

**OFFSHORE HELICOPTER SAFETY INQUIRY**

*February 9, 2010*

*Tara Place, Suite 213, 31 Peet Street*

*St. John's, NL*

February 9, 2010

**PRESENT:**

**John F. Roil, Q.C./**

**Anne Fagan.....Inquiry Counsel**

**John Andrews/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.**

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

**Jack Harris, MP..... (Self-Represented)**

**Norman J. Whalen, Q.C./ Michael Cohen..... Cougar Helicopters Inc.**

**Jamie Martin..... Families of Deceased Passengers**

**Gerald O'Brien, Q.C.....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**

TABLE OF CONTENTS  
February 9, 2010

Discussion .....	Pgs. 1 – 3
<b>MR. BRIAN MURPHY (SWORN)</b>	
Examination by John Roil, Q.C. ....	Pgs. 3 – 82
Examination by Jack Harris, Q.C.....	Pgs. 82 – 91
Examination by V. Randell J. Earle .....	Pgs. 91 – 98
 <b>MR. SHELDON PEDDLE (SWORN)</b>	
Examination by John Roil, Q.C. ....	Pgs. 98 – 177
Examination by Ian Wallace.....	Pgs. 177 – 197
Examination by V. Randell J. Earle .....	Pgs. 205 – 208
Re-examination by John Roil, Q.C.....	Pgs. 208 – 216
 <b>MR. STAN HUSSEY (SWORN)</b>	
Examination by John Roil, Q.C .....	Pgs. 216 – 276
Comments by Mr. Denis Mahoney.....	Pgs. 273 – 274
Discussion .....	Pgs. 274 - 276
Examination by V. Randell J. Earle .....	Pgs. 276 – 283
 Discussion .....	 Pgs. 283 – 286
 Certificate .....	 Pg. 287

Page 1

1 February 9, 2010  
 2 COMMISSIONER:  
 3 Q. Good morning, ladies and gentlemen. Now Mr.  
 4 Roil, are you ready?  
 5 ROIL, Q.C.:  
 6 Q. As soon as my mike comes on, Commissioner, I  
 7 will be. There we go. Yes, good morning,  
 8 Commissioner. Just a few opening comments to  
 9 put the evidence for today in a bit of a  
 10 factual context and so that we understand  
 11 where the three witnesses are coming from.  
 12 Today we have three representatives of CEP  
 13 Local 2121. One is Mr. Brian Murphy, the  
 14 gentleman who's seated in the witness chair  
 15 right now. He's from the Terra Nova FPSO and  
 16 he will be the first witness. The second is  
 17 Mr. Sheldon Peddle who works on the Hibernia  
 18 GBS and he's seated in the front row next to  
 19 Mr. Earle, and finally, Mr. Stan Hussey, who's  
 20 also from Terra Nova FPSO and he's seated next  
 21 to Mr. Peddle.  
 22 We have no witness or worker today from  
 23 the SeaRose. This, of course, as we know, is  
 24 not a unionized workplace. The CEP, of  
 25 course, would have no representatives there,  
 26 but we have noted the participation and

Page 2

1 involvement of Mr. Mark Frost, who has been  
 2 seated in the room for most of the time that  
 3 we have been having these public hearing and  
 4 if he has any concerns or any interest, I'm  
 5 sure he can bring them to my or to your  
 6 attention.  
 7 In terms of the evidence today, there  
 8 will be -- Mr. Murphy will speak about the  
 9 concerns of workers regarding various aspects  
 10 of helicopter travel. His focus will be on  
 11 the various issues that are of concern to  
 12 workers and travellers. Mr. Peddle will speak  
 13 primarily about the Occupational Health and  
 14 Safety regime at Hibernia and how helicopter  
 15 issues are raised or are not raised, in the  
 16 context of that regime, and then Mr. Hussey  
 17 will speak of the corresponding regime at the  
 18 Terra Nova facility and how helicopter issues  
 19 are dealt with in that organization.  
 20 Again, I would caution everybody that by  
 21 displaying these two OHS regimes, it is not my  
 22 intention to compare them and contrast them  
 23 and to even argue or suggest that one is  
 24 better than the other. They have different  
 25 aspects. They have different approaches.  
 26 While their overall approach is the same, I

Page 3

1 think we'll see that perhaps something of the  
 2 culture or the personalities of the people or  
 3 whatever will make differences and that would  
 4 apply to any number of operators that we would  
 5 bring forward. So we're bringing forward two,  
 6 once again as examples and not as a compare  
 7 and contrast game.  
 8 So with that sort of opening comment, we  
 9 have, first of all, Mr. Murphy. Good morning,  
 10 Mr. Murphy.  
 11 MR. MURPHY:  
 12 A. Good morning  
 13 ROIL, Q.C.:  
 14 Q. And I understand that Mr. Murphy is going to  
 15 be sworn.  
 16 COMMISSIONER:  
 17 Q. Yes. Good morning, Mr. Murphy.  
 18 MR. MURPHY:  
 19 A. Good morning.  
 20 MR. BRIAN MURPHY, SWORN, EXAMINATION BY JOHN ROIL, Q.C.  
 21 REGISTRAR:  
 22 Q. State your name, please.  
 23 MR. MURPHY:  
 24 A. Brian Murphy.  
 25 REGISTRAR:  
 26 Q. Thank you.

Page 4

1 ROIL, Q.C.:  
 2 Q. Commissioner, Mr. Murphy has provided me with  
 3 some speaking notes that he intends to use and  
 4 refer to on the way through his evidence. It  
 5 is not in the nature of a presentation like  
 6 some of the more formal presentations that  
 7 we've seen here, but by allowing me to have  
 8 access to his speaking notes, I can guide him  
 9 and will from time to time perhaps interrupt  
 10 and ask a question or ask a clarification. So  
 11 if he's okay with that, that's the approach  
 12 that we'll take. So Mr. Murphy, I think  
 13 initially you're going to tell us a little bit  
 14 about your background and your experience and  
 15 your work at the Terra Nova FPSO. So let's  
 16 lead off with who is Brian Murphy and where  
 17 does he come from? Where do you call home?  
 18 MR. MURPHY:  
 19 A. I'm Brian Murphy and I'm Newfoundland born and  
 20 bred.  
 21 ROIL, Q.C.:  
 22 Q. Okay.  
 23 MR. MURPHY:  
 24 A. At the moment, I work as an electrical  
 25 technician with the maintenance department on  
 26 the Terra Nova FPSO. I also hold a position

Page 5

1 of vice-president of the CEP for the Terra  
 2 Nova bargaining unit for Local 2121.  
 3 ROIL, Q.C.:  
 4 Q. How long have you held that position of vice-  
 5 president?  
 6 MR. MURPHY:  
 7 A. Just over a year now.  
 8 ROIL, Q.C.:  
 9 Q. Okay.  
 10 MR. MURPHY:  
 11 A. I worked in the oil and gas industry since  
 12 starting my apprenticeship, a long, long time  
 13 ago. As a matter of fact, I was on the Come  
 14 by Chance oil refinery, one of the first oil  
 15 projects that was ever introduced here in  
 16 Newfoundland, and after achieving my  
 17 interprovincial journeyman ticket, I travelled  
 18 to Alberta and worked on the tar sands for a  
 19 while, the oil sands projects up there. Lived  
 20 and worked in and around Calgary, and over the  
 21 years, I've been working on projects, both  
 22 back and forth from Newfoundland and Alberta.  
 23 ROIL, Q.C.:  
 24 Q. But you decided you needed to come home, did  
 25 you?  
 26 MR. MURPHY:

Page 6

1 A. We always come home.  
 2 ROIL, Q.C.:  
 3 Q. Indeed, indeed.  
 4 MR. MURPHY:  
 5 A. I worked on the Hibernia project for a short  
 6 time during its construction, but I did not go  
 7 offshore on that project.  
 8 ROIL, Q.C.:  
 9 Q. Okay, and what kind of work were you doing  
 10 there in the construction phase?  
 11 MR. MURPHY:  
 12 A. It was with the electrical, electrical  
 13 construction.  
 14 ROIL, Q.C.:  
 15 Q. Okay.  
 16 MR. MURPHY:  
 17 A. And on the Terra Nova FPSO, I was part of the  
 18 commissioning team during its construction and  
 19 the mating in the Bull Arm. I was also part  
 20 of the sea trials and the start up and when  
 21 she went offshore, I was part of the start-up  
 22 team, but I did not continue after first oil  
 23 on the Terra Nova. I moved on to other  
 24 projects, and I worked on a couple of semi-  
 25 submersible rigs, the Eirik Raude when it was  
 26 being constructed up in Halifax, and the

Page 7

1 following year, the GF Grand Banks, which is  
 2 currently working offshore for Husky, I  
 3 believe right now.  
 4 ROIL, Q.C.:  
 5 Q. Yes, indeed.  
 6 MR. MURPHY:  
 7 A. And I worked on that when she was being refit  
 8 up in Halifax and again back here in  
 9 Newfoundland, went offshore on her for a short  
 10 period of time, and then in September of '03,  
 11 I started a fill-in position that an  
 12 electrician had moved on from the Terra Nova  
 13 project and I started filling in for this guy  
 14 and I've been working pretty well steady  
 15 rotations for the past six and a half years.  
 16 ROIL, Q.C.:  
 17 Q. So how many flights would you think you would  
 18 have made in that period of time? Anyway you  
 19 can estimate the number generally?  
 20 MR. MURPHY:  
 21 A. 16 times 6.  
 22 ROIL, Q.C.:  
 23 Q. 16 a year times 6 years.  
 24 MR. MURPHY:  
 25 A. Times six and a half years, yeah.  
 26 ROIL, Q.C.:

Page 8

1 Q. I'll let my math teacher figure that one out.  
 2 MR. MURPHY:  
 3 A. Up until 491, they were pretty common place.  
 4 ROIL, Q.C.:  
 5 Q. Yes.  
 6 MR. MURPHY:  
 7 A. You get on and read your book, you go to  
 8 sleep. Things have changed. I think I'd like  
 9 to say here that what I'm going to -- the  
 10 evidence I'm going to present to you today are  
 11 the concerns of the workers. They're the  
 12 concerns of the workers who fly offshore, not  
 13 just the unionized workers. There's one thing  
 14 that we all have in common and that's we fly  
 15 back and forth to our work, and I think if you  
 16 looked at the 350 or so questions that were  
 17 raised shortly after the 491 incident, they  
 18 came from all the different installations and  
 19 it's an overview of concerns of everybody  
 20 working offshore.  
 21 ROIL, Q.C.:  
 22 Q. Have you actually gotten into a formal survey  
 23 or have you simply talked to your coworkers as  
 24 you've went about your duties?  
 25 MR. MURPHY:  
 26 A. I talked to the coworkers and I've gone over

Page 9

1 all these questions and one of the documents  
 2 that came out listed where these questions  
 3 come from.  
 4 ROIL, Q.C.:  
 5 Q. Oh, this is the questions in the return to -  
 6 MR. MURPHY:  
 7 A. The 350 that -  
 8 ROIL, Q.C.:  
 9 Q. - return to service?  
 10 MR. MURPHY:  
 11 A. - that return to service narrowed them down  
 12 because of redundancy and repetition, they  
 13 narrowed them down to, I think it was 125 or  
 14 so.  
 15 ROIL, Q.C.:  
 16 Q. Right.  
 17 MR. MURPHY:  
 18 A. But the original 350-380 questions, whatever  
 19 that figure was, if you noticed from the  
 20 original document, it states where they come  
 21 from, the SeaRose or the Glomar, the Henry  
 22 Goodrich. So it's an overview of the concerns  
 23 of everybody who flies.  
 24 ROIL, Q.C.:  
 25 Q. Okay.  
 26 MR. MURPHY:

Page 10

1 A. I'd also like to say here that some of the  
 2 people that come to me with their concerns and  
 3 express them, when we were looking for  
 4 somebody to come up here, I suggested "why  
 5 don't you do this?" but there was a concern  
 6 for their livelihoods, to be honest with you,  
 7 and I know that's a little bit archaic in this  
 8 day and age to be thinking that way, but it is  
 9 a concern. But at the same time, I'm here  
 10 because I feel that these people need to have  
 11 -- need to be heard, you know. They're  
 12 concerned and -  
 13 ROIL, Q.C.:  
 14 Q. So you're not saying you agree that their  
 15 concerns are well-founded, but they have those  
 16 concerns?  
 17 MR. MURPHY:  
 18 A. Absolutely. It's for somebody else to  
 19 determine what can be done about it. This is  
 20 what we are concerned about, as workers  
 21 offshore, flying back and forth, and also, I'm  
 22 hoping as a union official, maybe I have a  
 23 little bit of immunity of repercussions later  
 24 on down the road.  
 25 ROIL, Q.C.:  
 26 Q. You better speak to Mr. Earle about that from

Page 11

1 time to time perhaps.  
 2 MR. MURPHY:  
 3 A. If I come knocking on your door to mow your  
 4 lawn, yeah, be generous.  
 5 ROIL, Q.C.:  
 6 Q. I don't think we'll have any concerns there.  
 7 MR. MURPHY:  
 8 A. No, I'm sure I won't.  
 9 ROIL, Q.C.:  
 10 Q. No. You're certainly entitled and we  
 11 encourage participation, so I'm glad to have  
 12 you here.  
 13 MR. MURPHY:  
 14 A. I'd like to try to explain just a couple of  
 15 reasons why we try so hard to get our concerns  
 16 listened to and acted upon. All of us  
 17 offshore understand the hazards that are  
 18 inherent in the career that we chose, but we  
 19 have a great deal of control over our working  
 20 environment. We have a great deal of control  
 21 personally in minimizing the dangers that we  
 22 face every day, and it's not just by following  
 23 the control of work system which is  
 24 implemented there, a great system, with the  
 25 permit system, the toolbox talks, the step  
 26 back 5 by 5's, the hazard reporting cards, all

Page 12

1 the procedures that are in place to make our  
 2 work safe. The bottom line is we are the ones  
 3 that are out there that are cracking the bolts  
 4 on these valves and we're cutting into the  
 5 electrical wires and building the scaffolds  
 6 and we're the ones dealing with the high  
 7 temperatures, the high pressures and the  
 8 hazardous materials. So you could say we're  
 9 the front line soldiers of our installations,  
 10 our each individual installations and we're  
 11 doing the job right so that we can all go home  
 12 and enjoy the rewards of our work. We have  
 13 the ultimate control of what we do and how we  
 14 do it, but not with the choppers.  
 15 ROIL, Q.C.:  
 16 Q. Okay. So you're saying that on the rig  
 17 itself, that you are a part of the workplace.  
 18 You do some of the work, your coworkers do the  
 19 work and so you have control over the risks  
 20 that are there.  
 21 MR. MURPHY:  
 22 A. Absolutely. We use all the systems that are  
 23 in place that enhance the safety and we do  
 24 that.  
 25 ROIL, Q.C.:  
 26 Q. The oil operators came here and they told us

Page 13

1 about these systems and Mr. Earle, your  
 2 counsel, was quite complimentary of them and  
 3 would you agree with that, that generally  
 4 speaking there's good systems on board these  
 5 facilities?  
 6 MR. MURPHY:  
 7 A. I will -- you'll never hear me argue against  
 8 safety. It's just something that's inherent  
 9 in us. At one point, we used to be fighting  
 10 for our safety. We used to fight with the  
 11 contractor. Not saying in just the recent  
 12 past, but in the past, we have had to fight  
 13 for safety implementation and when it's  
 14 brought to us, we embrace it.  
 15 ROIL, Q.C.:  
 16 Q. Okay. In the case of the offshore facilities,  
 17 the culture is there, is it?  
 18 MR. MURPHY:  
 19 A. Absolutely.  
 20 ROIL, Q.C.:  
 21 Q. The culture of safety?  
 22 MR. MURPHY:  
 23 A. Absolutely.  
 24 ROIL, Q.C.:  
 25 Q. Okay.  
 26 MR. MURPHY:

Page 14

1 A. Time and time again we get into just personal  
 2 discussions with guys and we talk about how we  
 3 use some of the safety culture at home, in our  
 4 workplace and in our home and at our cabins  
 5 and in things that we do. It is a culture and  
 6 we do work with it.  
 7 ROIL, Q.C.:  
 8 Q. Good. I'm glad to hear that. However, you  
 9 say that the situation is different with the  
 10 helicopters because you don't work on them.  
 11 MR. MURPHY:  
 12 A. When it comes to our transportation, we're at  
 13 the mercy of the operators, the providers, in  
 14 this case Cougar, and the manufacturer, in  
 15 this case Sikorsky, TSB, C-NLOPB, Transport --  
 16 all the regulatory bodies. We have to depend  
 17 on those guys to keep us safe in these  
 18 choppers.  
 19 ROIL, Q.C.:  
 20 Q. Because you are not engaged in working on the  
 21 choppers themselves.  
 22 MR. MURPHY:  
 23 A. When it comes to our transportation, we  
 24 basically suit up, strap in and come what may.  
 25 There's another reason or another reason,  
 26 probably the most important one, that we try

Page 15

1 so hard to get our voices heard here. When  
 2 the next one goes into the ocean, it's going  
 3 to be full of us workers, offshore workers,  
 4 and it seems likely to us that the likelihood  
 5 of a ditching has increased significantly  
 6 since 491 and basically because of the  
 7 directive that a similar set of events that  
 8 happened in 491 in regards to the alarms, the  
 9 type of alarms, they're going to ditch now.  
 10 It's not -- they're going to try to avoid the  
 11 catastrophe crash. So when these alarms come  
 12 into effect now, the procedure is to go into  
 13 the water in a controlled ditching.  
 14 ROIL, Q.C.:  
 15 Q. Are you aware of an actual policy at Cougar  
 16 that says that or is this the conversation as  
 17 between workers?  
 18 MR. MURPHY:  
 19 A. This is the conversation between workers. It  
 20 has been our understanding that this is the  
 21 way this is going to work. There is a set  
 22 procedure and Sikorsky maybe can -- or Cougar  
 23 can maybe clarify that, but it's our  
 24 understanding that when this same dry gearbox  
 25 alarm comes in, then it's put it down  
 26 wherever, wherever you can. Given that, we

Page 16

1 want every possible impediment to survival and  
 2 rescue removed.  
 3 ROIL, Q.C.:  
 4 Q. Okay. So you have a number of issues that you  
 5 think might assist you if you are in a  
 6 ditching situation?  
 7 MR. MURPHY:  
 8 A. Yes, we do.  
 9 ROIL, Q.C.:  
 10 Q. Okay. Lead on, please.  
 11 MR. MURPHY:  
 12 A. I'm trying.  
 13 ROIL, Q.C.:  
 14 Q. Take your time. We've got lots of time.  
 15 MR. MURPHY:  
 16 A. Well, the first thing, you know, we're not  
 17 experts on helicopters.  
 18 ROIL, Q.C.:  
 19 Q. Right.  
 20 MR. MURPHY:  
 21 A. But we do Google the same as everybody else  
 22 and we do research and guys just take -- have  
 23 taken a great interest in what, in the  
 24 machines that we're flying in and the way  
 25 they're being flown, and you look for  
 26 information and for example, there's an

Page 17

1 article that quotes a project manager. I gave  
 2 you some of these articles there in a meeting  
 3 that we had.  
 4 ROIL, Q.C.:  
 5 Q. Yes. We can refer to them in a second, yeah.  
 6 MR. MURPHY:  
 7 A. And it states on this, it's apparently the  
 8 project manager for Sikorsky when they were  
 9 explaining the added safety features for the  
 10 new S-92, and he says one of the safety  
 11 features is that they've relocated the fuel  
 12 tanks from beneath the passenger cabin out  
 13 onto the sponsons.  
 14 ROIL, Q.C.:  
 15 Q. I don't know if you were here when Cougar gave  
 16 their evidence, but I think that in the  
 17 assessment of the different airframes they  
 18 were looking at, they did state that one of  
 19 the selling features, if you will, of the S-92  
 20 was the fact that the fuel was outboard in the  
 21 sponsons.  
 22 MR. MURPHY:  
 23 A. Correct.  
 24 ROIL, Q.C.:  
 25 Q. Okay. So we don't need to go to the web or  
 26 anywhere else for that. I think that fact has

Page 18

1 been established.  
 2 MR. MURPHY:  
 3 A. Okay. There was another article that states  
 4 that there's an option for an exterior  
 5 auxiliary fuel tank.  
 6 ROIL, Q.C.:  
 7 Q. Okay. Now in this case, I think that you have  
 8 referred me to an article that you've pulled  
 9 off a website.  
 10 MR. MURPHY:  
 11 A. Correct.  
 12 ROIL, Q.C.:  
 13 Q. And I don't know whether you want me to call  
 14 it up for you now or whether you simply want  
 15 us to have access to it, but I think you've  
 16 said you're not an aviation expert, so you  
 17 can't say whether what's in the article is  
 18 absolutely correct or not.  
 19 MR. MURPHY:  
 20 A. No, that's exactly right. There's a point  
 21 that I'm trying to get across here is that,  
 22 you know, when we find information like this,  
 23 you just can't help but ask why are we flying  
 24 with this tank, with this auxiliary tank  
 25 inside, inside the airframe. It's not --  
 26 doesn't make us comfortable in our minds. It

Page 19

1 makes us uncomfortable. When we think of it  
 2 as an obstacle, an impediment when it comes to  
 3 egress in an emergency situation. It's for  
 4 somebody else to decide if it's going to stay  
 5 there, but I just want to get across to you  
 6 that we're not comfortable with it.  
 7 ROIL, Q.C.:  
 8 Q. So if there's any option to move it outside,  
 9 you would like that pursued?  
 10 MR. MURPHY:  
 11 A. Absolutely.  
 12 ROIL, Q.C.:  
 13 Q. Okay.  
 14 MR. MURPHY:  
 15 A. And it's been brought up time and time again  
 16 by the workers offshore. The representatives  
 17 for the operators have been here and they've  
 18 been stating emphatically that flying in these  
 19 helicopters is safe, and I don't disagree, up  
 20 until 491, it certainly was. Since the return  
 21 to service, there have been cases where the  
 22 workers have used their right to refuse unsafe  
 23 work in regards to flying in the choppers with  
 24 these fuel tanks. These cases are then sent  
 25 to C-NLOPB for an investigation and a ruling.  
 26 In the report on this work refusal, the

Page 20

1 Board's decision states, and I'm quoting this  
 2 now, "upon investigation of the work refusal  
 3 and recognizing that there are inherent risks  
 4 associated with travel by helicopter, the  
 5 inclusion of an auxiliary fuel tank does not  
 6 result in an unacceptable increase in risk."  
 7 The phrase there "an inherent risks associated  
 8 with travel by helicopter" come to mind when  
 9 the operator say helicopter travel is safe.  
 10 But also, it appears that C-NLOPB acknowledges  
 11 that the internal tank creates an increase in  
 12 risk, but not an unacceptable one.  
 13 This is how we as workers see it, you  
 14 know. Somebody will have to explain to us how  
 15 it is safe to be there, how it should stay  
 16 there, but we see it as a risk and any risk at  
 17 all to me, if I'm going down in one of those  
 18 airframes, it's not acceptable.  
 19 ROIL, Q.C.:  
 20 Q. You'd rather not be sitting next to a tank  
 21 that may have some or a lot or be full of  
 22 fuel?  
 23 MR. MURPHY:  
 24 A. I don't want it in that airframe, personally.  
 25 If I have to live with it, I have to live with  
 26 it, but I don't want it there. If I'm in a



Page 21

1 situation -- it's uncomfortable to even talk  
 2 about, but if I'm in a situation where I'm in  
 3 that airframe and it's in the water and it's  
 4 upside down and I'm struggling for survival to  
 5 get out, I don't want anything in my way,  
 6 anything that doesn't have to be there.  
 7 Given that ruling, the C-NLOPB lists the  
 8 different areas that it went to for  
 9 information in regards to coming to that  
 10 ruling and considering what the Marine  
 11 Institute testified to here in this Inquiry,  
 12 we find it troubling that C-NLOPB didn't talk  
 13 to them when investigating the refusal to work  
 14 based on this tank.  
 15 ROIL, Q.C.:  
 16 Q. The C-NLOPB will be giving evidence next week  
 17 and that issue will obviously come up.  
 18 MR. MURPHY:  
 19 A. They can explain themselves then, yeah, for  
 20 sure.  
 21 ROIL, Q.C.:  
 22 Q. Agreed.  
 23 MR. MURPHY:  
 24 A. Also another concern there with this tank is  
 25 491 rolled onto its port side after it  
 26 crashed. At that time, that's where these

Page 22

1 tanks were positioned. This will always leave  
 2 a shadow of a doubt in our minds regarding  
 3 buoyancy stability with the tanks inside these  
 4 airframes. The tanks don't supply a reference  
 5 point in an underwater situation, and I'm  
 6 talking about like the BST training there.  
 7 One of your parts of your training is to get a  
 8 reference point. If you know you're in  
 9 trouble and you get the ditching command, one  
 10 of your -- what you're trained to do is take a  
 11 reference point, which is a window frame.  
 12 ROIL, Q.C.:  
 13 Q. Okay. So if you're seated in a double seat,  
 14 in the current configuration, you know the  
 15 current configuration where the tank is on the  
 16 right side, starboard to use those terms, you  
 17 sit on the port side, you're sitting next to  
 18 somebody.  
 19 MR. MURPHY:  
 20 A. That's correct.  
 21 ROIL, Q.C.:  
 22 Q. Yeah. What points of reference, what possible  
 23 exits are you looking at in the event of  
 24 emergency?  
 25 MR. MURPHY:  
 26 A. The immediate ones?

Page 23

1 ROIL, Q.C.:  
 2 Q. Yeah.  
 3 MR. MURPHY:  
 4 A. After this guy gets out, that's where I'm  
 5 going.  
 6 ROIL, Q.C.:  
 7 Q. Right.  
 8 MR. MURPHY:  
 9 A. Or else, it's over the tank.  
 10 ROIL, Q.C.:  
 11 Q. So if the person next to you, for whatever  
 12 reason, is unable to exit, you see your second  
 13 choice as being going over or under the tank,  
 14 depending on the configuration of the -  
 15 MR. MURPHY:  
 16 A. With 17 people in this aircraft trying to get  
 17 out at the same time underwater, I'm taking  
 18 the nearest thing that I can get, and if it  
 19 has to crawl over that tank, then it's crawl  
 20 over the tank.  
 21 ROIL, Q.C.:  
 22 Q. But you see the tank as being one impediment  
 23 that you don't want?  
 24 MR. MURPHY:  
 25 A. Absolutely.  
 26 ROIL, Q.C.:

Page 24

1 Q. In that way, okay. You mentioned buoyancy.  
 2 Is there some issue there about the tank  
 3 affecting the ability or the way in which a  
 4 helicopter would float? Is that the issue?  
 5 MR. MURPHY:  
 6 A. Yes, yeah, whether it be full -  
 7 ROIL, Q.C.:  
 8 Q. Yes.  
 9 MR. MURPHY:  
 10 A. - or empty, if it's full then it's more weight  
 11 on one side than the other. I'm not sure of  
 12 the conditions of the 491 incident, whether it  
 13 was full or half full or empty, I don't know.  
 14 We were told that it rolled over onto its port  
 15 side. The tank was on the port side. I don't  
 16 know.  
 17 ROIL, Q.C.:  
 18 Q. Okay. I think the Transportation Safety Board  
 19 may give us some guidance on that.  
 20 MR. MURPHY:  
 21 A. Absolutely. There seems to be resistance by  
 22 the operator to changing in regards to this  
 23 tank and maybe that can be explained. It's  
 24 not explained well enough to the workers  
 25 offshore.  
 26 ROIL, Q.C.:

Page 25

1 Q. I think the operator evidence was that it has  
 2 now been moved as the result of some  
 3 additional thought and diligence they put into  
 4 it, but that either way, it offers some people  
 5 who support it and some workers who don't  
 6 support it. Do you sense that there's some  
 7 people who are a little more comfortable with  
 8 it being on that side as opposed to the side  
 9 that it used to be on or is it still an  
 10 unhappy situation?  
 11 MR. MURPHY:  
 12 A. A worker who has no fear of flying and no  
 13 thoughts of the repercussions of an incident,  
 14 of course, does not care. They're few and far  
 15 between. For the most part, everybody is more  
 16 or less realistic and they think in the future  
 17 and they say "well, if this happens, what is  
 18 my -- what will happen?" It can't help but  
 19 cross your mind, and so the general consensus  
 20 is negative towards the interior auxiliary  
 21 fuel tank.  
 22 ROIL, Q.C.:  
 23 Q. So left versus right doesn't offer a whole  
 24 pile of benefit from your perspective or from  
 25 their perspective, as you understand it?  
 26 MR. MURPHY:

Page 26

1 A. No. It's in the way of an exit.  
 2 ROIL, Q.C.:  
 3 Q. Okay.  
 4 MR. MURPHY:  
 5 A. It's not blocking -- don't get me wrong. It's  
 6 not blocking the exit. It's just there. It's  
 7 in the way. It's something that you have to  
 8 deal with that maybe you shouldn't have to.  
 9 If there's external tanks, as we've read in an  
 10 article, again I don't know if it's fact or  
 11 not, but if there is external fuel tanks  
 12 available, why not have them? If there are no  
 13 external fuel tanks available, is there an  
 14 aircraft designed for our application that  
 15 does not require?  
 16 ROIL, Q.C.:  
 17 Q. In other words, you're suggesting that the  
 18 provider of service should look for a  
 19 helicopter that doesn't require an additional  
 20 tank to get to its destination?  
 21 MR. MURPHY:  
 22 A. Did I not hear Cougar say last week that  
 23 they're going to be flying to the Flemish Cap  
 24 with two interior -  
 25 ROIL, Q.C.:  
 26 Q. You did indeed.

Page 27

1 MR. MURPHY:  
 2 A. Oh joy. Yeah, if there's an airframe, if  
 3 there's a carrier out there that, you know,  
 4 has an aircraft that is designed for our  
 5 specifications, we certainly would.  
 6 ROIL, Q.C.:  
 7 Q. Have you done any research on that? Are you  
 8 aware of helicopters with a longer flying  
 9 range or not?  
 10 MR. MURPHY:  
 11 A. No.  
 12 ROIL, Q.C.:  
 13 Q. I don't expect you to come with answers, and  
 14 I'm trying to be fair to you here. I just  
 15 wondered if you had some place that you could  
 16 point us in the direction that would help, but  
 17 -  
 18 MR. MURPHY:  
 19 A. No, I cannot with any authority point you in  
 20 any direction.  
 21 ROIL, Q.C.:  
 22 Q. No, okay.  
 23 MR. MURPHY:  
 24 A. I'm sure they're there.  
 25 ROIL, Q.C.:  
 26 Q. Nevertheless, we have the ability to search

Page 28

1 such items.  
 2 MR. MURPHY:  
 3 A. In the return to service questions and  
 4 answers, there were in excess of 20 questions  
 5 from all installations raised on this issue.  
 6 In so many answers to the various questions,  
 7 the standard answer is approved, for example,  
 8 and I'm quoting again "auxiliary tank design,  
 9 installation, maintenance and operation have  
 10 been specifically approved by FAA and  
 11 Transport Canada with consideration of  
 12 potential for fuel leaks and egress through  
 13 emergency exits and windows." Too often the  
 14 answers that have been given to the workers'  
 15 questions are that an item meets regulatory  
 16 requirements. We have to do better than the  
 17 minimum acceptable standard. That's the way  
 18 the workers feel about some of those answers.  
 19 We'd also like to point out here, when I  
 20 say 20 questions there, I'd also like to point  
 21 out that in regards to the questions submitted  
 22 by the workers, I think it's fair to say that  
 23 for each question raised, it is likely to be  
 24 indicative of the concerns of a group of  
 25 workers and it's also fair to say that a great  
 26 many workers feel this interior fuel tank is

Page 29

1 of grave concern.  
 2 ROIL, Q.C.:  
 3 Q. So can I take it the bottom line is, from the  
 4 workers' perspective, the first choice would  
 5 be have no internal tank?  
 6 MR. MURPHY:  
 7 A. Correct.  
 8 ROIL, Q.C.:  
 9 Q. Okay. The second choice would be if it has to  
 10 be internal, is there some way to make it  
 11 better?  
 12 MR. MURPHY:  
 13 A. There you go.  
 14 ROIL, Q.C.:  
 15 Q. Okay.  
 16 MR. MURPHY:  
 17 A. I think that would be safe to say that.  
 18 ROIL, Q.C.:  
 19 Q. So the fact that it's approved by the FAA or  
 20 Transport Canada doesn't give you 100 percent  
 21 assurance that that's a safe configuration for  
 22 your trip to your workplace?  
 23 MR. MURPHY:  
 24 A. You know, that brings me to a -- one of the  
 25 guys I work with just brought up, just in  
 26 conversation, and he talked about a Chev

Page 30

1 pickup that his father had at one time, and  
 2 the fuel tank was right behind the driver's  
 3 seat, right there between the cab and the  
 4 driver's seat, and that was approved, but not  
 5 for long it had changed and they put it  
 6 outside. They put it between the chassis and  
 7 the fender in this truck, but it didn't stay  
 8 there either, because it still wasn't safe  
 9 there and it moved. They moved it inside to  
 10 the safest place they could get it. And your  
 11 question reminds me of that little story.  
 12 ROIL, Q.C.:  
 13 Q. I remember the Pinto.  
 14 MR. MURPHY:  
 15 A. We all remember that old Chev truck, don't we?  
 16 ROIL, Q.C.:  
 17 Q. Yeah. Okay, I think then you've made the  
 18 position quite clear with respect to the  
 19 workforce on the issue of auxiliary fuel tanks  
 20 and I thank you for that.  
 21 MR. MURPHY:  
 22 A. Yeah.  
 23 ROIL, Q.C.:  
 24 Q. Okay. Do we have another issue? I'm sure we  
 25 do.  
 26 MR. MURPHY:

Page 31

1 A. Yes, I do. This one is a personal one.  
 2 Personal in regards to I was on a flight -- I  
 3 was a passenger on a flight on January 18th,  
 4 2006. When we came in sight of the Terra Nova  
 5 FPSO, one of the helicopter engines had to be  
 6 shut down after an engine indicator light came  
 7 on, and at that time, the pilot informed us  
 8 that he was returning to base.  
 9 ROIL, Q.C.:  
 10 Q. Was that an S-92 or a different airframe at  
 11 that time?  
 12 MR. MURPHY:  
 13 A. No, that was the S-92.  
 14 ROIL, Q.C.:  
 15 Q. That was the S-92, okay.  
 16 MR. MURPHY:  
 17 A. When we returned -- I'm pretty sure it was S-  
 18 92. Now you caught be unawares there that  
 19 time.  
 20 ROIL, Q.C.:  
 21 Q. That's okay.  
 22 MR. MURPHY:  
 23 A. I don't want to be lying on the stand here.  
 24 ROIL, Q.C.:  
 25 Q. No, exactly, and that's fine. You were on a  
 26 helicopter and -

Page 32

1 MR. MURPHY:  
 2 A. That's correct.  
 3 ROIL, Q.C.:  
 4 Q. - the light came on and it caused it to turn  
 5 around.  
 6 MR. MURPHY:  
 7 A. We turned around, and shortly after we turned  
 8 around to head back to base, the engine  
 9 temperature indicator light came on and the  
 10 oil pressure indicator. They all went into  
 11 alarm showing an engine problem, and at that  
 12 time, the pilot shut the engine down. So now  
 13 we're down to 50 percent. Two engines on  
 14 these choppers and we just lost one of them.  
 15 We were required to return to St. John's  
 16 because the helicopter did not have the power  
 17 to properly and safely land on an  
 18 installation. One of the questions that was  
 19 raised afterwards is why did you fly for in  
 20 excess of an hour and 15 minutes when you were  
 21 so close to the Terra Nova or you could have  
 22 gone to the Hibernia platform, and his answer  
 23 to that, the pilot answered that in saying  
 24 that he has done a one-engine landing in a  
 25 simulator. He didn't want to do it in real  
 26 life. So there was a problem.

Page 33

1 ROIL, Q.C.:

2 Q. So his choice to how to risk manage that

3 situation was to fly back rather than attempt

4 to land?

5 MR. MURPHY:

6 A. I would have to say the pilot's.

7 ROIL, Q.C.:

8 Q. The pilot's decision, yeah.

9 MR. MURPHY:

10 A. The return flight was in excess of an hour and

11 15 minutes. Why wasn't the first response

12 aircraft tasked to get in the air and meet us?

13 There was a debriefing on the FPSO on January

14 22nd and I personally asked the question "did

15 Cougar notify anyone or make preparations for

16 a ditching?" The response was, and I'm

17 quoting again, "we had our first response

18 techs called to base. Maintenance crew had

19 hoisting equipment ready for quick connect to

20 aircraft, and we also had refuelling for the

21 aircraft on high standby alert." The aircraft

22 was not refuelled and the hoist was not

23 installed. We know that minutes can make a

24 huge difference to survival time in the water.

25 We also know that engines have been replaced

26 after chip lights have come on during flights.

Page 34

1 There's been return to base for just chip

2 lights. The point we're making is that an

3 aborted flight that has to return to base for

4 a malfunction should not be treated as just

5 another nuisance light. So often, at that

6 time, before 491, it was not uncommon for a

7 flight to return for a chip light in the

8 gearbox, a chip light in the engine, a chip --

9 do you understand what I mean by chip light?

10 ROIL, Q.C.:

11 Q. Yes. We've had evidence on chip lights.

12 MR. MURPHY:

13 A. Accumulation of metal on these detectors.

14 ROIL, Q.C.:

15 Q. Yeah, right.

16 MR. MURPHY:

17 A. And they were referred to as nuisance lights,

18 and many of these incidents were referred to

19 that before 491.

20 ROIL, Q.C.:

21 Q. Has that attitude changed since 491 by your

22 measurement?

23 MR. MURPHY:

24 A. My attitude certainly has.

25 ROIL, Q.C.:

26 Q. Yeah, thank you.

Page 35

1 MR. MURPHY:

2 A. If an aircraft is in trouble and returning to

3 base, it should be treated as a potential

4 ditching. In the absence of a dedicated

5 search and rescue helicopter in St. John's,

6 the standby helicopter should be immediately

7 moved into flight condition and lift off as

8 soon as possible after an incident is

9 reported. The standby helicopter should be

10 standing by in SAR mode.

11 All these suggestions would be even more

12 effective if we had dedicated SAR coverage

13 from the closest available air field, which is

14 St. John's, and I think this fact has been

15 recognized as far back as the Ocean Ranger

16 disaster.

17 Something about that incident, before

18 491, I was on this flight, I was in what they

19 refer to as the jump seat, which is back on to

20 the bulkhead of the passenger -- of the

21 pilot's compartment.

22 ROIL, Q.C.:

23 Q. Yes.

24 MR. MURPHY:

25 A. So I was facing the rest of the passengers.

26 And I took it lightly, even though the

Page 36

1 passengers I were looking at -- and some of

2 them weren't taking it very lightly. I could

3 see them looking in to the doorway going into

4 the pilot's compartment and they were watching

5 everything that those -- and the pilots were

6 doing something that I couldn't see, because

7 these guys were very interested in how things

8 were being handled by the pilot and copilot

9 there. After 491, I thought -- we got off

10 that chopper and went in and had a lunch, got

11 on another chopper and went to work, except

12 for a couple of guys who went home to their

13 families. It affected them that hard. But I

14 think, no matter who you are now, when

15 something goes awry, something goes amiss now,

16 it's not taken as lightly.

17 An incident just a hitch or so ago, we

18 were leaving the FPSO coming home and we

19 talked about these suits before, they're not

20 comfortable, they are awkward. They're done

21 up, you're in an uncomfortable position, but

22 it's mandatory to be in that position while

23 you're taking off from the installation,

24 landing and taking off from the installation.

25 ROIL, Q.C.:

26 Q. Landing and takeoff, yes.

Page 37

1 MR. MURPHY:

2 A. As soon as you get in the air, everybody is

3 unzipping those, and in this particular

4 instance that I'm going to tell you about is

5 we lifted off from the helideck and we started

6 to move and stopped and just like backing back

7 into the garage, we came back and landed

8 again, and the pilot came on and he said

9 "okay, we had an indicator light then. We

10 rebooted the computer. We're good to go" and

11 we did. We lifted off and left, but nobody

12 was very quick to unzipper that suit this

13 time, and it's just an indication of the

14 change of attitudes in the people that fly in

15 these aircraft. We're more nervous.

16 ROIL, Q.C.:

17 Q. Um-hm.

18 MR. MURPHY:

19 A. Still talking about ditching, we want to say

20 here that on behalf of the workers that we

21 commend the SAR people and the job they did on

22 March 12th, 2009. We know they were at the

23 top of their game that day and their selfless

24 efforts did not go unnoticed by those of us

25 who fly out there. The fact remains that when

26 491 went down, in regards to ideal conditions

Page 38

1 and they might not have been perfect, but they

2 weren't too bad considering what we go through

3 out there.

4 ROIL, Q.C.:

5 Q. You mean in terms of weather and atmosphere

6 conditions?

7 MR. MURPHY:

8 A. Moderate sea state. I think it was like a two

9 metre swell, and it wasn't a choppy swell. It

10 was just a swell of rolling ocean. It was a

11 clear day. It was early in the day. It was

12 close to land. There's going to be a next

13 time. That's the way we feel. When 491

14 happened, too many of us said law of averages,

15 bound to happen. It was overdue. You know,

16 we weren't exactly surprised. We were

17 disappointed and we were disheartened and we

18 were sad, but we weren't exactly surprised.

19 And is it going to happen again? Right around

20 that time that 491 went down, over a few month

21 period in the North Sea, across the pond as we

22 say, the phrase we were using was they're

23 dropping like flies over there. They had

24 several ditchings around that same time. So

25 is it going to happen again? What are sea

26 states going to be? It won't be the same, and

Page 39

1 this is what we are concerned about, those who

2 fly. We believe that full 24/7 coverage with

3 the most capable aircraft with full all-

4 weather capability is best provided by DND.

5 If the coverage is to be industry provided,

6 then it must be a dedicated airframe with

7 dedicated SAR crews with greater opportunities

8 for training and training to enhance optimum

9 response time.

10 ROIL, Q.C.:

11 Q. Just again, to use an expression that you

12 referred to earlier, you said you wanted to

13 commend the SAR people and the job they did.

14 When you say SAR people in that context, are

15 you referring to the people who were at Cougar

16 who did the first response on that day or are

17 you referring to the Government provided SAR?

18 MR. MURPHY:

19 A. I'm talking to the guys that plucked Mr.

20 Decker out of the water.

21 ROIL, Q.C.:

22 Q. Yeah, the Cougar people who did it.

23 MR. MURPHY:

24 A. Yeah, absolutely.

25 ROIL, Q.C.:

26 Q. Yeah, because sometimes when we use the word

Page 40

1 "SAR" it is referring to the government

2 provided SAR. So I want to make sure we

3 understand what you're saying. So -

4 MR. MURPHY:

5 A. Apologize for the confusion there.

6 ROIL, Q.C.:

7 Q. Yeah.

8 MR. MURPHY:

9 A. But no, I'm talking about those guys who went

10 out and did their job that day. I think it

11 was great.

12 ROIL, Q.C.:

13 Q. Yeah, good. I think we all agree. So I take

14 it from this portion of your evidence, there's

15 really two points that you're making. One is

16 that if something happens to a transport

17 helicopter that is a mechanical issue, then

18 you think the equipment that is dedicated to

19 SAR or available for SAR in St. John's should

20 immediately be ready to go or should actually

21 go out and accompany the helicopter back? I

22 wasn't quite clear on that.

23 MR. MURPHY:

24 A. Our point on this is that get ready to go and

25 if that crippled chopper, if you want to put

26 it that way, if that chopper that's in trouble

Page 41

1 is not back to base by then, yes, go meet it,  
 2 escort it back to town.  
 3 ROIL, Q.C.:  
 4 Q. Okay, yeah.  
 5 MR. MURPHY:  
 6 A. It should be treated seriously. It is serious  
 7 enough to abort.  
 8 ROIL, Q.C.:  
 9 Q. I think your indication on that day was that  
 10 it was ready to be serviced, but it wasn't  
 11 fuelled. The seats weren't taken out. The  
 12 winch wasn't put in. You think that all that  
 13 should be done in anticipation of a problem  
 14 and then the flight should leave, the rescue  
 15 flight should leave if the flight is not back  
 16 at base at that time?  
 17 MR. MURPHY:  
 18 A. That's exactly what I'm saying there. Just  
 19 another point to notice there, when we came in  
 20 to land there, when we came to the airport  
 21 finally, it was a long flight coming in, one  
 22 engine and flying lower than normal and this  
 23 kind of thing, the pilot came on and he said  
 24 "listen, don't mind the emergency aircraft  
 25 there at the airport, the ambulances and the  
 26 fire trucks with the lights flashing." He

Page 42

1 said "that's just standard procedure," you  
 2 know, and it was maybe only then that I --  
 3 fire trucks, ambulances, you know, it was  
 4 taken lightly, not by the crew at the airport,  
 5 that this was a damaged aircraft coming in to  
 6 land and the point about it was with the one  
 7 engine, the reason why he couldn't land on the  
 8 installations was that you need more power in  
 9 order to land. Like you can picture a  
 10 helicopter landing.  
 11 ROIL, Q.C.:  
 12 Q. If it lands totally vertically.  
 13 MR. MURPHY:  
 14 A. The way we had to land in that case with one  
 15 engine was like a normal fixed wing aircraft.  
 16 ROIL, Q.C.:  
 17 Q. You had to taxi in to the ground.  
 18 MR. MURPHY:  
 19 A. Correct, yeah, and that was the difference  
 20 that day.  
 21 ROIL, Q.C.:  
 22 Q. Okay, and that's why that could be done safely  
 23 on shore because you have a runway, whereas on  
 24 the helipad, there's no runway to allow you to  
 25 taxi on the facility?  
 26 MR. MURPHY:

Page 43

1 A. Correct.  
 2 ROIL, Q.C.:  
 3 Q. I think the second point you make here is that  
 4 you believe that the service in St. John's  
 5 should be a dedicated search and rescue  
 6 service, whoever provides it?  
 7 MR. MURPHY:  
 8 A. Yes, sir.  
 9 ROIL, Q.C.:  
 10 Q. I think we heard a lot of evidence about that  
 11 last week and what's available in the  
 12 marketplace.  
 13 MR. MURPHY:  
 14 A. Again, the point we're getting at, you know,  
 15 we're going to be out there and we're going to  
 16 be sitting in that water waiting for rescue.  
 17 If we survive the ditching and the escape, if  
 18 it's not a catastrophic crash -- I don't think  
 19 things could have changed too much with 491.  
 20 It was so catastrophic. But if in a  
 21 controlled ditching and we survive the  
 22 ditching and if we get out of the aircraft and  
 23 now we're bobbing around out there in the  
 24 water in God knows what condition and I just  
 25 want to get out of that right now, and want to  
 26 go home.

Page 44

1 ROIL, Q.C.:  
 2 Q. And if that could be a minute earlier, you  
 3 want it to be a minute earlier?  
 4 MR. MURPHY:  
 5 A. Absolutely.  
 6 ROIL, Q.C.:  
 7 Q. Thank you. Okay. I think you can move on now  
 8 to the next point.  
 9 MR. MURPHY:  
 10 A. Going to talk about sea states. The offshore  
 11 workers want a standard for sea state that is  
 12 based on its effect on rescue of the  
 13 passengers of a down helicopter. We know that  
 14 the fast rescue craft is limited by sea  
 15 states. The floatation on the helicopter is  
 16 presently limited to a moderate sea state of  
 17 sea state five, even though the operators are  
 18 looking at providing the helicopters with a  
 19 sea state of six floatation, sea state of six,  
 20 and that's useable up to, I think it's six  
 21 metres. Now does that mean that we're not  
 22 going to fly in sea states that are over six  
 23 metres? Currently we do. As of now, to my  
 24 understanding, Hibernia declines to fly in sea  
 25 states exceeding seven metres, and to my  
 26 knowledge, this seven metre sea is not a

Page 45

1 consideration to other installations. I'm not  
 2 sure why Hibernia does that. Somebody else is  
 3 going to have to answer that question.  
 4 We as workers can't help but ask if it is  
 5 not safe for them, then why is it safe for us?  
 6 If somebody is not doing something out there,  
 7 what is the reason? Is it a safety reason?  
 8 And why is it that they're not doing it, but  
 9 we are.  
 10 ROIL, Q.C.:  
 11 Q. So even though the installations are different  
 12 types of facilities, the workers don't see  
 13 that as necessarily affecting their safety in  
 14 terms of sea state?  
 15 MR. MURPHY:  
 16 A. No, absolutely.  
 17 ROIL, Q.C.:  
 18 Q. Okay.  
 19 MR. MURPHY:  
 20 A. And we, as the workers, are -- we're made  
 21 anxious by the apparent variability in the  
 22 rules from operation to operation. It's too  
 23 often operational requirements require that we  
 24 do this or do that. What we're looking at is  
 25 rescue ability, and it's obvious that it's  
 26 much more difficult to rescue people in a

Page 46

1 severe sea state. There does not appear to be  
 2 any consideration of rescue difficulty in  
 3 setting sea state limitation on helicopter  
 4 flights. There are limitations now. The  
 5 present flying sea state limitations seems to  
 6 be related to the effect of the sea state on  
 7 the helipad on a particular installation.  
 8 ROIL, Q.C.:  
 9 Q. So sea state right now has to do with landing,  
 10 not with ditching or anything else?  
 11 MR. MURPHY:  
 12 A. Correct, yeah. Has to do with vessel, and in  
 13 our case, not Hibernia's case of course where  
 14 they're fixed, but in our case, vessel motion,  
 15 pitch and heave and roll.  
 16 ROIL, Q.C.:  
 17 Q. And you accept those as being reasonable  
 18 considerations for that aspect, that there  
 19 should be some limits for landing purposes?  
 20 MR. MURPHY:  
 21 A. Correct.  
 22 ROIL, Q.C.:  
 23 Q. But you're saying they should not be  
 24 necessarily the same limits as for flying from  
 25 here to there?  
 26 MR. MURPHY:

Page 47

1 A. If the fast rescue craft -- I'm not sure if it  
 2 was explained to you, but when a helicopter  
 3 lands on an installation, we take our supply  
 4 vessel, our standby supply vessel and move it  
 5 in to an approximate range.  
 6 ROIL, Q.C.:  
 7 Q. Yes, we've had evidence on that.  
 8 MR. MURPHY:  
 9 A. You've had evidence to that?  
 10 ROIL, Q.C.:  
 11 Q. Yeah.  
 12 MR. MURPHY:  
 13 A. In certain sea states, they can't launch their  
 14 fast rescue craft.  
 15 ROIL, Q.C.:  
 16 Q. No, and I think we've had evidence on that as  
 17 well.  
 18 MR. MURPHY:  
 19 A. You've had evidence on that as well.  
 20 ROIL, Q.C.:  
 21 Q. Yeah.  
 22 MR. MURPHY:  
 23 A. So if we could get into trouble while we're  
 24 landing and we're in the water and they can't  
 25 launch the fast rescue craft, then do they  
 26 just look at us there, you know?

Page 48

1 ROIL, Q.C.:  
 2 Q. I think the explanation was they can use other  
 3 facilities, other paraphernalia to extract a  
 4 person from the ocean directly into the supply  
 5 boat.  
 6 MR. MURPHY:  
 7 A. Good luck with that.  
 8 ROIL, Q.C.:  
 9 Q. You're not comforted by that?  
 10 MR. MURPHY:  
 11 A. No, I'm not.  
 12 ROIL, Q.C.:  
 13 Q. Okay.  
 14 MR. MURPHY:  
 15 A. Perhaps if the sea state limitations were  
 16 addressed by regulatory authorities and not  
 17 solely by individual installations operational  
 18 requirements, there would be a more well-known  
 19 and consistent pattern amongst the operators.  
 20 We understand the operational requirements of  
 21 these installations. I mean, we're out there  
 22 to do the work for the oil companies to make  
 23 their money, to produce oil, and everybody's  
 24 happy, but we want to do it -- we want to be  
 25 taken care of while we're doing it is the  
 26 basic thing. Set a limit that works for your

Page 49

1 operational requirements, but also works for  
 2 our safety.  
 3 ROIL, Q.C.:  
 4 Q. And you're saying that limit should be set by  
 5 somebody outside the industry?  
 6 MR. MURPHY:  
 7 A. Well, that's an option. I'm not sure about  
 8 the exact answers to that, but that is an  
 9 option there, you know, and post it there so  
 10 that we can see it and we have means to go and  
 11 see what the sea state is. It's being  
 12 recorded all the time. But it's just so  
 13 often, you just don't know. Are they pushing  
 14 the limit and what is the limit? It's in a  
 15 book somewhere in somebody's office. I think  
 16 it should be more well-known.  
 17 ROIL, Q.C.:  
 18 Q. Okay. So your position is that the sea state  
 19 level should be established based on retrieval  
 20 and floatation issues and extraction issues,  
 21 not based on simply helipad issues?  
 22 MR. MURPHY:  
 23 A. Correct.  
 24 ROIL, Q.C.:  
 25 Q. Which are perhaps more operational, which is  
 26 where that word comes from.

