VSD process.</p> <p>When a regulated party identifies a noncompliance, the AER expects it to be corrected or addressed and reported to the AER in writing. The AER also expects the regulated party to act as if the AER had identified the noncompliance.</p>	Chapter 3
<p>Noncompliance Triage Assessment Tool</p> <p>The noncompliance triage assessment is a tool that helps to ensure a consistent approach to responding to noncompliance. AER staff are to use it when considering the context and specifics of individual cases of noncompliance.</p>	Chapters 4 and 5
<p>Investigation Process</p> <p>The goal of an investigation is to systematically collect information to verify that a noncompliance has occurred, identify its cause, and determine whether an enforcement response action is required.</p>	Chapters 5 and 6
<p>Notice of Noncompliance</p> <p>A notice of noncompliance notifies a regulated party in writing that it is in noncompliance with a specific regulatory requirement and often recommends a course of action that is expected to achieve compliance.</p>	Chapter 7

Further Information

ICAF and *Manual 013* are available on the AER website, www.aer.ca. Printed copies can be purchased from AER Order Fulfillment, Suite 1000, 250 – 5 Street SW, Calgary, Alberta T2P 0R4; telephone: 403-297-8311 or 1-855-297-8311 (toll free; option 2); fax: 403-297-7040; e-mail: InformationRequest@er.ca.

The AER will be hosting several industry information sessions on *ICAF* and the manual. To register for an information session, go to <https://www.eventbrite.ca/e/integrated-compliance-assurance-framework-icaf-industry-session-tickets-20979031849>.

If you have any questions or comments about this bulletin, *ICAF*, or the manual, contact the Customer Contact Centre by phone at 1-855-297-8311 or e-mail at inquiries@er.ca.

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