Page 50

1 MR. MURPHY:  
 2 A. That's correct.  
 3 ROIL, Q.C.:  
 4 Q. Okay, I think you've made that point very  
 5 clear.  
 6 MR. MURPHY:  
 7 A. Now we'll talk about night flights, a  
 8 contentious issue.  
 9 ROIL, Q.C.:  
 10 Q. We've heard a bit about it and some people are  
 11 doing it and some are not, so tell us what  
 12 your view is on night flights. I think it's  
 13 worth exploring.  
 14 MR. MURPHY:  
 15 A. We've always been told by the operators that  
 16 Cougar is our primary search and rescue.  
 17 Since this accident with the 491 incident, we  
 18 discovered that Cougar does not have the  
 19 capacity to rescue at night because they do  
 20 not have what's commonly referred to as auto  
 21 hover.  
 22 ROIL, Q.C.:  
 23 Q. Yes.  
 24 MR. MURPHY:  
 25 A. In the documents that we've uncovered, you  
 26 might say, or the documents that we read, this

Page 51

1 is an available option on the S-92s since it  
 2 went into service, and I think the auto hover  
 3 has been explained to everybody in regards to  
 4 you need this to judge position in the night  
 5 time.  
 6 ROIL, Q.C.:  
 7 Q. Yes, I think the people from Cougar gave a  
 8 very good explanation of how auto hover works.  
 9 COMMISSIONER:  
 10 Q. I don't know if you noticed it, but you  
 11 remember Cougar the other day said that auto  
 12 hover for the S-92, they expect to be approved  
 13 by Transport Canada, I think he said, around  
 14 about July of this year.  
 15 MR. MURPHY:  
 16 A. Okay.  
 17 COMMISSIONER:  
 18 Q. Am I correct?  
 19 MS. FAGAN:  
 20 Q. That's correct.  
 21 COMMISSIONER:  
 22 Q. Yes, Mr. Fagan said that's correct, that's  
 23 what he said.  
 24 MR. MURPHY:  
 25 A. Okay, that's good. This night flying and the  
 26 auto hover is a concern, particularly in light

Page 52

1 of the fact that DND has an increased response  
 2 time at night. If you're going to go down at  
 3 night time, Cougar -- I'm not picking on  
 4 Cougar or anything, but the S-92, we'll say,  
 5 that they're using now does not have the  
 6 capabilities to take you out of the water, so  
 7 you have to depend on DND to take you out.  
 8 Also with the auto hover capacity, the absence  
 9 of visual references, it makes a controlled  
 10 ditching at night very difficult.  
 11 ROIL, Q.C.:  
 12 Q. So it has two impacts; one on the SAR or the  
 13 search and rescue process, you're saying, and  
 14 it also has an impact on the ability of the  
 15 flight -- the injured flight, if you will, to  
 16 get down safely?  
 17 MR. MURPHY:  
 18 A. Correct. We perceive that there's a  
 19 difference between the operator's attitudes on  
 20 night flying. A comparison of the number of  
 21 flights by the operators during night hours  
 22 since March 12th will tell if our perception  
 23 is correct. This has been mentioned  
 24 previously, why is it that they are not flying  
 25 at night, but we are. Even in the controlled  
 26 ditching situation, there are studies that



Page 53

1 show that the fatality rate will be around 15  
 2 percent in the day time in a controlled  
 3 ditching, but the same studies tell us that a  
 4 controlled ditch at night, the fatality rate  
 5 increases to in the 40 percent range, closer  
 6 to 50 percent.  
 7 ROIL, Q.C.:  
 8 Q. I understand that you've taken those numbers  
 9 from some research that was done by Dr. Chris  
 10 Brooks?  
 11 MR. MURPHY:  
 12 A. Correct, correct.  
 13 ROIL, Q.C.:  
 14 Q. Yes.  
 15 MR. MURPHY:  
 16 A. I think you're familiar with his research.  
 17 ROIL, Q.C.:  
 18 Q. We are familiar with them here at the Inquiry  
 19 indeed.  
 20 MR. MURPHY:  
 21 A. This risk can be avoided, we feel. Night  
 22 flights should be restricted to emergency  
 23 circumstances, and that would take care of  
 24 that. With the stats on the survivability, we  
 25 wonder why if an operator decides to fly at  
 26 night, why they wouldn't make arrangements

Page 54

1 with DND in Gander to be on standby for the  
 2 duration of that flight. We understand that  
 3 Gander stands down at 6 p.m. I think it is.  
 4 ROIL, Q.C.:  
 5 Q. In the evening hours, it is clear that the  
 6 response time of guaranteed to be less than  
 7 two hours, as opposed to the day time of  
 8 guaranteed to be less than 30 minutes.  
 9 MR. MURPHY:  
 10 A. So if the operator decides they need a night  
 11 flight for whatever reason, Gander may be and  
 12 should be brought in and put on standby for  
 13 the flight. Anything at all to help us if we  
 14 get in trouble.  
 15 ROIL, Q.C.:  
 16 Q. So again I take two points from what you say.  
 17 One is that night flights are riskier because  
 18 of the inability of the travelling helicopter  
 19 to use the auto hover feature, and the  
 20 increase in the risk is also associated with  
 21 the ability of the extraction helicopter to  
 22 have auto hover?  
 23 MR. MURPHY:  
 24 A. Correct.  
 25 ROIL, Q.C.:  
 26 Q. And is it your understanding that different

Page 55

1 facilities now have different rules with  
 2 respect to night flying?  
 3 MR. MURPHY:  
 4 A. On the facility that I work on -- I think  
 5 Hibernia was pretty adamant on not flying at  
 6 night after 491, after return to service after  
 7 491.  
 8 ROIL, Q.C.:  
 9 Q. Yes, I think we had evidence more or less to  
 10 that effect.  
 11 MR. MURPHY:  
 12 A. Other installations did fly at night for  
 13 whatever the reason, operational requirements.  
 14 The question was posed to them why, why are  
 15 they not flying for one, was one question, and  
 16 depending on that answer, if it's a safety  
 17 reason, why are we flying, why are we ignoring  
 18 it, and the answer that we were given back,  
 19 and I'm going to touch on that a little bit  
 20 later on in regards to communication, and the  
 21 answer we were getting back was all the  
 22 operators are on the same page, they are not  
 23 doing anything that we are not doing and vice  
 24 versa, we are all on the same page in our  
 25 procedures. If they didn't fly at night it  
 26 was because they had reasons to not fly at

Page 56

1 night, we're all on the same page, the same  
 2 procedures. That was the official answer, but  
 3 in reality one operator didn't fly at night  
 4 and one operator did. I don't know.  
 5 ROIL, Q.C.:  
 6 Q. Do you have a perception that there are more -  
 7 - sorry, that there are less night flights now  
 8 after March 12th last year?  
 9 MR. MURPHY:  
 10 A. It's sporadic now. There are less, there's  
 11 more consideration given to it, but there is  
 12 night flights.  
 13 ROIL, Q.C.:  
 14 Q. Okay, and I think your point is similar to the  
 15 point on sea state that if it's an industry,  
 16 that the industry should have a similar  
 17 approach and not have differences between  
 18 installations?  
 19 MR. MURPHY:  
 20 A. We can't help but question. I mean, We flying  
 21 these at night, and if our operator is telling  
 22 us, okay, look, your flight is scheduled and  
 23 it's going to be in the dark, and you look  
 24 around at the other installation and those  
 25 guys are going home, their flight has been  
 26 cancelled because it's going to be in the

Page 57

1 dark. We can't help but question.  
 2 ROIL, Q.C.:  
 3 Q. That's worthy of some investigation, so thank  
 4 you for drawing it to our attention.  
 5 MR. MURPHY:  
 6 A. I'm not going too long for you, am I?  
 7 ROIL, Q.C.:  
 8 Q. No, you're doing just fine.  
 9 MR. MURPHY:  
 10 A. Search and rescue response time, again we  
 11 searched for information about the work that  
 12 we do and how we do it and our transportation.  
 13 Search and rescue in the North Sea has been  
 14 able to achieve a wheels up time of 15 minutes  
 15 or less. Currently Cougar is committed to a  
 16 wheels up time of one hour, and while a better  
 17 time than that was achieved on March 12th of  
 18 last year, 2009, the time was still nearly  
 19 half an hour longer than the North Sea time.  
 20 Gander DND SAR achieves a better than 30  
 21 minute time for wheels up fro 8 a.m. to 4 p.m.  
 22 So between their working hours, daylight  
 23 working hours, they can do a 30 minute wheels  
 24 up. The flying time from Gander to offshore  
 25 St. John's has to be added in when measuring  
 26 response time.

Page 58

1 ROIL, Q.C.:  
 2 Q. Yes.  
 3 MR. MURPHY:  
 4 A. The Inquiry has heard that the wheels up time  
 5 after 4 p.m. and before 8 a.m. is 70 minutes.  
 6 This puts DND helicopter off St. John's an  
 7 hour and 40 minutes after an incident. Our  
 8 offshore industry workers are entitled to as  
 9 much protection as the workers in the North  
 10 Sea. That's how we feel about that.  
 11 Personally, I kind of like the phrase one of  
 12 our politicians who is quoted as saying when  
 13 he said, "The offshore oil and gas industry  
 14 workers deserve world class protection", and  
 15 so whatever it takes to get that, I think is  
 16 what should be a focus -- where our workers  
 17 are concerned, a focus of this Inquiry. The  
 18 present SAR structure would simply leave us in  
 19 the water too long. Good conditions offshore  
 20 would involve seas of two to three meters, and  
 21 that's good conditions. The average sea in  
 22 winter is 3.7 meters and that comes from  
 23 documentation there from the operators.  
 24 ROIL, Q.C.:  
 25 Q. Yes.  
 26 MR. MURPHY:

Page 59

1 A. And all of us, whatever about the sea states,  
 2 the type of seas you have, I mean, the cold,  
 3 we've all stuck our foot in that water out  
 4 there, it ain't good. It seems unlikely that  
 5 people can survive for hours waiting for a  
 6 helicopter in these conditions, no matter how  
 7 good the survival suit is supposed to be. The  
 8 response time we think is critical.  
 9 ROIL, Q.C.:  
 10 Q. Okay. So do I take it then from the workforce  
 11 perspective, whether DND provides it or  
 12 whether a private operator provides it, is not  
 13 as big an issue as bring down the response  
 14 time to the lowest possible time that can be  
 15 achieved out of St. John's?  
 16 MR. MURPHY:  
 17 A. Perfectly put. I think a phrase that we often  
 18 say to each other when we're talking about  
 19 this is I don't care who provides it. If I'm  
 20 in that water, I don't care who's coming, come  
 21 and get me, as long as somebody does and  
 22 somebody does it in a timely fashion.  
 23 ROIL, Q.C.:  
 24 Q. Thank you.  
 25 MR. MURPHY:  
 26 A. Training improvements. You have a double-

Page 60

1 edged sword talking about that one, I think.  
 2 ROIL, Q.C.:  
 3 Q. Yeah, I suspect you would have to walk some  
 4 treacherous waters here.  
 5 MR. MURPHY:  
 6 A. Yeah, yeah. The BST training, basic survival  
 7 training, it's not that it just trains you how  
 8 to escape and survive, but it teaches that  
 9 it's possible, and we've seen personally that  
 10 even in a catastrophic crash that there are  
 11 chances.  
 12 ROIL, Q.C.:  
 13 Q. You've taken the BST training?  
 14 MR. MURPHY:  
 15 A. Absolutely, yeah.  
 16 ROIL, Q.C.:  
 17 Q. And you feel that it has improved your  
 18 opportunities for survival as opposed to have  
 19 taken no training at all?  
 20 MR. MURPHY:  
 21 A. Absolutely, yeah, no question.  
 22 ROIL, Q.C.:  
 23 Q. So there's real value in it?  
 24 MR. MURPHY:  
 25 A. Absolutely, no question on that, no question  
 26 on that. To get in and get your feet wet,

Page 61

1 your face wet, you know, get in that chopper  
 2 and actually -- you know, the simulator, and  
 3 to do the dunk, I've only known one person  
 4 personally that stood up and looked at it and  
 5 just took his suit off and walked away and  
 6 that was the end of his career in regards to  
 7 offshore industry. He's still working, of  
 8 course. So it is of great value, no doubt  
 9 about it, and it teaches that it can be done  
 10 and there is a survivability there, and  
 11 another catch phrase, you know, "just kiss  
 12 your derriere good-bye if you're going down",  
 13 but that's not necessarily so. We've seen  
 14 that now, even in the most difficult  
 15 catastrophic crash, there is survivability.  
 16 ROIL, Q.C.:  
 17 Q. Mr. Decker has proved that for us.  
 18 MR. MURPHY:  
 19 A. Absolutely, but we still feel that this asset  
 20 can be lost and can be minimized if the actual  
 21 conditions at the time of the incident are  
 22 totally unlike anything that's been  
 23 experienced by the worker. We're aware that  
 24 training in other locations tries to provide  
 25 conditions both in the environment and the  
 26 equipment that is much closer to the reality

Page 62

1 of an incident. Training should approach  
 2 reality as closely as is safely possible, and  
 3 I'm going to underline that, as safely as  
 4 possible.  
 5 ROIL, Q.C.:  
 6 Q. In other words, your understand that there are  
 7 risks in training?  
 8 MR. MURPHY:  
 9 A. Absolutely, yes, and the bottom line is  
 10 safety. Yes, you need to go through this BST,  
 11 but can it be tweaked, I think -- we think it  
 12 can as workers, we think it can be tweaked to,  
 13 you know, help us be a little bit more  
 14 realistic, but safety is the bottom line there  
 15 as well. I know it's a double-edged sword and  
 16 it's not for me to tell somebody how to do it,  
 17 but there's great minds out there working at  
 18 this, I'm sure it can be done.  
 19 ROIL, Q.C.:  
 20 Q. I think we've used the expression "fidelity",  
 21 that the training should be as life like as  
 22 possible to the conditions that you undertake.  
 23 Other people have said, no, we're trying to  
 24 teach you approaches and the fidelity isn't  
 25 important. I think what you're saying to us  
 26 is that from your perspective, fidelity,

Page 63

1 closeness as possible to actual conditions,  
 2 waves, rain, wind, cooler water, all that  
 3 should be a part of the training?  
 4 MR. MURPHY:  
 5 A. To a fine line, yes. It should be better, it  
 6 can be better, and I think it has to be looked  
 7 at. Where exactly do you take it is for  
 8 somebody else to decide, but we feel that we  
 9 can use some more training, some more  
 10 realistic training. It's interesting to note  
 11 there that one of my colleagues just got a  
 12 call yesterday from one of the operators to go  
 13 on a suit test Thursday, I think it is,  
 14 Thursday or Friday, in Halifax, because their  
 15 pool is better equipped for testing these  
 16 suits. It just goes to say something there.  
 17 They have different circumstances, different  
 18 realistic -- they can do things in the pool  
 19 that you can't do here.  
 20 ROIL, Q.C.:  
 21 Q. Have you been to that facility?  
 22 MR. MURPHY:  
 23 A. No, I have not. Also in regards to training,  
 24 there's also -- always a question that's  
 25 always been raised, and sea day for training,  
 26 for the BST training, we've trained in the

Page 64

1 pool in the helicopter dunk and everything  
 2 else with our flight suits, but when we  
 3 actually go out into the ocean for our sea day  
 4 is what we call it, our sea day training,  
 5 we'll go in and they'll implement some of the  
 6 things we've learned at the facility up there  
 7 in Foxtrap and we utilize them, actually go  
 8 out through the narrows out there in  
 9 Freshwater Bay or down in Torbay and we jump  
 10 into the salt water and we float around and do  
 11 the different exercises and climb back aboard,  
 12 but we do them in the Fitzwright immersion  
 13 suit.  
 14 ROIL, Q.C.:  
 15 Q. That's the immersion suit that they have on  
 16 the facilities for evacuating the facility, is  
 17 it?  
 18 MR. MURPHY:  
 19 A. Correct, we have -- that's the abandonment  
 20 suit, but a lot of guys have questioned why  
 21 we're not using our flight suits to give them  
 22 the test. There's answers for that that  
 23 somebody else can give you, I'm not sure why  
 24 exactly, or if it's the right answer that  
 25 we're getting when we ask it.  
 26 ROIL, Q.C.:

Page 65

1 Q. So you're saying if we're tested in the colder  
 2 salt water in the abandonment suit, why don't  
 3 we also have an opportunity to be tested in  
 4 the water in the transportation suit?  
 5 MR. MURPHY:  
 6 A. Correct. A little pet thought of mine is that  
 7 perhaps if I was to go, or somebody, you know,  
 8 under supervision, go to Cougar, go to the  
 9 checkout, go to the counter, get my flight  
 10 suit, leave Cougar, go to a pool, put it on  
 11 and jump in, and then I can come back and say,  
 12 look, the suit I'm flying in is good, I did  
 13 not get wet in it, but right now I do not know  
 14 what will happen.  
 15 ROIL, Q.C.:  
 16 Q. What was your experience with the Fitzwright  
 17 suit? You were in the sea day and used the  
 18 Fitzwright suit, the abandonment suit, you  
 19 used that in the ocean?  
 20 MR. MURPHY:  
 21 A. And you won't sink in them, no. You may get  
 22 wet, you may get damp, but they're a better  
 23 suit for the practice that we do out there.  
 24 ROIL, Q.C.:  
 25 Q. But I think what you're telling me is at least  
 26 you have comfort in knowing what that suit

Page 66

1 will perform like in the ocean, and you don't  
 2 get that opportunity to see how the helicopter  
 3 transport suit will perform?  
 4 MR. MURPHY:  
 5 A. That's exactly what I'm saying. We don't get  
 6 to see exactly what that suit does. My  
 7 colleague will see it next Friday, I guess,  
 8 when he goes up to Halifax. They'll be able  
 9 to do some tests on it, but we don't see it in  
 10 our suits that we use, no.  
 11 ROIL, Q.C.:  
 12 Q. I think you've -- as I take it, there's two  
 13 points here. One is the realism of the  
 14 training is, in your view, an important aspect  
 15 of the training, and the second thing is if  
 16 you're trained in one suit to be in the water,  
 17 why wouldn't there be an opportunity to also  
 18 go in the other suit, if for no other reason,  
 19 but to increase your level of confidence that  
 20 the suit will do what it's supposed to do?  
 21 MR. MURPHY:  
 22 A. Correctly put again. We wonder about  
 23 helicopter resources. We're concerned that  
 24 there's simply not enough helicopters to  
 25 provide the services needed. The activity on  
 26 the Grand Banks now is getting quite prolific.

Page 67

1 The unit that crashed on March 12th does not  
 2 appear to have been replaced. At the time of  
 3 491 there were four units.  
 4 ROIL, Q.C.:  
 5 Q. Okay, and at that point in time those four  
 6 units were serving what number of facilities?  
 7 MR. MURPHY:  
 8 A. To my knowledge, at that time it would have  
 9 been one, two, three - three oil producing  
 10 installations and at least one semi-  
 11 submersible, and that varies out there. I  
 12 stand to be corrected on that.  
 13 ROIL, Q.C.:  
 14 Q. I think we've heard that there's been as many  
 15 as two semi-submersibles and the three  
 16 production facilities.  
 17 MR. MURPHY:  
 18 A. Yeah, and at other times there's other  
 19 facilities as well being -- can take  
 20 helicopter landings.  
 21 ROIL, Q.C.:  
 22 Q. Ships and things, other -- yeah, we've heard  
 23 about other facilities that come in on a more  
 24 sporadic and short term basis.  
 25 MR. MURPHY:  
 26 A. Yeah.

Page 68

1 ROIL, Q.C.:  
 2 Q. So the number of facilities varies, but it's  
 3 at least the three production, plus some  
 4 drilling activity, and usually some  
 5 exploration or seismic activity?  
 6 MR. MURPHY:  
 7 A. Uh-hm.  
 8 ROIL, Q.C.:  
 9 Q. Okay.  
 10 MR. MURPHY:  
 11 A. At the time of 491 there was four units, four  
 12 helicopters. In the return to service Q & A,  
 13 the question was raised, was four enough,  
 14 anyway, and, of course, the answer was yes,  
 15 four was adequate. It was also asked, you  
 16 know, will you replace the 491 airframe and  
 17 that was also answered in the affirmative,  
 18 yes, it would be replaced, and it hadn't been  
 19 -- there have been some changes offshore in  
 20 regards to the amount of helicopters in recent  
 21 months. The Stena Carron, a drilling ship,  
 22 south of St. Pierre and Miquelon.  
 23 ROIL, Q.C.:  
 24 Q. Yes, down in the Laurentian Basin down there.  
 25 MR. MURPHY:  
 26 A. It's flying from -- has a helicopter and it's

Page 69

1 flying from the Cougar facility.  
 2 ROIL, Q.C.:  
 3 Q. Yeah, I think we heard evidence that that was  
 4 a dedicated helicopter used to service that  
 5 particular installation.  
 6 MR. MURPHY:  
 7 A. That's correct, which leaves us basically  
 8 since the return to service with three  
 9 airframes that we've been using to service our  
 10 area of the Grand Banks. So that puts the  
 11 number of helicopter now one per operator, and  
 12 at the same time Husky now has three  
 13 installations out there; the Sea Rose, of  
 14 course, and I believe the Henry Goodrich is  
 15 drilling for her, and if the Glomar GFS Grand  
 16 Banks is not there now, she's in for a refit,  
 17 if it's not there right now, it will shortly  
 18 be on station out there. So the activity is  
 19 getting quite a bit, and while the semis are  
 20 under contract in regards to they come and go,  
 21 it is rare when at least one of the operators  
 22 does not have a semi under contract out there.  
 23 Now we agree that the weather and the sea  
 24 state limits the number of flights to and from  
 25 the installation, they can't fly because of  
 26 weather and that, and there's no doubt that a

Page 70

1 backlog of the personnel on the installations  
 2 -- the personnel on the installations, when it  
 3 gets backlogged out there, those workers who  
 4 are entitled to come home, the whole situation  
 5 creates an atmosphere of pressure to fly.  
 6 That is where you see you get night flights as  
 7 being an example of such pressure, and we feel  
 8 that additional helicopter resources will help  
 9 reduce this pressure. It is understood that  
 10 the highest potential for an accident with a  
 11 helicopter is during takeoff and landing.  
 12 Flights with multiple stops expose workers to  
 13 increased risk, and we feel that increased  
 14 helicopter resources should reduce the need  
 15 for multiple stops and allow flights to be  
 16 direct, non-stop. The more helicopters, the  
 17 less wear and tear on the individual  
 18 helicopters if you're operating with three as  
 19 opposed to four, or two as opposed to four,  
 20 and those two are constantly moving. We just  
 21 question -- as workers we just question, do we  
 22 have enough helicopter resources to operate  
 23 safely offshore.  
 24 ROIL, Q.C.:  
 25 Q. As I understand it again, within this one  
 26 issue you have two concerns that you're

Page 71

1 bringing to us. One is, is there enough  
 2 equipment there to provide the service is one  
 3 issue without overloading the service and  
 4 causing, as you say, night flights and  
 5 situations where there might be pressure, and  
 6 I'm not suggesting there is real pressure, but  
 7 there's a perception at least there's pressure  
 8 to fly to get people home?  
 9 MR. MURPHY:  
 10 A. Correct.  
 11 ROIL, Q.C.:  
 12 Q. If not for operational reasons, I take it,  
 13 that the workers certainly want to get home  
 14 when their shift is over?  
 15 MR. MURPHY:  
 16 A. Another double edged sword that -- you know,  
 17 when you're out there for 21 days, you're  
 18 anxious, will you allow yourself to be pushed  
 19 to the limit in regards to, you know, if the  
 20 operator says we're going to fly at night,  
 21 there's a flight coming, do you want to get on  
 22 it, very few refuse. After 21 days, we want  
 23 to leave, and if you get backed up, now you're  
 24 out there 22/23 days, you're even more  
 25 anxious, exponentially the longer you're out  
 26 there.

Page 72

1 ROIL, Q.C.:  
 2 Q. And the second issue I hear you saying is that  
 3 you don't like the idea of what we called when  
 4 we're talking about flying airplanes, a milk  
 5 run, you don't like the fact that one flight  
 6 will go out and go to several installations.  
 7 Now as I understand it, one of the arguments  
 8 against that is that you have 19 people or 17  
 9 people who want to try to get somewhere, and  
 10 ten are going to one place and seven are going  
 11 to another place, that if you have one flight  
 12 that is full, you have one flight that is at  
 13 risk. If you send two helicopters out with  
 14 the same people, each going to a separate  
 15 location, that would increase the risk. Has  
 16 that issue ever been considered by the  
 17 workers?  
 18 MR. MURPHY:  
 19 A. It happens and it's going to happen that you  
 20 do go to multiple installations. We just  
 21 wonder is it happening more often because they  
 22 just don't have enough helicopters to service  
 23 the offshore. Perhaps somewhere somebody  
 24 could -- is there an amount of flights per  
 25 helicopter, is there a rule of thumb or a  
 26 standard. I don't know, but it seems to us

Page 73

1 that we had four pieces of equipment and then  
 2 we operated on three, and there's more  
 3 installations there now than there was then.  
 4 Are we overtaxing our equipment, our  
 5 resources.  
 6 ROIL, Q.C.:  
 7 Q. If there is an explanation, I take it that it  
 8 hasn't been explained to your satisfaction,  
 9 you don't understand what the explanation is  
 10 for that change in the configuration of the  
 11 fleet?  
 12 MR. MURPHY:  
 13 A. No.  
 14 ROIL, Q.C.:  
 15 Q. Okay. I think we have one other issue that  
 16 you want to bring to our attention.  
 17 MR. MURPHY:  
 18 A. Communication with the workforce. I'll be the  
 19 first to admit that things have changed in  
 20 this regard since the crash of flight 491.  
 21 Just last week, we were advised that a Cougar  
 22 Sikorsky helicopter was having its gearbox  
 23 replaced because a crack was found in the  
 24 gearbox in the mounting feet, and we were told  
 25 that the very next day. One guy did complain  
 26 that he heard it on the news first, but that's

Page 74

1 not unusual, but the communication was there  
 2 and it was quick and it was in depth, and  
 3 that's what we need. That's what we're  
 4 looking for. We have to know. I mean, what  
 5 can we do about it, I don't know, but at least  
 6 we were informed. We can make an informed  
 7 decision when we get aboard the aircraft.  
 8 Many people were complaining about the fit of  
 9 their flight suits for 10, maybe 12 months  
 10 before the crash. These complaints did not  
 11 register for whatever reason. The complaints  
 12 did not register as being a problem with the  
 13 seal of the suits. The operators appear to  
 14 believe that the suits when they were first  
 15 initiated were being fitted at the heliport,  
 16 the crews were being fitted with the new  
 17 suits. I personally wasn't. At the time of  
 18 the introduction of the suits, I was working  
 19 at the office in there in maintenance planning  
 20 and when I went back offshore, they were in  
 21 new suits. I went to the counter and the guy  
 22 says, yeah, you're a medium. I sat down and I  
 23 put it on and everything -- it was awkward  
 24 putting on because it's very different than  
 25 the original Mustangs that we were using, but,  
 26 no, I wasn't fitted for it, and when I heard

Page 75

1 the operators saying, well, Helly Hansen was  
 2 fitting people when suits first came in, I  
 3 asked around and I couldn't find anybody that  
 4 had been fitted for it, you know. So  
 5 communications there seemed to be lacking  
 6 somehow.  
 7 ROIL, Q.C.:  
 8 Q. Uh-hm.  
 9 MR. MURPHY:  
 10 A. We're concerned that the operators believe  
 11 that they did not get feedback from the  
 12 workers after they answered the return to  
 13 service questions. Workers did responded and  
 14 many indicated that they were not satisfied  
 15 with the answers given. In the past, workers  
 16 have been on aborted flights and not known  
 17 why, and the anxiety caused by this practice  
 18 is extreme. The workers have pushed harder to  
 19 have the HUEBA put in place. If they had  
 20 known that C-NOPB were saying about it and  
 21 that it was under consideration for so long, I  
 22 guess we never knew because we weren't really  
 23 privy to a lot of that communication. If they  
 24 were asked -- if we asked about it, we were  
 25 told, hey, it's in the works. It's almost an  
 26 attitude of, you know, it's our business,

Page 76

1 we're taking care of it, and you'll find out  
 2 when the time comes.  
 3 ROIL, Q.C.:  
 4 Q. Is that the same way on the -- you're talking  
 5 about issues that relate to the transportation  
 6 piece of your work. Is the same communication  
 7 issue in the workplace once you're out there,  
 8 because we've heard a lot of evidence from the  
 9 operators about how there is good open  
 10 communication on the facility?  
 11 MR. MURPHY:  
 12 A. I guess that's a yes and no on that one. The  
 13 way the communication is, the operator will  
 14 say, okay, we're bringing in this practice or  
 15 this standard or this method, and that's  
 16 communicated, but the input that we've had on  
 17 it is probably negligible or none at all. So  
 18 if that's communication, if that's what the  
 19 operators call good communication, that's not  
 20 exactly what I'm talking about. What I'm  
 21 talking about is that we need more from both  
 22 sides; from the workers, from the operators,  
 23 and it's not just here it is, this is the way  
 24 it's going to be, now go do it.  
 25 ROIL, Q.C.:  
 26 Q. We've heard about these cards, you know, the

Page 77

1 Step Back, and the Five by Five, and all those  
 2 kinds of processes which engage workers in  
 3 talking about and communicating their concerns  
 4 about their work before they perform it, so  
 5 they really understand, yes, it's safe; yes,  
 6 I've done the risk management, yes. That's  
 7 not what I'm hearing from you. I don't know  
 8 if there's a difference here. I think what  
 9 you're telling me is that there's information  
 10 being provided, but it's not a dialogue type  
 11 information, this is the way things should be  
 12 done, now let's go forward together and do it.  
 13 MR. MURPHY:  
 14 A. The operators have a whole department down  
 15 there called ESS, ES & SR, and they are  
 16 constantly looking for ways -- and it's  
 17 safety, nobody is going -- I told you that  
 18 before, nobody is going to argue that, I'm the  
 19 first proponent of that, but where they get  
 20 their programs and their systems, it's  
 21 unbeknownst to me, but they seem to feel that  
 22 this is going to work if you use it, and they  
 23 bring it out and they say, here you go, and  
 24 that's fine, we learn to use it and we go  
 25 ahead and use it. There's no argument. Like  
 26 any system, there can be flaws in it, but they

Page 78

1 don't necessarily want to know that there's  
 2 flaws in it, just do it the way that we tell  
 3 you to do it, and it will work.  
 4 ROIL, Q.C.:  
 5 Q. Is that communication different with respect  
 6 to the helicopter portion or is it the same?  
 7 MR. MURPHY:  
 8 A. I think it comes down to attitude, I think.  
 9 I'm not sure, I'm giving you a personal  
 10 opinion here now.  
 11 ROIL, Q.C.:  
 12 Q. Yes.  
 13 MR. MURPHY:  
 14 A. It comes down to attitude, do it, we're taking  
 15 care of business, and this is our business,  
 16 and this is what you need to know, go ahead  
 17 and do it. So the communication, I don't  
 18 think is as free flowing as maybe it should  
 19 be. Can it be improved? Has it improved;  
 20 absolutely. Can it improve some more;  
 21 absolutely.  
 22 ROIL, Q.C.:  
 23 Q. So you've seen an improvement since you began  
 24 to work with the industry?  
 25 MR. MURPHY:  
 26 A. Yes.

Page 79

1 ROIL, Q.C.:  
 2 Q. Okay, we've gone beyond the break time, but I  
 3 think you only had a concluding statement, so  
 4 perhaps we can do that and then we'll take a  
 5 break before --  
 6 MR. MURPHY:  
 7 A. Then I can get off the hotseat maybe.  
 8 ROIL, Q.C.:  
 9 Q. Not quite that easy, but I'm sure --  
 10 MR. MURPHY:  
 11 A. I didn't think so. Up until the crash of  
 12 Cougar Flight 491, the offshore oil industry  
 13 appeared to have achieved an outstanding  
 14 safety record following the Ocean Ranger  
 15 disaster. We are here because of events that  
 16 happened in the past, but we're here about the  
 17 future. The one great value of the past is  
 18 what it tells us about what we can do to make  
 19 the future better. The post-crash period has  
 20 identified problems with night flights, flight  
 21 suits, selection and implementation of an  
 22 underwater breathing device, response times  
 23 for search and rescue, and helicopter defects.  
 24 Changes are being made. More need to be made.  
 25 The largest challenge is to understand that  
 26 the biggest problem is how these issues went

Page 80

1 undetected or not responded to, and we have to  
 2 make changes which will prevent this situation  
 3 from happening again, and we as workers  
 4 offshore, this is what we're hoping will come  
 5 from this Inquiry. We're hoping that you can  
 6 make realistic and real changes to make it  
 7 safer for us to travel back and forth to our  
 8 jobs, and in that regard, we welcome this  
 9 Inquiry. The end.  
 10 ROIL, Q.C.:  
 11 Q. Thank you, Mr. Murphy, thank you very much. I  
 12 think it's probably time for our break.  
 13 (RECESS)  
 14 COMMISSIONER:  
 15 Q. Now, Mr. Roil, you've finished your  
 16 questioning, have you?  
 17 ROIL, Q.C.:  
 18 Q. Yes, thank you, Mr. Commissioner, yes, we're  
 19 finished.  
 20 COMMISSIONER:  
 21 Q. Okay, well, I'll go through the -- you're  
 22 ready to take questions, Mr. Murphy?  
 23 MR. MURPHY:  
 24 A. Yes, sir.  
 25 COMMISSIONER:  
 26 Q. Now counsel for the C-NLOPB.

Page 81

1 MS. CROSBIE:  
 2 Q. Thank you, we have no questions.  
 3 COMMISSIONER:  
 4 Q. Thank you. Counsel for Transport Canada, no.  
 5 Counsel for CAPP or representative of CAPP.  
 6 MR. MANNING:  
 7 Q. Thank you, no questions.  
 8 COMMISSIONER:  
 9 Q. Okay, thank you. Counsel for HMDC.  
 10 MR. WALLACE:  
 11 Q. Thank you, Mr. Commissioner, Ian Wallace for  
 12 HMDC. Mr. Murphy, no questions. I'd like to  
 13 thank you on behalf of HMDC for your  
 14 participation in the Inquiry this morning.  
 15 For the issues that you've outlined on behalf  
 16 of the workforce, which I think are also  
 17 issues in common for the Commissioner, and for  
 18 your articulate and helpful presentation this  
 19 morning. Thank you.  
 20 MR. MURPHY:  
 21 A. Thank you, sir.  
 22 COMMISSIONER:  
 23 Q. Thank you, Mr. Wallace. Suncor?  
 24 MR. MAHONEY:  
 25 Q. No questions.  
 26 COMMISSIONER:

Page 82

1 Q. And Husky.  
 2 MACDONALD, Q.C.:  
 3 Q. No questions.  
 4 COMMISSIONER:  
 5 Q. Now counsel for Cougar.  
 6 WHALEN, Q.C.:  
 7 Q. No questions. Thank you, Commissioner.  
 8 COMMISSIONER:  
 9 Q. Thank you, Mr. Whalen. Helly Hansen is not  
 10 here. Counsel for Memorial University of  
 11 Newfoundland, Mr. Hurley.  
 12 HURLEY, Q.C.:  
 13 Q. No questions, thank you, Mr. Commissioner.  
 14 COMMISSIONER:  
 15 Q. Okay, thank you. For the Government of  
 16 Newfoundland and Labrador?  
 17 MS. BERLIN:  
 18 Q. No questions, Mr. Commissioner.  
 19 COMMISSIONER:  
 20 Q. Mr. Harris, I see you're here. Do you have  
 21 any questions?  
 22 HARRIS, Q.C.:  
 23 Q. Yes, I have just a couple of questions.  
 24 MR. BRIAN MURPHY - EXAMINATION BY JACK HARRIS, Q.C.:  
 25 HARRIS, Q.C.:  
 26 Q. Thank you, Mr. Commissioner. For the record,

Page 83

1 my name is Jack Harris, I'm a member of  
 2 Parliament for St. John's East, and thank you,  
 3 Mr. Murphy, for your excellent presentation  
 4 and information as to the concerns that  
 5 workers have flying back and forth. I am  
 6 principally here to talk about search and  
 7 rescue, so I'll focus on that aspect of  
 8 helicopter safety, and I was particularly  
 9 interested in your issues that you raised  
 10 about night flying and the safety issues that  
 11 are different because of that. One thing I  
 12 need to understand first of all, I think when  
 13 you talked about the difficulties that the  
 14 current helicopters used by Sikorsky -- or by  
 15 Cougar have, is that the absence of the auto  
 16 hover was one issue in terms of being able to  
 17 remain stable and that's a question that's been  
 18 discussed, but you also mentioned that there  
 19 was, either because of the auto hover or other  
 20 equipment, that it was difficult for the  
 21 Cougar helicopters to actually do a controlled  
 22 ditch at night in a way that was not the same  
 23 as during the day. Could you elaborate on that  
 24 a little bit?  
 25 MR. MURPHY:  
 26 A. Again not being a helicopter expert or

Page 84

1 engineer or anything, it's our understanding  
 2 from researching the information that we've  
 3 dug up, that in order for a controlled  
 4 ditching, as you can picture, it's coming from  
 5 an altitude down to the water, the auto hover  
 6 gives like a GPS reference of where you are in  
 7 relation to the water. In the night time,  
 8 there is -- there are no reference points.  
 9 This auto hover doesn't eliminate a chopper  
 10 from landing on a vessel or landing back at  
 11 the airport, it's in the dark with no  
 12 reference points, no horizon, nothing to give  
 13 the pilot something to take for references in  
 14 regards to landing, and this is where this  
 15 auto hover, to my knowledge, comes into  
 16 effect. So it would affect his ability to  
 17 safely ditch.  
 18 HARRIS, Q.C.:  
 19 Q. So this aspect of auto hover is important. I  
 20 don't know, and perhaps you don't, but is it  
 21 possible that this particular GPS type  
 22 referencing could be available even without an  
 23 auto hover?  
 24 MR. MURPHY:  
 25 A. I would not know that.  
 26 HARRIS, Q.C.:



Page 85

1 Q. You wouldn't know that, and I don't either,  
 2 but that was the aspect of the auto hover that  
 3 was important for a controlled ditching from  
 4 your point of view?  
 5 MR. MURPHY:  
 6 A. To my knowledge.  
 7 HARRIS, Q.C.:  
 8 Q. Okay, the other aspect of flying at night, of  
 9 course, and I guess it goes back to your  
 10 concern, the concerns of the workers that if  
 11 there is a ditching situation and, you know,  
 12 we would all hope obviously a much more -- a  
 13 very different kind of crash than happened in  
 14 491, the -- there would be considerably more  
 15 than in this case two people in the water, if  
 16 we were in the best of all possible worlds,  
 17 there could be as many as 18 people in the  
 18 water. So we've got two situations we're  
 19 dealing with. First of all, I think, as the  
 20 Commissioner is concerned about, the first  
 21 response time and the Cougar situation that we  
 22 have here, and I think you've recommended that  
 23 15 minutes be the standard for getting  
 24 something in the air the same as the North  
 25 Sea. I would suggest to you, and I'm sure you  
 26 mentioned yourself about DND, DND's

Page 86

1 availability, and that would also presumably  
 2 be way more important as a second response or  
 3 a backup, even assuming you have a 15 minute  
 4 response from St. John's. So is that part --  
 5 would that be part of what you would require  
 6 and see as important to helicopter safety  
 7 flying at night?  
 8 MR. MURPHY:  
 9 A. Absolutely. The flying at night, the  
 10 survivability right off the bat is going to be  
 11 difficult in a ditching situation at night.  
 12 The availability to locate and extract the  
 13 survivors, and it comes down -- the bottom  
 14 line, it comes down to time, how long am I  
 15 going to be there, and every minute is going  
 16 to make a world of difference to somebody in  
 17 that situation, and this is our concern about  
 18 our search and rescue capabilities.  
 19 HARRIS, Q.C.:  
 20 Q. So if we can go through the scenario if  
 21 helicopters indeed are going to be allowed to  
 22 fly at night, and even in the best of possible  
 23 worlds with a 15 minute response time from St.  
 24 John's, your estimate of the availability of  
 25 backup from DND would be, given that a 70  
 26 minute response to, that it would take an hour

Page 87

1 and fifteen minutes, I think, or was it more  
 2 than that, to get to St. John's itself?  
 3 MR. MURPHY:  
 4 A. That's right, and you're getting into a couple  
 5 of hours before you can expect to see a SAR  
 6 aircraft.  
 7 HARRIS, Q.C.:  
 8 Q. I think you said an hour and 40 minutes to  
 9 arrive -- to get as far as St. John's?  
 10 MR. MURPHY:  
 11 A. Uh-hm.  
 12 HARRIS, Q.C.:  
 13 Q. Now that's 70 minutes, I think we understand,  
 14 was an average response time. So it could be  
 15 more than that, it could be less.  
 16 MR. MURPHY:  
 17 A. This is what we heard from -- it's the  
 18 standard.  
 19 HARRIS, Q.C.:  
 20 Q. It has to be two hours, but the average is 70  
 21 minutes, and even with that, it's an hour and  
 22 40 minutes to get to St. John's, and then to  
 23 go from there to wherever the incident is  
 24 additional to that, and possibly refuelling?  
 25 MR. MURPHY:  
 26 A. Correct.

Page 88

1 HARRIS, Q.C.:  
 2 Q. So your ability to get people out of the  
 3 water, for example, even in a controlled  
 4 ditching at night, you may have someone there  
 5 in 15 minutes, and even if it's fully equipped  
 6 as is recommended, I guess that response can  
 7 only do so much so fast.  
 8 MR. MURPHY:  
 9 A. And your question is?  
 10 HARRIS, Q.C.:  
 11 Q. And the question is, are you opposed to -- in  
 12 these circumstances where we're talking about  
 13 a possible -- or a second response, a possible  
 14 time of an average of an hour and 40 minutes  
 15 to get to St. John's, plus whatever it takes  
 16 to get to the incident, in those circumstances  
 17 would you oppose flying at night at all?  
 18 MR. MURPHY:  
 19 A. Yes, if the response times -- if we had search  
 20 and rescue here in St. John's, if we had a DND  
 21 quality response here in St. John's, even at  
 22 that, it's not safe to fly at night. The  
 23 statistics show that a ditching at night is  
 24 going to be towards 50 percent fatality,  
 25 possibility of towards 50 percent fatality,  
 26 and that speaks for itself, but if I had to

Page 89

1 fly at night, I would want search and rescue  
 2 in St. John's.  
 3 HARRIS, Q.C.:  
 4 Q. Now what -- I think the other point is  
 5 obvious. We all know that response time is  
 6 pretty critical. Do you see finding people in  
 7 the water as an issue from a search and rescue  
 8 point of view? Is that something that  
 9 concerns the workers as well?  
 10 MR. MURPHY:  
 11 A. There was a question on the PLBs, the personal  
 12 locator beacons, from 491, how they operated.  
 13 We've been assured that they did operate.  
 14 Without it happening again and learning from  
 15 experience, we have to assume that this  
 16 electronic equipment works. Is it going to be  
 17 a problem, you know it for sure. If you get  
 18 17 people bobbing around out there in any kind  
 19 of a sea, and more particularly at night, it  
 20 is going to be a problem, yes, of course.  
 21 HARRIS, Q.C.:  
 22 Q. So another issue, I presume, that reflects on  
 23 whether or not night flying -- it's harder to  
 24 find people at night, I presume.  
 25 MR. MURPHY:  
 26 A. Yeah.

Page 90

1 HARRIS, Q.C.:  
 2 Q. Without the right kind of electronic  
 3 equipment. The locator beacons would be part  
 4 of that. I understand there was some evidence  
 5 about radar capabilities as well that could  
 6 identify people in the water through some sort  
 7 of heat sensing radar. Have you heard about  
 8 that?  
 9 MR. MURPHY:  
 10 A. No, I have not.  
 11 HARRIS, Q.C.:  
 12 Q. All right, those are all my questions, Mr.  
 13 Commissioner. I just wanted to underscore  
 14 those points.  
 15 COMMISSIONER:  
 16 Q. Thank you, Mr. Harris. Now normally Mr.  
 17 Earle, I would ask you now, but as this is  
 18 your witness, would you like to go last?  
 19 EARLE, Q.C.:  
 20 Q. Shot rock this morning.  
 21 COMMISSIONER:  
 22 Q. Yes, okay. Mr. Martin, for the families.  
 23 MR. MARTIN:  
 24 Q. I have no questions.  
 25 COMMISSIONER:  
 26 Q. Ms. O'Brien, or Mr. O'Brien this morning.

Page 91

1 O'BRIEN, Q.C.:  
 2 Q. No questions.  
 3 COMMISSIONER:  
 4 Q. Okay, thank you. All right then, Mr. Earle,  
 5 I'm back to you again very quickly.  
 6 MR. BRIAN MURPHY - EXAMINATION BY RANDELL EARLE, Q.C.:  
 7 EARLE, Q.C.:  
 8 Q. Mr. Murphy, the helicopter transportation  
 9 suit, the suit -- and I'm talking now in terms  
 10 of prior to the crash of Flight 491, can you  
 11 give us a sense what people offshore, the  
 12 workers offshore, what their understanding was  
 13 of, you know, the kind of protection that that  
 14 suit would give them? What was the general  
 15 feeling?  
 16 MR. MURPHY:  
 17 A. This suit was touted as being the latest and  
 18 greatest suit that you could use in the  
 19 difficult situation that we would find  
 20 ourselves in in the offshore in regards to  
 21 cold, in regards to floatation, the thermal  
 22 qualities when I say "cold", the flotation and  
 23 an obvious problem, of course, is water  
 24 ingress, and this was supposed to be the  
 25 latest and greatest suit available.  
 26 EARLE, Q.C.:

Page 92

1 Q. Could you give the Commissioner a sense of the  
 2 impact on people offshore when they found out,  
 3 either through picking it up by talk around or  
 4 hearing it through the evidence of this  
 5 Inquiry, could you give us a sense of the  
 6 impact on people of the news that Robert  
 7 Decker's body temperature had gone down to 28  
 8 degrees celsius in the period of approximately  
 9 an hour and fifteen minutes that he was in the  
 10 water?  
 11 MR. MURPHY:  
 12 A. Surprise and shock. It was disappointing,  
 13 that whole situation that we were flying in  
 14 suits that wouldn't be of great benefit. I'm  
 15 not going to say there was no benefit because  
 16 anything at all, but it was disappointing that  
 17 this happened, that we were flying for so long  
 18 and so often in suits that really wouldn't  
 19 have done us a great deal of good in that  
 20 situation.  
 21 EARLE, Q.C.:  
 22 Q. Thank you very much, Mr. Murphy.  
 23 COMMISSIONER:  
 24 Q. Thank you. Mr. Murphy, to me, your evidence  
 25 this morning was very, very valuable. Just to  
 26 talk about a couple of things, auto hover, as

Page 93

1 I understand it, is at night, if you're going  
 2 to rescue someone who's in the water, that the  
 3 auto hover which is like an automatic pilot  
 4 holds the helicopter in position so that you  
 5 stay over the person, or, you know, and then  
 6 are able -- that holds you in position in a  
 7 finer way than a hand controlled, and then  
 8 you're able to lower down a person or a cable,  
 9 or whatever, and helps to get the person up.  
 10 Now I don't know in a ditching if it would  
 11 help or not, I really don't know. This is the  
 12 first time I've heard that concept mentioned,  
 13 but that's something I'll find out about, you  
 14 know. The other thing that I thought -- well,  
 15 to tell you the truth, this whole business and  
 16 the things you've talked about this morning, I  
 17 have to say to you when I open my eyes in the  
 18 morning, I'm thinking about it, all of this,  
 19 and when I close them at night, I'm thinking  
 20 about it, it's the nature of this job, which  
 21 is pretty serious business. The idea of going  
 22 out to meet a helicopter that's in some sort  
 23 of trouble, I hadn't directed my mind a lot to  
 24 that. I've heard it mentioned, but as you  
 25 described it this morning, it had more impact  
 26 on me. How -- do you see that as really

Page 94

1 important?  
 2 MR. MURPHY:  
 3 A. Since this happened to me?  
 4 COMMISSIONER:  
 5 Q. Yeah.  
 6 MR. MURPHY:  
 7 A. Absolutely. I couldn't -- it made me wonder.  
 8 The reason why -- when we had the debrief --  
 9 that happened on, I think, the 16th of  
 10 January, and the 22nd of January we had a  
 11 debrief and I asked that question, and it was  
 12 just -- it was on my mind for those three or  
 13 four days. As I explained to you, when it  
 14 initially happened, it didn't affect me a lot,  
 15 but afterwards -- I flew back that same day,  
 16 got on a different chopper and flew back, flew  
 17 out to our installation and went to work for  
 18 21 days, but for those few days between then  
 19 and the debrief, it just kept crossing my mind  
 20 what would have happened -- how alert was the  
 21 rescue response if we had to have ditched, you  
 22 know, were there supply boats in the area,  
 23 would anybody have checked to see if there was  
 24 any near the route we were flying, and again  
 25 the reason why I asked the questions and the  
 26 answers that I got, to my mind it wasn't taken

Page 95

1 seriously or as seriously as it should have  
 2 been. This is why it just struck me that, you  
 3 know, we should have been -- we should have  
 4 been treated like we were going to go in the  
 5 water, and they should have been prepared for  
 6 that and preparing for that, but it didn't  
 7 seem to be happening.  
 8 COMMISSIONER:  
 9 Q. I see, okay, it's a good point. Have you  
 10 heard of the forward looking infrared device  
 11 that was talked about last week, and that can  
 12 sense through heat a person, for instance,  
 13 through temperature, some sort of radar like  
 14 equipment, you know, three or four kilometres  
 15 away at night, but, of course, the helicopter  
 16 that has that on board, it's externally  
 17 mounted and then there's a man in the back or  
 18 a woman with a screen and all that sort of  
 19 thing. It has to be a dedicated helicopter,  
 20 fully dedicated, to have that, can't carry  
 21 passengers, you know, on that. That's a  
 22 search and rescue helicopter. Now as I  
 23 understand it, DND hasn't got that at this  
 24 time, but I consider it to be a very, very  
 25 important thing to have.  
 26 MR. MURPHY:

Page 96

1 A. Anything at all that's going to take me out of  
 2 that water, I'm down for it.  
 3 COMMISSIONER:  
 4 Q. That's right, that's right, that's right. On  
 5 your statistics, I've read a lot about the  
 6 North Sea in the last few months, and I don't  
 7 -- where did you get your statistics of  
 8 fatalities at night as compared with the day,  
 9 because they're very close to what I'm  
 10 reading?  
 11 MR. MURPHY:  
 12 A. I have given a copy of the document that I  
 13 had. It was from this gentleman, Brooks, I  
 14 think his name is.  
 15 COMMISSIONER:  
 16 Q. Oh, yes, Dr. Brooks. Yes, I've talked to him  
 17 on the phone. As a matter of fact, I'm going  
 18 to meet with him.  
 19 MR. MURPHY:  
 20 A. I have a copy of a study that he's mentioned  
 21 in, amongst other things.  
 22 COMMISSIONER:  
 23 Q. Yeah.  
 24 MR. MURPHY:  
 25 A. Came from that document, and Mr. Roil over  
 26 there has a copy of the documents.

Page 97

1 COMMISSIONER:  
 2 Q. The North Sea statistics are very similar to  
 3 what you've said, you know, fatalities are  
 4 much higher at night than in the day time, no  
 5 question about that, and that's been the  
 6 experience apparently.  
 7 MR. MURPHY:  
 8 A. Just about stands to reason, doesn't it?  
 9 COMMISSIONER:  
 10 Q. Yeah, yeah. Look, you know, I just want to  
 11 say to you again, your evidence this morning  
 12 has been valuable and helpful to me.  
 13 MR. MURPHY:  
 14 A. That was the -- that was the whole point of  
 15 coming here to get across from, not just our  
 16 members, but all the offshore workers, these  
 17 are what we're concerned about, and I hope I  
 18 got it across properly.  
 19 COMMISSIONER:  
 20 Q. You did, you did.  
 21 MR. MURPHY:  
 22 A. Thank you.  
 23 COMMISSIONER:  
 24 Q. Okay, sir.  
 25 MR. MURPHY:  
 26 A. Thank you.

Page 98

1 ROIL, Q.C.:  
 2 Q. Commissioner, in that case I think we can  
 3 excuse Mr. Murphy. Thank you very much.  
 4 We'll invite Mr. Peddle to take the witness  
 5 seat. Good morning, Mr. Peddle. You are  
 6 Sheldon Peddle.  
 7 MR. PEDDLE:  
 8 A. Yes, I am.  
 9 ROIL, Q.C.:  
 10 Q. Okay, I think the Registrar will read the oath  
 11 to you.  
 12 MR. SHELDON PEDDLE (SWORN) EXAMINATION BY JOHN ROIL,  
 13 Q.C.:  
 14 ROIL, Q.C.:  
 15 Q. Good morning, Mr. Peddle, I'll just invite you  
 16 to either move the microphone a bit or move  
 17 yourself in front of the microphone so we have  
 18 a good audio connection. Good morning, sir,  
 19 and who is Mr. Sheldon Peddle?  
 20 MR. PEDDLE:  
 21 A. I'm Sheldon Peddle. I've worked offshore on  
 22 Hibernia. I'm the Telecom Technician on board  
 23 the platform, and I've worked there for the  
 24 last 13 years.  
 25 ROIL, Q.C.:  
 26 Q. Okay, tell us a little bit about your

Page 99

1 background, where you're from, your  
 2 educational background, and then sort of how  
 3 you came to be into this industry, just a  
 4 little bit of a history of how you got there?  
 5 MR. PEDDLE:  
 6 A. Okay. I'm a Newfoundlander, I was born in  
 7 Carbonear. I'm 44 years old, trained as an  
 8 electronics technician here in St. John's. I  
 9 attended basic electronics and the technology  
 10 course at the old College of Trades and  
 11 Technology, which is now part of the College  
 12 of the North of Atlantic. I graduated in '84.  
 13 In '85, I went to work offshore briefly with a  
 14 diving company here in St. John's, Hydro Space  
 15 Marine Services. In that job, I was an ROV  
 16 Technician. I worked for about four months on  
 17 board the Bow Drill I, which was at that time  
 18 drilling a well.  
 19 ROIL, Q.C.:  
 20 Q. That was a drill ship, was it?  
 21 MR. PEDDLE:  
 22 A. No, a drilling rig.  
 23 ROIL, Q.C.:  
 24 Q. A rig.  
 25 MR. PEDDLE:  
 26 A. Semi-submersible. It was drilling a well

Page 100

1 probably up in the Orphan Basin. It was like  
 2 a thousand feet of water. I did four months  
 3 work at that time, and then I immediately  
 4 followed on to -- I got an offer to work with  
 5 the old Newfoundland Telephone in October of  
 6 '85, and I worked with the telephone company  
 7 for ten years up until 1995, when we got  
 8 caught up in a restructuring at that time, and  
 9 I was transferred, but during my time with the  
 10 phone company, I worked extensively in  
 11 Labrador, I flew a lot in helicopters, single  
 12 engine 206s, A-Stars, that sort of thing,  
 13 travelling to the coast mainly, did a lot of  
 14 work on the north coast and the south coast of  
 15 Labrador.  
 16 ROIL, Q.C.:  
 17 Q. These are small helicopters as compared to the  
 18 large heavy lift --  
 19 MR. PEDDLE:  
 20 A. Single engine helicopters, yeah, the kind  
 21 where you get to ride up front with the pilot  
 22 basically.  
 23 ROIL, Q.C.:  
 24 Q. Okay, that's where the only seat is right next  
 25 to the pilot?  
 26 MR. PEDDLE:

Page 101

1 A. Yeah, there was one in the back too, but I did  
 2 a lot of flying up front, so I had a lot of  
 3 opportunity to discuss helicopters, you know,  
 4 and just get a feel for how safe they are,  
 5 inherently safe, basically, the capabilities  
 6 of the auto rotate, and that sort of thing.  
 7 So when I moved into the offshore, I had  
 8 travelled, I guess, in '85, you know, several  
 9 times to the offshore to the rig, but when I  
 10 moved into the job with Hibernia basically in  
 11 '97, you know, helicopters were -- I was  
 12 fairly comfortably flying with them.  
 13 ROIL, Q.C.:  
 14 Q. And since 1997, have you worked consistently  
 15 then in the offshore?  
 16 MR. PEDDLE:  
 17 A. Yes, a regular rotation, three on, three off,  
 18 so I guess I've done probably nine hitches a  
 19 year for the last 13 years, about 125/130  
 20 round trips.  
 21 ROIL, Q.C.:  
 22 Q. Well in excess of 100 trips?  
 23 MR. PEDDLE:  
 24 A. Yes.  
 25 ROIL, Q.C.:  
 26 Q. Yeah. Just as an aside, do you remember your

Page 102

1 flights back in the early days of the  
 2 exploration back in 1985 when you were on the  
 3 Bow Drill, did you travel by helicopter then?  
 4 MR. PEDDLE:  
 5 A. Yes, I did, yeah, Sealand Helicopters,  
 6 actually, Mr. Dobbin's company.  
 7 ROIL, Q.C.:  
 8 Q. They were the provider back then?  
 9 MR. PEDDLE:  
 10 A. The provider back then, and I flew on the same  
 11 aircraft, I guess, the same type of aircraft,  
 12 a Super Puma L1, 332-L1.  
 13 ROIL, Q.C.:  
 14 Q. So very similar to the one that was used back  
 15 in '96?  
 16 MR. PEDDLE:  
 17 A. The same one, that's right, yeah.  
 18 ROIL, Q.C.:  
 19 Q. Okay. I take it, you have a significant  
 20 position with the union?  
 21 MR. PEDDLE:  
 22 A. Yes, I do. I've been President of the Local  
 23 basically -- combined Local, which includes  
 24 the bargaining units on Hibernia and Terra  
 25 Nova since August of 2007.  
 26 ROIL, Q.C.:

Page 103

1 Q. And that is Local 2121?  
 2 MR. PEDDLE:  
 3 A. Yes, it is, 2006, by the way, actually.  
 4 ROIL, Q.C.:  
 5 Q. 2006, yeah, and you're still in the currency  
 6 of one of your collective agreements with  
 7 HMDC?  
 8 MR. PEDDLE:  
 9 A. We're currently collective bargaining with the  
 10 employer. Have been since September. We're  
 11 still covered off under our first agreement,  
 12 actually.  
 13 ROIL, Q.C.:  
 14 Q. The first agreement is still in place, and  
 15 it's being renegotiated into a second  
 16 agreement at this point?  
 17 MR. PEDDLE:  
 18 A. That's correct, yes.  
 19 ROIL, Q.C.:  
 20 Q. Okay. I understand that you're going to speak  
 21 to us generally today about the occupational  
 22 health and safety regime and how it works in  
 23 respect to HMDC, and then particularly how  
 24 helicopters might be there or might not get  
 25 there, but again I'd ask you to just make a  
 26 comment, you've obviously had some

Page 104

1 considerable period of time that you've worked  
 2 in the offshore, about the whole issue of the  
 3 safety regime in the offshore itself in the  
 4 work on the facility. We've heard a lot about  
 5 it, and as I said to the earlier witness, your  
 6 counsel was quite complimentary to the  
 7 companies in terms of the fact that there was  
 8 very good safety record, and that their safety  
 9 record was probably created by the right  
 10 atmosphere. Do you ascribe to the same  
 11 feelings?  
 12 MR. PEDDLE:  
 13 A. I'd agree with that, yes. I mean, certainly  
 14 from my experience with Hibernia, we have a  
 15 safety culture, I guess, that you could say is  
 16 second to none in terms of, you know, our  
 17 stated objectives and goals and where we want  
 18 to take safety to, and what level we want to  
 19 take it to.  
 20 ROIL, Q.C.:  
 21 Q. And do you see the right processes in place to  
 22 make sure those goals are achieved?  
 23 MR. PEDDLE:  
 24 A. The processes are there for sure, and I guess  
 25 our system works a little bit differently than  
 26 on some of the other installations. We've got

Page 105

1 a little bit of a different process and  
 2 structure to our safety committees.  
 3 ROIL, Q.C.:  
 4 Q. Right, okay, and that's probably where I'll  
 5 take you right away then, is to explain to us  
 6 perhaps with some degree of detail how the  
 7 occupational health and safety system works at  
 8 Hibernia, and I'll try to avoid calling it the  
 9 JOHS system because it offends a number of  
 10 people, including your counsel, and I don't  
 11 like it either just because of the sound of  
 12 it, it sounds like you're being humorous, but  
 13 the OHS Committee or the OHS regime at HMDC,  
 14 how does it work, what are the fundamental  
 15 underpinnings of it?  
 16 MR. PEDDLE:  
 17 A. Well, it's a typical joint -- this is where  
 18 JOHS comes in, it's a Joint Occupational  
 19 Health and Safety Committee. The committee is  
 20 the highest structure or the highest party at  
 21 the work site that deals with health and  
 22 safety issues. Again it's composed of worker  
 23 safety reps who are elected from various  
 24 constituencies or departments in the  
 25 workplace.  
 26 ROIL, Q.C.:

Page 106

1 Q. Right.  
 2 MR. PEDDLE:  
 3 A. And it's also composed of a management  
 4 component that's selected by management to sit  
 5 on the committee.  
 6 ROIL, Q.C.:  
 7 Q. And is there a Chair or are there co-chairs,  
 8 how does that --  
 9 MR. PEDDLE:  
 10 A. There are worker co-chairs and the OIMs of the  
 11 installations in the offshore is typically the  
 12 offshore -- the co-chair of the management  
 13 side of the committee.  
 14 ROIL, Q.C.:  
 15 Q. Okay, and we've heard evidence about how that  
 16 position of co-chair sort of rotates back from  
 17 one meeting to the next.  
 18 MR. PEDDLE:  
 19 A. That's right, yeah, like both OIMs -- you  
 20 know, one OIM and his back to back would be  
 21 co-chair, and would conduct meetings on their  
 22 respective shifts, and then we would have our  
 23 own co-chair or worker co-chair, who we try to  
 24 get, you know, full back to back scenarios.  
 25 Sometimes it doesn't always happen.  
 26 Generally, we have a different co-chair at

Page 107

1 each JOHS meeting -- OHS meeting.  
 2 ROIL, Q.C.:  
 3 Q. OHS meeting, okay. We'll do the best to stay  
 4 away from that word, but if we get into it, it  
 5 won't offend us. You've talked about -- I  
 6 want to take you back to a little aspect of  
 7 that that I'd like to develop a little more  
 8 deeply with you. There are worker reps or  
 9 safety reps from the workforce, and then there  
 10 are manager or supervisor reps, is that  
 11 correct?  
 12 MR. PEDDLE:  
 13 A. That's correct.  
 14 ROIL, Q.C.:  
 15 Q. Tell us about the safety reps, how are they  
 16 chosen, what sort of role do they form in the  
 17 committee and then on their own? How does  
 18 that work, because you have a group that are  
 19 worker bees, if you will, you know, the  
 20 supervisor bees, how do the worker people work  
 21 together, how does that work?  
 22 MR. PEDDLE:  
 23 A. Well, I believe the legislation speaks to,  
 24 like, a per capita rep, say, every 50 workers  
 25 at a work site, something like that.  
 26 ROIL, Q.C.:

Page 108

1 Q. Yes.  
 2 MR. PEDDLE:  
 3 A. On Hibernia, we've got probably well in excess  
 4 of the number of safety reps that would be  
 5 called up in the legislation, and that's  
 6 mainly because of the different number of --  
 7 we have a significant number of work areas,  
 8 shall we say. We've got a drilling component  
 9 on board the platform. At one point, we had  
 10 two drilling rigs. There's a well services  
 11 group that services both rigs, so we have like  
 12 an east and a west, that's what we refer to  
 13 the two rigs as. Then we've got components  
 14 for production, maintenance, operations, and  
 15 like a living quarters component. So all of  
 16 these different jurisdictions are able to  
 17 elect their own safety rep.  
 18 ROIL, Q.C.:  
 19 Q. You called them jurisdictions just then.  
 20 Other people talked in terms of their facility  
 21 that it was by department. Is there a word  
 22 that is used on HMDC?  
 23 MR. PEDDLE:  
 24 A. It's the same thing basically, but I think  
 25 when we do the elections, they use the  
 26 terminology that's used in the legislation. I

Page 109

1 believe they refer to it as constituency.  
 2 ROIL, Q.C.:  
 3 Q. Okay, so you have these various constituencies  
 4 that are more or less aligned with the  
 5 different functions?  
 6 MR. PEDDLE:  
 7 A. Yes, exactly.  
 8 ROIL, Q.C.:  
 9 Q. Okay, in that alignment of functions, I  
 10 haven't heard you mention that there is a  
 11 helicopter function. Is there somebody that  
 12 is there to represent the helicopter side of  
 13 things?  
 14 MR. PEDDLE:  
 15 A. No, there's not. Like, we don't have any  
 16 expertise per se on that side, you know,  
 17 someone who deals strictly and solely with  
 18 helicopter issues. They're brought up in the  
 19 broader general sense to the committee, the  
 20 OHS Committee.  
 21 ROIL, Q.C.:  
 22 Q. So because all of the worker are travelling by  
 23 helicopter transportation, it's assumed or  
 24 it's expected that the issues will be brought  
 25 up just by virtue of the fact that you're all  
 26 travellers?

Page 110

1 MR. PEDDLE:  
 2 A. Yes, that's primarily a word of mouth system.  
 3 If there is an incident or something that  
 4 happens or whatever, and the questions are  
 5 asked, and then we'll get answers to the point  
 6 that we can actually deal with it as an  
 7 incident or an issue to talk about.  
 8 ROIL, Q.C.:  
 9 Q. Okay, now the -- before you go and attend an  
 10 actual Health and Safety Committee meeting,  
 11 are there other functions or activities that  
 12 these worker representatives perform during a  
 13 regular rotation?  
 14 MR. PEDDLE:  
 15 A. Generally, like, we attend -- one safety rep  
 16 will attend -- it's a morning meeting, and the  
 17 OIMs morning meeting is a meeting of the  
 18 department heads on board, you know, from  
 19 production, maintenance, services, so on, and  
 20 drilling, and they give an update on the past  
 21 days performance, shall we say. If there were  
 22 any safety issues, we'd probably hear about  
 23 them at that meeting, if we didn't have it  
 24 brought to us from the workforce before the  
 25 meeting.  
 26 ROIL, Q.C.:

Page 111

1 Q. Right.  
 2 MR. PEDDLE:  
 3 A. But generally it's -- we attend the meeting as  
 4 an information session to get information if  
 5 there was such an event -- such an incident  
 6 happened or whatever, and if we have anything  
 7 that we want to bring up.  
 8 ROIL, Q.C.:  
 9 Q. And how then do the worker representatives,  
 10 how do they interact with the workforce, are  
 11 they expected to go out and, you know, solicit  
 12 information, concerns, questions from the  
 13 workforce, how does that portion of the piece  
 14 work?  
 15 MR. PEDDLE:  
 16 A. Generally every department, shall we say, has  
 17 their own safety rep. A lot of the groups do  
 18 weekly meetings, weekly safety meetings for a  
 19 particular group, say, the maintenance group,  
 20 and the operations group. So you would attend  
 21 that meeting as one of the workers in that  
 22 particular group, and if there were any safety  
 23 concerns that came up, you would hear about  
 24 them probably at that meeting, but that's not  
 25 to say that you wouldn't hear from something  
 26 on the fly ad hoc that may come up on any

Page 112

1 given day.  
 2 ROIL, Q.C.:  
 3 Q. And what training, if any, do the safety reps  
 4 get with respect to their function as  
 5 representatives on board the committee? Is  
 6 there a form of training that is undertaken to  
 7 familiarize people with this regime?  
 8 MR. PEDDLE:  
 9 A. Yeah, there's a -- by legislation, there's a  
 10 requirement to have all occupational health  
 11 and safety committee members trained as OHS  
 12 representatives.  
 13 ROIL, Q.C.:  
 14 Q. Uh-hm.  
 15 MR. PEDDLE:  
 16 A. So that is two to three days of training that  
 17 would take place after -- generally after  
 18 you've been elected to the committee.  
 19 ROIL, Q.C.:  
 20 Q. Where is that training provided?  
 21 MR. PEDDLE:  
 22 A. Here in St. John's. There are several service  
 23 providers.  
 24 ROIL, Q.C.:  
 25 Q. So it's not provided by the oil company  
 26 operators, it's provided by a separate service

Page 113

1 provider?

2 MR. PEDDLE:

3 A. Private industry, yeah, usually who deal with

4 the safety side of -- you know, safety

5 training, that sort of thing.

6 ROIL, Q.C.:

7 Q. And what sort of things does that training --

8 have you taken such training?

9 MR. PEDDLE:

10 A. Yes, I have.

11 ROIL, Q.C.:

12 Q. And what sort of things would you become aware

13 of in the course of that training?

14 MR. PEDDLE:

15 A. Well, you're given knowledge with regards to

16 the legislation and what you're expected to

17 do, your participation in safety at the work

18 site, how to deal with issues effectively, you

19 know, how to take your issues from your

20 constituents, the people that you're

21 representing, you know, the best way to work

22 as a group of safety reps, that sort of thing.

23 ROIL, Q.C.:

24 Q. Is there a way that the safety reps work as a

25 group outside of the workings of the full

26 formal committee? Is there a -- do the safety

Page 114

1 reps get together themselves as a group?

2 MR. PEDDLE:

3 A. On Hibernia, yes, we do. We meet Fridays

4 generally just after lunch, and we meet weekly

5 to pull our knowledge basically of any safety

6 issues that have come up during the week and

7 to discuss ways forward, maybe how we want to

8 approach those to deal with them. Generally

9 we try to take issues that can be resolved on

10 the platform, we'll take those to the OIM, and

11 that's sort of tasked to the co-chair on the

12 committee of the safety reps.

13 ROIL, Q.C.:

14 Q. Have you performed as co-chair?

15 MR. PEDDLE:

16 A. Yes, I have.

17 ROIL, Q.C.:

18 Q. So if there is an issue that arises on board

19 the facility and the worker representatives

20 are not able to resolve it within their

21 department, it then comes to you as the co-

22 chair to take it up to the OIM? Is that the

23 way it works?

24 MR. PEDDLE:

25 A. Generally, yeah. If there's an issue that we

26 feel can be resolved on the platform, that's

Page 115

1 our first course of action, we'll try and

2 resolve it before it goes to the JOHS

3 Committee, and that's not a -- we're not

4 trying to hide anything, but, I guess, the

5 effort that we're trying to put in is to get

6 the issues resolved as quickly as possible.

7 So that would be the normal course you'd take

8 to deal with the issue as it comes up, and try

9 and deal with, you know, the highest level of

10 management on board the facility, to try and

11 get an acceptable response.

12 ROIL, Q.C.:

13 Q. So the first objective is solve it in the

14 department, the second objective is solve it

15 within the operation at the management level.

16 If that doesn't happen, you're then expected

17 or required, or how does the thing get to the

18 committee, do you then bring it to the

19 committee?

20 MR. PEDDLE:

21 A. Yeah, generally it would be -- it would be

22 held on to as an issue if we didn't see -- if

23 we weren't satisfied with the response maybe

24 on a particular issue, we would take it to the

25 JOHS Committee.

26 ROIL, Q.C.:

Page 116

1 Q. Okay, I'm sort of just trying to get a capture

2 of what you've told us, there are safety

3 representatives of the workforce, there's

4 about 12 or 13 of them?

5 MR. PEDDLE:

6 A. Well, the --

7 ROIL, Q.C.:

8 Q. Whatever number of departments or functions or

9 constituencies you have.

10 MR. PEDDLE:

11 A. That's right, yeah.

12 ROIL, Q.C.:

13 Q. It's a large number.

14 MR. PEDDLE:

15 A. Well, again, I mean, I think it's certainly in

16 excess of 10, but we've lost a few because

17 we've scaled back the drilling a little bit on

18 board Hibernia.

19 ROIL, Q.C.:

20 Q. Yes, we understand only one of the two rigs is

21 drilling?

22 MR. PEDDLE:

23 A. That's correct, yes. So it may at one time

24 have been 13. It could still very well be 13.

25 I'm not entirely sure, but again, like, with

26 the fact that you have people coming and going



Page 117

1 on different rotations, it's kind of hard to  
 2 maintain a constant number of safety reps that  
 3 might be there. You hope that every  
 4 department or constituency is represented all  
 5 the time, but that may not occur because of  
 6 the comings and goings of people.  
 7 ROIL, Q.C.:  
 8 Q. Okay, so at HMDC there is a weekly meeting of  
 9 these reps where they can try to solve issues  
 10 or formalize a way to bring them forward at  
 11 the meeting of the four rotation committees?  
 12 MR. PEDDLE:  
 13 A. Yeah, that's right, and it varies, and because  
 14 people are on night shift and day shift, and  
 15 the time that we do the meeting is convenient  
 16 for the majority, basically. There are times  
 17 when there will be reps on board that  
 18 represent areas that don't attend the meeting  
 19 because it's not conducive to their sleep  
 20 patterns, right.  
 21 ROIL, Q.C.:  
 22 Q. Okay, now you mentioned that one of the  
 23 committee members -- sorry, one of the safety  
 24 rep members then attends the OIM daily  
 25 meeting?  
 26 MR. PEDDLE:

Page 118

1 A. That's correct, yes.  
 2 ROIL, Q.C.:  
 3 Q. Is that the same person all the time or is  
 4 that on a rotation within the safety rep  
 5 group?  
 6 MR. PEDDLE:  
 7 A. It's generally -- you try and rotate it as a  
 8 task among the reps who are available on any  
 9 given day.  
 10 ROIL, Q.C.:  
 11 Q. Okay, and that meeting, does that -- do safety  
 12 issues come up there? I think you mentioned  
 13 if something happened overnight, if you  
 14 haven't heard about it from the workforce, you  
 15 might hear about it there?  
 16 MR. PEDDLE:  
 17 A. That's correct, yeah. You know, occasionally  
 18 we do -- we hear tell of if there was an  
 19 incident, recordable accident, say, for  
 20 instance, where someone was injured and  
 21 whether they required, like, bed rest, or if  
 22 they had their arm scratched or cut, or finger  
 23 broke, or something like that, you might hear  
 24 about it, and that's part of the process, I  
 25 guess, in attending the meeting for the reps  
 26 to go there so that we're apprised of that

Page 119

1 kind of information.  
 2 ROIL, Q.C.:  
 3 Q. So it's not a place where issues are  
 4 necessarily resolved, it's an information  
 5 flowing?  
 6 MR. PEDDLE:  
 7 A. Exactly, yeah, it's more of a report.  
 8 Basically, it's called the OIMs daily report  
 9 and -- at the meeting, that's what it's about  
 10 basically, and again with all the department  
 11 heads there, you hear it from every side of  
 12 the operation basically.  
 13 ROIL, Q.C.:  
 14 Q. Do the safety reps find that to be an  
 15 advantage to them to have that participation  
 16 in that daily meeting?  
 17 MR. PEDDLE:  
 18 A. Generally, it is. I mean, the advantage, I  
 19 guess, if an issue comes up that somebody is  
 20 not aware of, that we can bring it forward in  
 21 that meeting basically as a talking point to  
 22 say, you know, I think we should look at this  
 23 particular issue, this happened last night.  
 24 ROIL, Q.C.:  
 25 Q. Now in addition to a daily OIM meeting or a  
 26 report meeting, there's also a walk about that

Page 120

1 happens once a week, is that correct?  
 2 MR. PEDDLE:  
 3 A. Yeah, generally the person who does the  
 4 meeting on Saturday morning, the OIM meeting  
 5 on Saturday morning, would also attend a  
 6 weekly session -- we call it the walk about.  
 7 It's a platform inspection basically where  
 8 primarily all of the management go out and  
 9 they do an inspection of the platform, but  
 10 there's also participation from different  
 11 areas. Like, safety reps are there, and there  
 12 may be other worker reps that are representing  
 13 different groups who also attend.  
 14 ROIL, Q.C.:  
 15 Q. Now let's go on to the actual Joint  
 16 Occupational Health and Safety Committee, give  
 17 it its formal title. How often does that  
 18 meet?  
 19 MR. PEDDLE:  
 20 A. Every three weeks on a -- well, it's on a  
 21 perpetual schedule, basically. We've been  
 22 doing it the same time now for the last 12/13  
 23 years.  
 24 ROIL, Q.C.:  
 25 Q. So the ten safety reps that are on that  
 26 particular rotation should be always there,

Page 121

1 usually are, what, available for that? Has it  
 2 happened that they're always available, or is  
 3 it sometimes that some of them are not?  
 4 MR. PEDDLE:  
 5 A. Well, they're certainly on the platform to  
 6 attend unless they're off sick for some reason  
 7 or whatever, but depending on their work  
 8 schedule offshore, that meeting typically  
 9 lasts anywhere from an hour and half to, you  
 10 know, as much as two and a half hours. So  
 11 it's a very lengthy meeting to attend if it's  
 12 on your off shift, for instance, and we have  
 13 drilling right now that they end off their  
 14 shift at 11:30/12 o'clock, so it's kind of --  
 15 it's a meeting where if you were on the night  
 16 shift basically with drilling, you probably  
 17 may not attend that meeting, and it all  
 18 depends how many reps you have in that  
 19 situation.  
 20 ROIL, Q.C.:  
 21 Q. Is that something that can be fixed or is that  
 22 just a function of the number of people that  
 23 are working in an offshore installation that  
 24 seems to be working almost around the clock?  
 25 MR. PEDDLE:  
 26 A. That's a function of the operation, I think,

Page 122

1 for the most part, and generally the majority  
 2 of the participants or the available safety  
 3 reps that are there, we'll always put  
 4 together, you know, a half dozen plus safety  
 5 reps that would be representing. Very rarely  
 6 do we have any less than that number.  
 7 ROIL, Q.C.:  
 8 Q. Okay, so let's assume out of the ten -- let's  
 9 assume that the number right now is ten,  
 10 whether we're deadly accurate doesn't make any  
 11 difference, just to talk about it, and if you  
 12 get six or seven there, you're saying that  
 13 gives the opportunity for the issues of all of  
 14 the ten to be raised at the joint meeting?  
 15 MR. PEDDLE:  
 16 A. That's correct, because, you know, with  
 17 regards to the issues that might be brought  
 18 forward over the previous three meetings, the  
 19 safety reps meetings that happen on Friday,  
 20 chances are that the individuals would have  
 21 attended one or two of those in the past week  
 22 or two since they came on board.  
 23 ROIL, Q.C.:  
 24 Q. Right.  
 25 MR. PEDDLE:  
 26 A. So their issues, if they brought them up in

Page 123

1 that meeting, would get addressed at the joint  
 2 meeting.  
 3 ROIL, Q.C.:  
 4 Q. Okay, now I take it that the concept of this  
 5 committee being joined is that there is equal  
 6 participation from the management side of the  
 7 workplace, and that there would be accordingly  
 8 as many as up to ten of the supervisors that  
 9 would be there?  
 10 MR. PEDDLE:  
 11 A. That's correct, yes, and that's by  
 12 legislation. I think there's a requirement  
 13 that when the Occupational Health and Safety  
 14 Committee sits, it is in an equal capacity.  
 15 So if you only ended up with six safety reps  
 16 there, they would ask before the meeting --  
 17 you know, to count up the management people  
 18 that are there and say, okay, you're going to  
 19 have to go and you're going to have to go,  
 20 just so the numbers even out, and it's six and  
 21 six.  
 22 ROIL, Q.C.:  
 23 Q. So at the beginning of every meeting, a  
 24 balancing approach is taken to making sure  
 25 that equal numbers of workforce and management  
 26 are present?

Page 124

1 MR. PEDDLE:  
 2 A. That's correct, yes.  
 3 ROIL, Q.C.:  
 4 Q. That could be a group as large as 20, or  
 5 perhaps as small as 12. Does the size of the  
 6 committee offer any challenges in terms of the  
 7 discussion, or is that something that's  
 8 handled practically by the people who chair  
 9 and co-chair the meeting?  
 10 MR. PEDDLE:  
 11 A. It's not generally an issue, but there's  
 12 plenty of opportunity for anybody to speak at  
 13 these meetings, you know, and generally  
 14 speaking if there's more people there, there's  
 15 probably a little bit better debate sometimes  
 16 that goes on.  
 17 ROIL, Q.C.:  
 18 Q. Who prepares the minutes for these meetings?  
 19 Is one of the members expected to take notes?  
 20 MR. PEDDLE:  
 21 A. We, for many years, had the Platform nurse  
 22 prepare the minutes for the meeting and they  
 23 attended as an observer.  
 24 ROIL, Q.C.:  
 25 Q. So they would be a non-voting observer at the  
 26 committee and they would take the minutes?

Page 125

1 MR. PEDDLE:  
 2 A. That's correct, yeah.  
 3 ROIL, Q.C.:  
 4 Q. He or she who was serving as the Platform  
 5 nurse?  
 6 MR. PEDDLE:  
 7 A. Yes.  
 8 ROIL, Q.C.:  
 9 Q. Okay. What -- has that changed at all?  
 10 MR. PEDDLE:  
 11 A. It has changed. The nurses basically have  
 12 moved into a capacity as safety reps and  
 13 that's led to we now have one of the  
 14 management staff on board is collecting  
 15 minutes, taking the minutes for the meeting  
 16 and he sits as an observer basically.  
 17 ROIL, Q.C.:  
 18 Q. Okay. What then happens with the documented  
 19 minutes? At the end of the meeting, they're  
 20 prepared, I take it. Are they circulated to  
 21 anybody?  
 22 MR. PEDDLE:  
 23 A. They're prepared, you know, over the course of  
 24 a day or two after the meeting and they would  
 25 get sent out to the co-chairs basically,  
 26 respective worker co-chair and the OIM, for

Page 126

1 review to make sure there's no errors or  
 2 omissions, that sort of thing.  
 3 ROIL, Q.C.:  
 4 Q. So if you spot something that was discussed  
 5 and you didn't think it was reflected properly  
 6 or it wasn't reflected at all, would you have  
 7 the opportunity to have that kind of input?  
 8 MR. PEDDLE:  
 9 A. Yes, that's correct.  
 10 ROIL, Q.C.:  
 11 Q. What has been the quality of the minutes?  
 12 Does it vary from time to time or is it always  
 13 the same or is it pretty good? What -  
 14 MR. PEDDLE:  
 15 A. The minutes have varied in their -- you know,  
 16 the accuracy, shall we say, or the length.  
 17 We've had people in the past that kind of kept  
 18 a light version of the minutes and that's  
 19 something that required sometimes a lot more  
 20 work on behalf of the co-chairs involved to  
 21 make sure that the spirit of whatever debate  
 22 took place is sometimes captured in the  
 23 minutes.  
 24 ROIL, Q.C.:  
 25 Q. But at the end of the day, there's an attempt  
 26 made to ensure that all the important

Page 127

1 discussion is recorded?  
 2 MR. PEDDLE:  
 3 A. Yeah, that's right, and then basically, you  
 4 know, when both the OIM and the worker co-  
 5 chair are satisfied that the minutes are  
 6 accurate, then they would sign off and those  
 7 minutes, as far as I know, they go to the C-  
 8 NLOPB.  
 9 ROIL, Q.C.:  
 10 Q. In the ideal world, everything would be  
 11 decided by a consensus or by unanimity, I  
 12 guess, ideally. If not by that, then by some  
 13 sort of a consensus. Is there a protocol or  
 14 procedure that can require some issues get to  
 15 a vote to see how it will be advanced from the  
 16 committee?  
 17 MR. PEDDLE:  
 18 A. There have been instances -- you know,  
 19 generally, that's not the kind of thing that  
 20 takes place. It's the one-of-type situations  
 21 or the very rare occasions when you have like  
 22 a workplace refusal. When you get to a work  
 23 refusal, there is a process where the  
 24 committee is asked their input or their  
 25 opinion basically on a particular issue and  
 26 there may be a situation where you'd have --

Page 128

1 you'd take a counting of the heads, like you  
 2 know, and just see who's in favour and who's  
 3 not in favour of a particular stand on a  
 4 safety issue, for instance.  
 5 ROIL, Q.C.:  
 6 Q. If you have equal participation, is there any  
 7 way in which a tie can be broken?  
 8 MR. PEDDLE:  
 9 A. Not to my knowledge, no.  
 10 ROIL, Q.C.:  
 11 Q. So if there's a tie, if there's not a  
 12 consensus one way or the other, what happens  
 13 to the issue then? Like let's take a work  
 14 refusal because I think you have some personal  
 15 knowledge of that, so let's take a work  
 16 refusal generically and then we'll talk about  
 17 yours.  
 18 MR. PEDDLE:  
 19 A. I think the legislation speaks to the fact  
 20 that even if you're not -- the individual  
 21 who's made the refusal is not satisfied with  
 22 the response from the joint committee, he  
 23 still has the right to take the issue to the  
 24 C-NLOPB and have an outside independent  
 25 investigation done basically.  
 26 ROIL, Q.C.:

Page 129

1 Q. Okay. So the ultimate resolution goes back to  
 2 the regulator, the C-NLOPB?  
 3 MR. PEDDLE:  
 4 A. That's correct, and whether there's a deadlock  
 5 or whether there's, you know, an opinion one  
 6 way or the other, you still have that right.  
 7 ROIL, Q.C.:  
 8 Q. How often, in your experience, do issues  
 9 relating to helicopter transportation come  
 10 forward in this joint occupational health and  
 11 safety regime on board the HMDC Platform?  
 12 MR. PEDDLE:  
 13 A. You know, we've had issues that have come up  
 14 in the past involving the helicopters,  
 15 questions about reliability, maybe questions  
 16 about the number of turnarounds that we've  
 17 seen, that sort of thing. Recently, we've had  
 18 a couple of workplace refusals that dealt with  
 19 issues around the auxiliary fuel tank.  
 20 ROIL, Q.C.:  
 21 Q. I guess my question is, is it understood by  
 22 the workforce generally and by the safety reps  
 23 particularly that the Occupational Health and  
 24 Safety Committee is the right place to bring  
 25 concerns about helicopter transportation  
 26 portion of your work?

Page 130

1 MR. PEDDLE:  
 2 A. Well, I guess it's -- right now, it's the only  
 3 place we have to bring these issues forward,  
 4 even though there doesn't seem to be a lot of  
 5 expertise on that particular committee. We  
 6 have to still go outside and go back right to  
 7 the operator, Cougar Helicopters, to give us  
 8 answers on particular issues.  
 9 ROIL, Q.C.:  
 10 Q. Yeah, I think that takes us back a little bit  
 11 into the point that Mr. Murphy was making with  
 12 his evidence, is that the workers have a  
 13 degree of control and engagement in the safety  
 14 challenges at the workplace because they're  
 15 working there. They don't with respect to  
 16 helicopters because they don't have the  
 17 expertise to understand particularly the  
 18 mechanical side of things. Does that hamper  
 19 the way in which helicopter issues are dealt  
 20 with at the Occupational Health and Safety  
 21 Committee?  
 22 MR. PEDDLE:  
 23 A. I would say it does. I mean, you know, as  
 24 Brian conceded and I'll concede the same  
 25 thing, I'm not an expert on helicopters. I've  
 26 flown in helicopters for hundreds and hundreds

Page 131

1 and hundreds of hours, but -  
 2 ROIL, Q.C.:  
 3 Q. You never worked on one.  
 4 MR. PEDDLE:  
 5 A. You know, I've never put a cowling up on one  
 6 and did any work on it or anything else like  
 7 that. I mean, being into electronics and, you  
 8 know, some sophisticated electronic systems,  
 9 I'm aware that, you know, what they've tried  
 10 to do with the 92 is give it all the bells and  
 11 whistles, all the safety systems and sensors  
 12 and that sort of thing. So I can appreciate  
 13 that there are, at times, things go wrong and  
 14 they get nuisance alarms, that sort of thing.  
 15 So that's about my -  
 16 ROIL, Q.C.:  
 17 Q. That's the level of your -  
 18 MR. PEDDLE:  
 19 A. - active knowledge of the helicopters.  
 20 ROIL, Q.C.:  
 21 Q. Right, okay. Now I think you've indicated  
 22 that you were personally involved in a work  
 23 refusal fairly recently with respect to  
 24 helicopter transportation. So that the  
 25 Commissioner understands the nature of that  
 26 issue, just explain to us how it came about

Page 132

1 and what the focus or concern was for you at  
 2 that time.  
 3 MR. PEDDLE:  
 4 A. Well, I guess, for us on Hibernia, like we had  
 5 not been flying -- we had never flown with a  
 6 dedicated auxiliary fuel tank in our  
 7 helicopter. Generally our flight went off --  
 8 at various times we've had the first flight,  
 9 at times we've had the third flight, but  
 10 generally it was always without a tank, and we  
 11 went with a full complement most times of 19  
 12 people in the helicopter.  
 13 ROIL, Q.C.:  
 14 Q. Sorry, just stop you there, just to clarify.  
 15 We've heard that there are three pieces of  
 16 equipment that are, if you will, committed to  
 17 the three operators, but that ultimately  
 18 they're pooled and that the helicopter that  
 19 you might get one day would not necessarily be  
 20 the same one that was the one that was  
 21 contracted for by the operator. Do you  
 22 understand that. this pooling?  
 23 MR. PEDDLE:  
 24 A. Yes, that's correct.  
 25 ROIL, Q.C.:  
 26 Q. So what are you saying, that there was -- that

Page 133

1 the helicopters that you were flying on  
 2 generally would not have an auxiliary fuel  
 3 tank mounted inside?  
 4 MR. PEDDLE:  
 5 A. Generally since the S-92 was introduced, we  
 6 flew without it, and I guess -- I think that  
 7 might be part of the fact that, you know, the  
 8 reason for that might be like we banked on  
 9 having 19 people. That was our schedule, our  
 10 rotational schedule and the plans that the  
 11 operator would have 19 passengers. 17  
 12 dedicated and two extras, two people that  
 13 might come up on a daily basis or whatever, so  
 14 that we could move 19 people on a daily basis.  
 15 ROIL, Q.C.:  
 16 Q. So HMDC was consuming all of the space  
 17 available on its dedicated flights?  
 18 MR. PEDDLE:  
 19 A. That's correct, and like we didn't need the  
 20 tank for any operational reasons to go back  
 21 and forth. Even with, you know, fairly heavy  
 22 winds, we could usually always fly with a full  
 23 complement of 19.  
 24 ROIL, Q.C.:  
 25 Q. Okay, and that meant that the fuel tank was  
 26 not even there, let alone being used?

Page 134

1 MR. PEDDLE:  
 2 A. That's correct. I'm not saying that people  
 3 haven't flown in the past to Hibernia with a  
 4 tank in the helicopter. I think I may have  
 5 done it once before we started using the 92,  
 6 once that I can remember.  
 7 ROIL, Q.C.:  
 8 Q. So was there a similarly inside located fuel  
 9 tank in the Super Pumas at one time?  
 10 MR. PEDDLE:  
 11 A. There was. Actually, it was a little bit of a  
 12 different arrangement. The Pumas actually --  
 13 I think all of the Pumas had a tank that was  
 14 actually an integrated seat and it was placed  
 15 forward in the helicopter. You know, it  
 16 pretty well occupied the same location all the  
 17 time. Very seldom would you see the Puma with  
 18 a full seat complement basically.  
 19 ROIL, Q.C.:  
 20 Q. Okay, so you presented with the circumstance  
 21 where now you seem to be on a flight that has,  
 22 as a regular thing, a fuel tank that's a part  
 23 of the normal assembly inside.  
 24 MR. PEDDLE:  
 25 A. That's correct. I think Cougar outfitted all  
 26 of the S-92s in St. John's with the auxiliary

Page 135

1 fuel tank and as part of a rotating departure  
 2 schedule now that the operators have, they  
 3 agreed to have that tank on board the  
 4 helicopter on every flight. So that reduced  
 5 the numbers down from 19 down to 17, I  
 6 believe, is what they use in that capacity.  
 7 ROIL, Q.C.:  
 8 Q. And this configuration you're talking about  
 9 now is post Flight 491?  
 10 MR. PEDDLE:  
 11 A. That's correct. Actually, it only started as  
 12 a dedicated, you know, this is the way it's  
 13 going to be from here on in after November  
 14 1st. That's when the rotational schedule  
 15 started basically where -  
 16 ROIL, Q.C.:  
 17 Q. November 1st of 2009?  
 18 MR. PEDDLE:  
 19 A. Yes, that's correct.  
 20 ROIL, Q.C.:  
 21 Q. Okay. And what was your view on the safety  
 22 issues that were being presented by a  
 23 helicopter with a fuel tank? I think we now  
 24 know it would have been on the starboard side  
 25 or the right side in November of 2009.  
 26 MR. PEDDLE:

Page 136

1 A. That's right, yeah. Well, there was a work  
 2 refusal prior to mine that dealt with the  
 3 auxiliary fuel tank and issues around egress  
 4 specifically. That issue was dealt with with  
 5 the C-NLOPB and I believe Brian commented on  
 6 his piece here this morning that, you know,  
 7 they came up and said there's no increased  
 8 risk to having the tank there. It's  
 9 inherently risky to fly offshore in a  
 10 helicopter and the tank didn't add any risk.  
 11 Well, I disagreed with that and -  
 12 ROIL, Q.C.:  
 13 Q. Okay. So you had -- that text that he read  
 14 out to us in his evidence, you had heard and  
 15 seen of that at the time of your decision?  
 16 MR. PEDDLE:  
 17 A. That's correct.  
 18 ROIL, Q.C.:  
 19 Q. Okay, and what was it that you did or did not  
 20 like about that decision?  
 21 MR. PEDDLE:  
 22 A. Well, I don't think you can deny that the tank  
 23 does, you know, increase an egress hazard out  
 24 of a helicopter, just on that one particular  
 25 point alone. We've never trained with the --  
 26 we've never trained in the past with any kind

Page 137

1 of impediment to escape in the helicopter. In  
 2 the mock ups -  
 3 ROIL, Q.C.:  
 4 Q. So the HUET does not have a pretend fuel tank  
 5 sitting on one side of the fuselage?  
 6 MR. PEDDLE:  
 7 A. Not at all. There's nothing. Basically,  
 8 you're always given -- you know, the way they  
 9 do the HUET training now, it's two people in,  
 10 one on either side. You have a window that  
 11 you -- you know, it's a left-hand or right-  
 12 hand side escape basically.  
 13 ROIL, Q.C.:  
 14 Q. Right.  
 15 MR. PEDDLE:  
 16 A. But there's nothing to challenge you, such as  
 17 a fuel tank, with getting out of the  
 18 helicopter, any kind of a mock up or something  
 19 to, you know, replicate the impediment you  
 20 might have to getting out a window.  
 21 ROIL, Q.C.:  
 22 Q. Right. Okay, so what then did you do in terms  
 23 of your understanding of your ability to  
 24 refuse work?  
 25 MR. PEDDLE:  
 26 A. Well, I had been going by vessel for seven and

Page 138

1 a half months after 491 due to an issue with  
 2 my survival suit.  
 3 ROIL, Q.C.:  
 4 Q. Okay. We'll perhaps talk about that a little  
 5 later on. So let's table that issue.  
 6 MR. PEDDLE:  
 7 A. Okay.  
 8 ROIL, Q.C.:  
 9 Q. So you had been travelling for some period of  
 10 time by vessel?  
 11 MR. PEDDLE:  
 12 A. That's correct, yeah.  
 13 ROIL, Q.C.:  
 14 Q. And you were now presented with a new suit and  
 15 a new flight?  
 16 MR. PEDDLE:  
 17 A. That's correct, yeah. So there was a -- you  
 18 know, it came up that I was supposed to go  
 19 offshore on a particular day and I didn't  
 20 really know I was supposed to be there,  
 21 because I figured I was going by boat, and  
 22 then I had a decision to make. I was in the  
 23 process of doing up a presentation, you know,  
 24 a package of documentation that I was going to  
 25 give to Howard Pike with C-NLOPB outlining all  
 26 of these issues that Brian has discussed with

Page 139

1 regards to with the auxiliary fuel tank.  
 2 ROIL, Q.C.:  
 3 Q. Okay.  
 4 MR. PEDDLE:  
 5 A. And that morning, I just had to make a  
 6 decision and I made a decision that I wasn't  
 7 going to go.  
 8 ROIL, Q.C.:  
 9 Q. Okay. So what happened as the result of your  
 10 decision? Let's take it step by step. What  
 11 was the first thing that happened? You  
 12 weren't required to fly?  
 13 MR. PEDDLE:  
 14 A. That's right. I made a refusal and I informed  
 15 my supervisor offshore. At that point in  
 16 time, in accordance with the requirements of  
 17 the regulations or whatever, or the  
 18 legislation, I'm not sure exactly how it  
 19 works, but they convened the Joint  
 20 Occupational Health and Safety Committee  
 21 offshore to discuss the issue.  
 22 ROIL, Q.C.:  
 23 Q. This wasn't a regularly scheduled meeting of  
 24 that committee, was it?  
 25 MR. PEDDLE:  
 26 A. No, it was specifically for this purpose

Page 140

1 basically.  
 2 ROIL, Q.C.:  
 3 Q. Okay, so the mechanism of the committee allows  
 4 for a purpose called meeting to happen and it  
 5 did?  
 6 MR. PEDDLE:  
 7 A. Exactly, that's right.  
 8 ROIL, Q.C.:  
 9 Q. Okay, and that meeting was just to deal with  
 10 your issue?  
 11 MR. PEDDLE:  
 12 A. That's correct, yeah.  
 13 ROIL, Q.C.:  
 14 Q. Okay.  
 15 MR. PEDDLE:  
 16 A. So it started out, I had some discussions that  
 17 day with both co-chairs, the worker co-chair  
 18 at the time and the OIM, and they informed me  
 19 that they'd be conducting a meeting. That was  
 20 on a Friday, and they informed me that there'd  
 21 be a meeting held of the Joint Committee the  
 22 next day to discuss the matter, and go through  
 23 the piece of work that they had to do in  
 24 investigating, I suppose, if you will, my work  
 25 refusal and the reasons that I refused.  
 26 ROIL, Q.C.:

Page 141

1 Q. Okay. So the people that were doing this  
 2 investigation was the regular JOHS or OHS  
 3 committee on board HMDC?  
 4 MR. PEDDLE:  
 5 A. That's correct, yeah. So you know, they met  
 6 and I was tele-conferenced in on their meeting  
 7 and I explained the various reasons, which  
 8 went beyond egress out of the helicopter and  
 9 training. I explained my reasons about why I  
 10 refused and they took it away to discuss the  
 11 matters.  
 12 ROIL, Q.C.:  
 13 Q. Right. What time of the day was this?  
 14 MR. PEDDLE:  
 15 A. Before noon, I believe actually on a Saturday  
 16 morning.  
 17 ROIL, Q.C.:  
 18 Q. Yes.  
 19 MR. PEDDLE:  
 20 A. And you know, I was contacted later that day  
 21 with the -- by the OIM and the worker co-chair  
 22 who basically met to just, you know, have a  
 23 chat with me about the proceedings and how  
 24 things were going, and at that time, I think  
 25 they basically informed me that they would be  
 26 passing this on to the C-NLOPB for their part

Page 142

1 of this. I had indicated -  
 2 ROIL, Q.C.:  
 3 Q. Why was it going to the C-NLOPB, by your  
 4 understanding?  
 5 MR. PEDDLE:  
 6 A. They had conducted, you know, a poll basically  
 7 or, you know, a vote of the people in  
 8 attendance on the joint committee and I  
 9 believe it came out as an eight-eight, you  
 10 know, eight saying they supported the safety  
 11 issues and eight saying that they did not  
 12 support the safety issues.  
 13 ROIL, Q.C.:  
 14 Q. So this was one of those deadlock situations,  
 15 and what happened then, as you understood what  
 16 happened?  
 17 MR. PEDDLE:  
 18 A. Well, apparently it went to the Board and the  
 19 Board, and I'm talking about the C-NLOPB, and  
 20 the Board basically looked at it and said to  
 21 the joint committee that, you know, "you're  
 22 required to do an investigation. What have  
 23 you done?" So they threw it right back to the  
 24 committee to gather more information.  
 25 ROIL, Q.C.:  
 26 Q. Okay, and meanwhile, are we still on the

Page 143

1 Saturday, the same day?  
 2 MR. PEDDLE:  
 3 A. That would have been Sunday, I think. Sunday  
 4 morning, I think, I found that out.  
 5 ROIL, Q.C.:  
 6 Q. Okay. So at this point in time, are you  
 7 travelling by vessel or are you staying  
 8 ashore?  
 9 MR. PEDDLE:  
 10 A. No, I was kept ashore. At that point in time,  
 11 I was just -- you know, I was staying put  
 12 basically. I was told to remain at home and  
 13 wait for further directions basically.  
 14 ROIL, Q.C.:  
 15 Q. Okay. So your understanding is it went from  
 16 the deadlock in the committee to the C-NLOPB.  
 17 They said that you need to do a formal  
 18 investigation or some sort of investigation.  
 19 It went back to the committee.  
 20 MR. PEDDLE:  
 21 A. That's correct, yeah.  
 22 ROIL, Q.C.:  
 23 Q. Okay, and we'll hear from the C-NLOPB on their  
 24 processes. So just tell us what you  
 25 understand, based on your knowledge.  
 26 MR. PEDDLE:

Page 144

1 A. Well, you know, I think, you know, the  
 2 committee offshore is kind of hampered with  
 3 trying to do what it needed to do. I mean,  
 4 they all have work requirements and from all  
 5 the management reps on board to the worker  
 6 reps, I mean, and combined with the fact that  
 7 none of them really have probably the required  
 8 credentials to go and investigate the matter  
 9 properly as it was, based on what I had  
 10 raised, on the issues that I had raised. So  
 11 what they did is they put it forward to an  
 12 individual in St. John's with HMDC, and he  
 13 liaised with Cougar and made some calls on the  
 14 matters at hand and they eventually put  
 15 together a presentation, this individual did,  
 16 along with Cougar, a presentation based on a  
 17 response to all of the concerns that I had  
 18 raised in my work refusal.  
 19 ROIL, Q.C.:  
 20 Q. Right.  
 21 MR. PEDDLE:  
 22 A. And that came about probably -- it was  
 23 probably Thursday of that week and at this  
 24 time, I had been working in St. John's at the  
 25 offices of HMDC.  
 26 ROIL, Q.C.:

Page 145

1 Q. Okay. So you were provided with work ashore  
 2 while this process of investigation was taking  
 3 place?  
 4 MR. PEDDLE:  
 5 A. That's correct. I had raised the issue why I  
 6 wasn't going offshore. I mean, I had been  
 7 travelling by vessel for over seven months.  
 8 Now I know there was some weather issues at  
 9 the time, but there were several windows that  
 10 I could have availed of a boat to go offshore  
 11 when the sea states and whatnot were suitable  
 12 to get out there, but as it was, I was in St.  
 13 John's.  
 14 ROIL, Q.C.:  
 15 Q. Okay. When then did you learn the result of  
 16 the investigation and the next steps?  
 17 MR. PEDDLE:  
 18 A. Well again, I think it was Thursday I had a  
 19 meeting with the individual in question. That  
 20 was the following Thursday after my refusal.  
 21 ROIL, Q.C.:  
 22 Q. That's the gentleman who, from HMDC, was  
 23 tasked with leading this investigation?  
 24 MR. PEDDLE:  
 25 A. That's correct, yeah. He's a former logistics  
 26 guy and so he's familiar with the helicopter

Page 146

1 transport scenario and everything that's  
 2 involved there, plus he's been dealing with  
 3 Cougar quite a bit over the last year, since  
 4 the crash of 491. So I had that meeting with  
 5 him and I viewed the presentation, it was  
 6 given to me and at that point in time, I told  
 7 him that I'd like to see the matter  
 8 investigated further by the Board, and at that  
 9 point in time, it was turned over to the C-  
 10 NLOPB to start their investigation.  
 11 ROIL, Q.C.:  
 12 Q. And what next involvement, if any, did you  
 13 have in that process?  
 14 MR. PEDDLE:  
 15 A. I met with the Board, with safety officers  
 16 from the C-NLOPB, the following Tuesday, I  
 17 think, and you know, I gave a verbal  
 18 presentation of what I had put in writing, my  
 19 issues, and after that, I didn't have a whole  
 20 lot of interaction with the Board. They had  
 21 asked me a few things. They said "if you have  
 22 any documents that you'd like for us to see"  
 23 and I did provide them, by e-mail, I provided  
 24 them with some documentation on some of the  
 25 things that I was talking about.  
 26 ROIL, Q.C.:

Page 147

1 Q. When you say the Board, were you dealing with  
 2 a representative of the Board or were you  
 3 meeting with or talking to the Board itself?  
 4 MR. PEDDLE:  
 5 A. A safety officer who was tasked -- there were  
 6 actually two. There was Ed Lannon, I believe,  
 7 and Valerie Goodland Hennessey. They were the  
 8 two safety officers of the C-NLOPB who were  
 9 tasked in investigating my work refusal.  
 10 ROIL, Q.C.:  
 11 Q. Okay. So when you say the Board, you're  
 12 talking about these two employees of the  
 13 Board?  
 14 MR. PEDDLE:  
 15 A. Exactly, yes.  
 16 ROIL, Q.C.:  
 17 Q. Yeah, okay, and was there ever a decision  
 18 made?  
 19 MR. PEDDLE:  
 20 A. Well, there was. There was a lengthy process.  
 21 They went through -- I had looked for some  
 22 documents and whatnot with regards to the  
 23 stated floatation capability of the helicopter  
 24 with regards to buoyancy stability and how the  
 25 tests were done and how they were done with  
 26 regards to weighting of the helicopter from --

Page 148

1 you know, with regards to the tank being in or  
 2 the tank being empty in the helicopter, and  
 3 that was just one of the issues that they had  
 4 to deal with.  
 5 ROIL, Q.C.:  
 6 Q. I take it your concerns were more than simply  
 7 ingress and egress?  
 8 MR. PEDDLE:  
 9 A. That's correct. And so they had a lot of  
 10 investigation to do on this. Apparently they  
 11 made calls all over the world to different  
 12 regulators and jurisdictions and they dealt  
 13 with people from Sikorsky. They interacted  
 14 with Cougar, I think, to get answers on things  
 15 as well, because Cougar actually developed  
 16 this tank. It is a design that they created,  
 17 I guess, for their purposes. It was built  
 18 here.  
 19 ROIL, Q.C.:  
 20 Q. I think we had some specific evidence on that  
 21 from Cougar.  
 22 MR. PEDDLE:  
 23 A. Yes. So, you know, they also had to talk to  
 24 Transport Canada, and you know, they got  
 25 supplemental type certificates for the  
 26 aircraft and how everything complied with that



Page 149

1 process, to issue a certificate of that type  
 2 for the aircraft and they came back with a  
 3 decision that -- it was probably a week and a  
 4 half after. It was a very lengthy time, this  
 5 investigation. One of the -- as they had  
 6 described it to me, he said "this is the  
 7 biggest investigation we've ever had to do,"  
 8 so in terms of helicopter issues, and you  
 9 know, it came back to me, I think, on the day  
 10 that I was supposed to be coming home from  
 11 offshore when I got the answer basically.  
 12 ROIL, Q.C.:  
 13 Q. And what was the answer?  
 14 MR. PEDDLE:  
 15 A. They told me that basically they didn't  
 16 support -- there was no basis to support the  
 17 concerns that I had, you know, that I had  
 18 raised my work refusal and advised me to go  
 19 back to work, you know, on the helicopter.  
 20 ROIL, Q.C.:  
 21 Q. And so did you make a change in your decision  
 22 at that point?  
 23 MR. PEDDLE:  
 24 A. Well, I still haven't changed my opinion, but  
 25 I do have another set of parameters now that  
 26 I've got to live with in terms of going to

Page 150

1 work and that is fly or have no job, I guess.  
 2 ROIL, Q.C.:  
 3 Q. It seems to me you've described a process, and  
 4 obviously you perhaps weren't aware of all the  
 5 diligence and the extent of the diligence, but  
 6 you described a process where there was at  
 7 least some consultation with you and with the  
 8 manufacturer, the operator and so on. The  
 9 decision was not one that you felt was the  
 10 right decision.  
 11 MR. PEDDLE:  
 12 A. No, and I'd also like to add that, I mean,  
 13 this issue, as Brian mentioned in his  
 14 testimony this morning, it's not just my  
 15 issue. I mean, there was a petition put up on  
 16 board the Platform and it was signed by 140 or  
 17 150 people, I don't know the exact numbers.  
 18 I've got the petition itself, but I mean, who  
 19 all supported the reasons by which I made the  
 20 work refusal, and although there were no other  
 21 people, other than the previous refusal that  
 22 happened, there were no other people who  
 23 actually refused. I mean, the process is  
 24 geared around an individual's right. So the  
 25 same investigation would be conducted whether  
 26 I refused or whether 20 people refused, and

Page 151

1 you know, at the end of the day, the Board did  
 2 their piece and they came up with a decision.  
 3 ROIL, Q.C.:  
 4 Q. And that is, you understand, the way in which  
 5 the OHS committee deadlocks are to be  
 6 resolved, by reference to the Board?  
 7 MR. PEDDLE:  
 8 A. Yeah, not just a deadlock. Even if -- I think  
 9 if the OHS committee had said "well, look, we  
 10 don't support your decision here." I think I  
 11 still have the right to take it to an outside  
 12 -  
 13 ROIL, Q.C.:  
 14 Q. I hear you, yes. So even if everybody on the  
 15 committee voted against you, you would have  
 16 the right to carry it forward?  
 17 MR. PEDDLE:  
 18 A. Yes.  
 19 ROIL, Q.C.:  
 20 Q. And you did?  
 21 MR. PEDDLE:  
 22 A. Yeah.  
 23 ROIL, Q.C.:  
 24 Q. I won't ask you how the committee voted  
 25 because I don't think that's important. Your  
 26 understanding is a worker has the right to

Page 152

1 take this step, to bring it to the committee  
 2 and if they're not satisfied, to bring it to  
 3 the Board?  
 4 MR. PEDDLE:  
 5 A. That's correct, yeah.  
 6 ROIL, Q.C.:  
 7 Q. I think that's important.  
 8 MR. PEDDLE:  
 9 A. My understanding, yeah.  
 10 ROIL, Q.C.:  
 11 Q. Okay. There are a number of other helicopter  
 12 issues that you have drawn to my attention in  
 13 the notes that you've given to me and I'll  
 14 just deal with some of them perhaps. There's  
 15 two flights that were aborted or changed in  
 16 some way. One was in July of 2006 and another  
 17 one is October 2006. Explain to me what  
 18 happened -- explain to me -- explain to the  
 19 Commissioner, more importantly, what the July  
 20 2006 issue was and how that came to your  
 21 attention and how that came to be relevant to  
 22 what we're talking about today.  
 23 MR. PEDDLE:  
 24 A. I guess the first issue comes from personal  
 25 experience. I mean, I was on board the  
 26 helicopter on I think it was the 25th of July

Page 153

1 2006 and it was a turnaround basically on, I  
 2 think it was the only -- it may have been the  
 3 only S-92 that Cougar had at that time. They  
 4 may have had a second aircraft, I'm not sure,  
 5 but the aircraft in question was SCH, which  
 6 was normally Terra Nova's helicopter.  
 7 ROIL, Q.C.:  
 8 Q. Right, and you were on board that on that day?  
 9 MR. PEDDLE:  
 10 A. Yeah, it was, even though generally Hibernia  
 11 was flying on the Super Pumas. We were still  
 12 on a two-helicopter per day schedule. I was  
 13 going out on a day when there may have been  
 14 operational issues with those helicopters and  
 15 the S-92 was available, so they sent us out on  
 16 that one.  
 17 It started out, again it was a beautiful  
 18 summer day, normal flight, and I remember most  
 19 people were sleeping and whatnot. I was very  
 20 nearly asleep myself and I noticed that the  
 21 sun was changing inside the helicopter and  
 22 that we were turning around. So as part of  
 23 the turnaround, we were also descending in  
 24 altitude. I think we may have been two or  
 25 three thousand feet when we were heading out,  
 26 and then shortly thereafter, we were down to

Page 154

1 about 500 feet, and at that time, we had a  
 2 call basically on the headsets, basically by  
 3 the pilot who said that "don't know if anybody  
 4 realized it or not, but we're -- I've got an  
 5 indication on the console here that says I  
 6 should go back to St. John's. Nothing to  
 7 worry about." As part of the process, I think  
 8 he did tell us that he had throttled back one  
 9 of the engines to idle and you could see that  
 10 basically by looking out in the cockpit. The  
 11 throttles basically for the engines are up  
 12 high, as they are in, I think, all the  
 13 Sikorsky helicopters and you could see that  
 14 one was changed back to a different state than  
 15 the other.  
 16 ROIL, Q.C.:  
 17 Q. Right.  
 18 MR. PEDDLE:  
 19 A. So we carried on, I guess, for a few minutes  
 20 and then shortly thereafter, I noticed, out of  
 21 the right side -- I was on the left side. I  
 22 noticed out of one of the right side windows,  
 23 I saw a Cormorant approaching our helicopter  
 24 and I saw it go back to the rear of us and  
 25 next thing I knew it was up on the left side  
 26 of the helicopter following us, probably 100

Page 155

1 feet back, just off the left side.  
 2 ROIL, Q.C.:  
 3 Q. I take it that you don't normally have another  
 4 helicopter travelling beside you, alongside  
 5 you, behind you, that kind of configuration?  
 6 MR. PEDDLE:  
 7 A. It's the first time I've ever had it happen,  
 8 and might be the only time that I've ever  
 9 heard tell of a search and rescue helicopter  
 10 that basically, you know, peeled up on one of  
 11 Cougar's helicopters, you know, when they had  
 12 a technical issue with the machine. So  
 13 shortly thereafter again, we had another  
 14 announcement from the pilot at the time and he  
 15 said, you know, "I don't want anyone to get  
 16 alarmed," he said "but this helicopter," he  
 17 said, he called it by name, rescue 905 or  
 18 something like that, he said "they were on  
 19 manoeuvres in St. John's and they just  
 20 happened to be airborne at the time and when  
 21 they heard our call, that we were returning,  
 22 they offered to come out and escort us back"  
 23 and that's exactly what happened.  
 24 I think I probably left out, the first  
 25 time that -- when we were told that there was  
 26 an issue, I think we were also told, well, you

Page 156

1 know, "give us a half an hour and we'll be  
 2 back in St. John's." That's what I recall as  
 3 being the time frame that we had been off --  
 4 you know, we had been probably 30 minutes out,  
 5 35 minutes maybe, and pilot indicated that it  
 6 would probably be, you know, half an hour back  
 7 until we got in St. John's, but as I recall,  
 8 the time that it took us to get back, we  
 9 probably took an hour and 15 minutes, at  
 10 least, to get back to St. John's.  
 11 ROIL, Q.C.:  
 12 Q. Based on what you've told us about one engine  
 13 as opposed to two, it might be -  
 14 MR. PEDDLE:  
 15 A. That makes a lot of sense.  
 16 ROIL, Q.C.:  
 17 Q. Yeah.  
 18 MR. PEDDLE:  
 19 A. You know, I don't think there were -- that's  
 20 probably the standard protocol to use when  
 21 you're down one engine, to reduce speed to a  
 22 more -- you know, less stress on the only  
 23 engine you have operating. So that's probably  
 24 just par for the course, but it seemed as  
 25 though at first, that it wasn't going to be an  
 26 issue for us getting back in pretty much the

Page 157

1 same time it took us to get to where we were  
 2 before we turned around, and that was a little  
 3 bit unnerving that it was taking so long,  
 4 because people were saying, you know, "when  
 5 are we going to get back? He said we're going  
 6 to be a half an hour" and it just turned into  
 7 like a long drawn out process to get back to  
 8 St. John's, and when we got back, you know, we  
 9 made what, I guess, Brian described as a  
 10 running landing. We landed like an aircraft  
 11 essentially, and we were told at that time  
 12 that was to ease the stress on the engines at  
 13 the time. We had emergency equipment  
 14 following us down the runway, same sort of  
 15 scenario that Brian went through.  
 16 ROIL, Q.C.:  
 17 Q. Is this the same incident that he was talking  
 18 about or is it another incident?  
 19 MR. PEDDLE:  
 20 A. Oh, it's a different incident.  
 21 ROIL, Q.C.:  
 22 Q. Okay, just similar in terms of the treatment  
 23 at the airport when you got back?  
 24 MR. PEDDLE:  
 25 A. Yeah, the emergency response was identical and  
 26 the way we landed was the same, basically down

Page 158

1 to one engine.  
 2 ROIL, Q.C.:  
 3 Q. Yeah, coming in on a runway rather than  
 4 landing vertically?  
 5 MR. PEDDLE:  
 6 A. That's correct, yeah. It was what they call a  
 7 running landing basically.  
 8 ROIL, Q.C.:  
 9 Q. And I gather that you landed safely and  
 10 uneventfully at the end of that?  
 11 MR. PEDDLE:  
 12 A. Yeah, it was uneventful and again, my first  
 13 time -- I think that was probably -- no, it  
 14 wasn't my first time. It was my second time  
 15 in an S-92. I think my first time had been  
 16 like a couple of weeks, the previous hitch,  
 17 that I had flown in on the aircraft. So this  
 18 was -  
 19 ROIL, Q.C.:  
 20 Q. Okay. Why is this incident something that you  
 21 feel that we should know about and deal with?  
 22 How can you -- what do you see as an  
 23 opportunity for improvement in terms of what  
 24 we've been talking about here at this Inquiry?  
 25 MR. PEDDLE:  
 26 A. Well, I think, you know, with respect to

Page 159

1 Brian's incident that he refers to and what he  
 2 suggested might be an appropriate response,  
 3 when we have aircraft that are coming in from  
 4 a distance on one engine, potentially in  
 5 trouble, we had -- you know, just by  
 6 happenstance, we had a Cormorant that came up  
 7 and escorted us back to St. John's. That was  
 8 comforting, and at the time it was happening,  
 9 it wasn't so comforting because you're saying  
 10 "oh, what's really going on with the  
 11 aircraft?" but -- because this is very  
 12 unusual.  
 13 ROIL, Q.C.:  
 14 Q. Yes.  
 15 MR. PEDDLE:  
 16 A. But at the time, if we had had to go in the  
 17 water at that time, I mean, it would have been  
 18 a very big benefit to have that aircraft right  
 19 there, you know, available to help us, you  
 20 know, take us out of the water.  
 21 ROIL, Q.C.:  
 22 Q. Did this issue ever find its way up to the  
 23 Occupational Health and Safety Committee at  
 24 Hibernia, to your knowledge?  
 25 MR. PEDDLE:  
 26 A. Well, it did. I brought it up. Again, I was

Page 160

1 going out on my normal rotation and I attend a  
 2 JOHS meeting, safety meeting basically on  
 3 Sunday after I get out. So I raised the issue  
 4 at that meeting and wanted to know what  
 5 exactly happened. You know, what was the  
 6 issue with the helicopter that required us --  
 7 now we had been briefed by the pilot after we  
 8 got back in St. John's and it was our  
 9 understanding and everybody's understanding  
 10 when we made the turnaround that we had one  
 11 engine basically in trouble, and we did have -  
 12 - it started out with one engine, but we were  
 13 told by the pilot when he gave us his briefing  
 14 that, you know, what was troubling for him,  
 15 you know, at the time, was that five minutes  
 16 after the first engine chip light came in, the  
 17 other engine gave the same indication. I  
 18 think it was on the input modules with the  
 19 gearbox is what we eventually found out  
 20 afterwards. But that -- when we heard that,  
 21 after we had been briefed, that we actually  
 22 had two engines into alarm, that sort of just  
 23 raised the level of concern, you know, by  
 24 quite a bit because it wasn't so routine as  
 25 everybody had perceived on the way in.  
 26 ROIL, Q.C.:

Page 161

1 Q. Right.

2 MR. PEDDLE:

3 A. Quite frankly, I'm glad I didn't know that

4 there was a second engine into alarm on that

5 day because I mean, it would have just, you

6 know, increased the anxiety, I guess, for the

7 flight back. But that was a concerning issue.

8 ROIL, Q.C.:

9 Q. Okay. I think we'll leave it there now for

10 our lunch break. I have a few more questions

11 for you, Mr. Peddle, a couple more on this

12 issue and then we'll go on to a couple more

13 issues. So we'll start again at 2:00, I

14 think.

15 (LUNCH BREAK)

16 ROIL, Q.C.:

17 Q. Thank you, Commissioner. Welcome back, Mr.

18 Peddle. Before the lunch break, we had dealt

19 in a fair amount of detail with the issues

20 surrounding the July 25th flight and I think I

21 want to move from that, but I want to take

22 something from that. The question arises to

23 me is were the circumstances surrounding that

24 flight, did they ever make their way to the

25 Occupational Health and Safety Committee for

26 discussion as a safety issue?

Page 162

1 MR. PEDDLE:

2 A. We discussed the matter of course at the

3 meeting where I brought it up and it remained

4 on the minutes for -- it was probably several

5 rotations after. I think it was sometime up

6 in November before we got an answer as to what

7 actually went wrong on that flight.

8 ROIL, Q.C.:

9 Q. Okay. But there was a process, because you

10 were there, that you brought it on?

11 MR. PEDDLE:

12 A. Yeah, there was quite some time. The issue

13 remained on the minutes as old business that

14 still hadn't been resolved.

15 ROIL, Q.C.:

16 Q. We have heard, and in your notes you've

17 indicated that there were other incidents, a

18 weight distribution incident in October of

19 2006 where passengers were asked to move

20 forward. You weren't involved in that flight,

21 I take it?

22 MR. PEDDLE:

23 A. I wasn't there. This was this past October

24 and I believe there were actually a couple of

25 incidents. We had one incident where a

26 helicopter on Hibernia had took off and the

Page 163

1 upper door, I think, the upper door on the

2 main entrance actually slid back just after

3 takeoff, and there was another incident, as

4 you described, it was a weight imbalance

5 issue.

6 ROIL, Q.C.:

7 Q. Right.

8 MR. PEDDLE:

9 A. They asked people, before they landed -- the

10 helicopter was landing and apparently there

11 was something very heavy in the tail of the

12 helicopter in the cargo compartment and the

13 helicopter took a very tail low attitude,

14 called a steep flare, I think, something like

15 that, and they actually asked people to get

16 out of their seats that were in the rear of

17 the aircraft and move forward to empty seats

18 that were forward.

19 ROIL, Q.C.:

20 Q. Now if workers had concerns about these

21 flights and the things that happened in them,

22 and I think it's easy for us to understand

23 that they would, what mechanism is there

24 available to deal with or to respond to or to

25 get information about these kinds of

26 incidents? Are these things which should be

Page 164

1 brought to the Occupational Health and Safety

2 Committee?

3 MR. PEDDLE:

4 A. Well, these particular incidents, again, I was

5 not there, but from talking with people on the

6 JOHS committee about these issues, I'm told

7 that they worked their way backwards through

8 the system. Like they were word of mouth from

9 people who actually witnessed what happened,

10 some of the deck crew, the helicopter landing

11 crew have brought them to, you know, safety

12 reps or just scuttlebutt on the Platform about

13 what had happened and they went backwards up

14 through the system. There was no official

15 report. On one of the -- I'm sure on one of

16 the incidents, there was no official report

17 that came from Cougar until it was queried

18 from the Platform.

19 ROIL, Q.C.:

20 Q. And so what I'm hearing you say is that it

21 takes sort of a rumour mill or a conversation

22 discussion to get these matters brought

23 forward to the committee or to any way in

24 which they can be explored or explained?

25 MR. PEDDLE:

26 A. Sometimes that's the way it seems, yes.

Page 165

1 ROIL, Q.C.:

2 Q. What then would be a better solution?

3 MR. PEDDLE:

4 A. Well, a better solution would be, I guess, you

5 know, some type of system whereby, you know,

6 they were required to report all incidents

7 that came up, even incidents that maybe

8 somebody decided "well, that's not much of an

9 incident and there's no need to report that"

10 but like right now, there is no -- nothing

11 written down to say this is what they're going

12 to do. I think there is a commitment that

13 they try to make the process transparent, but

14 it seems that things slip through the cracks.

15 ROIL, Q.C.:

16 Q. Okay. Do you have a standing agenda for the

17 OSH committee, for the Occupational Health and

18 Safety Committee? Is there a standing agenda

19 with standing items that you deal with, other

20 than things that have come from the meeting

21 before?

22 MR. PEDDLE:

23 A. We have a -- you know, there is a standing

24 general agenda that's followed pretty much

25 every meeting, but if there's any new business

26 that comes up, you know, that's requested

Page 166

1 prior to the meeting, you know, several days

2 before the meeting comes up and we have until

3 Sunday morning usually to get our agenda items

4 that we want to discuss at the meeting, to get

5 them in, so that they can go on the

6 documentation that would go to the meeting.

7 ROIL, Q.C.:

8 Q. Does the agenda allow for each constituency to

9 have a period in which they discuss their

10 issues? Are the meeting agendas set up like

11 that, so that the drilling department, there

12 would be a moment to discuss any or all safety

13 issues involving them and then the production

14 and catering, whatever the various -

15 MR. PEDDLE:

16 A. It's not as structured as that generally. The

17 issues, they come up and if they're a drilling

18 issue or operations issue, whatever, they

19 generally come up and they're discussed with

20 no particular order, shall we say, or sequence

21 how they come through.

22 ROIL, Q.C.:

23 Q. Right. I guess I'm trying to explore with you

24 whether you're -- whether from your or the

25 Union's perspective, it would be an advantage

26 or an improvement to have, for example,

Page 167

1 transportation issues brought up as a standing

2 part of the agenda. Is that going to solve

3 the problem or is there something more or less

4 than that required to make it right, if you

5 will, for the workers?

6 MR. PEDDLE:

7 A. I haven't thought about it before, but I mean,

8 if there is going to be some increased focus

9 on helicopter issues, it might be something

10 that we can, you know, put forward as a

11 standing item in our Occupational Health and

12 Safety meetings to deal with, providing, I

13 guess, that we're going to get a ready flow of

14 information back and forth about any issues

15 that do come up or that are perceived.

16 ROIL, Q.C.:

17 Q. Okay, so the first step is ensuring that there

18 is adequate communication?

19 MR. PEDDLE:

20 A. That's correct.

21 ROIL, Q.C.:

22 Q. Okay. The second step is getting them onto

23 the agenda?

24 MR. PEDDLE:

25 A. Yes.

26 ROIL, Q.C.:

Page 168

1 Q. How do we solve the problem of the fact that

2 there is not the expertise on the committee

3 that you have with respect to the other

4 departments where people who work in those

5 departments are on the committee? And again,

6 I don't necessarily expect you to have all the

7 answers here, but -

8 MR. PEDDLE:

9 A. That's a good question. Well, right now, the

10 only mechanism we have to get any of our

11 safety issues, whether they're platform

12 related, work related issues or helicopter

13 related issues, is to go through the channels

14 of the OHS committee meeting and hope that

15 somewhere above that, we have access to the

16 right people to make decisions, you know.

17 Traditionally what's going on now is that, you

18 know, Cougar would be the responder basically

19 to issues that come up that are raised as

20 safety issues, in terms of helicopter safety.

21 So they would be -- they would liaise with

22 management at Hibernia and let them know what

23 the issue was and explain in their -- you

24 know, in terms of the aviation standpoint or

25 whatever, what the issue was and basically say

26 "look, this is what happened and this is why

Page 169

1 it happened and we're going to look after it  
 2 this way." So it's not an independent  
 3 evaluation once we go to the JOHS committee  
 4 basically.  
 5 ROIL, Q.C.:  
 6 Q. Okay. I'm going to bring up a couple of what  
 7 we shall call hardy perennials, things that  
 8 have popped up a number of times for us here.  
 9 One is the flight suits. Do you have anything  
 10 to add, and I don't want to hear the story of  
 11 flight suits all over again, but was there any  
 12 engagement on the fit of flight suit issues at  
 13 the Occupational Health and Safety Committee  
 14 that you were involved in at the Hibernia  
 15 Platform, prior to it breaking, of course,  
 16 when the incident took place on March 12th?  
 17 MR. PEDDLE:  
 18 A. Well, I do know that the issue of suits has  
 19 been around since they were introduced. There  
 20 were people that had, you know, fit issues.  
 21 They came up -- you know, I think it was  
 22 something that we kind of accepted, that the  
 23 suit has its deficiencies and every now and  
 24 then, someone would have a particular singular  
 25 issue that "the suit doesn't fit me. I can't  
 26 get the zipper up" and it would come up. I

Page 170

1 believe we were told, you know, some time  
 2 back, you know, probably six months to a year  
 3 after the suits were introduced that these  
 4 issues were known and that the operator, you  
 5 know, the group, that CAPP, I guess, was  
 6 looking at the suits in general with, you  
 7 know, a ways and means to improve it. I've  
 8 had some conversation actually with an  
 9 individual with Exxon who has been working  
 10 this. She tells me she's been, you know,  
 11 looking at suit issues with at least a year  
 12 and a half, two years. So it is something  
 13 that we were told was being looked at and I  
 14 think we kind of accepted it.  
 15 ROIL, Q.C.:  
 16 Q. So there were no active steps taken within the  
 17 OSH committee to try to move it forward or to  
 18 drive it to a conclusion?  
 19 MR. PEDDLE:  
 20 A. We didn't -- I don't think we raised it as a  
 21 frequent issue.  
 22 ROIL, Q.C.:  
 23 Q. Okay.  
 24 MR. PEDDLE:  
 25 A. On the Joint Committee, at the Joint Committee  
 26 stage, but you know, at different times over

Page 171

1 the last couple of years, they've gone through  
 2 an exercise at Cougar with, you know,  
 3 reacquainting everybody with the proper  
 4 procedure to put the suit on, how to don the  
 5 hood and do the zipper up. So it has  
 6 something that -- it has been something that's  
 7 been focused on several times over the last  
 8 couple of years, but we've never gone out and  
 9 had the degree of focus that's been put on it  
 10 since the crash, like the refit and the  
 11 reevaluation of fit based on everybody's  
 12 individual issues with the suit, you know, and  
 13 issues around face seals and wrist seals,  
 14 whether the suit is too tall, you know, too  
 15 long for you, that sort of thing.  
 16 ROIL, Q.C.:  
 17 Q. I think we can all chalk that up now to what  
 18 we've called lessons learned from that  
 19 incident.  
 20 MR. PEDDLE:  
 21 A. No doubt, yeah. No doubt.  
 22 ROIL, Q.C.:  
 23 Q. What about the appliance that we call the  
 24 HUEBA, the breathing device? We know from  
 25 other evidence that it was many years in the  
 26 germination. Did it ever come on the radar

Page 172

1 screen of the Occupational Health and Safety  
 2 Committee to the extent that there was a  
 3 concern expressed about the slowness with  
 4 which it was being developed?  
 5 MR. PEDDLE:  
 6 A. You know, we've had discussions on the HUEBA  
 7 back to, pretty sure, the first year that I  
 8 was on the safety committee on Hibernia, back  
 9 which would have been like late 2003 or early  
 10 2004. So that's in excess of five years ago  
 11 now. It was discussed, you know, that it was  
 12 something that the operators were looking at.  
 13 It was looked at from the -- as an operator on  
 14 the whole, basically all three operations,  
 15 that they were evaluating the HUEBA and there  
 16 were some challenges and some issues and  
 17 liability concerns about training and all of  
 18 this stuff. I think we were briefed two or  
 19 three times over the last five or six years,  
 20 since it started, you know, they started  
 21 looking into HUEBA. We were briefed and said,  
 22 you know, it's still being looked at. There's  
 23 some issues to overcome, and again, it wasn't  
 24 something that was constantly on the agenda  
 25 for the JOHS meeting.  
 26 ROIL, Q.C.:

Page 173

1 Q. Okay. I think those are all the specific  
 2 questions that I have from my notes and yours  
 3 that I wanted to ask you about. Do you have  
 4 anything that you want to say to the  
 5 Commissioner by way of a final or closing  
 6 comment about issues that you'd like for him  
 7 to address in the next stage of our  
 8 proceedings?  
 9 MR. PEDDLE:  
 10 A. Just to go back there and mention about the  
 11 HUEBA again. I know we did have this issue  
 12 that came up about the HUEBA in our -- there's  
 13 an annual C-NLOPB session that takes place  
 14 every fall and I do recall a session that I  
 15 attended, I think it was back in the fall of  
 16 2007 and we had individuals from Cougar  
 17 Helicopters that went into that session and at  
 18 that time, we were told, you know, the HUEBA  
 19 was just around the corner and that was like  
 20 fall of 2007. So it's been one of those  
 21 things that yeah, it's coming, it's coming,  
 22 it's coming, but it just never appeared until,  
 23 of course, after the crash.  
 24 ROIL, Q.C.:  
 25 Q. So the corner was a large corner?  
 26 MR. PEDDLE:

Page 174

1 A. Yeah, exactly, you know.  
 2 ROIL, Q.C.:  
 3 Q. I guess in closing, do you have any final  
 4 comments to make about the Occupational Health  
 5 and Safety regime as it applies to helicopter  
 6 transportation? Is it able to work? Can it  
 7 work and what are your thoughts about whether  
 8 something else or whether that's the  
 9 appropriate place to deal with helicopter  
 10 safety issues?  
 11 MR. PEDDLE:  
 12 A. Well certainly, I guess, you know, we could do  
 13 with a more formalized process of dealing  
 14 with, you know, a free flow of information  
 15 about helicopters and incidents that occur in  
 16 the field, in the offshore in general. With  
 17 respect to the 92, some of the issues that  
 18 it's had worldwide would be helpful to have,  
 19 you know, and this has recently come to light  
 20 with the foot cracks basically on the mounting  
 21 feet of the gearbox. This was a worldwide --  
 22 you know, an issue worldwide. It was first  
 23 found in the North Sea and it came over to us  
 24 and we were briefed on it as well.  
 25 But I guess one of the things that I've,  
 26 you know, taken from all of this, and you

Page 175

1 know, we've had a number of issues that have  
 2 come up in the past with helicopter safety  
 3 issues, some more mundane. Like there are,  
 4 you know, issues with the headsets and  
 5 whatnot. But others, you know, other issues  
 6 that have come up, like there's nowhere really  
 7 to go. After we progress it through the  
 8 Occupational Health and Safety Committees on  
 9 board our facilities, there seems to be nobody  
 10 who can make a difference after that. The  
 11 Board doesn't seem to have any expertise, and  
 12 I mean, the C-NLOPB. They don't have anybody  
 13 versed in aviation matters, and I don't know  
 14 if they should or not, but once the issues go  
 15 to them, like there doesn't seem to be any  
 16 kind of regime in place or a mechanism to  
 17 implement change, and Transport Canada governs  
 18 the aviation regulations by which we travel.  
 19 ROIL, Q.C.:  
 20 Q. Yes.  
 21 MR. PEDDLE:  
 22 A. And I look at some of the regulations that are  
 23 in place and I just find that they're  
 24 inadequate. I mean, there's no specific focus  
 25 from Transport Canada on long distance  
 26 offshore travel. I know in the UK, the CAA,

Page 176

1 which is the Civil Aviation Authorities in the  
 2 UK, they have a very active participation in  
 3 developing regulations that pertain to the  
 4 offshore oil industry over there.  
 5 ROIL, Q.C.:  
 6 Q. Specific regulations that are applicable to  
 7 offshore flight?  
 8 MR. PEDDLE:  
 9 A. Exactly. You know, there are requirements,  
 10 set requirements for, for instance, for  
 11 floatation on their helicopters, and a number  
 12 of other issues that come up, and they're  
 13 constantly, I guess, evaluating different  
 14 issues and with a view to improving on them  
 15 and over the years, I just haven't seen that  
 16 here. Some of these issues that have come up  
 17 in the past with respect to different issues  
 18 with the helicopter, they've been around for a  
 19 long time, and it doesn't seem like there's a  
 20 way to get anything changed. Once we bring it  
 21 up and we talk about it, there's nowhere for  
 22 it to go beyond our committee stages. So  
 23 that's something that I put on the table here  
 24 now is that something has to change with, you  
 25 know, where our issues go after they leave our  
 26 facilities and after they get to the C-NLOPB.

Page 177

1       Somebody has to have the power to implement  
 2       change, you know, in a positive way so that we  
 3       can see it.  
 4 ROIL, Q.C.:  
 5       Q. Okay. I think that's very useful to us.  
 6       Thank you very much. I have no further  
 7       questions for you. I leave you to the  
 8       Commissioner and the other participants.  
 9 COMMISSIONER:  
 10      Q. Okay. Thank you, Mr. Roil. Now in respect of  
 11      counsel, counsel for C-NLOPB?  
 12 MS. CROSBIE:  
 13      Q. Thank you. We have no questions.  
 14 COMMISSIONER:  
 15      Q. Thank you. Transport Canada isn't here. CAPP  
 16      is not -- yes,  
 17 MR. MANNING:  
 18      Q. No, thank you, Mr. Commissioner.  
 19 COMMISSIONER:  
 20      Q. Thank you. HMDC?  
 21 MR. WALLACE:  
 22      Q. We were just in consultation phase, Mr.  
 23      Commissioner.  
 24 ROIL, Q.C.:  
 25      Q. And you're not in front of a microphone.  
 26 MR. SHELDON PEDDLE, EXAMINATION BY MR. IAN WALLACE

Page 178

1 MR. WALLACE:  
 2      Q. Mr. Commissioner, Ian Wallace for HMDC. Just  
 3      a couple of questions, Mr. Peddle. I think  
 4      you've just left off on the point that if an  
 5      issue is tabled at the Joint Occupational  
 6      Health and Safety Committee that if there is  
 7      not a satisfactory resolution at that point,  
 8      there is no effective further recourse on  
 9      behalf of say an individual raising an issue.  
 10     Is that how I've understood your evidence?  
 11 MR. PEDDLE:  
 12     A. With respect of any particular issue? You  
 13     know, we generally try to resolve the issues  
 14     at the -- you know, as a committee, as a joint  
 15     committee.  
 16 MR. WALLACE:  
 17     Q. Yeah.  
 18 MR. PEDDLE:  
 19     A. And sometimes, because -- I'll tell you this,  
 20     like the answers and the ability to enact  
 21     whatever needs to be done to, you know,  
 22     rectify a safety situation, it's not in our  
 23     hands. A lot of the time, you know, they  
 24     require -- there's money that's got to be put  
 25     into a situation.  
 26 MR. WALLACE:

Page 179

1      Q. Yeah, I think that's very much to the point  
 2      that there's only so much that a committee,  
 3      perhaps, you know, a workplace committee made  
 4      up of equal representation could do to perhaps  
 5      bring a matter to final resolution, and I  
 6      would think the functioning of the committee  
 7      on the Platform, as you are familiar with,  
 8      very often is an opportunity for either a  
 9      member of management or of the workers to  
 10     bring an issue to the table and to have a  
 11     discussion, maybe a free flow of ideas in  
 12     relation to the issue, and perhaps give a  
 13     recommendation that there be a further  
 14     investigation and that come back on the table  
 15     at another -- at a subsequent JOHS committee  
 16     meeting. That would be a part of a -- that  
 17     would be a common occurrence, I would think,  
 18     in respect of the meetings that you would be  
 19     familiar with?  
 20 MR. PEDDLE:  
 21     A. Certainly, yeah, because you're dealing with  
 22     two sides to the committee basically. So  
 23     generally it has to go full circle or go six  
 24     weeks before you get back at it to find out  
 25     what your back-to-backs dealt with in the  
 26     meeting and how -

Page 180

1 MR. WALLACE:  
 2      Q. Yes, and that's the nature of the committee,  
 3      of course. You have various representatives  
 4      who typically, not always, would sit every  
 5      other meeting and I think as part of that  
 6      process, at the outset of every meeting,  
 7      there's a review of the prior meetings minutes  
 8      so that everybody could be brought up to speed  
 9      as to any intervening events. I don't think  
 10     you meant to leave the impression that if a  
 11     worker had a concern, the only place he or she  
 12     could raise it would be at a JOHS committee  
 13     meeting. Would you agree with me that if a  
 14     worker had a concern on the Platform, the one  
 15     that you're familiar with, that he could bring  
 16     that or she could bring that to her supervisor  
 17     with a request for perhaps some investigation  
 18     or resolution?  
 19 MR. PEDDLE:  
 20     A. Oh, that is, I guess, the first part of the  
 21     process.  
 22 MR. WALLACE:  
 23     Q. Sure.  
 24 MR. PEDDLE:  
 25     A. Like I mean, we have hazard ID cards that are  
 26     filled out and that's the general intent of it



Page 181

1 is on a very proactive basis, you know, on a  
 2 daily basis, if need be, you know, if there's  
 3 a hazard report it, bring it to your  
 4 supervisor or the department head for the area  
 5 you might be in, and it should get looked  
 6 after right away.  
 7 MR. WALLACE:  
 8 Q. That's right, and that would be the  
 9 expectation. I think you spoke this morning  
 10 of the safety culture that, in your  
 11 experience, exists on the Platform and that  
 12 that seems to be prevalent throughout the  
 13 working relationship. So if an issue arose  
 14 that needed to be addressed, there are  
 15 mechanisms in place, and as well, I gather  
 16 that anybody with a workplace concern could  
 17 bring it to one of the worker safety  
 18 representatives?  
 19 MR. PEDDLE:  
 20 A. That's correct.  
 21 MR. WALLACE:  
 22 Q. And ask them to investigate or perhaps  
 23 advocate on that, and I think you explained  
 24 the weekly meetings. Would you agree as well  
 25 that if a worker on the Platform had a concern  
 26 that they thought required addressing that

Page 182

1 they could bring that directly to the offshore  
 2 installation manager, that the OIM would be  
 3 available as well?  
 4 MR. PEDDLE:  
 5 A. I would think that that, you know, would be an  
 6 avenue certainly. Whether or not someone  
 7 would want to just go right over sort of like  
 8 a chain of command, you know.  
 9 MR. WALLACE:  
 10 Q. There might be an order of procedure that you  
 11 might follow.  
 12 MR. PEDDLE:  
 13 A. Yes.  
 14 MR. WALLACE:  
 15 Q. But would you agree with me, I think John  
 16 Fraser's testimony, John of course, Mr. Fraser  
 17 is an OIM on the Hibernia Platform, his door  
 18 is always open he said. That anybody that had  
 19 a safety concern or any concern could come and  
 20 address it directly with him. Would that not  
 21 be your own experience?  
 22 MR. PEDDLE:  
 23 A. I would say that's entirely true.  
 24 MR. WALLACE:  
 25 Q. And of course, as you've indicated, if there  
 26 was a concern perhaps where somebody was not

Page 183

1 satisfied, even coming out of JOHS, there is  
 2 the Board process and I understand, my  
 3 understanding of the evidence in this Inquiry  
 4 is that anybody at any time could make a  
 5 report to the C-NLOPB and that could be  
 6 investigated on an anonymous basis.  
 7 MR. PEDDLE:  
 8 A. I believe that's correct, yes.  
 9 MR. WALLACE:  
 10 Q. Yeah, and I know you referred to the incident,  
 11 the July 25th 2006 incident where there was a  
 12 return to base and you personally were  
 13 involved in that.  
 14 MR. PEDDLE:  
 15 A. Yes.  
 16 MR. WALLACE:  
 17 Q. I looked at the JOHS minutes subsequent to  
 18 that event and I could see how that was  
 19 tabled. I think you said that you raised that  
 20 before the committee, and from my review of  
 21 the JOHS minutes, that issue was an agenda  
 22 item for each of the, I think, seven meetings  
 23 following that incident. I'm told it was  
 24 closed out with a concurrence of the JOHS  
 25 committee. I don't know if you would have  
 26 recollection of that.

Page 184

1 MR. PEDDLE:  
 2 A. As I recall, I mean, and again I've reviewed  
 3 the minutes as well, I think it was on the  
 4 November 12th meeting, I believe, when we  
 5 finally got a response back to say exactly  
 6 what happened. There was some concern about  
 7 the chips that were detected. Like they had a  
 8 double chip indication basically on both  
 9 engine inputs into the gear box and what they  
 10 came back with was that the particles that  
 11 were picked up were not from the gearbox  
 12 itself, but from some auxiliary structure  
 13 within the gearbox.  
 14 MR. WALLACE:  
 15 Q. That's right, but perhaps my understanding and  
 16 perhaps the point here is that it was  
 17 addressed in each committee following that  
 18 incident. It was reported I think within five  
 19 days and followed through to closure.  
 20 MR. PEDDLE:  
 21 A. Yeah, nothing new to report, exactly, was what  
 22 came up I think on the six or seven meetings  
 23 that, you know, came after, until they  
 24 actually had a response back.  
 25 MR. WALLACE:  
 26 Q. And with the response, there were various

Page 185

1 updates, I think, where information was  
 2 provided, but the final record of it says that  
 3 the issue has been resolved, it's closed, and  
 4 that would have been, I presume, a decision of  
 5 the committee itself?  
 6 MR. PEDDLE:  
 7 A. Yes, that's correct.  
 8 MR. WALLACE:  
 9 Q. Yeah, okay. So my reading, Mr. Sheldon (sic)  
 10 of that is that was an effective process to  
 11 engage that issue. A worker representative, I  
 12 think it was yourself, made the report and the  
 13 JOHS committee, seemed to me, had dealt with  
 14 the issue through to closure. Would that not  
 15 be a good example of the JOHS committee  
 16 working effectively?  
 17 MR. PEDDLE:  
 18 A. It would have been better, I think, if we'd  
 19 have gotten an answer back a little sooner.  
 20 Cougar is committed to supplying information,  
 21 you know, a little bit quicker than that.  
 22 Again, I don't know what was involved with  
 23 actually determining what the response was.  
 24 MR. WALLACE:  
 25 Q. Yeah. Nor do I, and the minutes don't sort of  
 26 provide that level of detail, but it may have

Page 186

1 been that the answer you got back was the  
 2 first answer or the earliest answer that could  
 3 have been available, given the nature of the  
 4 investigation that had to be done. I know  
 5 there were various updates, but there's  
 6 nothing in the minutes, from my review, to  
 7 suggest that Cougar was non-responsive, for  
 8 example, on the issue.  
 9 MR. PEDDLE:  
 10 A. No, just that there was nothing -- you know,  
 11 it took three to four months, I guess, to get  
 12 something back. Whether that was the case or  
 13 not, that's how long it took for the JOHS  
 14 committee to find out.  
 15 MR. WALLACE:  
 16 Q. Perhaps nothing in particular can be read into  
 17 that delay. I think the more important thing,  
 18 from your perspective, might be that it was  
 19 being addressed at each and every committee  
 20 meeting that followed the incident through to  
 21 closure. Do you agree with that?  
 22 MR. PEDDLE:  
 23 A. It was something that was definitely read out  
 24 as the old minutes are reviewed at every  
 25 meeting. So if there was no report, then, you  
 26 know, it would be asked if there's anything

Page 187

1 new to report on that issue and -  
 2 MR. WALLACE:  
 3 Q. Sure.  
 4 MR. PEDDLE:  
 5 A. - it went through a lengthy stage before we  
 6 actually got a response back.  
 7 MR. WALLACE:  
 8 Q. And I know you said that generally the agenda,  
 9 I guess you try to formalize the agenda in  
 10 advance of the meetings. That makes sense.  
 11 But in your experience, would you not agree,  
 12 and I know you served as co-chair, Mr. Peddle,  
 13 for years.  
 14 MR. PEDDLE:  
 15 A. Little over two years, yeah.  
 16 MR. WALLACE:  
 17 Q. You started in November of 2004. From my  
 18 review, I think you were sitting in a co-chair  
 19 capacity for I'm going to say four years.  
 20 MR. PEDDLE:  
 21 A. Yeah, I've been off it now for well over  
 22 years.  
 23 MR. WALLACE:  
 24 Q. Yes, you have been off it, yeah, but we'll  
 25 just take it that you have extensive  
 26 experience as co-chair of that committee.

Page 188

1 MR. PEDDLE:  
 2 A. Yes.  
 3 MR. WALLACE:  
 4 Q. Would it not be your experience that even if  
 5 it was not on the agenda, that if a worker or  
 6 a management representative had a concern,  
 7 they could raise it during the course of the  
 8 meeting and they would not be shut down on  
 9 that?  
 10 MR. PEDDLE:  
 11 A. No, that's true, and you know, to be quite  
 12 frank about it, I mean, we try to be as  
 13 proactive as we can to get our agenda items  
 14 there, but quite often, you know, you may not  
 15 hear from somebody and they don't feel that  
 16 they can't bring it up, let's put it that way.  
 17 MR. WALLACE:  
 18 Q. I think everybody at the meeting would perhaps  
 19 feel that they have a role, a meaningful role  
 20 to play and they would have a voice and if  
 21 they had an issue, the likelihood is that the  
 22 committee would hear on it?  
 23 MR. PEDDLE:  
 24 A. Certainly nobody is shut down and even though  
 25 it may come as a surprise and someone say  
 26 "well, that wasn't on the agenda" there's no

Page 189

1 objection usually to bringing up a particular  
 2 issue.  
 3 MR. WALLACE:  
 4 Q. And I know you just touched upon, and this  
 5 would be in your afternoon evidence, the  
 6 aircraft in the tail low attitude and likewise  
 7 an open door. Would you not agree as well  
 8 that those issues made it to the JOHS  
 9 committee and were addressed in the JOHS  
 10 committee, in addition to whatever other  
 11 reporting was going on to the regulatory  
 12 authorities?  
 13 MR. PEDDLE:  
 14 A. Yes, they came back through shall we call it  
 15 the normal process by which helicopter issues  
 16 usually come back, come up through the system,  
 17 and that is from the workers who were involved  
 18 with it. People fly, incidents happen, and it  
 19 generally comes back by word of mouth  
 20 generally, you know, and then it gets raised.  
 21 It's a reporting system that's sort of ad hoc  
 22 to the situation. Like there's -- for those  
 23 two issues, that's how that came up and, you  
 24 know, before -- even before there's a report  
 25 gets issued sometimes, maybe, you know, when  
 26 there is going to be a report issued, it

Page 190

1 becomes an issue on the Platform that's talked  
 2 about maybe in safety meetings and whatnot.  
 3 MR. WALLACE:  
 4 Q. It's hard for perhaps the operator, in this  
 5 case Cougar, to get ahead of some of the  
 6 hubbub or the -  
 7 MR. PEDDLE:  
 8 A. Exactly.  
 9 MR. WALLACE:  
 10 Q. - rumour mill, I think, to use Mr. Roil's  
 11 words. So it's hard to get ahead of that  
 12 process. On the other hand, would you not  
 13 agree that that, the capacity of the workforce  
 14 to raise these issues or to go to the OIM or  
 15 the operator and say "well, look, you know,  
 16 this was my experience. What happened here?  
 17 I'd like to, you know, to more about this  
 18 incident." That's part of the open reporting  
 19 system, the safety culture that exists on the  
 20 Platform, the freedom, if you will, of workers  
 21 to bring these issues forward without waiting  
 22 for a more formal structure, a report to be  
 23 filed or something?  
 24 MR. PEDDLE:  
 25 A. I would agree with that, yeah.  
 26 MR. WALLACE:

Page 191

1 Q. Yeah, okay, and so perhaps that's a system,  
 2 informal as it is, that might -- that doesn't  
 3 show a weakness in the formal reporting. It's  
 4 just sort of the nature of the safety culture,  
 5 I'm going to say, as exists on the Platform.  
 6 Workers, as they are aware of issues, can  
 7 bring them forward with impunity.  
 8 MR. PEDDLE:  
 9 A. I would say that's correct. In the case of  
 10 helicopter incidents, we don't -- we often  
 11 hear tell of other incidents on other  
 12 installations and sometimes we don't hear tell  
 13 of those. I mean, that's some of the things  
 14 with helicopter issues that are a little bit  
 15 out there and they're only rumours, you know.  
 16 "Did you hear about this?" that happened on a  
 17 flight to the SeaRose or a flight to Terra  
 18 Nova that had to turn around because of  
 19 whatever. Those are the kind of issues, I  
 20 think, that would be better -- we'd be better  
 21 served if we knew about those issues because  
 22 really, I mean, it could just as well be  
 23 Hibernia employees.  
 24 MR. WALLACE:  
 25 Q. Yeah, I think we've -- yeah, I understand the  
 26 notion that if there's a problem or an

Page 192

1 incident with an S-92 flight to another  
 2 installation, that's something that the  
 3 workforce on the Hibernia platform or the  
 4 SeaRose would, you know, be interested in  
 5 knowing that these are issues on the Terra  
 6 Nova, which you represent. I do understand  
 7 that in respect of even this past month,  
 8 January of this year, there was an incident  
 9 where cracks were identified in the mounts and  
 10 an e-mail went out immediately to all  
 11 installations, to the entire workforce, and I  
 12 gather a communication placed in respect of  
 13 your Platform in a binder that would be in the  
 14 helideck area that would be generally  
 15 available to everyone. So that sort of  
 16 communication was made to all operators, to  
 17 all offshore operators in respect of the most  
 18 recent crack incident. Are you aware of that?  
 19 MR. PEDDLE:  
 20 A. Yes, I am, yeah.  
 21 MR. WALLACE:  
 22 Q. So that would be an example where the system,  
 23 in respect of issues that might be of concern  
 24 that didn't arise on the Hibernia Platform,  
 25 were communicated generally?  
 26 MR. PEDDLE:

Page 193

1 A. Yes.  
 2 MR. WALLACE:  
 3 Q. Yeah, and that's a system that, I suppose -  
 4 MR. PEDDLE:  
 5 A. That's the process that, you know, we're  
 6 supposed to be following now.  
 7 MR. WALLACE:  
 8 Q. Yes.  
 9 MR. PEDDLE:  
 10 A. Is that incidents that occur are supposed to  
 11 be reported by Cougar in a very transparent  
 12 fashion. We'll get the bulletin or whatever  
 13 they're going to send out on it and it is  
 14 placed in a binder that is located outside the  
 15 heli admin area.  
 16 MR. WALLACE:  
 17 Q. Yeah, and that's an appropriate system. You  
 18 might describe it as a lesson learned, but  
 19 that's something that you think is now  
 20 functioning well?  
 21 MR. PEDDLE:  
 22 A. It has functioned well. There have been, I  
 23 think, maybe some lapses and I guess you have  
 24 to go back to, you know, what's going to be  
 25 the scope of the incidents that we're going to  
 26 hear about. I brought up an issue, if I may

Page 194

1 elaborate on that, I brought up an issue at  
 2 our last JOHS meeting that I was at a month  
 3 ago, I guess, and you know, I had heard that  
 4 there was a helicopter in Halifax, for  
 5 instance, one of Cougar's machines in Halifax  
 6 that had to -- they called a PAN basically,  
 7 which is an emergency situation or whatever,  
 8 and they had a chip light in their gearbox  
 9 and, you know, they went through most of the  
 10 same process that Brian described and I  
 11 described with our situations, emergency  
 12 landing, nothing -- fortunately there were no  
 13 issues or whatever, and you know, they ended  
 14 up, I think, having to pull the gearbox out of  
 15 the helicopter. But it seems to be anything  
 16 with regard to a gearbox gets to be an issue  
 17 that is very sensitive to the workforce here  
 18 and wherever.  
 19 MR. WALLACE:  
 20 Q. I read those. Those are the minutes -- there  
 21 was a report of that in the minutes of January  
 22 the 10th, 2010. So that was your report  
 23 perhaps. Oh no, that there was that Halifax  
 24 incident. You were in attendance.  
 25 MR. PEDDLE:  
 26 A. Yeah, and -

Page 195

1 MR. WALLACE:  
 2 Q. But my understanding is there was a  
 3 communication to the operators and then to the  
 4 workforce, even in respect of that incident.  
 5 MR. PEDDLE:  
 6 A. Not prior to the meeting, I don't believe. I  
 7 brought it up at the meeting and I had the  
 8 report which came out of what they call a  
 9 CADOR system. It's a Transport Canada system  
 10 and at the time, I believe the OIM responded  
 11 that he didn't have any further information  
 12 about what the remedial action was on the  
 13 helicopter. There was no full report. They  
 14 knew about the issue, but it hadn't been  
 15 reported to us yet.  
 16 MR. WALLACE:  
 17 Q. That incident was, I think, January the 4th.  
 18 You were at a meeting on January the 10th. So  
 19 perhaps six days had passed.  
 20 MR. PEDDLE:  
 21 A. That's right.  
 22 MR. WALLACE:  
 23 Q. That's all, yeah. Mr. Peddle, thank you very  
 24 much for taking the questions and for your  
 25 testimony. That's it. Thank you, Mr.  
 26 Commissioner.

Page 196

1 COMMISSIONER:  
 2 Q. Okay, thank you, Mr. Wallace. Suncor?  
 3 MR. MAHONEY:  
 4 Q. No questions, Mr. Commissioner.  
 5 COMMISSIONER:  
 6 Q. Thank you. Husky?  
 7 MACDONALD, Q.C.:  
 8 Q. No, thank you, Mr. Commissioner.  
 9 COMMISSIONER:  
 10 Q. Thank you. Counsel for Cougar, Mr. Whalen?  
 11 WHALEN, Q.C.:  
 12 Q. No questions, Mr. Commissioner, thank you.  
 13 COMMISSIONER:  
 14 Q. Thank you. Sikorsky, Helly Hansen, counsel  
 15 for Memorial University?  
 16 HURLEY, Q.C.:  
 17 Q. No questions.  
 18 COMMISSIONER:  
 19 Q. Thank you. Government of Newfoundland, Ms.  
 20 Berlin?  
 21 MS. BERLIN:  
 22 Q. No questions, thank you.  
 23 COMMISSIONER:  
 24 Q. Thank you. Mr. Harris?  
 25 HARRIS, Q.C.:  
 26 Q. No questions, Mr. Commissioner.

1 COMMISSIONER:  
 2 Q. Thank you. You will go at the end, of course,  
 3 Mr. Earle. Counsel for the families, Mr.  
 4 Martin?  
 5 MR. MARTIN:  
 6 Q. I have no questions, Mr. Commissioner.  
 7 COMMISSIONER:  
 8 Q. Thank you. For the estates of the pilots, Mr.  
 9 O'Brien?  
 10 O'BRIEN, Q.C.:  
 11 Q. No questions, Mr. Commissioner.  
 12 COMMISSIONER:  
 13 Q. Thank you. All right then, Mr. Earle, if  
 14 you're ready?  
 15 MR. SHELDON PEDDLE, EXAMINATION BY V. RANDELL J. EARLE,  
 16 Q.C.  
 17 EARLE, Q.C.:  
 18 Q. Mr. Peddle, Mr. Wallace canvassed with you  
 19 this e-mail that went out about the cracks in  
 20 the feet of the gearboxes. I just wanted to  
 21 clarify, is this a new behaviour that we're  
 22 seeing now, these e-mails going out?  
 23 MR. PEDDLE:  
 24 A. The reporting that we've got basically where  
 25 we're receiving reports from Cougar about any  
 26 -- you know, supposedly any incidents, is new

1 Scotia with a Sikorsky S-92 owned by Cougar at  
 2 your OSH committee as being an example of  
 3 something that you would have expected would  
 4 have been communicated to the employees in the  
 5 Newfoundland offshore, but had not at that  
 6 point in time?  
 7 MR. PEDDLE:  
 8 A. Yes, I would say that. I mean, we haven't  
 9 established what the scope of the reports are.  
 10 They were in Halifax, you know, we're St.  
 11 John's, but it all pertains to the most  
 12 pressing issue with the helicopter, being the  
 13 gearbox, which is particularly of interest to  
 14 everybody.  
 15 EARLE, Q.C.:  
 16 Q. Now just want to ask you a question about you  
 17 mentioned that you -- the HUEBA was discussed  
 18 two or three times over the period of time  
 19 from 2003 to your committee, and I just want  
 20 to be clear as to the nature of the  
 21 discussion. Was this involvement soliciting  
 22 views of the Occupational Health and Safety  
 23 Committee or was it by way of a status report  
 24 from your employer as to what was going on  
 25 with the HUEBA?  
 26 MR. PEDDLE:

1 since 491. The issue about the gearbox  
 2 mounting cracks on the feet is a particularly  
 3 sensitive issue, I guess, and they felt the  
 4 need that -- it wasn't really an incident, but  
 5 they picked it up on a maintenance, standard  
 6 maintenance that they do on the helicopters on  
 7 a nightly basis and they picked up a crack.  
 8 They let everybody know.  
 9 EARLE, Q.C.:  
 10 Q. So is there any, you know, formal  
 11 understanding or protocol of what's going to  
 12 be done with reporting these helicopter  
 13 incidents, if you will, in terms of how soon  
 14 employees will hear about it, how the  
 15 Occupational Health and Safety Committee will  
 16 hear about it, and are there any time frames  
 17 established?  
 18 MR. PEDDLE:  
 19 A. I'm not aware of any written formal process.  
 20 It's more of a commitment since the crash in  
 21 March to keep us -- to be more open and  
 22 transparent with the flow of information  
 23 regarding the helicopters.  
 24 EARLE, Q.C.:  
 25 Q. And I take it from the fact that you raised  
 26 the PAN, PAN, PAN situation over in Nova

1 A. I think it was more of a status report. I  
 2 don't recall that any workers or JOHS  
 3 committees or installations were involved in  
 4 the process to select the HUEBA. There are  
 5 alternatives. There are rebreathers and  
 6 whatnot, I think that they use in the North  
 7 Sea, but this was an industry chosen solution  
 8 for this purpose.  
 9 EARLE, Q.C.:  
 10 Q. Now you mentioned that once an issue makes its  
 11 way into the Occupational Health and Safety  
 12 Committee, there's an impasse, there's nowhere  
 13 to go, and Mr. Wallace seemed to turn that  
 14 into a comment on things generally. Were you  
 15 talking about things generally or were you  
 16 talking more specifically about helicopter  
 17 issues when you made that comment?  
 18 MR. PEDDLE:  
 19 A. I guess in terms of helicopter issues, you  
 20 know, if we mention an incident that comes up  
 21 because of whatever, a gearbox chip light or  
 22 some kind of -- you know, some kind of  
 23 malfunction on the helicopter, there's no  
 24 where -- we just get a report back "this  
 25 happened. We rectified the problem" and  
 26 that's all we ever hear of it.

Page 201

1 EARLE, Q.C.:

2 Q. In respect of your Occupational Health and

3 Safety Committee, what sort of involvement do

4 you get from C-NLOPB? I mean, you've talked

5 about, you know, being able to refer something

6 on to C-NLOPB and we know that there are these

7 annual meetings of all the Occupational Health

8 and Safety Committees and we know the minutes

9 of all the meetings go to C-NLOPB. Other than

10 when an issue is brought to the C-NLOPB,

11 almost as the Court of Appeal on an issue,

12 what kind of involvement does the Occupational

13 Health and Safety Committee have with C-NLOPB?

14 MR. PEDDLE:

15 A. The Board is not particularly hands on with

16 issues. If we're talking them out on -- at,

17 you know, a Joint Committee stage. You know,

18 we've had issues that have drawn on for very

19 long periods of time that were, you know,

20 fairly significant health and safety issues.

21 For instance, I can relate to, you know, a

22 humidifier system that was brought up, low

23 humidity on board the Platform. That took

24 several years to actually implement a

25 solution. You know, we had to go through a

26 stage of, you know, it had to be budgeted and

Page 202

1 there had to be money made available and there

2 was an engineering phase and it went on and on

3 and on. It was certainly on the minutes for

4 quite a long period of time, and we didn't

5 hear from the Board really at all on trying to

6 expedite the process of implementing the fix

7 for that particular situation, even though it

8 went on for years.

9 EARLE, Q.C.:

10 Q. So what you're suggesting that even though the

11 minutes go to C-NLOPB, there doesn't seem to

12 be much of a mind to intervene if something's

13 stuck, so to speak?

14 MR. PEDDLE:

15 A. Shall we say, yeah. That's about the -- you

16 know, my recollection of their involvement,

17 shall we say, to rectify some issues.

18 EARLE, Q.C.:

19 Q. Now Mr. Wallace asked you a number of

20 questions and you've indicated that there's a

21 lot of opportunities to bring something

22 forward and the Occupational Health and Safety

23 Committee being one of them. But I'm getting

24 the impression from what you're saying that

25 the function of the committee is, seems to be

26 roughly like this, that employees, through the

Page 203

1 Occupational Health and Safety Committee, have

2 the ability to bring issues forward, and it's

3 quite unrestrained, and if they can sell

4 management on the point, something may happen.

5 But if management doesn't agree, then

6 management doesn't agree and that's it, and

7 that from the employer's side of things, the

8 main function of the Occupational Health and

9 Safety Committee, besides responding to these

10 complaints, appears to be one of information

11 flow and the way of status reports, talking

12 about initiatives or indicating a new policy

13 that's being implemented. Am I correct in

14 that, that's your view of where the committee

15 is and how it's functioning?

16 MR. PEDDLE:

17 A. You know, I guess it comes down to the issues

18 really. I mean, there are a lot of issues

19 that are fairly easy to fix and the resolve is

20 there to put whatever money is available or

21 needed to create a fix. There are some issues

22 that go down the road and it becomes more of a

23 roadblock, shall we say, to getting things

24 done. It might be very time consuming. It

25 might be very expensive. There are issues,

26 you know, that languish, shall we say, at the

Page 204

1 JOHS committee stage on the minutes and

2 sometimes take a very long period of time and

3 then sometimes they're removed from the -- we

4 get an answer back on something and then, you

5 know, we'll be told this issue is really --

6 you know, we can't -

7 EARLE, Q.C.:

8 Q. Does the removal of an issue because there's

9 an answer back mean the answer was

10 satisfactory?

11 MR. PEDDLE:

12 A. Not always, not always.

13 EARLE, Q.C.:

14 Q. One other area, you described the role of the

15 safety reps and their meeting themselves, and

16 then we have one of the safety reps going to

17 the morning meeting, and you indicated that

18 tended to rotate, and then you have, say, ten

19 safety reps who are all members of the

20 Occupational Health and Safety Committee, and

21 you said, well, usually, you know, with that

22 many you can get six to a meeting. Are there

23 any issues with respect to continuity and

24 activity caused by the fact that, you know,

25 you're getting six out of ten at any given

26 time, or one fellow goes with the OIMs meeting

Page 205

1 one morning, another fellow the next morning,  
 2 and another one the next morning, so on, does  
 3 that cause you any issues with continuity and  
 4 communications as between your committee  
 5 members?  
 6 MR. PEDDLE:  
 7 A. I think, you know, the issue with continuity  
 8 might be more a function of the fact that  
 9 you're changing out bodies every three weeks.  
 10 You know, having a lot of people on the  
 11 committee can be advantageous and, like you  
 12 said, there can be sometimes a lapse in  
 13 continuity or a focus, shall we say, on a  
 14 particular issue or whatever, but in terms of  
 15 continuity we're challenged on an ongoing  
 16 basis with maintaining continuity on issues  
 17 because we change out our safety reps, you're  
 18 dealing with different people every three  
 19 weeks. Sometimes, you know, the people who  
 20 are involved in it three weeks time, for  
 21 whatever reason, whether it's not a good hand  
 22 over with minutes in terms of our weekly  
 23 safety rep meetings, the issues don't seem to  
 24 be as burning an issue maybe for the next  
 25 group of people. So sometimes we do see that.  
 26 In terms of on a day to day basis continuity,

Page 206

1 we try to realign our focus, like, every  
 2 Friday, and get as many people together as  
 3 possible, you know, to get -- you know, if  
 4 there are issues and you want to make them  
 5 priority issues, we try to do that on a weekly  
 6 basis. Again not getting a consistent group  
 7 together, it does lead to challenges  
 8 sometimes, yes.  
 9 EARLE, Q.C.:  
 10 Q. One final question for you, Mr. Peddle, I  
 11 notice that the OIM is the co-chair on both  
 12 locations. There are two OIMs for each  
 13 rotation, and he or she is the management co-  
 14 chair of the Occupational Health and Safety  
 15 Committee, and then we have the OIMs morning  
 16 meeting, and if you'll recall Mr. Sacuta's  
 17 evidence, he talked about the organizational  
 18 structure of HMDC being rather flat, which  
 19 means that the OIM is, in fact, an individual  
 20 whose position within the organization is  
 21 quite high. I wonder could you comment on the  
 22 advantages, if any, of having the OIM involved  
 23 on this level and the disadvantages, if any,  
 24 of having the OIM involved at the occupational  
 25 Health and safety level?  
 26 MR. PEDDLE:

Page 207

1 A. Well, certainly, I guess, it comes down to  
 2 personalities as well. Different OIMs have  
 3 different takes on situations, they have  
 4 different approaches to dealing with issues.  
 5 That can be a benefit, and sometimes it can be  
 6 a hinderance, but in terms of who we need to  
 7 deal with, the OIM being co-chair on the  
 8 management side of the Joint Occupational  
 9 Health and Safety Committee, if there's an  
 10 issue that can be resolved, he's certainly the  
 11 man on board the platform who can make a  
 12 decision and make something happen, but in the  
 13 same light, he's also somebody who may not  
 14 agree with what you're saying and it could be  
 15 a roadblock basically to moving forward. Now  
 16 that's the kind of issue and the kind of  
 17 matter that you deal with at the committee  
 18 stage and you talk about, and, you know,  
 19 beyond the OIM, of course, there's onshore  
 20 management and, you know, there have been  
 21 issues that reached onshore management and  
 22 been sided with, shall we say, to make changes  
 23 or whatever in the way we do things offshore.  
 24 You know, there's a hierarchy to follow  
 25 basically, but certainly in respect of the  
 26 dealings on the platform, it's pros and cons,

Page 208

1 I guess, for the issue, and it comes down  
 2 sometimes to the personality involved.  
 3 EARLE, Q.C.:  
 4 Q. Thank you very much, Mr. Peddle.  
 5 COMMISSIONER:  
 6 Q. Okay, Mr. Earle, thank you.  
 7 ROIL, Q.C.:  
 8 Q. Commissioner, I'm sorry, could I have one  
 9 question arising out of Mr. Earle's questions.  
 10 COMMISSIONER:  
 11 Q. Yes, absolutely.  
 12 MR. SHELDON PEDDLE - RE-EXAMINATION BY JOHN ROIL, Q.C.:  
 13 ROIL, Q.C.:  
 14 Q. It's partly whimsical, but it's partly perhaps  
 15 another sidelight. Those similar pluses and  
 16 minuses for having the OIM on board as the co-  
 17 chair, do you see any advantages or  
 18 disadvantages to the union president being the  
 19 co-chair? Does that offer pluses and minuses  
 20 to you?  
 21 MR. PEDDLE:  
 22 A. Well, again I wasn't co-chair all the time I  
 23 was union president, but --  
 24 ROIL, Q.C.:  
 25 Q. Exactly, but you were for a time.  
 26 MR. PEDDLE:

Page 209

1 A. Yeah, sometimes I guess, you know, we're  
 2 dealing with -- from the perspective of being  
 3 a worker on a facility, there are -- I think  
 4 it's been always the case on the JOHS  
 5 Committee, you know, when you have people who  
 6 sit on the committee, sometimes they're there  
 7 not entirely of their own choosing, sometimes  
 8 they just happen to fall into these roles. I  
 9 don't know if I mentioned earlier, but a lot  
 10 of the reps are acclaimed into their  
 11 positions, it's almost a sense of obligation,  
 12 it's my turn to be a safety rep, or whatever.

13 ROIL, Q.C.:  
 14 Q. So there's no big election for a safety rep  
 15 job each year, is there?

16 MR. PEDDLE:  
 17 A. I've known -- well, I mean, it happens every  
 18 two years, but I've known of only one or two  
 19 elections in the last five or six years where  
 20 there actually had to be people cast votes.  
 21 Usually the reps are acclaimed into their  
 22 positions, but, you know, when it comes down  
 23 to standing up for safety on the committee  
 24 stage, you know, some issues they go through  
 25 the ringer, and people sometimes they don't  
 26 follow through. So in the case of me standing

Page 210

1 up and saying, okay, I'm the union president,  
 2 I'm a co-chair of this committee, I think by  
 3 legislation we have the right actually to  
 4 appoint safety reps if we wanted to as a  
 5 union, but there needs to be a resolve on  
 6 behalf of people who sit on that committee to  
 7 make sure that they're going to drive the  
 8 matter as hard as they need to. In the past,  
 9 I've certainly had no problem doing that.

10 ROIL, Q.C.:  
 11 Q. So the plus is that you have the resolve  
 12 necessary. Is there a concomitant negative  
 13 aspect for you when you're sitting in both  
 14 roles?

15 MR. PEDDLE:  
 16 A. It tends to cloud -- in some people's minds,  
 17 it tends to cloud the intent, shall we say  
 18 maybe, and that's probably not true. I mean,  
 19 my intent is to look after safety, but I don't  
 20 have a problem -- that's one of the reasons I  
 21 stepped down was because of perception about  
 22 people looking at me and saying what my true  
 23 intent is, but I stepped back and I let  
 24 someone else take the role.

25 ROIL, Q.C.:  
 26 Q. Okay, thank you.

Page 211

1 COMMISSIONER:  
 2 Q. Mr. Peddle, I was quite intrigued really by  
 3 your comment a bit earlier when you said when  
 4 you're having these committee meetings  
 5 offshore, when it comes to helicopter issues,  
 6 there's no expert around the table. You know,  
 7 you're oil producing people, not helicopter  
 8 experts, and it occurred to me -- I've been  
 9 thinking about it ever since you said it. It  
 10 strikes me that what you need, both  
 11 representatives of management and workers, you  
 12 know, is from time to time to have somebody  
 13 who has expertise in the particular area that  
 14 you can talk to. For instance, if things like  
 15 the door coming open, or the weight and  
 16 balance issue, you know, the helicopter, all  
 17 sorts of things cause concern to people like  
 18 myself and perhaps even you, you know, who  
 19 don't really know what's going on, and it may  
 20 be that with the cooperation of management,  
 21 you might be able to have, say, someone from -  
 22 - I don't mean the President of Cougar, I mean  
 23 a hands-on guy or lady, you know, who is in  
 24 there talking. You could have, for instance,  
 25 the Chief of Maintenance, and, say, like, when  
 26 I was out on the rig, you know, for two or

Page 212

1 three days, I think the second evening I was  
 2 out there, there was a news sheet passed  
 3 around and somebody said to me, you know,  
 4 here's the news. I said, oh, thank you. The  
 5 first thing I read was about the O-rings which  
 6 had come from a European Authority, you know.  
 7 Now it wouldn't be much good for you or me to  
 8 talk about that probably, but I would have  
 9 loved to that evening have talked to an  
 10 experienced maintenance person, you know, from  
 11 Cougar or anywhere else in the helicopter  
 12 world to say what was the significance of  
 13 that. So what I'm leading to is with the  
 14 cooperation of management, for instance, if  
 15 you could have a senior pilot talk to you  
 16 about issues that you may wish to raise with  
 17 him at such a meeting, or if there were  
 18 maintenance issues, a senior and experienced  
 19 maintenance technician, or whatever they're  
 20 called, then both management and the workers  
 21 would hear and then you'd have some knowledge  
 22 with which to go forward or it may be that you  
 23 might have the knowledge and say, well, that's  
 24 not important, that's not significant, and,  
 25 you know, you may accept that. What do you  
 26 think of that kind of approach where you have



Page 213

1 people with the -- if it can be agreed that it  
 2 be done, people with the expert information?  
 3 MR. PEDDLE:  
 4 A. Certainly, I guess, you know, any interaction  
 5 with somebody who is in the know, who has a  
 6 background in helicopters and helicopter  
 7 maintenance, helicopter piloting, whatever, it  
 8 would be beneficial, you know. I'm not sure  
 9 that somebody from Cougar would always be the  
 10 right person to have.  
 11 COMMISSIONER:  
 12 Q. It may not be, no, but somebody with the  
 13 knowledge.  
 14 MR. PEDDLE:  
 15 A. Yeah, and, like, you know, for what it's  
 16 worth, I've suggested in the past to Howard  
 17 Pike with the C-NLOPB, that if they had  
 18 somebody on staff that -- they don't have to  
 19 be dedicated 100 percent of the time to  
 20 aviation issues, but someone with a  
 21 background, and I don't know if they could  
 22 find somebody to become a safety officer with  
 23 the Board with an aviation background, but if  
 24 you had someone with that kind of knowledge  
 25 who could look at these issues and take them  
 26 further -- because another thing that Howard

Page 214

1 mentioned to me with regards to the  
 2 interaction that they have with Transport  
 3 Canada, was that the Board, you know, the  
 4 Board is dealing with our issues and some of  
 5 them which are helicopter safety issues, but  
 6 there doesn't seem to be an interaction  
 7 between the Board and Transport Canada in a  
 8 real sense to deal with helicopter safety  
 9 issues, or concerns that we may have, for  
 10 instance, with regards to floatation on  
 11 helicopters.  
 12 COMMISSIONER:  
 13 Q. Well, that's something that we here at the  
 14 Inquiry perhaps could ask some questions  
 15 about. Think over what I've said, and anybody  
 16 else perhaps listening to me, you know, about  
 17 the idea of talking to hands-on people with  
 18 expertise in a particular area who might be  
 19 either able to allay some concerns or say,  
 20 yeah, that's a problem.  
 21 MR. PEDDLE:  
 22 A. We've had in the past some impromptu dealings  
 23 with people with Cougar, like, Mr. Williams,  
 24 Mr. Hank Williams. I remember one time  
 25 actually -- it came about because of issues or  
 26 concerns or questions around the S-92 and what

Page 215

1 not, and we were given a little tour of the S-  
 2 92 out in the hangar, and took us out and  
 3 seated us in the helicopter and talked about,  
 4 you know, the features on the helicopter and,  
 5 you know, it's an impressive piece of  
 6 equipment, no doubt, and at that time it was -  
 7 - it was of some benefit to actually be talked  
 8 to by somebody who is in this industry, who  
 9 has knowledge of the helicopter, and, you  
 10 know, allay any fears that you may have, you  
 11 know.  
 12 COMMISSIONER:  
 13 Q. I must say I've found that all my adult life,  
 14 the benefit of talking to people with hands-on  
 15 knowledge, you know.  
 16 MR. PEDDLE:  
 17 A. Uh-hm.  
 18 COMMISSIONER:  
 19 Q. Anyway, you might think about that and perhaps  
 20 talk to the appropriate person in management.  
 21 MR. PEDDLE:  
 22 A. Sure.  
 23 COMMISSIONER:  
 24 Q. Okay, then, well, look, thank you very much.  
 25 ROIL, Q.C.:  
 26 Q. Thank you, Mr. Peddle, you can be excused, and

Page 216

1 we'll now ask Mr. Tobin to take the witness  
 2 stand. I'm sorry, Mr. Hussey. Mr. Hussey,  
 3 before you sit down, I think the Registrar  
 4 would like to --  
 5 MR. STAN HUSSEY (SWORN) EXAMINATION BY JOHN ROIL, Q.C.:  
 6 ROIL, Q.C.:  
 7 Q. Mr. Hussey, you've had the advantage of  
 8 hearing the other two, and so we'll go through  
 9 a very similar process with you.  
 10 MR. HUSSEY:  
 11 A. Okay.  
 12 ROIL, Q.C.:  
 13 Q. When we get to items that we've already  
 14 covered, I think I said in my opening  
 15 statement that some things would be different,  
 16 some things would be similar. Perhaps when we  
 17 get to things that are similar, we don't need  
 18 to spend as much time on it because you can  
 19 say it works the same way or we have the same  
 20 concerns, and if things are different, we'll  
 21 spend a little more time on that.  
 22 MR. HUSSEY:  
 23 A. Sure.  
 24 ROIL, Q.C.:  
 25 Q. So I don't know if that's an advantage or a  
 26 disadvantage to you, but you're in the back up

Page 217

1 position here now, so you can fill in all the  
2 blanks for us.

3 MR. HUSSEY:

4 A. I've got a hard act to follow, that's all I  
5 can say.

6 ROIL, Q.C.:

7 Q. Okay, tell us a little bit about Stan Hussey,  
8 who he is, where he comes from, and what he's  
9 doing in relation to offshore transportation,  
10 helicopters, and activities in the oil fields?

11 MR. HUSSEY:

12 A. Well, again my name is Stan Hussey. I  
13 actually work for Crosbie Salamis, who is a  
14 contractor for Suncor. I am employed as an  
15 insulator on the Terra Nova FPSO. I carry a  
16 journeyman certificate as an insulator. I  
17 also carry a sheet metal certificate as a  
18 journeyman.

19 ROIL, Q.C.:

20 Q. What does an insulator do? I'm thinking in  
21 terms of electricity, but that's not --

22 MR. HUSSEY:

23 A. No, no, we insulate all the piping on board  
24 the Terra Nova, any vessels or tanks that --  
25 and some need to be insulated for protection  
26 of the workers because it may be a very hot

Page 218

1 pipe or something like that. Most times it's  
2 to keep the liquids that are flowing in the  
3 pipes, keep them from freezing, and that's  
4 basically it for our part of it sort of thing,  
5 right.

6 ROIL, Q.C.:

7 Q. Okay, so your insulation is in relation to  
8 piping and pressure vessels and that kind of  
9 thing?

10 MR. HUSSEY:

11 A. Yes, and we have people basically who are  
12 going around investigating any damage or any  
13 impropriety of the pipe. If there's a pipe --  
14 what we call this system is CUI, Corrosion  
15 Under Insulation, and we have asset integrity  
16 people who are examining the pipes and  
17 sometimes x-raying or whatever, just to see if  
18 they're still in good shape, or if they need  
19 to be changed out, or whichever way they have  
20 to go for that, right.

21 ROIL, Q.C.:

22 Q. Okay, and you mentioned that you're employed  
23 by a company called Crosbie Salamis?

24 MR. HUSSEY:

25 A. Yes.

26 ROIL, Q.C.:

Page 219

1 Q. Are you the only employee of that company on  
2 board the facility?

3 MR. HUSSEY:

4 A. Absolutely not, no. Crosbie's supply  
5 insulators, painters, scaffolders, and we have  
6 cleaners who come out on a periodic basis. I  
7 believe -- I believe they do have some people  
8 there on the decks, but for the most part,  
9 it's those tradespeople that Crosbie's supply.

10 ROIL, Q.C.:

11 Q. Okay, tell us a little about your background  
12 and your experience prior to coming to the oil  
13 fields?

14 MR. HUSSEY:

15 A. Well, I started with Crosbie's about seven and  
16 a half years ago, and prior -- so I've been  
17 kind of ad hoc all that time up until the last  
18 couple of years where I have now got a 21 day  
19 rotation, 21 off and 21 on.

20 ROIL, Q.C.:

21 Q. So when you work for seven and a half, it  
22 wasn't with a regular rotation, you would get  
23 a job here and there, would you?

24 MR. HUSSEY:

25 A. Yes, yeah, and that could be -- it turned out  
26 it was Terra Nova and Hibernia as well, right.

Page 220

1 ROIL, Q.C.:

2 Q. Okay, so you've worked at both those two  
3 facilities?

4 MR. HUSSEY:

5 A. Yes, yeah. Prior to that, I was -- from about  
6 '96 on, we worked on, or I worked on the GBS  
7 in Bull Arm, as well as the topsides, and then  
8 again on the Terra Nova when she was in Bull  
9 Arm. So before that, I travelled fairly  
10 extensively around the country working in  
11 Alberta for six and a half years, I worked in  
12 Ontario for three or four years prior to that,  
13 and so my construction knowledge, I guess,  
14 goes back to about the mid '70s, I guess.

15 ROIL, Q.C.:

16 Q. That's as close as we'll come to asking you  
17 your age.

18 MR. HUSSEY:

19 A. Thank you.

20 ROIL, Q.C.:

21 Q. Now I take it that -- first of all, do you  
22 have a representative capacity in respect of  
23 CEP Local 2121?

24 MR. HUSSEY:

25 A. Yes, I'm the Chief Shop Steward on the Terra  
26 Nova.

Page 221

1 ROIL, Q.C.:

2 Q. Do you also then have activity with the

3 Occupational Health and Safety Committee on

4 Terra Nova?

5 MR. HUSSEY:

6 A. Yes, I do, I'm the co-chair of the committee.

7 ROIL, Q.C.:

8 Q. Okay. In a manner similar to the way we did

9 it with respect to the last witness, tell us

10 about how the Occupational Health and Safety

11 Committee works on board the facility known as

12 Terra Nova FPSO?

13 MR. HUSSEY:

14 A. Okay, well, the way I see it, basically we

15 have a procedure to follow and if there's any

16 issues -- if a person has an issue, we are

17 directed to first ask him have you brought it

18 to your --

19 ROIL, Q.C.:

20 Q. I'm sorry, I have to go back a step. Who is

21 the Occupational Health and Safety Committee,

22 what kind of people make up that committee?

23 MR. HUSSEY:

24 A. We have management -- usually equal management

25 and worker reps.

26 ROIL, Q.C.:

Page 222

1 Q. Okay, the same principle as expressed --

2 MR. HUSSEY:

3 A. Very much the same as for Hibernia.

4 ROIL, Q.C.:

5 Q. Okay, what about the size of the committee?

6 MR. HUSSEY:

7 A. A little bit smaller because certainly we're

8 only about half the size in personnel.

9 Typically, I think there's usually five

10 management and five worker reps. Of late,

11 it's brought down to four management

12 positions, and I'm not absolutely sure, but I

13 think there was a little bit of a change in

14 the management scheme of things. So now

15 there's basically four management. We have a

16 -- well, the OIM. I believe, it's the process

17 -- the process people have a management

18 personnel there. We also have an EH&S advisor

19 who is basically the guy who keeps the

20 minutes, and to my understanding, he's the

21 neutral kind of guy. There's also maintenance

22 has a supervisor there, and then we have the

23 nurse who is a standing guest, and certainly

24 he or she is there just as a guest, who gives

25 us some presentations on the different things,

26 like, how the water is out there.

Page 223

1 ROIL, Q.C.:

2 Q. You mean, the fresh water?

3 MR. HUSSEY:

4 A. Fresh water that's being brought out, yeah.

5 So she -- he or she doesn't have a vote.

6 ROIL, Q.C.:

7 Q. Now what would happen with the equality issue

8 and the five and four? Would that mean that

9 you would have to take a person off the safety

10 rep list, or would management then have an

11 opportunity to appoint another management

12 representative, or do you know how that issue

13 is going to be resolved at this point?

14 MR. HUSSEY:

15 A. It's fairly new. I think it's only been the

16 last couple of meetings that it's been down to

17 four management. There hasn't been a lot of

18 discussion on it. I suggest there might be

19 after this. I don't know if that'll mean

20 we'll get an extra management personnel, or if

21 one of our worker reps will be dropped.

22 ROIL, Q.C.:

23 Q. But you understand the principle of equality,

24 I suppose --

25 MR. HUSSEY:

26 A. Absolutely, yes.

Page 224

1 ROIL, Q.C.:

2 Q. Okay. Again we've talked a little bit about

3 who is the co-chairs, and I understand that

4 you are a co-chair of the committee or have

5 been?

6 MR. HUSSEY:

7 A. Yes, I am at present.

8 ROIL, Q.C.:

9 Q. You are at present, okay. On the FPSO Terra

10 Nova, who represents the management side in

11 terms of being co-chair?

12 MR. HUSSEY:

13 A. The OIM.

14 ROIL, Q.C.:

15 Q. This is the same --

16 MR. HUSSEY:

17 A. Same procedure, same line up.

18 ROIL, Q.C.:

19 Q. Again I won't ask you to repeat what was said,

20 do you see that there are advantages and

21 disadvantages or are they all advantages and

22 no disadvantages with respect to the OIM

23 position being the head of the -- sorry, not

24 the head, the co-chair?

25 MR. HUSSEY:

26 A. Personally I'm fairly new at it. It's a

Page 225

1 little over a year, I guess, and learning  
 2 certainly as I'm going. With our procedures,  
 3 like, when I first joined the committee, I was  
 4 basically told we're not a complaints  
 5 department as per such, you know. The thing  
 6 is if somebody on the rig has an issue, they  
 7 have to first bring it to the supervisor, and  
 8 that supervisor then has it tasked upon him to  
 9 either resolve it or if he can't resolve it,  
 10 then it goes to the OIM. Then the OIM has an  
 11 opportunity to resolve it. So it's only up  
 12 until then or after that, that it comes to the  
 13 committee level.

14 ROIL, Q.C.:

15 Q. So the expectation is that the worker deals  
 16 with it within the operational confines of the  
 17 facility, going to his immediate supervisor  
 18 first, and then to the OIM if necessary?

19 MR. HUSSEY:

20 A. Yes.

21 ROIL, Q.C.:

22 Q. Okay, then if unresolved to that worker's  
 23 satisfaction, it can or should come to the  
 24 Occupational Health and Safety Committee?

25 MR. HUSSEY:

26 A. Yeah.

Page 226

1 ROIL, Q.C.:

2 Q. In that context, does having the OIM there as  
 3 a co-chair an asset or a disadvantage?

4 MR. HUSSEY:

5 A. Well, I haven't really seen it to be either.

6 ROIL, Q.C.:

7 Q. Okay.

8 MR. HUSSEY:

9 A. At this point. Again, as Sheldon said  
 10 earlier, I guess it comes down to the  
 11 individual and the way they feel about certain  
 12 situations, and they may agree and they may  
 13 not, and they might run things a little bit  
 14 different than another person. I guess,  
 15 that's just human nature, but in regards to  
 16 seeing it being a hazard or a disability of  
 17 any sort, I don't see it.

18 ROIL, Q.C.:

19 Q. One of the things you began to speak about was  
 20 the issue of the fact that you're fairly new  
 21 to the committee, and that, I take it, you  
 22 would have been able to have some training. Do  
 23 you -- have you had the training?

24 MR. HUSSEY:

25 A. Yes, I have, yeah.

26 ROIL, Q.C.:

Page 227

1 Q. And again was your training in a similar way  
 2 provided by an outside service provider?

3 MR. HUSSEY:

4 A. Yes, it was, to my understanding. I can't  
 5 recall the name of the organization, but -- I  
 6 believe they were a government organization,  
 7 and the only concern I had with that was that  
 8 it was probably seven or eight months after I  
 9 joined the committee that I received this  
 10 training, and there's many reasons why. I  
 11 guess, this training is not offered every day  
 12 type of thing, but it did take a little while  
 13 and I was a little bit concerned about that  
 14 because I guess I'm the type of person, if I  
 15 take anything on, I like to be as  
 16 knowledgeable about it as I possibly can, you  
 17 know. So for that reason, I would have liked  
 18 to have had the training quite a bit earlier.

19 ROIL, Q.C.:

20 Q. What is the normal term of your service on the  
 21 committee? Is it two years, the same as we've  
 22 heard before?

23 MR. HUSSEY:

24 A. Yes, two years is your normal time period. If  
 25 I might on that point, to my way of thinking,  
 26 two years is really not quite long enough

Page 228

1 because you're just getting your feet wet,  
 2 you're just learning about it, and now you've  
 3 gotten a handle on it, and -- and it's quite  
 4 often people do go longer than two years  
 5 certainly, but I think two years you're just  
 6 going through the infancy and at that point  
 7 then to hand it over to another infant would  
 8 be futile, and things will never get going in  
 9 the proper area, in the proper way, right.

10 ROIL, Q.C.:

11 Q. So you need enough longevity to be able to  
 12 contribute, but not so much that you become  
 13 too long in the tooth?

14 MR. HUSSEY:

15 A. That's right, yes.

16 ROIL, Q.C.:

17 Q. What about the training itself, did it enable  
 18 you to feel that you had comfort with the  
 19 kinds of issues and the procedures and  
 20 protocols to deal with those kinds of things?

21 MR. HUSSEY:

22 A. Yes, to a large degree. I mean, it certainly  
 23 didn't cover off everything that we run into  
 24 on a day to day basis, I guess, but for the  
 25 most part it did, and the only thing I will  
 26 say is that our safety culture is such, and

Page 229

1 like Brian alluded to earlier, in the  
 2 construction industry over the last 30 years,  
 3 it's been a constant battle to bring all this  
 4 safety in to the game sort of thing.  
 5 ROIL, Q.C.:  
 6 Q. In the construction industry generally?  
 7 MR. HUSSEY:  
 8 A. In the construction industry generally.  
 9 ROIL, Q.C.:  
 10 Q. Yes.  
 11 MR. HUSSEY:  
 12 A. And since I've started to work in the  
 13 offshore, I find that it's, you know, 100  
 14 percent better. We have a safety culture that  
 15 I've never been used to, and I find it very  
 16 refreshing, if nothing else.  
 17 ROIL, Q.C.:  
 18 Q. Uh-hm.  
 19 MR. HUSSEY:  
 20 A. So in that vein, I kind of would like to see -  
 21 how will I put it. The training part of it,  
 22 I'd like to see that training put up forward  
 23 so that you're going into it with knowledge at  
 24 the start. I think I just went off the track  
 25 here, but --  
 26 ROIL, Q.C.:

Page 230

1 Q. No, that's fine. You have told us that it was  
 2 a few months down the road before you got your  
 3 training, and I think you felt that you were a  
 4 little bit awash until you got it?  
 5 MR. HUSSEY:  
 6 A. Uh-hm.  
 7 ROIL, Q.C.:  
 8 Q. And if you're only serving a two year term,  
 9 then obviously having the training up front  
 10 would be important?  
 11 MR. HUSSEY:  
 12 A. Yes.  
 13 ROIL, Q.C.:  
 14 Q. If you were serving a longer term, I guess  
 15 there's a little more opportunity for your  
 16 learning to mature, but I take your point  
 17 there, no question.  
 18 MR. HUSSEY:  
 19 A. Uh-hm.  
 20 ROIL, Q.C.:  
 21 Q. What about the issue of minutes of the  
 22 meetings, how are they handled on your  
 23 committee?  
 24 MR. HUSSEY:  
 25 A. The EH & S advisor keeps the minutes.  
 26 ROIL, Q.C.:

Page 231

1 Q. Yes, and do they tend to be of a reliable sort  
 2 of format and content that are useful to the  
 3 members of the committee?  
 4 MR. HUSSEY:  
 5 A. I find that -- I find they're getting better,  
 6 and that's not to take away from anybody in  
 7 the past. It's just probably -- I may be  
 8 getting a little bit better in reading it and  
 9 seeing that the issues that were brought  
 10 forward are actually, you know, on the  
 11 minutes, and that they will go through because  
 12 there was times when everything didn't get on  
 13 the minutes, so that -- I didn't necessarily  
 14 catch it, so I signed it off as a co-chair,  
 15 and only after I signed it off someone said,  
 16 you know, this didn't end up in the minutes.  
 17 So I'm getting a little bit better at seeing  
 18 that.  
 19 ROIL, Q.C.:  
 20 Q. So the minutes have to be done with diligence  
 21 by the scribe, whoever is scribing them, and  
 22 they have to be read with diligence by the co-  
 23 chairs?  
 24 MR. HUSSEY:  
 25 A. Absolutely, yes.  
 26 ROIL, Q.C.:

Page 232

1 Q. I take it that there's no compensation to you  
 2 for serving on these committees?  
 3 MR. HUSSEY:  
 4 A. No.  
 5 ROIL, Q.C.:  
 6 Q. This is a volunteer activity?  
 7 MR. HUSSEY:  
 8 A. Yes.  
 9 ROIL, Q.C.:  
 10 Q. And I think you indicated in your notes to me  
 11 that you also received some Tap Route  
 12 training. I think we've heard that expression  
 13 before. Was this in conjunction with your OH  
 14 & S Committee, or was this in conjunction with  
 15 your employment generally?  
 16 MR. HUSSEY:  
 17 A. No, that's with the committee.  
 18 ROIL, Q.C.:  
 19 Q. Okay.  
 20 MR. HUSSEY:  
 21 A. It's an investigation -- investigative  
 22 process.  
 23 ROIL, Q.C.:  
 24 Q. And again was that a useful piece of training  
 25 for you?  
 26 MR. HUSSEY:

1 A. Very, yes.  
 2 ROIL, Q.C.:  
 3 Q. Now the other regime that we just spoke of,  
 4 there was evidence of a group of the safety  
 5 reps who met on a weekly basis outside of the  
 6 formal meetings, the rotation, the once per  
 7 rotation meeting of the full committee. Does  
 8 the same situation happen with respect to the  
 9 Terra Nova Project?  
 10 MR. HUSSEY:  
 11 A. Well, up until my last hitch, and as a result  
 12 of the C-NLOPB information session that we had  
 13 there in January --  
 14 ROIL, Q.C.:  
 15 Q. That's the joint meeting, was it?  
 16 MR. HUSSEY:  
 17 A. That's the joint meeting with C-NLOPB and all  
 18 the JOHS Committee reps, we found that  
 19 Hibernia were having a meeting just about  
 20 every week to put the information or the  
 21 issues that are coming forward, to get that  
 22 together, so, you know, you can kind of place  
 23 everything that needs to be at that level,  
 24 make sure it is at that level and not probably  
 25 belong somewhere else. So we thought that was  
 26 a great idea and I brought it up to the OIM

1 evidence about how in the other regime that  
 2 we've looked at, there's a daily meeting of  
 3 the OIM and there are some walkabouts and that  
 4 members of the group of safety reps in the  
 5 workforce take part in those meetings. Is  
 6 there a similar regime with your organization?  
 7 MR. HUSSEY:  
 8 A. No, we don't take part in their meetings. We  
 9 haven't as of it, and again maybe as a result  
 10 of this, we may.  
 11 ROIL, Q.C.:  
 12 Q. Okay, I think that's probably as good as place  
 13 as any to take an afternoon break.  
 14 (RECESS)

1 and suggested that maybe we could do that at  
 2 least once a hitch because certainly we don't  
 3 have as many people and try it for just one  
 4 pre-committee meeting, and that would be the  
 5 idea of that is to get our information  
 6 together, whatever issues we have, make sure  
 7 that they are -- that they belong basically at  
 8 that level and not probably an HR kind of a  
 9 concern, right.  
 10 ROIL, Q.C.:  
 11 Q. So this was an advantage of meeting together  
 12 with the C-NLOPB and joint session, you  
 13 learned about what other people are doing and  
 14 can take advantage of that?  
 15 MR. HUSSEY:  
 16 A. Yes, yes, and in as much as we just did it the  
 17 one time so far, and it was kind of new to  
 18 everybody, we didn't have much time, you know,  
 19 to get it to them in a timely basis, so  
 20 consequently their issues didn't necessarily  
 21 get to us on time the last time, but that was  
 22 the first time, and we're just hoping that  
 23 it's going to get, like everything else,  
 24 improved.  
 25 ROIL, Q.C.:  
 26 Q. Finally, before we go to break, we heard

1 ROIL, Q.C.  
 2 Q. Thank you, Commissioner. Okay, Mr. Hussey, to  
 3 get back to our discussion about the  
 4 Occupational Health and Safety regime on the  
 5 Terra Nova, FPSO, we've talked about the  
 6 structure of the committee, the membership of  
 7 the committee, and the fact that there are  
 8 minutes taken. You have, I take it, the same  
 9 regime of 21 days, 21 days, two rotations back  
 10 to back.  
 11 MR. HUSSEY:  
 12 A. Yes.

1 ROIL, Q.C.  
 2 Q. Do you again have the same sort of concerns  
 3 that Mr. Peddle had about the transition of  
 4 one group not meeting for six weeks and a  
 5 different group meeting in the meantime? Does  
 6 that seem to work well or partly well or not  
 7 at all?  
 8 MR. HUSSEY:  
 9 A. It does work fairly well, but it could be, you  
 10 know, again, better because given that very  
 11 reason that sometimes there might be two or  
 12 three people, members of that committee,  
 13 worker reps, we'll say, who might very well  
 14 only be on that rig for two days while I'm  
 15 there or while another member is there.  
 16 ROIL, Q.C.  
 17 Q. Because you all don't do the same 21 days.  
 18 MR. HUSSEY:  
 19 A. We don't have the same 21 rotation and we  
 20 could be on days and they could be on nights  
 21 and consequently we don't get the chance to  
 22 have a proper, what we call probably a hand-  
 23 over. What we get is the minutes of the  
 24 previous meeting, which you know, may be very  
 25 precise and they may not be quite so precise

1 ROIL, Q.C.  
 2 Q. Okay. Now what about the ability of workers  
 3 to bring up issues, I think you've explained  
 4 that issues come in your culture, they're  
 5 expected to be resolved at the first level  
 6 with the supervisor, the second level with the  
 7 offshore installation manager. Is there then  
 8 apparent freedom for workers to bring issues  
 9 to your committee and do they?  
 10 MR. HUSSEY:  
 11 A. I haven't noticed too much over the past year,  
 12 we'll say. Again, it's got to go to the  
 13 supervisor and if he can't do it, if he can't  
 14 fix it, then it goes to the OIM. So  
 15 consequently, I guess this would be where  
 16 there would be one situation where that could  
 17 be a detriment because the supervisor, if the  
 18 supervisor couldn't come up with a response or  
 19 a fix -  
 20 ROIL, Q.C.  
 21 Q. And the supervisor could be the supervisor who  
 22 is on the committee.  
 23 MR. HUSSEY:  
 24 A. And a very good chance that he's also on the  
 25 committee and I was going to the OIM, who was

1 and so therefore, you know, you're kind of  
 2 reading between the lines as to what went on  
 3 in the last meeting.  
 4 ROIL, Q.C.  
 5 Q. But without changing the workplace so that  
 6 everybody works and lives out there all the  
 7 time, I think that's a structural issue we got  
 8 to deal with.  
 9 MR. HUSSEY:  
 10 A. Yes.  
 11 ROIL, Q.C.  
 12 Q. How do we make it better? Would more  
 13 comprehensive minutes make a better scheme, a  
 14 better structure?  
 15 MR. HUSSEY:  
 16 A. I'm sure that would be a good idea. I don't  
 17 see how we could change it anyway in regards  
 18 to having a proper handover because we not  
 19 going to be there, logistically it's not going  
 20 to happen.  
 21 ROIL, Q.C.  
 22 Q. There are some challenges that we can't  
 23 change.  
 24 MR. HUSSEY:  
 25 A. Yes.

1 also on the committee and they haven't been  
 2 able to come up with a resolution, then it  
 3 comes to the committee, so it's like, you  
 4 know, it's going to be very difficult, I would  
 5 think, and we haven't had too many issues come  
 6 up like that and bring us to that situation.  
 7 ROIL, Q.C.  
 8 Q. So in your experience there has not been, for  
 9 example, a vote on a stalemated issue?  
 10 MR. HUSSEY:  
 11 A. No, not as of yet.  
 12 ROIL, Q.C.  
 13 Q. Have you had an issue that has come to you and  
 14 then had to go on to the C-NLOPB, other than  
 15 an issue regarding a refusal to work because  
 16 of helicopter issues?  
 17 MR. HUSSEY:  
 18 A. No, no.  
 19 ROIL, Q.C.  
 20 Q. Nothing other than that has come along.  
 21 MR. HUSSEY:  
 22 A. Nothing as yet, we've been more involved in  
 23 the helicopter suits and the helicopter issues  
 24 than, you know, since I've been part of the  
 25 committee.

Page 240

1 ROIL, Q.C.  
 2 Q. Well that was my next question, do helicopter  
 3 issues come to your committee?  
 4 MR. HUSSEY:  
 5 A. Again, they come to us only if we bring them  
 6 there, if we bring them as representatives for  
 7 the workers and being that it's been so  
 8 prevalent in the news and everything else, it  
 9 does get a fair bit of, you know, chatter  
 10 about it, but in regards to actually showing  
 11 up in the minutes as an issue, probably not so  
 12 much. The suits have been an issue and that's  
 13 because, I guess, the situation being that so  
 14 many people had to travel offshore on boats  
 15 and certainly I was one of those until a  
 16 couple of months ago.  
 17 ROIL, Q.C.  
 18 Q. Well I think, yeah, during the operator  
 19 evidence there was an examination of some of  
 20 the minutes of the OHS committee on your  
 21 facility -  
 22 MR. HUSSEY:  
 23 A. Uh-hm.  
 24 ROIL, Q.C.  
 25 Q. That showed the issue of suits being dealt

Page 241

1 with.  
 2 MR. HUSSEY:  
 3 A. Yes.  
 4 ROIL, Q.C.  
 5 Q. And the time and the number of times that it  
 6 came back on were there. Were you personally  
 7 a member of the committee when that was taking  
 8 place?  
 9 MR. HUSSEY:  
 10 A. Yes, yes. It started a lot sooner than my--  
 11 when I began.  
 12 ROIL, Q.C.  
 13 Q. And what, if anything, were the challenges or  
 14 the issues from your perspective as to how  
 15 that issue was dealt with by your committee?  
 16 Did you feel empowered and able to deal with  
 17 it or were you not able to deal with it? What  
 18 was your take on it as a co-chair and as a  
 19 representative of all these workers?  
 20 MR. HUSSEY:  
 21 A. I would have to say that it was kind of left  
 22 into the hands of the C-NLOPB and I guess  
 23 management to work it, and you know, most  
 24 times it was nothing new to report; however,  
 25 you know, I think we were waiting at some

Page 242

1 point there that there was talks of the people  
 2 who had the suits or the modified HTS-1 suits.  
 3 We waited a fair long time to get those suits  
 4 and last going off what we were waiting for  
 5 was certification for aviation certification,  
 6 for a couple of times when we thought we had  
 7 it and then it turned out we didn't actually  
 8 have it, so it was a little bit of back and  
 9 forth there, but in regards to me as a co-  
 10 chair having any great amount of input into  
 11 that investigation or that process, I don't  
 12 believe I--I don't believe that I had a big  
 13 lot.  
 14 ROIL, Q.C.  
 15 Q. Okay, this perhaps leads me to that issue that  
 16 I addressed--that we addressed with Mr. Peddle  
 17 and that is the issues that are safety related  
 18 to the functioning of the facility are issues  
 19 that you have--you and your other worker reps  
 20 have a fairly intimate knowledge of.  
 21 MR. HUSSEY:  
 22 A. Yes.  
 23 ROIL, Q.C.  
 24 Q. If it's an installation issue, you know all  
 25 about it.

Page 243

1 MR. HUSSEY:  
 2 A. Yes.  
 3 ROIL, Q.C.  
 4 Q. If it's a suit issue, is that something that  
 5 there's a level of expertise amongst the  
 6 workforce to be able to help problem solve the  
 7 issue or if it's a helicopter issue?  
 8 MR. HUSSEY:  
 9 A. Again, I wouldn't be able to say that I'm any  
 10 kind of an expert in any one of them, I can  
 11 just kind of go with the flow and ask that,  
 12 you know, things keep going ahead and go  
 13 forward sort of thing. I don't know if I'm  
 14 answering your question properly or not.  
 15 ROIL, Q.C.  
 16 Q. Well, yeah, let's get involved in a bit of  
 17 discussion on it because it seems to me that  
 18 the message that we got from Mr. Peddle was  
 19 that, you know, the Occupational Health and  
 20 Safety committee process works for problem  
 21 resolution of issues that we have ownership  
 22 of.  
 23 MR. HUSSEY:  
 24 A. Uh-hm.  
 25 ROIL, Q.C.



Page 244

1 Q. But it doesn't work so well for the resolution  
 2 of issues that we don't have either ownership  
 3 or a knowledge base that enables us to advance  
 4 them. Would you say that you have the same  
 5 sort of concerns on your facility?  
 6 MR. HUSSEY:  
 7 A. In those situations with regards to the  
 8 helicopters and the suits, I would say yes.  
 9 Again, we have a little bit of a different  
 10 situation and that is that it has to go to the  
 11 supervisor first and then go to the OIM, so in  
 12 a lot of cases, we haven't got a lot of issues  
 13 to bring forward.  
 14 ROIL, Q.C.  
 15 Q. Okay, so if you don't have issues to bring  
 16 forward, what are you talking about at your  
 17 OHS committee?  
 18 MR. HUSSEY:  
 19 A. Sometimes it's issues that, again, we brought  
 20 up as our own--on our own accord, but didn't  
 21 necessarily end up on the agenda. So for the  
 22 most part, you know, we do have a lot of  
 23 conversation over the suits, certainly the  
 24 HUEBA was part of the conversation at some  
 25 point, you know, we've had other issues, on-

Page 245

1 board issues were certainly a whole lot more  
 2 minor, we'll say, and we've dealt with those  
 3 and with, you know, coming to resolution. I  
 4 can't really bring any one particular  
 5 situation up to mind right now.  
 6 ROIL, Q.C.  
 7 Q. As an example, okay. Would a--again, I'll  
 8 offer you the same opportunity I offered to  
 9 Mr. Peddle, would a structured agenda which  
 10 required that for a period of time that each  
 11 committee somebody focused on transportation  
 12 and it might not be just helicopters, it might  
 13 be transportation by vessel as well because  
 14 presumably there could be issues arising  
 15 there. Would that provide a better mechanism  
 16 to ensure that the focus continued on the  
 17 transportation piece?  
 18 MR. HUSSEY:  
 19 A. Oh I'm sure it would, I believe that would be  
 20 a great help in those situations, certainly  
 21 with the helicopters or anything that pertains  
 22 to any particular item that, you know, when  
 23 the incident 491 happened, there was a lot of  
 24 questions on board and a lot of the times it  
 25 either went, the question went to the OIM or

Page 246

1 to the H&S advisor who really didn't have the  
 2 expertise to answer the question, so it got to  
 3 be a little bit, a little bit difficult for  
 4 them to answer, certainly, and because of  
 5 that, then some of the workers kind of felt,  
 6 well, you know, we're not getting the right  
 7 answers here and, you know, we had to go  
 8 outside to get the answers, but if we had of  
 9 had someone there on board who had some  
 10 information or had some expertise in that, it  
 11 would have saved a lot of time, I think.  
 12 ROIL, Q.C.  
 13 Q. I was going to ask you has there ever been a  
 14 situation where you and the management group  
 15 have agreed to take an issue and because you  
 16 don't have the ability to deal with it by  
 17 virtue of expertise or time or whatever, that  
 18 you said let's agree to get somebody else  
 19 outside to have a look at that for us and  
 20 report back to us, does that happen with your  
 21 committee?  
 22 MR. HUSSEY:  
 23 A. It has happened, very, very brief--you know,  
 24 not very often.  
 25 ROIL, Q.C.

Page 247

1 Q. Occasionally.  
 2 MR. HUSSEY:  
 3 A. Occasionally. Again, there haven't been a  
 4 whole lot of issues like that.  
 5 ROIL, Q.C.  
 6 Q. What about the engagement of the C-NLOPB? I  
 7 think you had mentioned already that you had  
 8 partaken in some of the annual meetings that  
 9 they have.  
 10 MR. HUSSEY:  
 11 A. Yes.  
 12 ROIL, Q.C.  
 13 Q. Have you done one of those or more than one of  
 14 those?  
 15 MR. HUSSEY:  
 16 A. I've attended a couple of those over the past  
 17 couple of years.  
 18 ROIL, Q.C.  
 19 Q. Are they of benefit to the OHS committee?  
 20 MR. HUSSEY:  
 21 A. I feel they are, yes, well actually we took a  
 22 little bit out of it this year, as last year,  
 23 again, I was just brand new and didn't really  
 24 know what to expect or what to ask or anything  
 25 like that. This year I'm just a little bit,

Page 248

1 not quite so new at it, but I did get some  
 2 good benefit out of it in regards to possibly  
 3 having this particular pre-committee meeting  
 4 to get all our ducks in a row, sort of thing.  
 5 There has been also other ideas that came from  
 6 that that we may be able to entertain, we'll  
 7 have to wait until I get offshore and have a  
 8 discussion with the group and see where we can  
 9 go with it.  
 10 ROIL, Q.C.  
 11 Q. Does the ability to communicate with workers  
 12 on similar but different facilities, does that  
 13 offer you some opportunities to increase your  
 14 knowledge base?  
 15 MR. HUSSEY:  
 16 A. Yes, I feel it would and just on that note,  
 17 one of the suggestions at the last session was  
 18 that we have a kind of a bipartisan meeting,  
 19 probably every quarter of all the JOHS  
 20 committee, OHS committee members and probably  
 21 one or two from each committee to get together  
 22 on a quarterly basis to discuss how we do  
 23 things and find out maybe how we do things a  
 24 little bit different and see what one works a  
 25 little better and maybe we can use that and

Page 249

1 just, you know, exchange of information from  
 2 one committee to the next and from one vessel,  
 3 certainly everybody works a little bit  
 4 different and every company, I guess, is going  
 5 to work a little bit differently. Maybe we  
 6 can take things from that, right.  
 7 ROIL, Q.C.  
 8 Q. Other than that annual engagement now, is  
 9 there much interchange between the C-NLOPB and  
 10 your committee on ad hoc issues? Do you tend  
 11 to call their safety reps from time to time to  
 12 deal with issues or not?  
 13 MR. HUSSEY:  
 14 A. I haven't had any reason to do that as of yet.  
 15 I know last year I believe it was after the  
 16 491 incident that a couple of people came out  
 17 from C-NLOPB and interviewed us, sat with us  
 18 and asked if we had any concerns, you know,  
 19 what our concerns were, and I believe at the  
 20 time most everybody's concern was certainly  
 21 the helicopters and the suit issues and really  
 22 couldn't see too much past that at that time.  
 23 This year there are, just this last hitch and  
 24 we sat down and we had quite a long meeting  
 25 with them, I believe it was about two hours

Page 250

1 and, you know, we discussed the issues,  
 2 certainly that we've always discussed at any  
 3 of these JOHS committee meetings, brought up  
 4 some issues for them to hear and kind of get  
 5 the first hand report on it, because we were  
 6 just caught, again, bringing issues to them  
 7 that the workers are concerned about and don't  
 8 always, don't necessarily get a big lot of air  
 9 time. So it was, I think it was enlightening  
 10 for him and it was enlightening for us, right.  
 11 ROIL, Q.C.  
 12 Q. Okay, let's focus a little more closely now on  
 13 the issues that are core jurisdiction to our  
 14 inquiry, which is the issue of helicopter  
 15 transportation and helicopter safety and I  
 16 take it from your earlier evidence that  
 17 certainly issues with respect to the suit,  
 18 which is associated very correct, very closely  
 19 to safety and helicopter transportation, that  
 20 they did come to the committee and that they  
 21 ultimately got focused but it took awhile,  
 22 according to the way I take the evidence of  
 23 what we've had so far. What about the HUEBA  
 24 or the HUEBA, depending on how you pronounce  
 25 it, was that ever--we know it was an issue on

Page 251

1 radar screens for a long time, I know that you  
 2 have not been involved a long time on the OHS  
 3 committee at Terra Nova, did that ever find  
 4 its way to you or the fact that it was  
 5 outstanding, was that a focus for your  
 6 committee at any time?  
 7 MR. HUSSEY:  
 8 A. Not a large focus, it was on the agenda as old  
 9 business. It, I believe probably around  
 10 April, last of March, first part of April, it  
 11 became a little bit more prevalent and the  
 12 decision was made at that time, if I'm not  
 13 mistaken, but I believe we were told then that  
 14 they would be available in May, and I believe  
 15 they were, but that was about as much, you  
 16 know, information as I had on it.  
 17 ROIL, Q.C.  
 18 Q. So you were aware that the C-NLOPB had been  
 19 for a long period of time expressing concern  
 20 that this issue had not been resolved?  
 21 MR. HUSSEY:  
 22 A. No, because I wouldn't have had any dealings  
 23 with it as, you know, just a regular worker  
 24 sort of thing. I heard rumours of rebreathers  
 25 and different things, but no great amount of

Page 252

1 knowledge of it.  
 2 ROIL, Q.C.  
 3 Q. Now what about the issue of helicopter  
 4 incidents, and again, I don't know that we  
 5 need to go into the same amount of depth that  
 6 I did with Mr. Peddle because we got into a  
 7 number of examples, but again, in your  
 8 experience do you get adequate reporting on  
 9 incidents involving your and other  
 10 helicopters, is it a regular subject of  
 11 discussion at your committee either before or  
 12 since March 12th and how do we make  
 13 improvements in that area if we need to make  
 14 them?  
 15 MR. HUSSEY:  
 16 A. Well, again, I guess the communications end of  
 17 things, it's coming along, I guess, but there  
 18 have been some incidents and some of the  
 19 incidents that were brought up here we've  
 20 known about, just as rumour and it, to my  
 21 knowledge, up until the last time I was  
 22 offshore, it hadn't shown up on any of our--at  
 23 the meetings at the committee level.  
 24 ROIL, Q.C.  
 25 Q. If things are allowed to grow by way of

Page 253

1 rumour, do they tend to stay accurate in your  
 2 experience or do they tend to sometimes get  
 3 distorted?  
 4 MR. HUSSEY:  
 5 A. Quite often distorted and once you get enough  
 6 people distorting a little bit, it can be  
 7 really, really bad at the end of it sort of  
 8 thing and that's why we would like to see a  
 9 more open and a more, I guess, faster process  
 10 for reporting because it only leaves--that's  
 11 all it does, it just leaves it open for the  
 12 rumour mill and it's not a good thing, never  
 13 is. So we would like to see it more often or  
 14 sooner. We would also like, I believe, the  
 15 situations are sometimes, if a worker doesn't  
 16 bring it to the forefront and as much as it  
 17 may well, you know, be well known, it doesn't  
 18 get there and I'll give an issue--give you an  
 19 example and I don't know, I know very little  
 20 about it, I just, it was brought to my  
 21 attention and I believe the date was the 14th  
 22 of January, one of our choppers came back to  
 23 St. John's -  
 24 ROIL, Q.C.  
 25 Q. That's the 14th of January of this year?

Page 254

1 MR. HUSSEY:  
 2 A. Yes, I'm sorry, 14th of December, '09.  
 3 ROIL, Q.C.  
 4 Q. December, '09, okay, a couple of months ago.  
 5 MR. HUSSEY:  
 6 A. Yes. Supposedly the chopper landed in St.  
 7 John's, the guys were getting ready to bring  
 8 the blocks over to put under the wheels, I  
 9 guess, and supposedly the helicopter then rose  
 10 up off the ground and came back down pretty  
 11 hard.  
 12 ROIL, Q.C.  
 13 Q. And this is not something you personally  
 14 experienced?  
 15 MR. HUSSEY:  
 16 A. I did not witness it; I did not experience it,  
 17 but it was brought to my attention and to my  
 18 understanding, the people from Cougar came  
 19 down and briefed the people on the chopper and  
 20 explained what went on and then if I'm not  
 21 mistaken, there was I believe Suncor's  
 22 management contacted Cougar on that and got a  
 23 response for it, but it never went any further  
 24 than that and simply because the person that  
 25 brought it to my attention didn't feel like he

Page 255

1 wanted to bring it any further, and for  
 2 whatever reason -  
 3 ROIL, Q.C.  
 4 Q. So would you not be empowered to bring it  
 5 further as an institutional concern, rather  
 6 than an individual concern, don't you feel you  
 7 have the ability to do that?  
 8 MR. HUSSEY:  
 9 A. I'm not quite sure. I feel I should be and I  
 10 guess I feel I do in some way because I  
 11 wouldn't have brought it up at this point,  
 12 because I feel it is quite important and I  
 13 think that the moment that that happened, it  
 14 should have been reported as an incident, I  
 15 see it as a near miss and I think it should  
 16 have been reported because -  
 17 ROIL, Q.C.  
 18 Q. You call it a near miss, you understand the  
 19 expression near miss as used on your facility.  
 20 MR. HUSSEY:  
 21 A. Yes.  
 22 ROIL, Q.C.  
 23 Q. If something like that had happened with a  
 24 piece of equipment on the platform, would it  
 25 have gotten to the committee?

Page 256

1 MR. HUSSEY:  
 2 A. Oh I'm sure it would.  
 3 ROIL, Q.C.  
 4 Q. Okay.  
 5 MR. HUSSEY:  
 6 A. I'm sure it would, certainly to the ProAct  
 7 system anyhow.  
 8 ROIL, Q.C.  
 9 Q. Okay.  
 10 MR. HUSSEY:  
 11 A. And that doesn't necessarily mean that it's  
 12 going to make it to the committee level  
 13 because, well the supervisor would be the  
 14 first one to take it and it could be resolved  
 15 from that point.  
 16 ROIL, Q.C.  
 17 Q. But the ProAct system allows a factual basis  
 18 to exist to go forward from.  
 19 MR. HUSSEY:  
 20 A. Yes.  
 21 ROIL, Q.C.  
 22 Q. And the responses get filed in a factual way.  
 23 MR. HUSSEY:  
 24 A. Yes, and read out at every handover meeting on  
 25 a facility. So we are constantly trying to

Page 257

1 improve our safety culture and I believe  
 2 management are well on board for that and so  
 3 our reporting, our incident reporting system  
 4 is quite strong and, you know, we have, are  
 5 told to report everything from a little nick  
 6 on your finger on upwards. And for that  
 7 reason, I believe an incident such as that  
 8 should just, whether that be through on the  
 9 ProAct system or however--whatever system it  
 10 needs to go through, but it should be brought  
 11 to our attention again, other than rumours,  
 12 you know, a rumour can take that where the  
 13 chopper jumped up ten feet, you know.  
 14 ROIL, Q.C.  
 15 Q. When factually it may have jumped up six  
 16 inches.  
 17 MR. HUSSEY:  
 18 A. It might have come up six or eight inches and  
 19 I don't know that, but again, if that  
 20 information was brought forward to us, well  
 21 then it would shut down the rumour mill right  
 22 away.  
 23 ROIL, Q.C.  
 24 Q. So your recommendation is to find a mechanism  
 25 by which factual information about helicopter

Page 258

1 incidents, however they're defined as an  
 2 incident, that there be a way in which that  
 3 information can be gathered, documented and  
 4 then dealt with?  
 5 MR. HUSSEY:  
 6 A. Yes, yes.  
 7 ROIL, Q.C.  
 8 Q. I noticed from your notes that you had some  
 9 personal issues with the suit, again we heard  
 10 a lot about the suit, but in as much as you  
 11 are one of the people that had some challenges  
 12 with the 452, just so we understand, what were  
 13 the challenges for your particular body size  
 14 or shape?  
 15 MR. HUSSEY:  
 16 A. Well I believe at one of these meetings I was  
 17 told I was a normal size and so for that  
 18 reason, I'll say that I guess I am. But  
 19 anyhow, I have certain issues, I guess I'm of  
 20 the short stature and the suit that I need to  
 21 wear or needed to wear was a large suit, so  
 22 that the legs were about, I would say probably  
 23 a foot too long. I could actually take my  
 24 foot out of the boot, lay the boot on the  
 25 ground and she'll stand up, so the concern I

Page 259

1 had was when I was coming off the chopper,  
 2 coming down over the stairs, when I would put  
 3 my foot forward to go down over the stairs,  
 4 the boot would go ahead of me and I very  
 5 nearly tripped on a couple of occasions  
 6 because you've got one hand on the rail and a  
 7 bag in your other hand sort of thing, so that  
 8 was my major concern. Aside from that, it was  
 9 because it was a large suit and because of my  
 10 height, when I put the zipper up, well the  
 11 zipper is meant to come to about here, but it  
 12 was up here. So when I tried to get that  
 13 pulled down and up and everything else, now  
 14 the zipper part was stuck into my throat here.  
 15 ROIL, Q.C.  
 16 Q. So you had to bring down all the excess  
 17 material to your neck area?  
 18 MR. HUSSEY:  
 19 A. Drag it all down and everything would kind of  
 20 stick in here and I'd get this kind of a  
 21 feeling, right.  
 22 ROIL, Q.C.  
 23 Q. So then the zipper had to go in and out and  
 24 follow the contours of that extra material,  
 25 before it went up?

1 MR. HUSSEY:

2 A. Yes. So I guess you could say that was a  
3 comfort issue, but I didn't take it as a  
4 comfort issue, it was debilitating to me and I  
5 dreaded the thought of having to take that  
6 suit out.

7 ROIL, Q.C.:

8 Q. So how has that suit been rectified for you  
9 personally, or has it been?

10 MR. HUSSEY:

11 A. Well, I've been put in a HTS-1 and I find it  
12 to be 100 percent better because now they have  
13 the suspenders that you can pull from the  
14 shoulder on the back part that will pull the  
15 leg up in the back, and it'll pull the leg  
16 from the front with another suspender, and I  
17 get quite a bit of material there when I do  
18 that, right, so -- now the hood is the best  
19 because the hood is very soft neoprene, the  
20 zipper part of it is a whole lot softer, and  
21 it also has kind of a chin cup that wraps  
22 around your chin, and in as much as there  
23 might still be a little bit extra zipper,  
24 extra hood, it isn't debilitating, it's not  
25 sticking into my throat, I can move around,

1 buddy to hook up with him with your buddy line  
2 and that kind of thing, right. So, yes, for  
3 that reason, I think it is a health and  
4 safety, you know, and for the fact that the  
5 suits are too long, sometimes the boots are  
6 too big, and these are issues that were worked  
7 and I understand, you know, fixed to some  
8 degree, right.

9 ROIL, Q.C.:

10 Q. So is the HTS-1 suit a satisfactory solution  
11 for you, for your body size and shape?

12 MR. HUSSEY:

13 A. For my body size and shape and for the fit,  
14 yes. However, I would like to see what the  
15 water ingress, and I'm -- I think I may be  
16 afforded an opportunity to do that this week.  
17 I was asked if I'd be interested in going to  
18 Dartmouth and doing just that with that suit  
19 on.

20 ROIL, Q.C.:

21 Q. So you are the person that was being spoken of  
22 who is going to go to Dartmouth and --

23 MR. HUSSEY:

24 A. I believe I was, yes.

25 ROIL, Q.C.:

1 I've got all my mobility. So it's a whole  
2 different suit, it's a better suit thick-wise,  
3 and --

4 ROIL, Q.C.:

5 Q. Do comfort issues impact health and safety  
6 issues?

7 MR. HUSSEY:

8 A. Well, yes, in some cases because the fact that  
9 that wasn't -- those suits aren't comfortable  
10 for anyone, I'm sure. What I found before the  
11 HTS-1 was that if -- when I had that up, my  
12 head was this way, and, I mean, I couldn't  
13 look around all that well, right. You had to  
14 pretty much move your body around. So if you  
15 happen to be in the water with that and you're  
16 looking for your buddy who is in the water  
17 with you, you better hope he's on the right  
18 side because you're having a hard time finding  
19 anyone over here, right, and if everybody is  
20 in that same situation, there's going to be  
21 problems because we're trained to get in a  
22 group if we're in the water, either in a  
23 circle or a straight line, or whatever, and I  
24 think that would certainly hinder you actually  
25 moving around and getting close enough to your

1 Q. Are you going to be a guinea pig or an  
2 observer?

3 MR. HUSSEY:

4 A. I'd like to think an observer, but I'll go as  
5 a guinea pig.

6 ROIL, Q.C.:

7 Q. Do you have any views on whether the sea day  
8 should offer you an opportunity to go in that  
9 suit as well as the Fitzwright abandonment  
10 suit?

11 MR. HUSSEY:

12 A. Yes, and it's been my contention for quite  
13 some time that I would like to see those suits  
14 -- the HTS-1s, and the 452s, to my  
15 understanding I believe the question was asked  
16 here at one point, if the suits were ever  
17 tested in -- we said salt water, but cold  
18 water, if it's the same temperature as ocean  
19 water, well, cold water is fine, if it's fresh  
20 water or salt water, I don't think would make  
21 a difference, but I would like to be assured  
22 that these suits can do what they say they can  
23 do, and that is keep you protected for 24  
24 hours in the water. Now let's hope we'll  
25 never have to be 24 hours in the water, but

Page 264

1 even three or four hours in the water can make  
 2 a difference, and in as much as we know that  
 3 Mr. Decker supposedly had a suit that was too  
 4 big for him and that's why he took on so much  
 5 water, and that's why his core temperature  
 6 went down so low. I think we deserve the  
 7 assurance because when we're in that chopper  
 8 and if that chopper goes down, and hopefully  
 9 not, we're going to be in one of those suits,  
 10 we're not going to be in a Fitzwright suit  
 11 that we use on the sea day, and I think we  
 12 well deserve to know that this is an issue  
 13 that, you know, we don't have to worry about.  
 14 I'd like to see it proven while we got divers  
 15 in the water, boats and people who can take  
 16 you out of the water if you run into trouble,  
 17 as opposed to the very time that you're going  
 18 to need all that and it's not there.  
 19 ROIL, Q.C.:  
 20 Q. So are you saying that in addition to the  
 21 integrity training which you're going to  
 22 observe or participate in in a tank  
 23 environment, that that's not enough to instill  
 24 in the workers the confidence in that suit,  
 25 that they would also need or should have an

Page 265

1 opportunity to use one of that nature, one of  
 2 that style, or that manufacture?  
 3 MR. HUSSEY:  
 4 A. Yes, I feel that way because in the testing,  
 5 and I've been up to Halifax for other testing  
 6 on the 452 suit, and the standard would allow  
 7 a certain amount of water ingress. In this  
 8 testing, the subjects were in the water for  
 9 approximately 40 minutes all toll, 40 to 45  
 10 minutes, and they took on a certain amount of  
 11 water, depending on body size and that kind of  
 12 thing. So that's for 40 minutes, and it was  
 13 under the standard, you know, that it met the  
 14 standard. The problem I see is that it's not  
 15 very likely that you're going to be in the  
 16 water for just 45 minutes. Nine chances out  
 17 of ten you're going to be there for a period  
 18 of hours. So number one, you're taking on  
 19 extra water, you're going to continue to take  
 20 on water. I don't know if there's anything  
 21 that will say you'll take water on and water  
 22 will go out. It's one thing to have water in  
 23 your suit that's fresh water, it's a totally  
 24 different thing to have salt water in there or  
 25 ocean water, which is a whole lot different,

Page 266

1 and we'd like to know that we can survive for  
 2 four or five or however many hours we may be  
 3 there waiting because I believe that we have  
 4 every right and deserve to have the best  
 5 protection possible, and it's at a point now  
 6 where just telling us that this works doesn't  
 7 cut it for most people.  
 8 ROIL, Q.C.:  
 9 Q. Is that a view of just you or of other  
 10 workers?  
 11 MR. HUSSEY:  
 12 A. I speak for a lot of workers. I wouldn't say  
 13 all workers, but certainly from my own point  
 14 of view, and from people that I've spoken to,  
 15 they feel the same way.  
 16 ROIL, Q.C.:  
 17 Q. So confidence has been shaken in the suit?  
 18 MR. HUSSEY:  
 19 A. Yes.  
 20 ROIL, Q.C.:  
 21 Q. And must be re-established by some more  
 22 vigorous training and/or use or testing?  
 23 MR. HUSSEY:  
 24 A. Yes.  
 25 ROIL, Q.C.:

Page 267

1 Q. Or a combination of all three?  
 2 MR. HUSSEY:  
 3 A. That's right.  
 4 ROIL, Q.C.:  
 5 Q. One of the issues that you have mentioned in  
 6 your notes is a question of the timing of  
 7 flights. You work on Terra Nova.  
 8 MR. HUSSEY:  
 9 A. Uh-hm.  
 10 ROIL, Q.C.:  
 11 Q. What time of the day do your flights go?  
 12 MR. HUSSEY:  
 13 A. We have to report at 9:15, to leave at 10:15.  
 14 That's our schedule at this point. It's my  
 15 understanding that a decision was made, and  
 16 cooperatively through all the companies, the  
 17 operators, that they would take certain  
 18 different times. I think it's three regular  
 19 slots.  
 20 ROIL, Q.C.:  
 21 Q. Yes.  
 22 MR. HUSSEY:  
 23 A. And they made arrangements between the  
 24 operators -- I think it's three or four  
 25 months. I think it's every quarter they're

Page 268

1 going to change it.

2 ROIL, Q.C.:

3 Q. So there's now a new rotation. Is there,

4 like, who gets the first flight, who gets the

5 second flight, who gets the third flight?

6 MR. HUSSEY:

7 A. Yes, and so after -- I believe after four

8 months that'll switch, and I guess maybe

9 instead of us having the last flight, I'm not

10 sure if we go to the first flight or to the

11 middle flight, but it'll switch, it'll

12 continuously turn.

13 ROIL, Q.C.:

14 Q. Okay.

15 MR. HUSSEY:

16 A. And I guess that will come down to how well it

17 works for everybody. It may change, from my

18 understanding, but to this point that's the

19 way it is.

20 ROIL, Q.C.:

21 Q. Okay, that's something new that we haven't

22 heard about before. In the past, was there

23 just a fixed time slot for each of the flights

24 and year in/year out, those times would be

25 preserved, a certain time for one facility, a

Page 269

1 certain time for the other?

2 MR. HUSSEY:

3 A. Pretty much, and that all, of course, is

4 contingent on weather, and whether or not

5 there's been flights delayed the day before,

6 sometimes two and three days before. So there

7 could be quite a build-up of flights, and

8 certainly that'll all change, right.

9 ROIL, Q.C.:

10 Q. I think the Cougar evidence was that it is

11 their optimal schedule, it is not always their

12 actual schedule.

13 MR. HUSSEY:

14 A. Yes.

15 ROIL, Q.C.:

16 Q. I think the final note that you had here is

17 one that we've already heard. I'll give you

18 an opportunity to speak to it as well. The

19 question of helicopter issues in the

20 occupational health and safety world being

21 different from other issues. I think you've

22 addressed it a little bit, but I'll give you

23 an opportunity for a final comment on that.

24 Is there a way that we can help you, is there

25 a way that improvements can be brought to help

Page 270

1 the Occupational Health and Safety Committee

2 deal better with helicopter transportation

3 issues?

4 MR. HUSSEY:

5 A. Well, again I'm certainly no expert in that

6 field, but I guess at this point, you know,

7 like Brian and Sheldon both said, we have no

8 real handle on that, we have no control over

9 that at this point.

10 ROIL, Q.C.:

11 Q. We've been told that there's a better

12 reporting regime now.

13 MR. HUSSEY:

14 A. Yes.

15 ROIL, Q.C.:

16 Q. Okay.

17 MR. HUSSEY:

18 A. And certainly I feel there is.

19 ROIL, Q.C.:

20 Q. You've actually seen that?

21 MR. HUSSEY:

22 A. Yes.

23 ROIL, Q.C.:

24 Q. Okay.

25 MR. HUSSEY:

Page 271

1 A. To some degree. Again we got room for

2 improvement on that. I really wouldn't be

3 able to say what should be done, I really --

4 I'd be lost for words on that one. I don't

5 know. I'd only be just guessing, and from my

6 point of view, all I can say is that what we

7 need to do in the vein of continuous

8 improvement is to do that, and just look for -

9 - always look for ways, better ways to improve

10 on our flights, on the maintenance -- I have

11 no doubt that the maintenance part of the

12 helicopters through Cougar is top of the line.

13 Can the reporting be better; I think probably

14 so. Whether or not the maintenance end of

15 things can be better, probably not. I suspect

16 there's always room for improvement, but I

17 just would like to see that -- so far since

18 the crash thing are looking better,

19 communications are getting better, the way the

20 OH & S Committee works is getting better. I

21 would like to think and hope that when this is

22 all over and the Inquiry comes back with their

23 report, that it doesn't just kind of stall at

24 that point and that it continues with this

25 continuous improvement and to be proactive in

Page 272	Page 274
<p>1 everything, and not just the -- not just the 2 little cut on your finger, but the issues with 3 the choppers and the issues with any suits and 4 whatever. Let's follow it all through and 5 make sure that we get the best possible 6 situations as we can, and I refer to the suits 7 as much as the choppers. You know, if we're 8 going to end up in that water, we need to have 9 the best possible chance of surviving, if we 10 survive the actual -- you know, whether it be 11 a crash or a controlled landing, because we've 12 got statistics on it to say that just because 13 you got a controlled landing doesn't mean that 14 you're out of the water, so to speak. What 15 you're going to do is end up in the water, and 16 with the suit being -- if the suit does what 17 they say it's going to do; great, we got some 18 protection there, we got time to wait, but we 19 know we're going to have to wait, and unless 20 we gets 24 hour 7 days a week SAR protection 21 out of St. John's, I think that's going to 22 hinder things, and I don't know if there's any 23 suit out there that's actually going to 24 protect us for three or four hours to the 25 point that we're going to need to be</p>	<p>1 Mr. Hussey. My name is Denis Mahoney, and I'm 2 counsel for Suncor. I don't have a comment 3 for you, but I would like to share an 4 observation on behalf of Suncor. As, Mr. 5 Commissioner, you know, in supporting the 6 different phases of this Inquiry Suncor does 7 believe that it's very important that the 8 workforce has an opportunity to be heard in 9 this public phase of the Inquiry. Mr. Hussey, 10 Mr. Murphy, are two workers that actually work 11 on the Terra Nova FPSO, and both in their work 12 performance, and more specifically with 13 respect to their engagement on these issues, 14 we can certainly tell you that Mr. Hussey and 15 Mr. Murphy are actively engaged, and very 16 professional in the manner in which they 17 perform their work, engaged in the health and 18 safety system that we have on the Terra Nova 19 FPSO, and as well in their leadership through 20 the CEP Executive, and I would say the same 21 thing for Mr. Peddle as well, who is President 22 of the Local representing the workers on the 23 Terra Nova FPSO. I just wanted to come up to 24 the microphone to again thank Mr. Hussey, Mr. 25 Murphy, and Mr. Peddle, for taking the</p>
<p>1 protected. 2 ROIL, Q.C.: 3 Q. Unless you have anything else that you want to 4 add at this time, I think those are all the 5 questions that I have for you, sir. Thank you 6 very much. 7 MR. HUSSEY: 8 A. Thank you. 9 COMMISSIONER: 10 Q. Okay. Vis a vis questions, counsel for C- 11 NLOPB. 12 MS. CROSBIE: 13 Q. We have no questions, Commissioner. 14 COMMISSIONER: 15 Q. Transport Canada. Counsel for CAPP. 16 MR. MANNING: 17 Q. No, thank you, sir. 18 COMMISSIONER: 19 Q. Thank you. Counsel for HMDC. 20 MR. WALLACE: 21 Q. No questions, Mr. Commissioner, thank you. 22 COMMISSIONER: 23 Q. Thank you. Suncor. 24 MR. MAHONEY: 25 Q. Thank you, Mr. Commissioner. Good afternoon,</p>	<p>1 opportunity to come forward and to speak about 2 the issues that you bring forth on behalf of 3 both the CEP, as well as the workforce that 4 you do represent in the offshore, and so we 5 wanted to thank you for that. We have no 6 questions. Thank you, Mr. Commissioner. 7 Thanks, Mr. Hussey. 8 MR. HUSSEY: 9 A. Thank you very much. 10 COMMISSIONER: 11 Q. Husky Energy. 12 MACDONALD, Q.C.: 13 Q. No questions. 14 COMMISSIONER: 15 Q. No questions, thank you. Cougar. 16 WHALEN, Q.C.: 17 Q. No questions. Thank you, Mr. Hussey. 18 COMMISSIONER: 19 Q. Memorial University Training Centre. 20 HURLEY, Q.C.: 21 Q. No questions. 22 COMMISSIONER: 23 Q. Thank you. Counsel for the Government of 24 Newfoundland and Labrador. 25 MS. BERLIN:</p>



Page 276

1 Q. No questions, Commissioner.  
 2 COMMISSIONER:  
 3 Q. Thank you. Mr. Harris has had to leave.  
 4 Counsel for the families, Mr. Martin.  
 5 MR. MARTIN:  
 6 Q. No questions, Commissioner.  
 7 COMMISSIONER:  
 8 Q. For the estates of the pilots, Mr. O'Brien.  
 9 O'BRIEN, Q.C.:  
 10 Q. No questions.  
 11 COMMISSIONER:  
 12 Q. No questions. Counsel for CEP, Mr. Earle.  
 13 MR. STAN HUSSEY - EXAMINATION BY RANDELL EARLE, Q.C.:  
 14 EARLE, Q.C.:  
 15 Q. Mr. Hussey, you referred to the problems of a  
 16 workplace where the entire workforce rotates  
 17 in and out over a three week period, and the  
 18 difficulty of maintaining contact with your  
 19 companion Occupational Health and Safety  
 20 Committee, and you referred to that as some  
 21 challenges we can't change. I have a  
 22 suggestion for you. Would it work if your  
 23 employer said to you, you know, you're a co-  
 24 chair of the Occupational Health and Safety  
 25 Committee, and this other gentleman or lady is

Page 277

1 a co-chair of the Occupational Health and  
 2 Safety Committee, during that period of time  
 3 when you overlap, part of your duties is to  
 4 meet for two hours to do a proper change over,  
 5 would that help?  
 6 MR. HUSSEY:  
 7 A. I'm sure it would, yes.  
 8 EARLE, Q.C.:  
 9 Q. I thought it might. Now you went on the  
 10 committee roughly about November of 2008, is  
 11 that correct?  
 12 MR. HUSSEY:  
 13 A. Yes.  
 14 EARLE, Q.C.:  
 15 Q. And the suits were a issue, was on the agenda,  
 16 and I know everybody's tired of hearing about  
 17 the suits, but I love hearing about the suits.  
 18 And you have, I think, done a very good job of  
 19 showing us how, you know, put the issue of  
 20 seals aside, there was a very real safety  
 21 issue with these suits, apart from seals. The  
 22 question I have for you, Mr. Hussey, was your  
 23 observation as a newcomer coming onto the  
 24 committee, and I'm not really interested in  
 25 how management was dealing with or how your

Page 278

1 fellow committee members were dealing with it,  
 2 how was the whole committee dealing with the  
 3 suit issue at that point in time? You know,  
 4 as a newcomer, what did you see the mind set  
 5 as?  
 6 MR. HUSSEY:  
 7 A. Well certainly it progressed after the 491  
 8 incident and it became more pronounced, I  
 9 guess, at the meetings. I felt that we were  
 10 dealing with it in as proper a manner as I  
 11 knew how to deal with it and I followed the  
 12 lead of people that were on the committee  
 13 longer than I was, but I still felt that kind  
 14 of our hands were tied in that it was being  
 15 worked by Helly Hansen and certainly by the  
 16 operators in what the process was going to be.  
 17 Helly Hansen were the ones that were going to  
 18 come up with the idea and how to fix it,  
 19 whether it was going to be a different type of  
 20 suit, a new suit or just, you know -  
 21 EARLE, Q.C.:  
 22 Q. I'd like you to draw a distinction, if there  
 23 is one. Was there any difference before the  
 24 crash and after the crash?  
 25 MR. HUSSEY:

Page 279

1 A. Oh yes, yes. I think before the crash, we  
 2 were left or we were basically told that they  
 3 were comfort issues for the most part, and  
 4 that we weren't going to entertain anything to  
 5 do with comfort issues. It was a comfort --  
 6 the suit wasn't meant to be comfortable. It  
 7 was meant to save your life, sort of thing.  
 8 But I will say that before the crash of 491,  
 9 the issue was brought forward to the workforce  
 10 that if there were any concerns and that were  
 11 safety concerns, legitimate safety concerns  
 12 and anything but comfort concerns, that you  
 13 were to put your name forward to your  
 14 supervisor and then that it would be addressed  
 15 from there. However, shortly -- either  
 16 shortly thereafter from the time we started  
 17 getting our name, putting our names in and  
 18 maybe the names didn't get in there very much  
 19 before we did have a crash, and then of  
 20 course, everything was heightened and things  
 21 took off from there. But there were -- you  
 22 know, they were -- the operators were then, or  
 23 at least I know for Suncor, were then looking  
 24 to get some -- to look into, you know, the  
 25 safety issues of the suit. Whereas up to that

1 point, it was more comfort and, you know, kind  
 2 of get over it and go to work.  
 3 EARLE, Q.C.:  
 4 Q. Mr. Hussey, you made the point we don't have a  
 5 lot of issues coming forward and you've made  
 6 this in the context of the obligation to go to  
 7 the supervisor first and then the issue has to  
 8 be taken to the OIM, and it wasn't clear to me  
 9 whether issues -- whether it was because  
 10 issues are getting solved in that process or  
 11 because they're dying in that process?  
 12 MR. HUSSEY:  
 13 A. I would have to guess, and I'm guessing, that  
 14 you know, if it doesn't get to our level of a  
 15 committee meeting, that it's either been  
 16 solved or again, it's made a dead issue or  
 17 something because unless it gets through that  
 18 process, it doesn't necessarily get to us. So  
 19 we don't really have the knowledge of it.  
 20 EARLE, Q.C.:  
 21 Q. So you really don't know whether it's solved  
 22 or dies?  
 23 MR. HUSSEY:  
 24 A. No.  
 25 EARLE, Q.C.:

1 A. Yes.  
 2 EARLE, Q.C.:  
 3 Q. Thank you very much, Mr. Hussey. Those are my  
 4 questions, Mr. Chairman, Mr. Commissioner, I  
 5 should say, but I'd like some other comments,  
 6 so I'd like to take this opportunity to say  
 7 something.  
 8 People in this room will have noticed  
 9 that I have had with me a member of the Union  
 10 just about every day that I've been in here,  
 11 and there are a lot of people in this room who  
 12 are getting paid for being here and matter of  
 13 fact, the vast majority of us. This is our  
 14 work. And I'd just like to thank these people  
 15 because I don't think those of us who work  
 16 Monday to Friday, and most of us work a few --  
 17 bit longer than nine to five, but even at  
 18 that, we don't appreciate that somebody who  
 19 works 21 days on and 21 days off, works 21  
 20 days of 12-hour shifts and now what we're  
 21 seeing these people here on is their Saturdays  
 22 and their Sundays and their evenings off, and  
 23 I'd just like to make that point because there  
 24 are many ways in which people can contribute  
 25 to this Inquiry, but these people have

1 Q. And finally, just this business of the 10:15  
 2 flight and I understand, Mr. Hussey, that  
 3 there's lots of days when you might be there  
 4 for the first flight at 7, the 7 something  
 5 flight, but weather is such that the first  
 6 flight doesn't go until say 1:00 in the  
 7 afternoon, and am I correct that the third  
 8 flight can't go until the first flight is back  
 9 because we've got three helicopters?  
 10 MR. HUSSEY:  
 11 A. That's my understanding, yes.  
 12 EARLE, Q.C.:  
 13 Q. So that would mean that if the first flight is  
 14 at 1:00 in the afternoon, when would the third  
 15 flight be?  
 16 MR. HUSSEY:  
 17 A. You're looking at 4:30-5:00 before she leaves.  
 18 Usually allows about three and a half hours  
 19 for the return flight. So then it'll be 4:30.  
 20 EARLE, Q.C.:  
 21 Q. So what we're really talking about then is in  
 22 those November to March months that people are  
 23 complaining about is how being in slot number  
 24 three leads more frequently to night flights?  
 25 MR. HUSSEY:

1 certainly contributed significantly to this  
 2 Inquiry by being here to assist me and you can  
 3 imagine that these three gentlemen who have  
 4 given evidence today, they didn't come in here  
 5 this morning to talk off the top of their  
 6 heads. They've spent many long hours giving  
 7 of their own time, referring back to their  
 8 members and many others who work in the  
 9 offshore to bring forward the information that  
 10 they've brought forward and they've given up  
 11 an awful lot of their equivalent of Saturdays  
 12 and Sundays and evenings off to be here,  
 13 particularly these three gentlemen, but also  
 14 all the other members of the Local who have  
 15 been here throughout the hearing and who will  
 16 be here throughout the hearing, right through  
 17 to the end of Phase 1A, and I thought Mr.  
 18 Mahoney was going to say it was important for  
 19 us, for our people to be participating in  
 20 Phase 1B but given the opportunity, we will  
 21 participate in Phase 1B and 2 as well. Thank  
 22 you.  
 23 COMMISSIONER:  
 24 Q. Thank you. Well, Mr. Murphy, Mr. Peddle and  
 25 Mr. Hussey, you know, I do want to thank all

Page 284

1 three of you most sincerely because what you  
 2 have given me is good, solid, practical  
 3 observations of how things are and how you see  
 4 things and how you would like to see things  
 5 be, and I will not forget.  
 6 MR. HUSSEY:  
 7 A. Thank you, Mr. Commissioner.  
 8 COMMISSIONER:  
 9 Q. Now, I think, Ms. Fagan, you've got something  
 10 to say before we adjourn. Have you anything  
 11 else?  
 12 ROIL, Q.C.:  
 13 Q. Just to bring closure to this portion -  
 14 COMMISSIONER:  
 15 Q. Oh, I'm sorry.  
 16 ROIL, Q.C.:  
 17 Q. - that is all the evidence on behalf of CEP  
 18 Local 2121, and unless a worker outside the  
 19 organized union regime comes forward, that is  
 20 all the evidence that I'm aware of that will  
 21 come forward on behalf of the workforce.  
 22 COMMISSIONER:  
 23 Q. I see. Okay then, yes.  
 24 ROIL, Q.C.:  
 25 Q. Now I believe Ms. Fagan will have some

Page 285

1 discussion on tomorrow's agenda.  
 2 COMMISSIONER:  
 3 Q. Yes, some notice that you have to give, Ms.  
 4 Fagan.  
 5 MS. FAGAN:  
 6 Q. That's correct, Commissioner. I think, well,  
 7 I guess you can stay there if you want. This  
 8 is only going to take a second.  
 9 COMMISSIONER:  
 10 Q. Only take a minute.  
 11 MS. FAGAN:  
 12 Q. This will only take a minute. I'd just like  
 13 to give the group notice that tomorrow morning  
 14 at 9:30, we will start with three family  
 15 members of the deceased passengers of Flight  
 16 491. We'll start at 9:30. Each family member  
 17 will speak for about 15 minutes. They have  
 18 prepared a -- you know, they have speaking  
 19 notes. There won't be a slide PowerPoint, and  
 20 you know, there won't be any exhibits. The  
 21 family members do not wish to be interviewed  
 22 by the media and a media protocol has been  
 23 sent to the media so the media are aware that  
 24 they are asked not to approach family members.  
 25 Their solicitors will be here, of course, to

Page 286

1 field any questions that the media may have.  
 2 The presentations by the family members  
 3 will be broadcast on Rogers Cable and webcast  
 4 over the web and internet as has been the norm  
 5 for the rest of the proceedings. Beyond that,  
 6 I would ask that counsel for the parties stay  
 7 until after the proceedings today have closed.  
 8 I'd just like to have a briefing on a couple  
 9 of other matters once the Commissioner has  
 10 left. If you'd be good enough to stay, I'd  
 11 appreciate it. Thank you.  
 12 COMMISSIONER:  
 13 Q. Okay, thank you. All right then, we'll  
 14 adjourn until 9:30 tomorrow morning.  
 15 UPON CONCLUSION AT 4:35 P.M.

Page 287

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 9th 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 9th day of February, 2010  
 11 Cindy Sooley  
 12 Discoveries Unlimited Inc.  
 13 Judy Moss  
 14 Discoveries Unlimited Inc.

<p style="text-align: center;"><b>-&amp;-</b></p> <p><b>&amp;</b> [5] 68:12 77:15 230:25 232:14 271:20</p> <hr/> <p style="text-align: center;"><b>-?-</b></p> <p><b>'03</b> [1] 7:10 <b>'09</b> [2] 254:2,4 <b>'70s</b> [1] 220:14 <b>'84</b> [1] 99:12 <b>'85</b> [3] 99:13 100:6 101:8 <b>'96</b> [2] 102:15 220:6 <b>'97</b> [1] 101:11</p> <hr/> <p style="text-align: center;"><b>-1-</b></p> <p><b>10</b> [2] 74:9 116:16 <b>100</b> [6] 29:20 101:22 154:26 213:19 229:13 260:12 <b>10:15</b> [2] 267:13 281:1 <b>10th</b> [2] 194:22 195:18 <b>11:30/12</b> [1] 121:14 <b>12</b> [3] 74:9 116:4 124:5 <b>12-hour</b> [1] 282:20 <b>12/13</b> [1] 120:22 <b>125</b> [1] 9:13 <b>125/130</b> [1] 101:19 <b>12th</b> [8] 37:22 52:22 56:8 57:17 67:1 169:16 184:4 252:12 <b>13</b> [5] 98:24 101:19 116:4 116:24,24 <b>140</b> [1] 150:16 <b>14th</b> [3] 253:21,25 254:2 <b>15</b> [10] 32:20 33:11 53:1 57:14 85:23 86:3,23 88:5 156:9 285:17 <b>150</b> [1] 150:17 <b>16</b> [2] 7:21,23 <b>16th</b> [1] 94:9 <b>17</b> [5] 23:16 72:8 89:18 133:11 135:5 <b>18</b> [1] 85:17 <b>18th</b> [1] 31:3 <b>19</b> [7] 72:8 132:11 133:9 133:11,14,23 135:5 <b>1985</b> [1] 102:2 <b>1995</b> [1] 100:7 <b>1997</b> [1] 101:14 <b>1:00</b> [2] 281:6,14 <b>1A</b> [1] 283:17 <b>1B</b> [2] 283:20,21 <b>1st</b> [2] 135:14,17</p> <hr/> <p style="text-align: center;"><b>-2-</b></p> <p><b>2</b> [1] 283:21 <b>20</b> [4] 28:4,20 124:4 150:26 <b>2003</b> [2] 172:9 199:19 <b>2004</b> [2] 172:10 187:17</p>	<p><b>2006</b> [9] 31:4 103:3,5 152:16,17,20 153:1 162:19 183:11 <b>2007</b> [3] 102:25 173:16 173:20 <b>2008</b> [1] 277:10 <b>2009</b> [4] 37:22 57:18 135:17,25 <b>2010</b> [4] 1:1 194:22 287:4 287:10 <b>206s</b> [1] 100:12 <b>21</b> [13] 71:17,22 94:18 219:18,19,19 236:9,9,17 236:19 282:19,19,19 <b>2121</b> [5] 1:13 5:2 103:1 220:23 284:18 <b>213</b> [1] 287:5 <b>22/23</b> [1] 71:24 <b>22nd</b> [2] 33:14 94:10 <b>24</b> [3] 263:23,25 272:20 <b>24/7</b> [1] 39:2 <b>25th</b> [3] 152:26 161:20 183:11 <b>28</b> [1] 92:7 <b>2:00</b> [1] 161:13</p> <hr/> <p style="text-align: center;"><b>-3-</b></p> <p><b>3.7</b> [1] 58:22 <b>30</b> [5] 54:8 57:20,23 156:4 229:2 <b>31</b> [1] 287:5 <b>332-L1</b> [1] 102:12 <b>35</b> [1] 156:5 <b>350</b> [2] 8:16 9:7 <b>350-380</b> [1] 9:18</p> <hr/> <p style="text-align: center;"><b>-4-</b></p> <p><b>4</b> [2] 57:21 58:5 <b>40</b> [8] 53:5 58:7 87:8,22 88:14 265:9,9,12 <b>44</b> [1] 99:7 <b>45</b> [2] 265:9,16 <b>452</b> [2] 258:12 265:6 <b>452s</b> [1] 263:14 <b>491</b> [36] 8:3,17 15:6,8 19:20 21:25 24:12 34:6 34:19,21 35:18 36:9 37:26 38:13,20 43:19 50:17 55:6,7 67:3 68:11 68:16 73:20 79:12 85:14 89:12 91:10 135:9 138:1 146:4 198:1 245:23 249:16 278:7 279:8 285:16 <b>4:30</b> [1] 281:19 <b>4:30-5:00</b> [1] 281:17 <b>4:35</b> [1] 286:15 <b>4th</b> [1] 195:17</p> <hr/> <p style="text-align: center;"><b>-5-</b></p> <p><b>5</b> [1] 11:26 <b>5's</b> [1] 11:26</p>	<p><b>50</b> [5] 32:13 53:6 88:24 88:25 107:24 <b>500</b> [1] 154:1</p> <hr/> <p style="text-align: center;"><b>-6-</b></p> <p><b>6</b> [3] 7:21,23 54:3</p> <hr/> <p style="text-align: center;"><b>-7-</b></p> <p><b>7</b> [3] 272:20 281:4,4 <b>70</b> [4] 58:5 86:25 87:13 87:20</p> <hr/> <p style="text-align: center;"><b>-8-</b></p> <p><b>8</b> [2] 57:21 58:5</p> <hr/> <p style="text-align: center;"><b>-9-</b></p> <p><b>9</b> [1] 1:1 <b>905</b> [1] 155:17 <b>92</b> [5] 31:18 131:10 134:5 174:17 215:2 <b>9:15</b> [1] 267:13 <b>9:30</b> [3] 285:14,16 286:14 <b>9th</b> [2] 287:4,10</p> <hr/> <p style="text-align: center;"><b>-A-</b></p> <p><b>A-Stars</b> [1] 100:12 <b>a.m</b> [2] 57:21 58:5 <b>abandonment</b> [4] 64:19 65:2,18 263:9 <b>ability</b> [15] 24:3 27:26 45:25 52:14 54:21 84:16 88:2 137:23 178:20 203:2 238:2 246:16 248:11 255:7 287:7 <b>able</b> [20] 57:14 66:8 83:16 93:6,8 108:16 114:20 174:6 201:5 211:21 214:19 226:22 228:11 239:2 241:16,17 243:6,9 248:6 271:3 <b>aboard</b> [2] 64:11 74:7 <b>abort</b> [1] 41:7 <b>aborted</b> [3] 34:3 75:16 152:15 <b>above</b> [1] 168:15 <b>absence</b> [3] 35:4 52:8 83:15 <b>absolutely</b> [25] 10:18 12:22 13:19,23 18:18 19:11 23:25 24:21 39:24 44:5 45:16 60:15,21,25 61:19 62:9 78:20,21 86:9 94:7 208:11 219:4 222:12 223:26 231:25 <b>accept</b> [2] 46:17 212:25 <b>acceptable</b> [3] 20:18 28:17 115:11 <b>accepted</b> [2] 169:22 170:14 <b>access</b> [3] 4:8 18:15 168:15 <b>accident</b> [3] 50:17 70:10</p>	<p>118:19 <b>acclaimed</b> [2] 209:10,21 <b>accompany</b> [1] 40:21 <b>accord</b> [1] 244:20 <b>accordance</b> [1] 139:16 <b>according</b> [1] 250:22 <b>accordingly</b> [1] 123:7 <b>Accumulation</b> [1] 34:13 <b>accuracy</b> [1] 126:16 <b>accurate</b> [3] 122:10 127:6 253:1 <b>achieve</b> [1] 57:14 <b>achieved</b> [4] 57:17 59:15 79:13 104:22 <b>achieves</b> [1] 57:20 <b>achieving</b> [1] 5:16 <b>acknowledges</b> [1] 20:10 <b>act</b> [1] 217:4 <b>acted</b> [1] 11:16 <b>action</b> [2] 115:1 195:12 <b>active</b> [3] 131:19 170:16 176:2 <b>actively</b> [1] 274:15 <b>activities</b> [2] 110:11 217:10 <b>activity</b> [7] 66:25 68:4,5 69:18 204:24 221:2 232:6 <b>actual</b> [7] 15:15 61:20 63:1 110:10 120:15 269:12 272:10 <b>ad</b> [4] 111:26 189:21 219:17 249:10 <b>adamant</b> [1] 55:5 <b>add</b> [4] 136:10 150:12 169:10 273:4 <b>added</b> [2] 17:9 57:25 <b>addition</b> [3] 119:25 189:10 264:20 <b>additional</b> [4] 25:3 26:19 70:8 87:24 <b>address</b> [2] 173:7 182:20 <b>addressed</b> [10] 48:16 123:1 181:14 184:17 186:19 189:9 242:16,16 269:22 279:14 <b>addressing</b> [1] 181:26 <b>adequate</b> [3] 68:15 167:18 252:8 <b>adjourn</b> [2] 284:10 286:14 <b>admin</b> [1] 193:15 <b>admit</b> [1] 73:19 <b>adult</b> [1] 215:13 <b>advance</b> [2] 187:10 244:3 <b>advanced</b> [1] 127:15 <b>advantage</b> [7] 119:15 119:18 166:25 216:7,25 234:11,14 <b>advantageous</b> [1] 205:11 <b>advantages</b> [4] 206:22 208:17 224:20,21</p>	<p><b>advised</b> [2] 73:21 149:18 <b>advisor</b> [3] 222:18 230:25 246:1 <b>advocate</b> [1] 181:23 <b>affect</b> [2] 84:16 94:14 <b>affected</b> [1] 36:13 <b>affecting</b> [2] 24:3 45:13 <b>afforded</b> [1] 262:16 <b>afternoon</b> [5] 189:5 235:13 273:25 281:7,14 <b>afterwards</b> [3] 32:19 94:15 160:20 <b>again</b> [72] 2:20 3:6 7:8 14:1 19:15 26:10 28:8 33:17 37:8 38:19,25 39:11 43:14 54:16 57:10 66:22 70:25 80:3 83:26 89:14 91:5 94:24 97:11 103:25 105:22 116:15,25 119:10 145:18 153:17 155:13 158:12 159:26 161:13 164:4 168:5 169:11 172:23 173:11 184:2 185:22 206:6 208:22 217:12 220:8 224:2,19 226:9 227:1 232:24 235:9 236:2,10 238:12 240:5 243:9 244:9 244:19 245:7 247:3,23 250:6 252:4,7,16 257:11 257:19 258:9 270:5 271:1 274:24 280:16 <b>against</b> [3] 13:7 72:8 151:15 <b>age</b> [2] 10:8 220:17 <b>agenda</b> [19] 165:16,18 165:24 166:3,8 167:2,23 172:24 183:21 187:8,9 188:5,13,26 244:21 245:9 251:8 277:15 285:1 <b>agendas</b> [1] 166:10 <b>ago</b> [7] 5:13 36:17 172:10 194:3 219:16 240:16 254:4 <b>agree</b> [18] 10:14 13:3 40:13 69:23 104:13 180:13 181:24 182:15 186:21 187:11 189:7 190:13,25 203:5,6 207:14 226:12 246:18 <b>agreed</b> [4] 21:22 135:3 213:1 246:15 <b>agreement</b> [3] 103:11 103:14,16 <b>agreements</b> [1] 103:6 <b>ahead</b> [6] 77:25 78:16 190:5,11 243:12 259:4 <b>ain't</b> [1] 59:4 <b>air</b> [5] 33:12 35:13 37:2 85:24 250:8 <b>airborne</b> [1] 155:20 <b>aircraft</b> [29] 23:16 26:14 27:4 33:12,20,21,21 35:2 37:15 39:3 41:24 42:5 42:15 43:22 74:7 87:6 102:11,11 148:26 149:2 153:4,5 157:10 158:17</p>
---	---	---	--	--

159:3,11,18 163:17 189:6 <b>airframe</b> [7] 18:25 20:24 21:3 27:2 31:10 39:6 68:16 <b>airframes</b> [4] 17:17 20:18 22:4 69:9 <b>airplanes</b> [1] 72:4 <b>airport</b> [5] 41:20,25 42:4 84:11 157:23 <b>alarm</b> [4] 15:25 32:11 160:22 161:4 <b>alarmed</b> [1] 155:16 <b>alarms</b> [4] 15:8,9,11 131:14 <b>Alberta</b> [3] 5:18,22 220:11 <b>alert</b> [2] 33:21 94:20 <b>aligned</b> [1] 109:4 <b>alignment</b> [1] 109:9 <b>allay</b> [2] 214:19 215:10 <b>allow</b> [5] 42:24 70:15 71:18 166:8 265:6 <b>allowed</b> [2] 86:21 252:25 <b>allowing</b> [1] 4:7 <b>allows</b> [3] 140:3 256:17 281:18 <b>alluded</b> [1] 229:1 <b>almost</b> [4] 75:25 121:24 201:11 209:11 <b>alone</b> [2] 133:26 136:25 <b>along</b> [3] 144:16 239:20 252:17 <b>alongside</b> [1] 155:4 <b>alternatives</b> [1] 200:5 <b>altitude</b> [2] 84:5 153:24 <b>always</b> [24] 6:1 22:1 50:15 63:24,25 106:25 120:26 121:2 122:3 126:12 132:10 133:22 137:8 180:4 182:18 204:12,12 209:4 213:9 250:2,8 269:11 271:9,16 <b>ambulances</b> [2] 41:25 42:3 <b>amiss</b> [1] 36:15 <b>among</b> [1] 118:8 <b>amongst</b> [3] 48:19 96:21 243:5 <b>amount</b> [8] 68:20 72:24 161:19 242:10 251:25 252:5 265:7,10 <b>announcement</b> [1] 155:14 <b>annual</b> [4] 173:13 201:7 247:8 249:8 <b>anonymous</b> [1] 183:6 <b>answer</b> [21] 28:7 32:22 45:3 55:16,18,21 56:2 64:24 68:14 149:11,13 162:6 185:19 186:1,2,2 204:4,9,9 246:2,4 <b>answered</b> [3] 32:23 68:17 75:12 <b>answering</b> [1] 243:14	<b>answers</b> [16] 27:13 28:4 28:6,14,18 49:8 64:22 75:15 94:26 110:5 130:8 148:14 168:7 178:20 246:7,8 <b>anticipation</b> [1] 41:13 <b>anxiety</b> [2] 75:17 161:6 <b>anxious</b> [3] 45:21 71:18 71:25 <b>anyhow</b> [2] 256:7 258:19 <b>anyway</b> [4] 7:18 68:14 215:19 237:17 <b>apart</b> [1] 277:21 <b>Apologize</b> [1] 40:5 <b>apparatus</b> [1] 287:8 <b>apparent</b> [2] 45:21 238:8 <b>Appeal</b> [1] 201:11 <b>appear</b> [3] 46:1 67:2 74:13 <b>appeared</b> [2] 79:13 173:22 <b>appliance</b> [1] 171:23 <b>applicable</b> [1] 176:6 <b>application</b> [1] 26:14 <b>applies</b> [1] 174:5 <b>apply</b> [1] 3:4 <b>appoint</b> [2] 210:4 223:11 <b>appreciate</b> [3] 131:12 282:18 286:11 <b>apprenticeship</b> [1] 5:12 <b>apprised</b> [1] 118:26 <b>approach</b> [8] 2:26 4:11 56:17 62:1 114:8 123:24 212:26 285:24 <b>approaches</b> [3] 2:25 62:24 207:4 <b>approaching</b> [1] 154:23 <b>appropriate</b> [4] 159:2 174:9 193:17 215:20 <b>approved</b> [5] 28:7,10 29:19 30:4 51:12 <b>approximate</b> [1] 47:5 <b>April</b> [2] 251:10,10 <b>archaic</b> [1] 10:7 <b>area</b> [11] 69:10 94:22 181:4 192:14 193:15 204:14 211:13 214:18 228:9 252:13 259:17 <b>areas</b> [4] 21:8 108:7 117:18 120:11 <b>argue</b> [3] 2:23 13:7 77:18 <b>argument</b> [1] 77:25 <b>arguments</b> [1] 72:7 <b>arise</b> [1] 192:24 <b>arises</b> [2] 114:18 161:22 <b>arising</b> [2] 208:9 245:14 <b>arm</b> [4] 6:19 118:22 220:7,9 <b>arose</b> [1] 181:13 <b>arrangement</b> [1] 134:12 <b>arrangements</b> [2] 53:26 267:23	<b>arrive</b> [1] 87:9 <b>article</b> [5] 17:1 18:3,8 18:17 26:10 <b>articles</b> [1] 17:2 <b>articulate</b> [1] 81:18 <b>ascribe</b> [1] 104:10 <b>ashore</b> [3] 143:8,10 145:1 <b>aside</b> [3] 101:26 259:8 277:20 <b>asleep</b> [1] 153:20 <b>aspect</b> [8] 46:18 66:14 83:7 84:19 85:2,8 107:6 210:13 <b>aspects</b> [2] 2:9,25 <b>assembly</b> [1] 134:23 <b>assessment</b> [1] 17:17 <b>asset</b> [3] 61:19 218:15 226:3 <b>assist</b> [2] 16:5 283:2 <b>associated</b> [4] 20:4,7 54:20 250:18 <b>assume</b> [3] 89:15 122:8 122:9 <b>assumed</b> [1] 109:23 <b>assuming</b> [1] 86:3 <b>assurance</b> [2] 29:21 264:7 <b>assured</b> [2] 89:13 263:21 <b>Atlantic</b> [1] 99:12 <b>atmosphere</b> [3] 38:5 70:5 104:10 <b>attempt</b> [2] 33:3 126:25 <b>attend</b> [12] 110:9,15,16 111:3,20 117:18 120:5 120:13 121:6,11,17 160:1 <b>attendance</b> [2] 142:8 194:24 <b>attended</b> [5] 99:9 122:21 124:23 173:15 247:16 <b>attending</b> [1] 118:25 <b>attends</b> [1] 117:24 <b>attention</b> [9] 2:6 57:4 73:16 152:12,21 253:21 254:17,25 257:11 <b>attitude</b> [7] 34:21,24 75:26 78:8,14 163:13 189:6 <b>attitudes</b> [2] 37:14 52:19 <b>audio</b> [1] 98:18 <b>August</b> [1] 102:25 <b>authorities</b> [3] 48:16 176:1 189:12 <b>authority</b> [2] 27:19 212:6 <b>auto</b> [19] 50:20 51:2,8,11 51:26 52:8 54:19,22 83:15,19 84:5,9,15,19 84:23 85:2 92:26 93:3 101:6 <b>automatic</b> [1] 93:3 <b>auxiliary</b> [13] 18:5,24 20:5 25:20 28:8 30:19 129:19 132:6 133:2	134:26 136:3 139:1 184:12 <b>availability</b> [3] 86:1,12 86:24 <b>available</b> [22] 26:12,13 35:13 40:19 43:11 51:1 84:22 91:25 118:8 121:1 121:2 122:2 133:17 153:15 159:19 163:24 182:3 186:3 192:15 202:1 203:20 251:14 <b>availed</b> [1] 145:10 <b>avenue</b> [1] 182:6 <b>average</b> [4] 58:21 87:14 87:20 88:14 <b>averages</b> [1] 38:14 <b>aviation</b> [8] 18:16 168:24 175:13,18 176:1 213:20,23 242:5 <b>avoid</b> [2] 15:10 105:8 <b>avoided</b> [1] 53:21 <b>aware</b> [13] 15:15 27:8 61:23 113:12 119:20 131:9 150:4 191:6 192:18 198:19 251:18 284:20 285:23 <b>awash</b> [1] 230:4 <b>away</b> [8] 61:5 95:15 105:5 107:4 141:10 181:6 231:6 257:22 <b>awful</b> [1] 283:11 <b>awhile</b> [1] 250:21 <b>awkward</b> [2] 36:20 74:23 <b>awry</b> [1] 36:15	<b>Basin</b> [2] 68:24 100:1 <b>basis</b> [17] 67:24 133:13 133:14 149:16 181:1,2 183:6 198:7 205:16,26 206:6 219:6 228:24 233:5 234:19 248:22 256:17 <b>bat</b> [1] 86:10 <b>battle</b> [1] 229:3 <b>Bay</b> [1] 64:9 <b>beacons</b> [2] 89:12 90:3 <b>beautiful</b> [1] 153:17 <b>became</b> [2] 251:11 278:8 <b>become</b> [3] 113:12 213:22 228:12 <b>becomes</b> [2] 190:1 203:22 <b>bed</b> [1] 118:21 <b>bees</b> [2] 107:19,20 <b>began</b> [3] 78:23 226:19 241:11 <b>beginning</b> [1] 123:23 <b>behalf</b> [10] 37:20 81:13 81:15 126:20 178:9 210:6 274:4 275:2 284:17,21 <b>behaviour</b> [1] 197:21 <b>behind</b> [2] 30:2 155:5 <b>bells</b> [1] 131:10 <b>belong</b> [2] 233:25 234:7 <b>ben</b> [1] 83:17 <b>beneath</b> [1] 17:12 <b>beneficial</b> [1] 213:8 <b>benefit</b> [9] 25:24 92:14 92:15 159:18 207:5 215:7 215:14 247:19 248:2 <b>Berlin</b> [4] 82:17 196:20 196:21 275:25 <b>beside</b> [1] 155:4 <b>best</b> [10] 39:4 85:16 86:22 107:3 113:21 260:18 266:4 272:5,9 287:7 <b>better</b> [38] 2:24 10:26 28:16 29:11 57:16,20 63:5,6,15 65:22 79:19 124:15 165:2,4 185:18 191:20,20 229:14 231:5 231:8,17 236:10 237:12 237:13,14 245:15 248:25 260:12 261:2,17 270:2 270:11 271:9,13,15,18 271:19,20 <b>between</b> [14] 15:17,19 25:15 30:3,6 52:19 56:17 57:22 94:18 205:4 214:7 237:2 249:9 267:23 <b>beyond</b> [5] 79:2 141:8 176:22 207:19 286:5 <b>big</b> [7] 59:13 159:18 209:14 242:12 250:8 262:6 264:4 <b>biggest</b> [2] 79:26 149:7 <b>binder</b> [2] 192:13 193:14 <b>bipartisan</b> [1] 248:18 <b>bit</b> [51] 1:9 4:13 10:7,23 50:10 55:19 62:13 69:19 83:24 98:16,26 99:4
--	---	---	--	--

**-B-**

104:25 105:1 116:17 124:15 130:10 134:11 146:3 157:3 160:24 185:21 191:14 211:3 217:7 222:7,13 224:2 226:13 227:13,18 230:4 231:8,17 240:9 242:8 243:16 244:9 246:3,3 247:22,25 248:24 249:3 249:5 251:11 253:6 260:17,23 269:22 282:17	<b>briefly</b> [1] 99:13 <b>bring</b> [45] 2:5 3:5 59:13 73:16 77:23 111:7 115:18 117:10 119:20 129:24 130:3 152:1,2 169:6 176:20 179:5,10 180:15 180:16 181:3,17 182:1 188:16 190:21 191:7 202:21 203:2 225:7 229:3 238:3,8 239:6 240:5,6 244:13,15 245:4 253:16 254:7 255:1,4 259:16 275:2 283:9 284:13 <b>bringing</b> [5] 3:5 71:1 76:14 189:1 250:6 <b>brings</b> [1] 29:24 <b>broadcast</b> [1] 286:3 <b>broader</b> [1] 109:19 <b>broke</b> [1] 118:23 <b>broken</b> [1] 128:7 <b>Brooks</b> [3] 53:10 96:13 96:16 <b>brought</b> [39] 13:14 19:15 29:25 54:12 109:18,24 110:24 122:17,26 159:26 162:3,10 164:1,11,22 167:1 180:8 193:26 194:1 195:7 201:10,22 221:17 222:11 223:4 231:9 233:26 244:19 250:3 252:19 253:20 254:17,25 255:11 257:10,20 269:25 279:9 283:10 <b>BST</b> [5] 22:6 60:6,13 62:10 63:26 <b>buddy</b> [3] 261:16 262:1 262:1 <b>budgeted</b> [1] 201:26 <b>build-up</b> [1] 269:7 <b>building</b> [1] 12:5 <b>built</b> [1] 148:17 <b>bulkhead</b> [1] 35:20 <b>Bull</b> [3] 6:19 220:7,8 <b>bulletin</b> [1] 193:12 <b>buoyancy</b> [3] 22:3 24:1 147:24 <b>burning</b> [1] 205:24 <b>business</b> [9] 75:26 78:15 78:15 93:15,21 162:13 165:25 251:9 281:1	<b>cab</b> [1] 30:3 <b>cabin</b> [1] 17:12 <b>cabins</b> [1] 14:4 <b>cable</b> [2] 93:8 286:3 <b>CADOR</b> [1] 195:9 <b>Calgary</b> [1] 5:20 <b>calls</b> [2] 144:13 148:11 <b>Canada</b> [12] 28:11 29:20 51:13 81:4 148:24 175:17 175:25 177:15 195:9 214:3,7 273:15 <b>cancelled</b> [1] 56:26 <b>cannot</b> [1] 27:19 <b>canvassed</b> [1] 197:18 <b>Cap</b> [1] 26:23 <b>capabilities</b> [4] 52:6 86:18 90:5 101:5 <b>capability</b> [2] 39:4 147:23 <b>capable</b> [1] 39:3 <b>capacity</b> [8] 50:19 52:8 123:14 125:12 135:6 187:19 190:13 220:22 <b>capita</b> [1] 107:24 <b>CAPP</b> [5] 81:5,5 170:5 177:15 223:15 <b>capture</b> [1] 116:1 <b>captured</b> [1] 126:22 <b>Carbonear</b> [1] 99:7 <b>cards</b> [3] 11:26 76:26 180:25 <b>care</b> [7] 25:14 48:25 53:23 59:19,20 76:1 78:15 <b>career</b> [2] 11:18 61:6 <b>cargo</b> [1] 163:12 <b>carried</b> [1] 154:19 <b>carrier</b> [1] 27:3 <b>Carron</b> [1] 68:21 <b>carry</b> [4] 95:20 151:16 217:15,17 <b>case</b> [15] 13:16 14:14,15 18:7 42:14 46:13,13,14 85:15 98:2 186:12 190:5 191:9 209:4,26 <b>cases</b> [4] 19:21,24 244:12 261:8 <b>cast</b> [1] 209:20 <b>catastrophe</b> [1] 15:11 <b>catastrophic</b> [4] 43:18 43:20 60:10 61:15 <b>catch</b> [2] 61:11 231:14 <b>catering</b> [1] 166:14 <b>caught</b> [3] 31:18 100:8 250:6 <b>caused</b> [3] 32:4 75:17 204:24 <b>causing</b> [1] 71:4 <b>caution</b> [1] 2:20 <b>celsius</b> [1] 92:8 <b>Centre</b> [1] 275:19 <b>CEP</b> [8] 1:12,24 5:1	220:23 274:20 275:3 276:12 284:17 <b>certain</b> [8] 47:13 226:11 258:19 265:7,10 267:17 268:25 269:1 <b>certainly</b> [43] 11:10 19:20 27:5 34:24 71:13 104:13 116:15 121:5 174:12 179:21 182:6 188:24 202:3 207:1,10 207:25 210:9 213:4 222:7 222:23 225:2 228:5,22 234:2 240:15 244:23 245:1,20 246:4 249:3,20 250:2,17 256:6 261:24 266:13 269:8 270:5,18 274:14 278:7,15 283:1 <b>certificate</b> [4] 149:1 217:16,17 287:1 <b>certificates</b> [1] 148:25 <b>certification</b> [2] 242:5 242:5 <b>certify</b> [1] 287:2 <b>chain</b> [1] 182:8 <b>chair</b> [9] 1:14 106:7 114:22 124:8 127:5 206:14 208:17 242:10 276:24 <b>Chairman</b> [1] 282:4 <b>chairs</b> [1] 231:23 <b>chalk</b> [1] 171:17 <b>challenge</b> [2] 79:25 137:16 <b>challenged</b> [1] 205:15 <b>challenges</b> [9] 124:6 130:14 172:16 206:7 237:22 241:13 258:11,13 276:21 <b>chance</b> [4] 5:14 236:21 238:24 272:9 <b>chances</b> [3] 60:11 122:20 265:16 <b>change</b> [15] 37:14 73:10 149:21 175:17 176:24 177:2 205:17 222:13 237:17,23 268:1,17 269:8 276:21 277:4 <b>changed</b> [12] 8:8 30:5 34:21 43:19 73:19 125:9 125:11 149:24 152:15 154:14 176:20 218:19 <b>changes</b> [5] 68:19 79:24 80:2,6 207:22 <b>changing</b> [4] 24:22 153:21 205:9 237:5 <b>channels</b> [1] 168:13 <b>chassis</b> [1] 30:6 <b>chat</b> [1] 141:23 <b>chatter</b> [1] 240:9 <b>checked</b> [1] 94:23 <b>checkout</b> [1] 65:9 <b>Chev</b> [2] 29:26 30:15 <b>Chief</b> [2] 211:25 220:25 <b>chin</b> [2] 260:21,22 <b>chip</b> [11] 33:26 34:1,7,8	34:8,9,11 160:16 184:8 194:8 200:21 <b>chips</b> [1] 184:7 <b>choice</b> [4] 23:13 29:4,9 33:2 <b>choosing</b> [1] 209:7 <b>chopper</b> [13] 36:10,11 40:25,26 61:1 84:9 94:16 254:6,19 257:13 259:1 264:7,8 <b>choppers</b> [8] 12:14 14:18 14:21 19:23 32:14 253:22 272:3,7 <b>choppy</b> [1] 38:9 <b>chose</b> [1] 11:18 <b>chosen</b> [2] 107:16 200:7 <b>Chris</b> [1] 53:9 <b>Cindy</b> [1] 287:11 <b>circle</b> [2] 179:23 261:23 <b>circulated</b> [1] 125:20 <b>circumstance</b> [1] 134:20 <b>circumstances</b> [5] 53:23 63:17 88:12,16 161:23 <b>Civil</b> [1] 176:1 <b>clarification</b> [1] 4:10 <b>clarify</b> [3] 15:23 132:14 197:21 <b>class</b> [1] 58:14 <b>cleaners</b> [1] 219:6 <b>clear</b> [7] 30:18 38:11 40:22 50:5 54:5 199:20 280:8 <b>climb</b> [1] 64:11 <b>clock</b> [1] 121:24 <b>close</b> [6] 32:21 38:12 93:19 96:9 220:16 261:25 <b>closed</b> [3] 183:24 185:3 286:7 <b>closely</b> [3] 62:2 250:12 250:18 <b>closeness</b> [1] 63:1 <b>closer</b> [2] 53:5 61:26 <b>closest</b> [1] 35:13 <b>closing</b> [2] 173:5 174:3 <b>closure</b> [4] 184:19 185:14 186:21 284:13 <b>cloud</b> [2] 210:16,17 <b>co</b> [7] 114:21 127:4 206:13 208:16 231:22 242:9 276:23 <b>co-chair</b> [28] 106:12,16 106:21,23,23,26 114:11 114:14 124:9 125:26 140:17 141:21 187:12,18 187:26 206:11 207:7 208:19,22 210:2 221:6 224:4,11,24 226:3 231:14 241:18 277:1 <b>co-chairs</b> [6] 106:7,10 125:25 126:20 140:17 224:3 <b>coast</b> [3] 100:13,14,14 <b>cockpit</b> [1] 154:10
	<b>-C-</b>			
<b>C</b> [3] 127:7 146:9 273:10 <b>C-NLOPB</b> [39] 14:15 19:25 20:10 21:7,12,16 80:26 128:24 129:2 136:5 138:25 141:26 142:3,19 143:16,23 146:16 147:8 173:13 175:12 176:26 177:11 183:5 201:4,6,9 201:10,13 202:11 213:17 233:12,17 234:12 239:14 241:22 247:6 249:9,17 251:18 <b>C-NOPB</b> [1] 75:20 <b>CAA</b> [1] 175:26				

<p><b>cold</b> [5] 59:2 91:21,22 263:17,19  <b>colder</b> [1] 65:1  <b>colleague</b> [1] 66:7  <b>colleagues</b> [1] 63:11  <b>collecting</b> [1] 125:14  <b>collective</b> [2] 103:6,9  <b>College</b> [2] 99:10,11  <b>combination</b> [1] 267:1  <b>combined</b> [2] 102:23 144:6  <b>comfort</b> [10] 65:26 228:18 260:3,4 261:5 279:3,5,5,12 280:1  <b>comfortable</b> [6] 18:26 19:6 25:7 36:20 261:9 279:6  <b>comfortably</b> [1] 101:12  <b>comforted</b> [1] 48:9  <b>comforting</b> [2] 159:8,9  <b>coming</b> [26] 1:11 21:9 36:18 41:21 42:5 59:20 71:21 84:4 97:15 116:26 149:10 158:3 159:3 173:21,21,22 183:1 211:15 219:12 233:21 245:3 252:17 259:1,2 277:23 280:5  <b>comings</b> [1] 117:6  <b>command</b> [2] 22:9 182:8  <b>commend</b> [2] 37:21 39:13  <b>comment</b> [9] 3:8 103:26 173:6 200:14,17 206:21 211:3 269:23 274:2  <b>commented</b> [1] 136:5  <b>comments</b> [3] 1:8 174:4 282:5  <b>Commissioner</b> [110] 1:2 1:6,8 3:16 4:2 51:9,17 51:21 80:14,18,20,25 81:3,8,11,17,22,26 82:4 82:7,8,13,14,18,19,26 85:20 90:13,15,21,25 91:3 92:1,23 94:4 95:8 96:3,15,22 97:1,9,19,23 98:2 131:25 152:19 161:17 173:5 177:8,9,14 177:18,19,23 178:2 195:26 196:1,4,5,8,9,12 196:13,18,23,26 197:1,6 197:7,11,12 208:5,8,10 211:1 213:11 214:12 215:12,18,23 236:2 273:9 273:13,14,18,21,22,25 274:5 275:6,10,14,18,22 276:1,2,6,7,11 282:4 283:23 284:7,8,14,22 285:2,6,9 286:9,12  <b>commissioning</b> [1] 6:18  <b>commitment</b> [2] 165:12 198:20  <b>committed</b> [3] 57:15 132:16 185:20  <b>committee</b> [173] 105:13 105:19,19 106:5,13 107:17 109:19,20 110:10</p>	<p>112:5,11,18 113:26 114:12 115:3,18,19,25 117:23 120:16 123:5,14 124:6,26 127:16,24 128:22 129:24 130:5,21 139:20,24 140:3,21 141:3 142:8,21,24 143:16,19 144:2 151:5,9,15,24 152:1 159:23 161:25 164:2,6,23 165:17,18 168:2,5,14 169:3,13 170:17,25,25 172:2,8 176:22 178:6,14,15 179:2 179:3,6,15,22 180:2,12 183:20,25 184:17 185:5 185:13,15 186:14,19 187:26 188:22 189:9,10 198:15 199:2,19,23 200:12 201:3,13,17 202:23,25 203:1,9,14 204:1,20 205:4,11 206:15 207:9,17 209:5,6,23 210:2,6 211:4 221:3,6 221:11,21,22 222:5 224:4 225:3,13,24 226:21 227:9 227:21 230:23 231:3 232:14,17 233:7,18 236:6 236:7,12 238:9,22,25 239:1,3,25 240:3,20 241:7,15 243:20 244:17 245:11 246:21 247:19 248:20,20,21 249:2,10 250:3,20 251:3,6 252:11 252:23 255:25 256:12 270:1 271:20 276:20,25 277:2,10,24 278:1,2,12 280:15  <b>committees</b> [6] 105:2 117:11 175:8 200:3 201:8 232:2  <b>common</b> [4] 8:3,14 81:17 179:17  <b>commonly</b> [1] 50:20  <b>communicate</b> [1] 248:11  <b>communicated</b> [3] 76:16 192:25 199:4  <b>communicating</b> [1] 77:3  <b>communication</b> [15] 55:20 73:18 74:1 75:23 76:6,10,13,18,19 78:5 78:17 167:18 192:12,16 195:3  <b>communications</b> [4] 75:5 205:4 252:16 271:19  <b>companies</b> [3] 48:22 104:7 267:16  <b>companion</b> [1] 276:19  <b>company</b> [8] 99:14 100:6,10 102:6 112:25 218:23 219:1 249:4  <b>compare</b> [2] 2:22 3:6  <b>compared</b> [2] 96:8 100:17  <b>comparison</b> [1] 52:20  <b>compartment</b> [3] 35:21 36:4 163:12  <b>compensation</b> [1] 232:1</p>	<p><b>complain</b> [1] 73:25  <b>complaining</b> [2] 74:8 281:23  <b>complaints</b> [4] 74:10,11 203:10 225:4  <b>complement</b> [3] 132:11 133:23 134:18  <b>complied</b> [1] 148:26  <b>complimentary</b> [2] 13:2 104:6  <b>component</b> [3] 106:4 108:8,15  <b>components</b> [1] 108:13  <b>composed</b> [2] 105:22 106:3  <b>comprehensive</b> [1] 237:13  <b>computer</b> [1] 37:10  <b>concede</b> [1] 130:24  <b>conceded</b> [1] 130:24  <b>concept</b> [2] 93:12 123:4  <b>concern</b> [30] 2:11 10:5,9 21:24 29:1 51:26 85:10 86:17 132:1 160:23 172:3 180:11,14 181:16,25 182:19,19,26 184:6 188:6 192:23 211:17 227:7 234:9 249:20 251:19 255:5,6 258:25 259:8  <b>concerned</b> [10] 10:12,20 39:1 58:17 66:23 75:10 85:20 97:17 227:13 250:7  <b>concerning</b> [1] 161:7  <b>concerns</b> [37] 2:4,9 8:11 8:12,19 9:22 10:2,15,16 11:6,15 28:24 70:26 77:3 83:4 85:10 89:9 111:12 111:23 129:25 144:17 148:6 149:17 163:20 172:17 214:9,19,26 216:20 236:2 244:5 249:18,19 279:10,11,11 279:12  <b>concluding</b> [1] 79:3  <b>conclusion</b> [2] 170:18 286:15  <b>concomitant</b> [1] 210:12  <b>concurrence</b> [1] 183:24  <b>condition</b> [2] 35:7 43:24  <b>conditions</b> [10] 24:12 37:26 38:6 58:19,21 59:6 61:21,25 62:22 63:1  <b>conductive</b> [1] 117:19  <b>conduct</b> [1] 106:21  <b>conducted</b> [2] 142:6 150:25  <b>conducting</b> [1] 140:19  <b>confidence</b> [3] 66:19 264:24 266:17  <b>configuration</b> [7] 22:14 22:15 23:14 29:21 73:10 135:8 155:5  <b>confines</b> [1] 225:16  <b>confusion</b> [1] 40:5  <b>conjunction</b> [2] 232:13</p>	<p>232:14  <b>connect</b> [1] 33:19  <b>connection</b> [1] 98:18  <b>cons</b> [1] 207:26  <b>consensus</b> [4] 25:19 127:11,13 128:12  <b>consequently</b> [3] 234:20 236:21 238:15  <b>consider</b> [1] 95:24  <b>considerable</b> [1] 104:1  <b>considerably</b> [1] 85:14  <b>consideration</b> [5] 28:11 45:1 46:2 56:11 75:21  <b>considerations</b> [1] 46:18  <b>considered</b> [1] 72:16  <b>considering</b> [2] 21:10 38:2  <b>consistent</b> [2] 48:19 206:6  <b>consistently</b> [1] 101:14  <b>console</b> [1] 154:5  <b>constant</b> [2] 117:2 229:3  <b>constantly</b> [5] 70:20 77:16 172:24 176:13 256:25  <b>constituencies</b> [3] 105:24 109:3 116:9  <b>constituency</b> [3] 109:1 117:4 166:8  <b>constituents</b> [1] 113:20  <b>constructed</b> [1] 6:26  <b>construction</b> [8] 6:6,10 6:13,18 220:13 229:2,6 229:8  <b>consultation</b> [2] 150:7 177:22  <b>consuming</b> [2] 133:16 203:24  <b>contact</b> [1] 276:18  <b>contacted</b> [2] 141:20 254:22  <b>content</b> [1] 231:2  <b>contention</b> [1] 263:12  <b>contentious</b> [1] 50:8  <b>context</b> [5] 1:10 2:16 39:14 226:2 280:6  <b>contingent</b> [1] 269:4  <b>continue</b> [2] 6:22 265:19  <b>continued</b> [1] 245:16  <b>continues</b> [1] 271:24  <b>continuity</b> [7] 204:23 205:3,7,13,15,16,26  <b>continuous</b> [2] 271:7,25  <b>continuously</b> [1] 268:12  <b>contours</b> [1] 259:24  <b>contract</b> [2] 69:20,22  <b>contracted</b> [1] 132:21  <b>contractor</b> [2] 13:11 217:14  <b>contrast</b> [2] 2:22 3:7  <b>contribute</b> [2] 228:12</p>	<p>282:24  <b>contributed</b> [1] 283:1  <b>control</b> [7] 11:19,20,23 12:13,19 130:13 270:8  <b>controlled</b> [13] 15:13 43:21 52:9,25 53:2,4 83:21 84:3 85:3 88:3 93:7 272:11,13  <b>convened</b> [1] 139:19  <b>convenient</b> [1] 117:15  <b>conversation</b> [7] 15:16 15:19 29:26 164:21 170:8 244:23,24  <b>cooler</b> [1] 63:2  <b>cooperation</b> [2] 211:20 212:14  <b>cooperatively</b> [1] 267:16  <b>copilot</b> [1] 36:8  <b>copy</b> [3] 96:12,20,26  <b>core</b> [2] 250:13 264:5  <b>Cormorant</b> [2] 154:23 159:6  <b>corner</b> [3] 173:19,25,25  <b>correct</b> [66] 17:23 18:11 18:18 22:20 29:7 32:2 42:19 43:1 46:12,21 49:23 50:2 51:18,20,22 52:18,23 53:12,12 54:24 64:19 65:6 69:7 71:10 87:26 103:18 107:11,13 116:23 118:1,17 120:1 122:16 123:11 124:2 125:2 126:9 129:4 132:24 133:19 134:2,25 135:11 135:19 136:17 138:12,17 140:12 141:5 143:21 145:5,25 148:9 152:5 158:6 167:20 181:20 183:8 185:7 191:9 203:13 250:18 277:11 281:7 285:6 287:3  <b>corrected</b> [1] 67:12  <b>Correctly</b> [1] 66:22  <b>corresponding</b> [1] 2:17  <b>Corrosion</b> [1] 218:14  <b>Cougar</b> [53] 14:14 15:15 15:22 17:15 26:22 33:15 39:15,22 50:16,18 51:7 51:11 52:3,4 57:15 65:8 65:10 69:1 73:21 79:12 82:5 83:15,21 85:21 130:7 134:25 144:13,16 146:3 148:14,15,21 153:3 164:17 168:18 171:2 173:16 185:20 186:7 190:5 193:11 196:10 197:25 199:1 211:22 212:11 213:9 214:23 254:18,22 269:10 271:12 275:15  <b>Cougar's</b> [2] 155:11 194:5  <b>counsel</b> [22] 13:2 80:26 81:4,5,9 82:5,10 104:6 105:10 177:11,11 196:10 196:14 197:3 273:10,15</p>
---	---	--	--	--

<p>273:19 274:2 275:23 276:4,12 286:6 <b>count</b> [1] 123:17 <b>counter</b> [2] 65:9 74:21 <b>counting</b> [1] 128:1 <b>country</b> [1] 220:10 <b>couple</b> [25] 6:24 11:14 36:12 82:23 87:4 92:26 129:18 158:16 161:11,12 162:24 169:6 171:1,8 178:3 219:18 223:16 240:16 242:6 247:16,17 249:16 254:4 259:5 286:8 <b>course</b> [29] 1:23,25 25:14 46:13 61:8 68:14 69:14 85:9 89:20 91:23 95:15 99:10 113:13 115:1,7 125:23 156:24 162:2 169:15 173:23 180:3 182:16,25 188:7 197:2 207:19 269:3 279:20 285:25 <b>Court</b> [1] 201:11 <b>cover</b> [1] 228:23 <b>coverage</b> [3] 35:12 39:2 39:5 <b>covered</b> [2] 103:11 216:14 <b>cowling</b> [1] 131:5 <b>coworkers</b> [3] 8:23,26 12:18 <b>crack</b> [3] 73:23 192:18 198:7 <b>cracking</b> [1] 12:3 <b>cracks</b> [5] 165:14 174:20 192:9 197:19 198:2 <b>craft</b> [4] 44:14 47:1,14 47:25 <b>crash</b> [20] 15:11 43:18 60:10 61:15 73:20 74:10 79:11 85:13 91:10 146:4 171:10 173:23 198:20 271:18 272:11 278:24,24 279:1,8,19 <b>crashed</b> [2] 21:26 67:1 <b>crawl</b> [2] 23:19,19 <b>create</b> [1] 203:21 <b>created</b> [2] 104:9 148:16 <b>creates</b> [2] 20:11 70:5 <b>credentials</b> [1] 144:8 <b>crew</b> [4] 33:18 42:4 164:10,11 <b>crews</b> [2] 39:7 74:16 <b>crippled</b> [1] 40:25 <b>critical</b> [2] 59:8 89:6 <b>Crosbie</b> [5] 81:1 177:12 217:13 218:23 273:12 <b>Crosbie's</b> [3] 219:4,9 219:15 <b>cross</b> [1] 25:19 <b>crossing</b> [1] 94:19 <b>CUI</b> [1] 218:14 <b>culture</b> [13] 3:2 13:17,21 14:3,5 104:15 181:10 190:19 191:4 228:26</p>	<p>229:14 238:4 257:1 <b>cup</b> [1] 260:21 <b>currency</b> [1] 103:5 <b>current</b> [3] 22:14,15 83:14 <b>cut</b> [3] 118:22 266:7 272:2 <b>cutting</b> [1] 12:4</p> <hr/> <p style="text-align: center;"><b>-D-</b></p> <hr/> <p><b>daily</b> [8] 117:24 119:8 119:16,25 133:13,14 181:2 235:2 <b>damage</b> [1] 218:12 <b>damaged</b> [1] 42:5 <b>damp</b> [1] 65:22 <b>dangers</b> [1] 11:21 <b>dark</b> [3] 56:23 57:1 84:11 <b>Dartmouth</b> [2] 262:18 262:22 <b>date</b> [1] 253:21 <b>Dated</b> [1] 287:9 <b>daylight</b> [1] 57:22 <b>days</b> [24] 71:17,22,24 94:13,18,18 102:1 110:21 112:16 166:1 184:19 195:19 212:1 236:9,9,14 236:17,20 269:6 272:20 281:3 282:19,19,20 <b>dead</b> [1] 280:16 <b>deadlock</b> [4] 129:4 142:14 143:16 151:8 <b>deadlocks</b> [1] 151:5 <b>deadly</b> [1] 122:10 <b>deal</b> [29] 11:19,20 26:8 92:19 110:6 113:3,18 114:8 115:8,9 140:9 148:4 152:14 158:21 163:24 165:19 167:12 174:9 207:7,17 214:8 228:20 237:8 241:16,17 246:16 249:12 270:2 278:11 <b>dealing</b> [14] 12:6 85:19 146:2 147:1 174:13 179:21 205:18 207:4 209:2 214:4 277:25 278:1 278:2,10 <b>dealings</b> [3] 207:26 214:22 251:22 <b>deals</b> [3] 105:21 109:17 225:15 <b>dealt</b> [13] 2:19 129:18 130:19 136:2,4 148:12 161:18 179:25 185:13 240:25 241:15 245:2 258:4 <b>debate</b> [2] 124:15 126:21 <b>debilitating</b> [2] 260:4 260:24 <b>debrief</b> [3] 94:8,11,19 <b>debriefing</b> [1] 33:13 <b>deceased</b> [1] 285:15 <b>December</b> [2] 254:2,4</p>	<p><b>decide</b> [2] 19:4 63:8 <b>decided</b> [3] 5:24 127:11 165:8 <b>decides</b> [2] 53:25 54:10 <b>decision</b> [20] 20:1 33:8 74:7 136:15,20 138:22 139:6,6,10 147:17 149:3 149:21 150:9,10 151:2 151:10 185:4 207:12 251:12 267:15 <b>decisions</b> [1] 168:16 <b>deck</b> [1] 164:10 <b>Decker</b> [3] 39:20 61:17 264:3 <b>Decker's</b> [1] 92:7 <b>decks</b> [1] 219:8 <b>declines</b> [1] 44:24 <b>dedicated</b> [14] 35:4,12 39:6,7 40:18 43:5 69:4 95:19,20 132:6 133:12 133:17 135:12 213:19 <b>deeply</b> [1] 107:8 <b>defects</b> [1] 79:23 <b>deficiencies</b> [1] 169:23 <b>defined</b> [1] 258:1 <b>definitely</b> [1] 186:23 <b>degree</b> [6] 105:6 130:13 171:9 228:22 262:8 271:1 <b>degrees</b> [1] 92:8 <b>delay</b> [1] 186:17 <b>delayed</b> [1] 269:5 <b>Denis</b> [1] 274:1 <b>deny</b> [1] 136:22 <b>department</b> [12] 4:25 77:14 108:21 110:18 111:16 114:21 115:14 117:4 119:10 166:11 181:4 225:5 <b>departments</b> [4] 105:24 116:8 168:4,5 <b>departure</b> [1] 135:1 <b>depend</b> [2] 14:16 52:7 <b>depending</b> [5] 23:14 55:16 121:7 250:24 265:11 <b>depth</b> [2] 74:2 252:5 <b>derriere</b> [1] 61:12 <b>descending</b> [1] 153:23 <b>describe</b> [1] 193:18 <b>described</b> [9] 93:25 149:6 150:3,6 157:9 163:4 194:10,11 204:14 <b>deserve</b> [4] 58:14 264:6 264:12 266:4 <b>design</b> [2] 28:8 148:16 <b>designed</b> [2] 26:14 27:4 <b>destination</b> [1] 26:20 <b>detail</b> [3] 105:6 161:19 185:26 <b>detected</b> [1] 184:7 <b>detectors</b> [1] 34:13 <b>determine</b> [1] 10:19 <b>determining</b> [1] 185:23</p>	<p><b>detriment</b> [1] 238:17 <b>develop</b> [1] 107:7 <b>developed</b> [2] 148:15 172:4 <b>developing</b> [1] 176:3 <b>device</b> [3] 79:22 95:10 171:24 <b>dialogue</b> [1] 77:10 <b>dies</b> [1] 280:22 <b>difference</b> [10] 33:24 42:19 52:19 77:8 86:16 122:11 175:10 263:21 264:2 278:23 <b>differences</b> [2] 3:3 56:17 <b>different</b> [54] 2:24,25 8:18 14:9 17:17 21:8 31:10 45:11 54:26 55:1 63:17,17 64:11 74:24 78:5 83:11 85:13 94:16 105:1 106:26 108:6,16 109:5 117:1 120:10,13 134:12 148:11 154:14 157:20 170:26 176:13,17 205:18 207:2,3,4 216:15 216:20 222:25 226:14 236:5 244:9 248:12,24 249:4 251:25 261:2 265:24,25 267:18 269:21 274:6 278:19 <b>differently</b> [2] 104:25 249:5 <b>difficult</b> [8] 45:26 52:10 61:14 83:20 86:11 91:19 239:4 246:3 <b>difficulties</b> [1] 83:13 <b>difficulty</b> [2] 46:2 276:18 <b>diligence</b> [5] 25:3 150:5 150:5 231:20,22 <b>direct</b> [1] 70:16 <b>directed</b> [2] 93:23 221:17 <b>direction</b> [2] 27:16,20 <b>directions</b> [1] 143:13 <b>directive</b> [1] 15:7 <b>directly</b> [3] 48:4 182:1 182:20 <b>disability</b> [1] 226:16 <b>disadvantage</b> [2] 216:26 226:3 <b>disadvantages</b> [4] 206:23 208:18 224:21,22 <b>disagree</b> [1] 19:19 <b>disagreed</b> [1] 136:11 <b>disappointed</b> [1] 38:17 <b>disappointing</b> [2] 92:12 92:16 <b>disaster</b> [2] 35:16 79:15 <b>discovered</b> [1] 50:18 <b>Discoveries</b> [2] 287:12 287:14 <b>discuss</b> [9] 101:3 114:7 139:21 140:22 141:10 166:4,9,12 248:22 <b>discussed</b> [9] 83:18</p>	<p>126:4 138:26 162:2 166:19 172:11 199:17 250:1,2 <b>discussion</b> [12] 124:7 127:1 161:26 164:22 179:11 199:21 223:18 236:3 243:17 248:8 252:11 285:1 <b>discussions</b> [3] 14:2 140:16 172:6 <b>disheartened</b> [1] 38:17 <b>displaying</b> [1] 2:21 <b>distance</b> [2] 159:4 175:25 <b>distinction</b> [1] 278:22 <b>distorted</b> [2] 253:3,5 <b>distorting</b> [1] 253:6 <b>distribution</b> [1] 162:18 <b>ditch</b> [4] 15:9 53:4 83:22 84:17 <b>ditched</b> [1] 94:21 <b>ditching</b> [21] 15:5,13 16:6 22:9 33:16 35:4 37:19 43:17,21,22 46:10 52:10,26 53:3 84:4 85:3 85:11 86:11 88:4,23 93:10 <b>ditchings</b> [1] 38:24 <b>divers</b> [1] 264:14 <b>diving</b> [1] 99:14 <b>DND</b> [11] 39:4 52:1,7 54:1 57:20 58:6 59:11 85:26 86:25 88:20 95:23 <b>DND's</b> [1] 85:26 <b>Dobbin's</b> [1] 102:6 <b>document</b> [3] 9:20 96:12 96:25 <b>documentation</b> [4] 58:23 138:24 146:24 166:6 <b>documented</b> [2] 125:18 258:3 <b>documents</b> [6] 9:1 50:25 50:26 96:26 146:22 147:22 <b>doesn't</b> [31] 18:26 21:6 25:23 26:19 29:20 84:9 97:8 106:25 115:16 122:10 130:4 169:25 175:11,15 176:19 191:2 202:11 203:5,6 214:6 223:5 244:1 253:15,17 256:11 266:6 271:23 272:13 280:14,18 281:6 <b>don</b> [1] 171:4 <b>done</b> [27] 10:19 27:7 32:24 36:20 41:13 42:22 53:9 61:9 62:18 77:6,12 92:19 101:18 128:25 134:5 142:23 147:25,25 178:21 186:4 198:12 203:24 213:2 231:20 247:13 271:3 277:18 <b>door</b> [6] 11:3 163:1,1 182:17 189:7 211:15 <b>doorway</b> [1] 36:3</p>
--	---	---	---	---



<p><b>double</b> [4] 22:13 59:26 71:16 184:8</p> <p><b>double-edged</b> [1] 62:15</p> <p><b>doubt</b> [7] 22:2 61:8 69:26 171:21,21 215:6 271:11</p> <p><b>down</b> [62] 9:11,13 10:24 15:25 20:17 21:4 31:6 32:12,13 37:26 38:20 44:13 52:2,16 54:3 59:13 61:12 64:9 68:24,24 74:22 77:14 78:8,14 84:5 86:13,14 92:7 93:8 96:2 135:5,5 153:26 156:21 157:14,26 165:11 188:8 188:24 203:17,22 207:1 208:1 209:22 210:21 216:3 222:11 223:16 226:10 230:2 249:24 254:10,19 257:21 259:2 259:3,13,16,19 264:6,8 268:16</p> <p><b>dozen</b> [1] 122:4</p> <p><b>Dr</b> [2] 53:9 96:16</p> <p><b>Drag</b> [1] 259:19</p> <p><b>draw</b> [1] 278:22</p> <p><b>drawing</b> [1] 57:4</p> <p><b>drawn</b> [3] 152:12 157:7 201:18</p> <p><b>dreaded</b> [1] 260:5</p> <p><b>drill</b> [3] 99:17,20 102:3</p> <p><b>drilling</b> [15] 68:4,21 69:15 99:18,22,26 108:8 108:10 110:20 116:17,21 121:13,16 166:11,17</p> <p><b>drive</b> [2] 170:18 210:7</p> <p><b>driver's</b> [2] 30:2,4</p> <p><b>dropped</b> [1] 223:21</p> <p><b>dropping</b> [1] 38:23</p> <p><b>dry</b> [1] 15:24</p> <p><b>ducks</b> [1] 248:4</p> <p><b>due</b> [1] 138:1</p> <p><b>dug</b> [1] 84:3</p> <p><b>dunk</b> [2] 61:3 64:1</p> <p><b>duration</b> [1] 54:2</p> <p><b>during</b> [12] 6:6,18 33:26 52:21 70:11 83:23 100:9 110:12 114:6 188:7 240:18 277:2</p> <p><b>duties</b> [2] 8:24 277:3</p> <p><b>dying</b> [1] 280:11</p> <hr/> <p style="text-align: center;"><b>-E-</b></p> <hr/> <p><b>e-mail</b> [3] 146:23 192:10 197:19</p> <p><b>e-mails</b> [1] 197:22</p> <p><b>Earle</b> [38] 1:19 10:26 13:1 90:17,19 91:4,6,7 91:26 92:21 197:3,13,15 197:17 198:9,24 199:15 200:9 201:1 202:9,18 204:7,13 206:9 208:3,6 276:12,13,14 277:8,14 278:21 280:3,20,25 281:12,20 282:2</p> <p><b>Earle's</b> [1] 208:9</p>	<p><b>earliest</b> [1] 186:2</p> <p><b>early</b> [3] 38:11 102:1 172:9</p> <p><b>ease</b> [1] 157:12</p> <p><b>east</b> [2] 83:2 108:12</p> <p><b>easy</b> [3] 79:9 163:22 203:19</p> <p><b>Ed</b> [1] 147:6</p> <p><b>edged</b> [2] 60:1 71:16</p> <p><b>educational</b> [1] 99:2</p> <p><b>effect</b> [5] 15:12 44:12 46:6 55:10 84:16</p> <p><b>effective</b> [3] 35:12 178:8 185:10</p> <p><b>effectively</b> [2] 113:18 185:16</p> <p><b>effort</b> [1] 115:5</p> <p><b>efforts</b> [1] 37:24</p> <p><b>egress</b> [6] 19:3 28:12 136:3,23 141:8 148:7</p> <p><b>EH</b> [1] 230:25</p> <p><b>EH&amp;S</b> [1] 222:18</p> <p><b>eight</b> [4] 142:10,11 227:8 257:18</p> <p><b>eight-eight</b> [1] 142:9</p> <p><b>Eirik</b> [1] 6:25</p> <p><b>either</b> [18] 25:4 30:8 83:19 85:1 92:3 98:16 105:11 137:10 179:8 214:19 225:9 226:5 244:2 245:25 252:11 261:22 279:15 280:15</p> <p><b>elaborate</b> [2] 83:23 194:1</p> <p><b>elect</b> [1] 108:17</p> <p><b>elected</b> [2] 105:23 112:18</p> <p><b>election</b> [1] 209:14</p> <p><b>elections</b> [2] 108:25 209:19</p> <p><b>electrical</b> [4] 4:24 6:12 6:12 12:5</p> <p><b>electrician</b> [1] 7:12</p> <p><b>electricity</b> [1] 217:21</p> <p><b>electronic</b> [3] 89:16 90:2 131:8</p> <p><b>electronics</b> [3] 99:8,9 131:7</p> <p><b>eliminate</b> [1] 84:9</p> <p><b>embrace</b> [1] 13:14</p> <p><b>emergency</b> [9] 19:3 22:24 28:13 41:24 53:22 157:13,25 194:7,11</p> <p><b>emphatically</b> [1] 19:18</p> <p><b>employed</b> [2] 217:14 218:22</p> <p><b>employee</b> [1] 219:1</p> <p><b>employees</b> [5] 147:12 191:23 198:14 199:4 202:26</p> <p><b>employer</b> [3] 103:10 199:24 276:23</p> <p><b>employer's</b> [1] 203:7</p> <p><b>employment</b> [1] 232:15</p>	<p><b>empowered</b> [2] 241:16 255:4</p> <p><b>empty</b> [4] 24:10,13 148:2 163:17</p> <p><b>enable</b> [1] 228:17</p> <p><b>enables</b> [1] 244:3</p> <p><b>enact</b> [1] 178:20</p> <p><b>encourage</b> [1] 11:11</p> <p><b>end</b> [16] 61:6 80:9 121:13 125:19 126:25 151:1 158:10 197:2 231:16 244:21 252:16 253:7 271:14 272:8,15 283:17</p> <p><b>ended</b> [2] 123:15 194:13</p> <p><b>Energy</b> [1] 275:11</p> <p><b>engage</b> [2] 77:2 185:11</p> <p><b>engaged</b> [3] 14:20 274:15,17</p> <p><b>engagement</b> [5] 130:13 169:12 247:6 249:8 274:13</p> <p><b>engine</b> [21] 31:6 32:8,11 32:12 34:8 41:22 42:7 42:15 100:12,20 156:12 156:21,23 158:1 159:4 160:11,12,16,17 161:4 184:9</p> <p><b>engineer</b> [1] 84:1</p> <p><b>engineering</b> [1] 202:2</p> <p><b>engines</b> [7] 31:5 32:13 33:25 154:9,11 157:12 160:22</p> <p><b>enhance</b> [2] 12:23 39:8</p> <p><b>enjoy</b> [1] 12:12</p> <p><b>enlightening</b> [2] 250:9 250:10</p> <p><b>ensure</b> [2] 126:26 245:16</p> <p><b>ensuring</b> [1] 167:17</p> <p><b>entertain</b> [2] 248:6 279:4</p> <p><b>entire</b> [2] 192:11 276:16</p> <p><b>entirely</b> [3] 116:25 182:23 209:7</p> <p><b>entitled</b> [3] 11:10 58:8 70:4</p> <p><b>entrance</b> [1] 163:2</p> <p><b>environment</b> [3] 11:20 61:25 264:23</p> <p><b>equal</b> [6] 123:5,14,25 128:6 179:4 221:24</p> <p><b>equality</b> [2] 223:7,23</p> <p><b>equipment</b> [14] 33:19 40:18 61:26 71:2 73:1 83:20 89:16 90:3 95:14 132:16 157:13 215:6 255:24</p> <p><b>equipped</b> [2] 63:15 88:5</p> <p><b>equivalent</b> [1] 283:11</p> <p><b>errors</b> [1] 126:1</p> <p><b>ES</b> [1] 77:15</p> <p><b>escape</b> [4] 43:17 60:8 137:1,12</p> <p><b>escort</b> [2] 41:2 155:22</p> <p><b>escorted</b> [1] 159:7</p> <p><b>ESS</b> [1] 77:15</p>	<p><b>essentially</b> [1] 157:11</p> <p><b>established</b> [4] 18:1 49:19 198:17 199:9</p> <p><b>estates</b> [2] 197:8 276:8</p> <p><b>estimate</b> [2] 7:19 86:24</p> <p><b>European</b> [1] 212:6</p> <p><b>evacuating</b> [1] 64:16</p> <p><b>evaluating</b> [2] 172:15 176:13</p> <p><b>evaluation</b> [1] 169:3</p> <p><b>evening</b> [3] 54:5 212:1,9</p> <p><b>evenings</b> [2] 282:22 283:12</p> <p><b>event</b> [3] 22:23 111:5 183:18</p> <p><b>events</b> [3] 15:7 79:15 180:9</p> <p><b>eventually</b> [2] 144:14 160:19</p> <p><b>everybody</b> [19] 2:20 8:19 9:23 16:21 25:15 37:2 51:3 151:14 160:25 171:3 180:8 188:18 198:8 199:14 234:18 237:6 249:3 261:19 268:17</p> <p><b>everybody's</b> [5] 48:23 160:9 171:11 249:20 277:16</p> <p><b>evidence</b> [39] 1:9 2:7 4:4 8:10 17:16 21:16 25:1 34:11 40:14 43:10 47:7 47:9,16,19 55:9 69:3 76:8 90:4 92:4,24 97:11 106:15 130:12 136:14 148:20 171:25 178:10 183:3 189:5 206:17 233:4 235:1 240:19 250:16,22 269:10 283:4 284:17,20</p> <p><b>exact</b> [2] 49:8 150:17</p> <p><b>exactly</b> [23] 18:20 31:25 38:16,18 41:18 63:7 64:24 66:5,6 76:20 109:7 119:7 139:18 140:7 147:15 155:23 160:5 174:1 176:9 184:5,21 190:8 208:25</p> <p><b>examination</b> [9] 3:20 82:24 91:6 98:12 177:26 197:15 216:5 240:19 276:13</p> <p><b>examining</b> [1] 218:16</p> <p><b>example</b> [12] 16:26 28:7 70:7 88:3 166:26 185:15 186:8 192:22 199:2 239:9 245:7 253:19</p> <p><b>examples</b> [2] 3:6 252:7</p> <p><b>exceeding</b> [1] 44:25</p> <p><b>excellent</b> [1] 83:3</p> <p><b>except</b> [1] 36:11</p> <p><b>excess</b> [8] 28:4 32:20 33:10 101:22 108:3 116:16 172:10 259:16</p> <p><b>exchange</b> [1] 249:1</p> <p><b>excuse</b> [1] 98:3</p> <p><b>excused</b> [1] 215:26</p> <p><b>Executive</b> [1] 274:20</p>	<p><b>exercise</b> [1] 171:2</p> <p><b>exercises</b> [1] 64:11</p> <p><b>exhibits</b> [1] 285:20</p> <p><b>exist</b> [1] 256:18</p> <p><b>exists</b> [3] 181:11 190:19 191:5</p> <p><b>exit</b> [3] 23:12 26:1,6</p> <p><b>exits</b> [2] 22:23 28:13</p> <p><b>expect</b> [5] 27:13 51:12 87:5 168:6 247:24</p> <p><b>expectation</b> [2] 181:9 225:15</p> <p><b>expected</b> [7] 109:24 111:11 113:16 115:16 124:19 199:3 238:5</p> <p><b>expedite</b> [1] 202:6</p> <p><b>expensive</b> [1] 203:25</p> <p><b>experience</b> [18] 4:14 65:16 89:15 97:6 104:14 129:8 152:25 181:11 182:21 187:11,26 188:4 190:16 219:12 239:8 252:8 253:2 254:16</p> <p><b>experienced</b> [4] 61:23 212:10,18 254:14</p> <p><b>expert</b> [7] 18:16 83:26 130:25 211:6 213:2 243:10 270:5</p> <p><b>expertise</b> [11] 109:16 130:5,17 168:2 175:11 211:13 214:18 243:5 246:2,10,17</p> <p><b>experts</b> [2] 16:17 211:8</p> <p><b>explain</b> [9] 11:14 20:14 21:19 105:5 131:26 152:17,18,18 168:23</p> <p><b>explained</b> [12] 24:23,24 47:2 51:3 73:8 94:13 141:7,9 164:24 181:23 238:3 254:20</p> <p><b>explaining</b> [1] 17:9</p> <p><b>explanation</b> [4] 48:2 51:8 73:7,9</p> <p><b>exploration</b> [2] 68:5 102:2</p> <p><b>explore</b> [1] 166:23</p> <p><b>explored</b> [1] 164:24</p> <p><b>exploring</b> [1] 50:13</p> <p><b>exponentially</b> [1] 71:25</p> <p><b>expose</b> [1] 70:12</p> <p><b>express</b> [1] 10:3</p> <p><b>expressed</b> [2] 172:3 222:1</p> <p><b>expressing</b> [1] 251:19</p> <p><b>expression</b> [4] 39:11 62:20 232:12 255:19</p> <p><b>extensive</b> [1] 187:25</p> <p><b>extensively</b> [2] 100:10 220:10</p> <p><b>extent</b> [2] 150:5 172:2</p> <p><b>exterior</b> [1] 18:4</p> <p><b>external</b> [3] 26:9,11,13</p> <p><b>externally</b> [1] 95:16</p> <p><b>extra</b> [5] 223:20 259:24</p>
---	---	---	---	---

<p>260:23,24 265:19 <b>extract</b> [2] 48:3 86:12 <b>extraction</b> [2] 49:20 54:21 <b>extras</b> [1] 133:12 <b>extreme</b> [1] 75:18 <b>Exxon</b> [1] 170:9 <b>eyes</b> [1] 93:17</p> <hr/> <p style="text-align: center;"><b>-F-</b></p> <p><b>FAA</b> [2] 28:10 29:19 <b>face</b> [3] 11:22 61:1 171:13 <b>facilities</b> [15] 13:5,16 45:12 48:3 55:1 64:16 67:6,16,19,23 68:2 175:9 176:26 220:3 248:12 <b>facility</b> [22] 2:18 42:25 55:4 63:21 64:6,16 69:1 76:10 104:4 108:20 114:19 115:10 209:3 219:2 221:11 225:17 240:21 242:18 244:5 255:19 256:25 268:25 <b>facing</b> [1] 35:25 <b>fact</b> [27] 5:13 17:20,26 26:10 29:19 35:14 37:25 52:1 72:5 96:17 104:7 109:25 116:26 128:19 133:7 144:6 168:1 198:25 204:24 205:8 206:19 226:20 236:7 251:4 261:8 262:4 282:13 <b>factual</b> [4] 1:10 256:17 256:22 257:25 <b>factually</b> [1] 257:15 <b>Fagan</b> [7] 51:19,22 284:9 284:25 285:4,5,11 <b>fair</b> [6] 27:14 28:22,25 161:19 240:9 242:3 <b>fairly</b> [11] 101:12 131:23 133:21 201:20 203:19 220:9 223:15 224:26 226:20 236:9 242:20 <b>fall</b> [4] 173:14,15,20 209:8 <b>familiar</b> [6] 53:16,18 145:26 179:7,19 180:15 <b>familiarize</b> [1] 112:7 <b>families</b> [4] 36:13 90:22 197:3 276:4 <b>family</b> [5] 285:14,16,21 285:24 286:2 <b>far</b> [7] 25:14 35:15 87:9 127:7 234:17 250:23 271:17 <b>fashion</b> [2] 59:22 193:12 <b>fast</b> [5] 44:14 47:1,14,25 88:7 <b>faster</b> [1] 253:9 <b>fatalities</b> [2] 96:8 97:3 <b>fatality</b> [4] 53:1,4 88:24 88:25 <b>father</b> [1] 30:1 <b>favour</b> [2] 128:2,3</p>	<p><b>fear</b> [1] 25:12 <b>fears</b> [1] 215:10 <b>feature</b> [1] 54:19 <b>features</b> [4] 17:9,11,19 215:4 <b>February</b> [3] 1:1 287:4 287:10 <b>feedback</b> [1] 75:11 <b>feeling</b> [2] 91:15 259:21 <b>feelings</b> [1] 104:11 <b>feet</b> [11] 60:26 73:24 100:2 153:25 154:1 155:1 174:21 197:20 198:2 228:1 257:13 <b>fellow</b> [3] 204:26 205:1 278:1 <b>felt</b> [6] 150:9 198:3 230:3 246:5 278:9,13 <b>fender</b> [1] 30:7 <b>few</b> [12] 1:8 25:14 38:20 71:22 94:18 96:6 116:16 146:21 154:19 161:10 230:2 282:16 <b>fidelity</b> [3] 62:20,24,26 <b>field</b> [4] 35:13 174:16 270:6 286:1 <b>fields</b> [2] 217:10 219:13 <b>fifteen</b> [2] 87:1 92:9 <b>fight</b> [2] 13:10,12 <b>fighting</b> [1] 13:9 <b>figure</b> [2] 8:1 9:19 <b>figured</b> [1] 138:21 <b>filed</b> [2] 190:23 256:22 <b>fill</b> [1] 217:1 <b>fill-in</b> [1] 7:11 <b>filled</b> [1] 180:26 <b>filling</b> [1] 7:13 <b>final</b> [7] 173:5 174:3 179:5 185:2 206:10 269:16,23 <b>finally</b> [5] 1:19 41:21 184:5 234:26 281:1 <b>finding</b> [2] 89:6 261:18 <b>fine</b> [6] 31:25 57:8 63:5 77:24 230:1 263:19 <b>finer</b> [1] 93:7 <b>finger</b> [3] 118:22 257:6 272:2 <b>finished</b> [2] 80:15,19 <b>fire</b> [2] 41:26 42:3 <b>first</b> [56] 1:16 3:9 5:14 6:22 16:16 29:4 33:11 33:17 39:16 73:19,26 74:14 75:2 77:19 83:12 85:19,20 93:12 103:11 103:14 115:1,13 132:8 139:11 152:24 155:7,24 156:25 158:12,14,15 160:16 167:17 172:7 174:22 180:20 186:2 212:5 220:21 221:17 225:3,7,18 234:22 238:5 244:11 250:5 251:10 256:14 268:4,10 280:7</p>	<p>281:4,5,8,13 <b>fit</b> [6] 74:8 169:12,20,25 171:11 262:13 <b>fitted</b> [4] 74:15,16,26 75:4 <b>fitting</b> [1] 75:2 <b>Fitzwright</b> [5] 64:12 65:16,18 263:9 264:10 <b>five</b> [13] 44:17 77:1,1 160:15 172:10,19 184:18 209:19 222:9,10 223:8 266:2 282:17 <b>fix</b> [6] 202:6 203:19,21 238:14,19 278:18 <b>fixed</b> [5] 42:15 46:14 121:21 262:7 268:23 <b>flare</b> [1] 163:14 <b>flashing</b> [1] 41:26 <b>flat</b> [1] 206:18 <b>flaws</b> [2] 77:26 78:2 <b>fleet</b> [1] 73:11 <b>Flemish</b> [1] 26:23 <b>flew</b> [6] 94:15,16,16 100:11 102:10 133:6 <b>flies</b> [2] 9:23 38:23 <b>flight</b> [66] 31:2,3 33:10 34:3,7 35:7,18 41:14,15 41:15,21 52:15,15 54:2 54:11,13 56:22,25 64:2 64:21 65:9 71:21 72:5 72:11,12 73:20 74:9 79:12,20 91:10 132:7,8 132:9 134:21 135:4,9 138:15 153:18 161:7,20 161:24 162:7,20 169:9 169:11,12 176:7 191:17 191:17 192:1 268:4,5,5 268:9,10,11 281:2,4,5,6 281:8,8,13,15,19 285:15 <b>flights</b> [29] 7:17 33:26 46:4 50:7,12 52:21 53:22 54:17 56:7,12 69:24 70:6 70:12,15 71:4 72:24 75:16 79:20 102:1 133:17 152:15 163:21 267:7,11 268:23 269:5,7 271:10 281:24 <b>float</b> [2] 24:4 64:10 <b>floatation</b> [7] 44:15,19 49:20 91:21 147:23 176:11 214:10 <b>flotation</b> [1] 91:22 <b>flow</b> [6] 167:13 174:14 179:11 198:22 203:11 243:11 <b>flowing</b> [3] 78:18 119:5 218:2 <b>flown</b> [5] 16:25 130:26 132:5 134:3 158:17 <b>fly</b> [27] 8:12,14 32:19 33:3 37:14,25 39:2 44:22 44:24 53:25 55:12,25,26 56:3 69:25 70:5 71:8,20 86:22 88:22 89:1 111:26 133:22 136:9 139:12 150:1 189:18 <b>flying</b> [39] 10:21 16:24</p>	<p>18:23 19:18,23 25:12 26:23 27:8 41:22 46:5 46:24 51:25 52:20,24 55:2,5,15,17 56:20 57:24 65:12 68:26 69:1 72:4 83:5,10 85:8 86:7,9 88:17 89:23 92:13,17 94:24 101:2,12 132:5 133:1 153:11 <b>focus</b> [14] 2:10 58:16,17 83:7 132:1 167:8 171:9 175:24 205:13 206:1 245:16 250:12 251:5,8 <b>focused</b> [3] 171:7 245:11 250:21 <b>follow</b> [7] 182:11 207:24 209:26 217:4 221:15 259:24 272:4 <b>followed</b> [5] 100:4 165:24 184:19 186:20 278:11 <b>following</b> [10] 7:1 11:22 79:14 145:20 146:16 154:26 157:14 183:23 184:17 193:6 <b>foot</b> [5] 59:3 174:20 258:23,24 259:3 <b>forefront</b> [1] 253:16 <b>foregoing</b> [1] 287:3 <b>forget</b> [1] 284:5 <b>form</b> [2] 107:16 112:6 <b>formal</b> [10] 4:6 8:22 113:26 120:17 143:17 190:22 191:3 198:10,19 233:6 <b>formalize</b> [2] 117:10 187:9 <b>formalized</b> [1] 174:13 <b>format</b> [1] 231:2 <b>former</b> [1] 145:25 <b>forth</b> [9] 5:22 8:15 10:21 80:7 83:5 133:21 167:14 242:9 275:2 <b>fortunately</b> [1] 194:12 <b>forward</b> [42] 3:5,5 77:12 95:10 114:7 117:10 119:20 122:18 129:10 130:3 134:15 144:11 151:16 162:20 163:17,18 164:23 167:10 170:17 190:21 191:7 202:22 203:2 207:15 212:22 229:22 231:10 233:21 243:13 244:13,16 256:18 257:20 259:3 275:1 279:9 279:13 280:5 283:9,10 284:19,21 <b>found</b> [8] 73:23 92:2 143:4 160:19 174:23 215:13 233:18 261:10 <b>four</b> [26] 67:3,5 68:11,11 68:13,15 70:19,19 73:1 94:13 95:14 99:16 100:2 117:11 186:11 187:19 220:12 222:11,15 223:8 223:17 264:1 266:2 267:24 268:7 272:24 <b>Foxtrap</b> [1] 64:7</p>	<p><b>FP50</b> [15] 1:15,20 4:15 4:26 6:17 31:5 33:13 36:18 217:15 221:12 224:9 236:5 274:11,19 274:23 <b>frame</b> [2] 22:11 156:3 <b>frames</b> [1] 198:16 <b>frank</b> [1] 188:12 <b>frankly</b> [1] 161:3 <b>Fraser</b> [1] 182:16 <b>Fraser's</b> [1] 182:16 <b>free</b> [3] 78:18 174:14 179:11 <b>freedom</b> [2] 190:20 238:8 <b>freezing</b> [1] 218:3 <b>frequent</b> [1] 170:21 <b>frequently</b> [1] 281:24 <b>fresh</b> [4] 223:2,4 263:19 265:23 <b>Freshwater</b> [1] 64:9 <b>Friday</b> [6] 63:14 66:7 122:19 140:20 206:2 282:16 <b>Fridays</b> [1] 114:3 <b>fro</b> [1] 57:21 <b>front</b> [8] 1:18 12:9 98:17 100:21 101:2 177:25 230:9 260:16 <b>Frost</b> [1] 2:1 <b>fuel</b> [25] 17:11,20 18:5 19:24 20:5,22 25:21 26:11,13 28:12,26 30:2 30:19 129:19 132:6 133:2 133:25 134:8,22 135:1 135:23 136:3 137:4,17 139:1 <b>fuelled</b> [1] 41:11 <b>full</b> [17] 15:3 20:21 24:6 24:10,13,13 39:2,3 72:12 106:24 113:25 132:11 133:22 134:18 179:23 195:13 233:7 <b>fully</b> [2] 88:5 95:20 <b>function</b> [7] 109:11 112:4 121:22,26 202:25 203:8 205:8 <b>functioned</b> [1] 193:22 <b>functioning</b> [4] 179:6 193:20 203:15 242:18 <b>functions</b> [4] 109:5,9 110:11 116:8 <b>fundamental</b> [1] 105:14 <b>fuselage</b> [1] 137:5 <b>futile</b> [1] 228:8 <b>future</b> [3] 25:16 79:17 79:19</p> <hr/> <p style="text-align: center;"><b>-G-</b></p> <p><b>game</b> [3] 3:7 37:23 229:4 <b>Gander</b> [5] 54:1,3,11 57:20,24 <b>garage</b> [1] 37:7 <b>gas</b> [2] 5:11 58:13</p>
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<p><b>gather</b> [4] 142:24 158:9 181:15 192:12 <b>gathered</b> [1] 258:3 <b>GBS</b> [2] 1:18 220:6 <b>gear</b> [1] 184:9 <b>gearbox</b> [14] 15:24 34:8 73:22,24 160:19 174:21 184:11,13 194:8,14,16 198:1 199:13 200:21 <b>gearboxes</b> [1] 197:20 <b>geared</b> [1] 150:24 <b>general</b> [7] 25:19 91:14 109:19 165:24 170:6 174:16 180:26 <b>generally</b> [39] 7:19 13:3 103:21 106:26 110:15 111:3,16 112:17 114:4,8 114:25 115:21 118:7 119:18 120:3 122:1 124:11,13 127:19 129:22 132:7,10 133:2,5 153:10 166:16,19 178:13 179:23 187:8 189:19,20 192:14 192:25 200:14,15 229:6 229:8 232:15 <b>generically</b> [1] 128:16 <b>generous</b> [1] 11:4 <b>gentleman</b> [4] 1:14 96:13 145:22 276:25 <b>gentlemen</b> [3] 1:3 283:3 283:13 <b>germination</b> [1] 171:26 <b>GF</b> [1] 7:1 <b>GFS</b> [1] 69:15 <b>given</b> [22] 15:26 21:7 28:14 55:18 56:11 75:15 86:25 96:12 112:1 113:15 118:9 137:8 146:6 152:13 186:3 204:25 215:1 236:10 283:4,10,20 284:2 <b>giving</b> [3] 21:16 78:9 283:6 <b>glad</b> [3] 11:11 14:8 161:3 <b>Glomar</b> [2] 9:21 69:15 <b>goals</b> [2] 104:17,22 <b>God</b> [1] 43:24 <b>goes</b> [14] 15:2 36:15,15 63:16 66:8 85:9 115:2 124:16 129:1 204:26 220:14 225:10 238:14 264:8 <b>goings</b> [1] 117:6 <b>gone</b> [6] 8:26 32:22 79:2 92:7 171:1,8 <b>good</b> [42] 1:3,7 3:9,12,17 3:19 13:4 14:8 37:10 40:13 48:7 51:8,25 58:19 58:21 59:4,7 65:12 76:9 76:19 92:19 95:9 98:5 98:15,18,18 104:8 126:13 168:9 185:15 205:21 212:7 218:18 235:12 237:16 238:24 248:2 253:12 273:25 277:18 284:2 286:10 <b>good-bye</b> [1] 61:12</p>	<p><b>Goodland</b> [1] 147:7 <b>Goodrich</b> [2] 9:22 69:14 <b>Google</b> [1] 16:21 <b>government</b> [6] 39:17 40:1 82:15 196:19 227:6 275:23 <b>governs</b> [1] 175:17 <b>GPS</b> [2] 84:6,21 <b>graduated</b> [1] 99:12 <b>Grand</b> [4] 7:1 66:26 69:10,15 <b>grave</b> [1] 29:1 <b>great</b> [16] 11:19,20,24 16:23 28:25 40:11 61:8 62:17 79:17 92:14,19 233:26 242:10 245:20 251:25 272:17 <b>greater</b> [1] 39:7 <b>greatest</b> [2] 91:18,25 <b>ground</b> [3] 42:17 254:10 258:25 <b>group</b> [23] 28:24 107:18 108:11 111:19,19,20,22 113:22,25 114:1 118:5 124:4 170:5 205:25 206:6 233:4 235:4 236:4,5 246:14 248:8 261:22 285:13 <b>groups</b> [2] 111:17 120:13 <b>grow</b> [1] 252:25 <b>guaranteed</b> [2] 54:6,8 <b>guess</b> [71] 66:7 75:22 76:12 85:9 88:6 101:8 101:18 102:11 104:15,24 115:4 118:25 119:19 127:12 129:21 130:2 132:4 133:6 148:17 150:1 152:24 154:19 157:9 161:6 165:4 166:23 167:13 170:5 174:3,12 174:25 176:13 180:20 186:11 187:9 193:23 194:3 198:3 200:19 203:17 207:1 208:1 209:1 213:4 220:13,14 225:1 226:10,14 227:11,14 228:24 230:14 238:15 240:13 241:22 249:4 252:16,17 253:9 254:9 255:10 258:18,19 260:2 268:8,16 270:6 278:9 280:13 285:7 <b>guessing</b> [2] 271:5 280:13 <b>guest</b> [2] 222:23,24 <b>guidance</b> [1] 24:19 <b>guide</b> [1] 4:8 <b>guinea</b> [2] 263:1,5 <b>guy</b> [8] 7:13 23:4 73:25 74:21 145:26 211:23 222:19,21 <b>guys</b> [11] 14:2,17 16:22 29:25 36:7,12 39:19 40:9 56:25 64:20 254:7</p>	<p><b>H&amp;S</b> [1] 246:1 <b>half</b> [18] 7:15,25 24:13 57:19 121:9,10 122:4 138:1 149:4 156:1,6 157:6 170:12 219:16,21 220:11 222:8 281:18 <b>Halifax</b> [9] 6:26 7:8 63:14 66:8 194:4,5,23 199:10 265:5 <b>hamper</b> [1] 130:18 <b>hampered</b> [1] 144:2 <b>hand</b> [10] 93:7 137:12 144:14 190:12 205:21 228:7 236:22 250:5 259:6 259:7 <b>handle</b> [2] 228:3 270:8 <b>handled</b> [3] 36:8 124:8 230:22 <b>handover</b> [2] 237:18 256:24 <b>hands</b> [4] 178:23 201:15 241:22 278:14 <b>hands-on</b> [3] 211:23 214:17 215:14 <b>hangar</b> [1] 215:2 <b>Hank</b> [1] 214:24 <b>Hansen</b> [5] 75:1 82:9 196:14 278:15,17 <b>happening</b> [5] 72:21 80:3 89:14 95:7 159:8 <b>happenstance</b> [1] 159:6 <b>happy</b> [1] 48:24 <b>hard</b> [10] 11:15 15:1 36:13 117:1 190:4,11 210:8 217:4 254:11 261:18 <b>harder</b> [2] 75:18 89:23 <b>hardy</b> [1] 169:7 <b>Harris</b> [22] 82:20,22,24 82:25 83:1 84:18,26 85:7 86:19 87:7,12,19 88:1 88:10 89:3,21 90:1,11 90:16 196:24,25 276:3 <b>hazard</b> [5] 11:26 136:23 180:25 181:3 226:16 <b>hazardous</b> [1] 12:8 <b>hazards</b> [1] 11:17 <b>head</b> [5] 32:8 181:4 224:23,24 261:12 <b>heading</b> [1] 153:25 <b>heads</b> [4] 110:18 119:11 128:1 283:6 <b>headsets</b> [2] 154:2 175:4 <b>health</b> [51] 2:13 103:22 105:7,19,21 110:10 112:10 120:16 123:13 129:10,23 130:20 139:20 159:23 161:25 164:1 165:17 167:11 169:13 172:1 174:4 175:8 178:6 198:15 199:22 200:11 201:2,7,13,20 202:22 203:1,8 204:20 206:14 206:25 207:9 221:3,10 221:21 225:24 236:4 243:19 261:5 262:3</p>	<p>269:20 270:1 274:17 276:19,24 277:1 <b>hear</b> [26] 13:7 14:8 26:22 72:2 110:22 111:23,25 118:15,18,23 119:11 143:23 151:14 169:10 188:15,22 191:11,12,16 193:26 198:14,16 200:26 202:5 212:21 250:4 <b>heard</b> [37] 10:11 15:1 43:10 50:10 58:4 67:14 67:22 69:3 73:26 74:26 76:8,26 87:17 90:7 93:12 93:24 95:10 104:4 106:15 109:10 118:14 132:15 136:14 155:9,21 160:20 162:16 194:3 227:22 232:12 234:26 251:24 258:9 268:22 269:17 274:8 287:4 <b>hearing</b> [10] 2:3 77:7 92:4 164:20 216:8 277:16 277:17 283:15,16 287:4 <b>heat</b> [2] 90:7 95:12 <b>heave</b> [1] 46:15 <b>heavy</b> [3] 100:18 133:21 163:11 <b>height</b> [1] 259:10 <b>heightened</b> [1] 279:20 <b>held</b> [3] 5:4 115:22 140:21 <b>heli</b> [1] 193:15 <b>helicopter</b> [133] 2:10,14 2:18 20:4,8,9 24:4 26:19 31:5,26 32:16 35:5,6,9 40:17,21 42:10 44:13,15 46:3 47:2 54:18,21 58:6 59:6 64:1 66:2,23 67:20 68:26 69:4,11 70:8,11 70:14,22 72:25 73:22 78:6 79:23 83:8,26 86:6 91:8 93:4,22 95:15,19 95:22 102:3 109:11,12 109:18,23 129:9,25 130:19 131:24 132:7,12 132:18 134:4,15 135:4 135:23 136:10,24 137:1 137:18 141:8 145:26 147:23,26 148:2 149:8 149:19 152:11,26 153:6 153:21 154:23,26 155:4 155:9,16 160:6 162:26 163:10,12,13 164:10 167:9 168:12,20 174:5,9 175:2 176:18 189:15 191:10,14 194:4,15 195:13 198:12 199:12 200:16,19,23 211:5,7,16 212:11 213:6,7 214:5,8 215:3,4,9 239:16,23,23 240:2 243:7 250:14,15 250:19 252:3 254:9 257:25 269:19 270:2 <b>helicopters</b> [47] 14:10 16:17 19:19 27:8 44:18 66:24 68:12,20 70:16,18 72:13,22 83:14,21 86:21 100:11,17,20 101:3,11 102:5 103:24 129:14 130:7,16,25,26 131:19</p>	<p>133:1 153:14 154:13 155:11 173:17 174:15 176:11 198:6,23 213:6 214:11 217:10 244:8 245:12,21 249:21 252:10 271:12 281:9 <b>helideck</b> [2] 37:5 192:14 <b>helipad</b> [3] 42:24 46:7 49:21 <b>heliport</b> [1] 74:15 <b>Helly</b> [5] 75:1 82:9 196:14 278:15,17 <b>help</b> [16] 5:23 25:18 27:16 45:4 54:13 56:20 57:1 62:13 70:8 93:11 159:19 243:6 245:20 269:24,25 277:5 <b>helpful</b> [3] 81:18 97:12 174:18 <b>helps</b> [1] 93:9 <b>Hennessey</b> [1] 147:7 <b>Henry</b> [2] 9:21 69:14 <b>hereby</b> [1] 287:2 <b>hey</b> [1] 75:25 <b>Hibernia</b> [30] 1:17 2:14 6:5 32:22 44:24 45:2 55:5 98:22 101:10 102:24 104:14 105:8 108:3 114:3 116:18 132:4 134:3 153:10 159:24 162:26 168:22 169:14 172:8 182:17 191:23 192:3,24 219:26 222:3 233:19 <b>Hibernia's</b> [1] 46:13 <b>hide</b> [1] 115:4 <b>hierarchy</b> [1] 207:24 <b>high</b> [5] 12:6,7 33:21 154:12 206:21 <b>higher</b> [1] 97:4 <b>highest</b> [4] 70:10 105:20 105:20 115:9 <b>hinder</b> [2] 261:24 272:22 <b>hinderance</b> [1] 207:6 <b>history</b> [1] 99:4 <b>hitch</b> [5] 36:17 158:16 233:11 234:2 249:23 <b>hitches</b> [1] 101:18 <b>HMDC</b> [18] 81:9,12,13 103:7,23 105:13 108:22 117:8 129:11 133:16 141:3 144:12,25 145:22 177:20 178:2 206:18 273:19 <b>hoc</b> [4] 111:26 189:21 219:17 249:10 <b>hoist</b> [1] 33:22 <b>hoisting</b> [1] 33:19 <b>hold</b> [1] 4:26 <b>holds</b> [2] 93:4,6 <b>home</b> [15] 4:17 5:24 6:1 12:11 14:3,4 36:12,18 43:26 56:25 70:4 71:8 71:13 143:12 149:10 <b>honest</b> [1] 10:6 <b>hood</b> [4] 171:5 260:18,19</p>
---	--	--	--	---

**-H-**

<p>260:24 <b>hook</b> [1] 262:1 <b>hope</b> [7] 85:12 97:17 117:3 168:14 261:17 263:24 271:21 <b>hopefully</b> [1] 264:8 <b>hoping</b> [4] 10:22 80:4,5 234:22 <b>horizon</b> [1] 84:12 <b>hot</b> [1] 217:26 <b>hotseat</b> [1] 79:7 <b>hour</b> [16] 32:20 33:10 57:16,19 58:7 86:26 87:8 87:21 88:14 92:9 121:9 156:1,6,9 157:6 272:20 <b>hours</b> [20] 52:21 54:5,7 57:22,23 59:5 87:5,20 121:10 131:1 249:25 263:24,25 264:1 265:18 266:2 272:24 277:4 281:18 283:6 <b>hover</b> [18] 50:21 51:2,8 51:12,26 52:8 54:19,22 83:16,19 84:5,9,15,19 84:23 85:2 92:26 93:3 <b>Howard</b> [3] 138:25 213:16,26 <b>HR</b> [1] 234:8 <b>HTS-1</b> [4] 242:2 260:11 261:11 262:10 <b>HTS-1s</b> [1] 263:14 <b>hubbub</b> [1] 190:6 <b>HUEBA</b> [14] 75:19 171:24 172:6,15,21 173:11,12,18 199:17,25 200:4 244:24 250:23,24 <b>HUET</b> [2] 137:4,9 <b>huge</b> [1] 33:24 <b>human</b> [1] 226:15 <b>humidifier</b> [1] 201:22 <b>humidity</b> [1] 201:23 <b>humorous</b> [1] 105:12 <b>hundreds</b> [3] 130:26,26 131:1 <b>Hurley</b> [4] 82:11,12 196:16 275:20 <b>Husky</b> [5] 7:2 69:12 82:1 196:6 275:11 <b>Hussey</b> [158] 1:19 2:16 216:2,2,5,7,10,22 217:3 217:7,11,12,22 218:10 218:24 219:3,14,24 220:4 220:18,24 221:5,13,23 222:2,6 223:3,14,25 224:6,12,16,25 225:19 225:25 226:4,8,24 227:3 227:23 228:14,21 229:7 229:11,19 230:5,11,18 230:24 231:4,24 232:3,7 232:16,20,26 233:10,16 234:15 235:7 236:2,11,8 236:18 237:9,15,24 238:10,23 239:10,17,21 240:4,22 241:2,9,20 242:21 243:1,8,23 244:6 244:18 245:18 246:22</p>	<p>247:2,10,15,20 248:15 249:13 251:7,21 252:15 253:4 254:1,5,15 255:8 255:20 256:1,5,10,19,23 257:17 258:5,15 259:18 260:1,10 261:7 262:12 262:23 263:3,11 265:3 266:11,18,23 267:2,8,12 267:22 268:6,15 269:2 269:13 270:4,13,17,21 270:25 273:7 274:1,9,14 274:24 275:7,8,17 276:13 276:15 277:6,12,22 278:6 278:25 280:4,12,23 281:2 281:10,16,25 282:3 283:25 284:6 <b>Hydro</b> [1] 99:14 <hr/><b>-I-</b><hr/><b>Ian</b> [3] 81:11 177:26 178:2 <b>ID</b> [1] 180:25 <b>idea</b> [7] 72:3 93:21 214:17 233:26 234:5 237:16 278:18 <b>ideal</b> [2] 37:26 127:10 <b>ideally</b> [1] 127:12 <b>ideas</b> [2] 179:11 248:5 <b>identical</b> [1] 157:25 <b>identified</b> [2] 79:20 192:9 <b>identify</b> [1] 90:6 <b>idle</b> [1] 154:9 <b>ignoring</b> [1] 55:17 <b>imagine</b> [1] 283:3 <b>imbalance</b> [1] 163:4 <b>immediate</b> [2] 22:26 225:17 <b>immediately</b> [4] 35:6 40:20 100:3 192:10 <b>immersion</b> [2] 64:12,15 <b>immunity</b> [1] 10:23 <b>impact</b> [5] 52:14 92:2,6 93:25 261:5 <b>impacts</b> [1] 52:12 <b>impasse</b> [1] 200:12 <b>impediment</b> [5] 16:1 19:2 23:22 137:1,19 <b>implement</b> [4] 64:5 175:17 177:1 201:24 <b>implementation</b> [2] 13:13 79:21 <b>implemented</b> [2] 11:24 203:13 <b>implementing</b> [1] 202:6 <b>important</b> [18] 14:26 62:25 66:14 84:19 85:3 86:2,6 94:1 95:25 126:26 151:25 152:7 186:17 212:24 230:10 255:12 274:7 283:18 <b>importantly</b> [1] 152:19 <b>impression</b> [2] 180:10 202:24 <b>impressive</b> [1] 215:5</p>	<p><b>impromptu</b> [1] 214:22 <b>impropriety</b> [1] 218:13 <b>improve</b> [4] 78:20 170:7 257:1 271:9 <b>improved</b> [4] 60:17 78:19,19 234:24 <b>improvement</b> [7] 78:23 158:23 166:26 271:2,8 271:16,25 <b>improvements</b> [3] 59:26 252:13 269:25 <b>improving</b> [1] 176:14 <b>impunity</b> [1] 191:7 <b>in/year</b> [1] 268:24 <b>inability</b> [1] 54:18 <b>inadequate</b> [1] 175:24 <b>Inc</b> [2] 287:12,14 <b>inches</b> [2] 257:16,18 <b>incident</b> [48] 8:17 24:12 25:13 35:8,17 36:17 50:17 58:7 61:21 62:1 87:23 88:16 110:3,7 111:5 118:19 157:17,18 157:20 158:20 159:1 162:18,25 163:3 165:9 169:16 171:19 183:10,11 183:23 184:18 186:20 190:18 192:1,8,18 194:24 195:4,17 198:4 200:20 245:23 249:16 255:14 257:3,7 258:2 278:8 <b>incidents</b> [2] 34:18 162:17,25 163:26 164:4 164:16 165:6,7 174:15 189:18 191:10,11 193:10 193:25 197:26 198:13 252:4,9,18,19 258:1 <b>includes</b> [1] 102:23 <b>including</b> [1] 105:10 <b>inclusion</b> [1] 20:5 <b>increase</b> [7] 20:6,11 54:20 66:19 72:15 136:23 248:13 <b>increased</b> [7] 15:5 52:1 70:13,13 136:7 161:6 167:8 <b>increases</b> [1] 53:5 <b>indeed</b> [6] 6:3,3 7:5 26:26 53:19 86:21 <b>independent</b> [2] 128:24 169:2 <b>indicated</b> [9] 75:14 131:21 142:1 156:5 162:17 182:25 202:20 204:17 232:10 <b>indicating</b> [1] 203:12 <b>indication</b> [5] 37:13 41:9 154:5 160:17 184:8 <b>indicative</b> [1] 28:24 <b>indicator</b> [4] 31:6 32:9 32:10 37:9 <b>individual</b> [13] 12:10 48:17 70:17 128:20 144:12,15 145:19 170:9 171:12 178:9 206:19 226:11 255:6</p>	<p><b>individual's</b> [1] 150:24 <b>individuals</b> [2] 122:20 173:16 <b>industry</b> [18] 5:11 39:5 49:5 56:15,16 58:8,13 61:7 78:24 79:12 99:3 113:3 176:4 200:7 215:8 229:2,6,8 <b>infancy</b> [1] 228:6 <b>infant</b> [1] 228:7 <b>informal</b> [1] 191:2 <b>information</b> [33] 16:26 18:22 21:9 57:11 77:9 77:11 83:4 84:2 111:4,4 111:12 119:1,4 142:24 163:25 167:14 174:14 185:1,20 195:11 198:22 203:10 213:2 233:12,20 234:5 246:10 249:1 251:16 257:20,25 258:3 283:9 <b>informed</b> [7] 31:7 74:6 74:6 139:14 140:18,20 141:25 <b>infrared</b> [1] 95:10 <b>ingress</b> [4] 91:24 148:7 262:15 265:7 <b>inherent</b> [4] 11:18 13:8 20:3,7 <b>inherently</b> [2] 101:5 136:9 <b>initiated</b> [1] 74:15 <b>initiatives</b> [1] 203:12 <b>injured</b> [2] 52:15 118:20 <b>input</b> [5] 76:16 126:7 127:24 160:18 242:10 <b>inputs</b> [1] 184:9 <b>inquiry</b> [17] 21:11 53:18 58:4,17 80:5,9 81:14 92:5 158:24 183:3 214:14 250:14 271:22 274:6,9 282:25 283:2 <b>inside</b> [8] 18:25,25 22:3 30:9 133:3 134:8,23 153:21 <b>inspection</b> [2] 120:7,9 <b>installation</b> [15] 28:9 32:18 36:23,24 46:7 47:3 56:24 69:5,25 94:17 121:23 182:2 192:2 238:7 242:24 <b>installations</b> [23] 8:18 12:9,10 28:5 42:8 45:1 45:11 48:17,21 55:12 56:18 67:10 69:13 70:1 70:2 72:6,20 73:3 104:26 106:11 191:12 192:11 200:3 <b>installed</b> [1] 33:23 <b>instance</b> [12] 37:4 95:12 118:20 121:12 128:4 176:10 194:5 201:21 211:14,24 212:14 214:10 <b>instances</b> [1] 127:18 <b>instead</b> [1] 268:9 <b>instill</b> [1] 264:23</p>	<p><b>Institute</b> [1] 21:11 <b>institutional</b> [1] 255:5 <b>insulate</b> [1] 217:23 <b>insulated</b> [1] 217:25 <b>insulation</b> [2] 218:7,15 <b>insulator</b> [3] 217:15,16 217:20 <b>insulators</b> [1] 219:5 <b>integrated</b> [1] 134:14 <b>integrity</b> [2] 218:15 264:21 <b>intends</b> [1] 4:3 <b>intent</b> [4] 180:26 210:17 210:19,23 <b>intention</b> [1] 2:22 <b>interact</b> [1] 111:10 <b>interacted</b> [1] 148:13 <b>interaction</b> [4] 146:20 213:4 214:2,6 <b>interchange</b> [1] 249:9 <b>interest</b> [3] 2:4 16:23 199:13 <b>interested</b> [5] 36:7 83:9 192:4 262:17 277:24 <b>interesting</b> [1] 63:10 <b>interior</b> [3] 25:20 26:24 28:26 <b>internal</b> [3] 20:11 29:5 29:10 <b>internet</b> [1] 286:4 <b>interprovincial</b> [1] 5:17 <b>interrupt</b> [1] 4:9 <b>intervene</b> [1] 202:12 <b>intervening</b> [1] 180:9 <b>interviewed</b> [2] 249:17 285:21 <b>intimate</b> [1] 242:20 <b>intrigued</b> [1] 211:2 <b>introduced</b> [4] 5:15 133:5 169:19 170:3 <b>introduction</b> [1] 74:18 <b>investigate</b> [2] 144:8 181:22 <b>investigated</b> [2] 146:8 183:6 <b>investigating</b> [4] 21:13 140:24 147:9 218:12 <b>investigation</b> [21] 19:25 20:2 57:3 128:25 141:2 142:22 143:18,18 145:2 145:16,23 146:10 148:10 149:5,7 150:25 179:14 180:17 186:4 232:21 242:11 <b>investigative</b> [1] 232:21 <b>invite</b> [2] 98:4,15 <b>involve</b> [1] 58:20 <b>involved</b> [16] 126:20 131:22 146:2 162:20 169:14 183:13 185:22 189:17 200:3 205:20 206:22,24 208:2 239:22 243:16 251:2</p>
---	--	---	--	--

<p><b>involvement</b> [6] 2:1 146:12 199:21 201:3,12 202:16</p> <p><b>involving</b> [3] 129:14 166:13 252:9</p> <p><b>issue</b> [133] 21:17 24:2,4 28:5 30:19,24 40:17 50:8 59:13 70:26 71:3 72:2 72:16 73:15 76:7 83:16 89:7,22 104:2 110:7 114:18,25 115:8,22,24 119:19,23 124:11 127:25 128:4,13,23 131:26 136:4 138:1,5 139:21 140:10 145:5 149:1 150:13,15 152:20,24 155:12,26 156:26 159:22 160:3,6 161:7,12,26 162:12 163:5 166:18,18 168:23,25 169:18,25 170:21 173:11 174:22 178:5,9,12 179:10 179:12 181:13 183:21 185:3,11,14 186:8 187:1 188:21 189:2 190:1 193:26 194:1,16 195:14 198:1,3 199:12 200:10 201:10,11 204:5,8 205:7 205:14,24 207:10,16 208:1 211:16 221:16 223:7,12 225:6 226:20 230:21 237:7 239:9,13 239:15 240:11,12,25 241:15 242:15,24 243:4 243:7,7 246:15 250:14 250:25 251:20 252:3 253:18 260:3,4 264:12 277:15,19,21 278:3 279:9 280:7,16</p> <p><b>issued</b> [2] 189:25,26</p> <p><b>issues</b> [176] 2:11,15,18 16:4 49:20,20,21 76:5 79:26 81:15,17 83:9,10 105:22 109:18,24 110:22 113:18,19 114:6,9 115:6 117:9 118:12 119:3 122:13,17,26 127:14 129:8,13,19 130:3,8,19 135:22 136:3 138:26 142:11,12 144:10 145:8 146:19 148:3 149:8 152:12 153:14 161:13,19 164:6 166:10,13,17 167:1 167:9,14 168:11,12,13 168:19,20 169:12,20 170:4,11 171:12,13 172:16,23 173:6 174:10 174:17 175:1,3,4,5,14 176:12,14,16,17,25 178:13 189:8,15,23 190:14,21 191:6,14,19 191:21 192:5,23 194:13 200:17,19 201:16,18,20 202:17 203:2,17,18,21 203:25 204:23 205:3,16 205:23 206:4,5 207:4,21 209:24 211:5 212:16,18 213:20,25 214:4,5,9,25 221:16 228:19 231:9 233:21 234:6,20 238:3,4 238:8 239:5,16,23 240:3 241:14 242:17,18 243:21 244:2,12,15,19,25 245:1</p>	<p>245:14 247:4 249:10,12 249:21 250:1,4,6,13,17 258:9,19 261:5,6 262:6 267:5 269:19,21 270:3 272:2,3 274:13 275:2 279:3,5,25 280:5,9,10</p> <p><b>it'll</b> [4] 260:15 268:11,11 281:19</p> <p><b>item</b> [4] 28:15 167:11 183:22 245:22</p> <p><b>items</b> [5] 28:1 165:19 166:3 188:13 216:13</p> <p><b>itself</b> [9] 12:17 87:2 88:26 104:3 147:3 150:18 184:12 185:5 228:17</p>	<p style="text-align: center;"><b>-K-</b></p> <p><b>keep</b> [6] 14:17 198:21 218:2,3 243:12 263:23</p> <p><b>keeps</b> [2] 222:19 230:25</p> <p><b>kept</b> [3] 94:19 126:17 143:10</p> <p><b>kilometres</b> [1] 95:14</p> <p><b>kind</b> [52] 6:9 41:23 58:11 85:13 89:18 90:2 91:13 100:20 117:1 119:1 121:14 126:7,17 127:19 136:26 137:18 144:2 155:5 169:22 170:14 175:16 191:19 200:22,22 201:12 207:16,16 212:26 213:24 218:8 219:17 221:22 222:21 229:20 233:22 234:8,17 237:1 241:21 243:10,11 246:5 248:18 250:4 259:19,20 260:21 262:2 265:11 271:23 278:13 280:1</p> <p><b>kinds</b> [4] 77:2 163:25 228:19,20</p> <p><b>kiss</b> [1] 61:11</p> <p><b>knew</b> [5] 75:22 154:25 191:21 195:14 278:11</p> <p><b>knocking</b> [1] 11:3</p> <p><b>knowing</b> [2] 65:26 192:5</p> <p><b>knowledge</b> [25] 44:26 67:8 84:15 85:6 113:15 114:5 128:9,15 131:19 143:25 159:24 212:21,23 213:13,24 215:9,15 220:13 229:23 242:20 244:3 248:14 252:1,21 280:19</p> <p><b>knowledgeable</b> [1] 227:16</p> <p><b>known</b> [9] 61:3 75:16,20 170:4 209:17,18 221:11 252:20 253:17</p> <p><b>knows</b> [1] 43:24</p>	<p><b>languish</b> [1] 203:26</p> <p><b>Lannon</b> [1] 147:6</p> <p><b>lapse</b> [1] 205:12</p> <p><b>lapses</b> [1] 193:23</p> <p><b>large</b> [8] 100:18 116:13 124:4 173:25 228:22 251:8 258:21 259:9</p> <p><b>largest</b> [1] 79:25</p> <p><b>last</b> [33] 26:22 43:11 56:8 57:18 73:21 90:18 95:11 96:6 98:24 101:19 119:23 120:22 146:3 171:1,7 172:19 194:2 209:19 219:17 221:9 223:16 229:2 233:11 234:21 237:3 242:4 247:22 248:17 249:15,23 251:10 252:21 268:9</p> <p><b>lasts</b> [1] 121:9</p> <p><b>late</b> [2] 172:9 222:10</p> <p><b>latest</b> [2] 91:17,25</p> <p><b>launch</b> [2] 47:13,25</p> <p><b>Laurentian</b> [1] 68:24</p> <p><b>law</b> [1] 38:14</p> <p><b>lawn</b> [1] 11:4</p> <p><b>lay</b> [1] 258:24</p> <p><b>lead</b> [4] 4:16 16:10 206:7 278:12</p> <p><b>leadership</b> [1] 274:19</p> <p><b>leading</b> [2] 145:23 212:13</p> <p><b>leads</b> [2] 242:15 281:24</p> <p><b>leaks</b> [1] 28:12</p> <p><b>learn</b> [2] 77:24 145:15</p> <p><b>learned</b> [4] 64:6 171:18 193:18 234:13</p> <p><b>learning</b> [4] 89:14 225:1 228:2 230:16</p> <p><b>least</b> [11] 65:25 67:10 68:3 69:21 71:7 74:5 150:7 156:10 170:11 234:2 279:23</p> <p><b>leave</b> [12] 22:1 41:14,15 58:18 65:10 71:23 161:9 176:25 177:7 180:10 267:13 276:3</p> <p><b>leaves</b> [4] 69:7 253:10 253:11 281:17</p> <p><b>leaving</b> [1] 36:18</p> <p><b>led</b> [1] 125:13</p> <p><b>left</b> [10] 25:23 37:11 154:21,25 155:1,24 178:4 241:21 279:2 286:10</p> <p><b>left-hand</b> [1] 137:11</p> <p><b>leg</b> [2] 260:15,15</p> <p><b>legislation</b> [9] 107:23 108:5,26 112:9 113:16 123:12 128:19 139:18 210:3</p> <p><b>legitimate</b> [1] 279:11</p> <p><b>legs</b> [1] 258:22</p> <p><b>length</b> [1] 126:16</p> <p><b>lengthy</b> [4] 121:11 147:20 149:4 187:5</p>	<p><b>less</b> [13] 25:16 54:6,8 55:9 56:7,10 57:15 70:17 87:15 109:4 122:6 156:22 167:3</p> <p><b>lesson</b> [1] 193:18</p> <p><b>lessons</b> [1] 171:18</p> <p><b>level</b> [20] 49:19 66:19 104:18 115:9,15 131:17 160:23 185:26 206:23,25 225:13 233:23,24 234:8 238:5,6 243:5 252:23 256:12 280:14</p> <p><b>liability</b> [1] 172:17</p> <p><b>liaise</b> [1] 168:21</p> <p><b>liaised</b> [1] 144:13</p> <p><b>life</b> [4] 32:26 62:21 215:13 279:7</p> <p><b>lift</b> [2] 35:7 100:18</p> <p><b>lifted</b> [2] 37:5,11</p> <p><b>light</b> [15] 31:6 32:4,9 34:5,7,8,9 37:9 51:26 126:18 160:16 174:19 194:8 200:21 207:13</p> <p><b>lightly</b> [4] 35:26 36:2,16 42:4</p> <p><b>lights</b> [5] 33:26 34:2,11 34:17 41:26</p> <p><b>liked</b> [1] 227:17</p> <p><b>likelihood</b> [2] 15:4 188:21</p> <p><b>likely</b> [3] 15:4 28:23 265:15</p> <p><b>likewise</b> [1] 189:6</p> <p><b>limit</b> [5] 48:26 49:4,14 49:14 71:19</p> <p><b>limitation</b> [1] 46:3</p> <p><b>limitations</b> [3] 46:4,5 48:15</p> <p><b>limited</b> [2] 44:14,16</p> <p><b>limits</b> [3] 46:19,24 69:24</p> <p><b>line</b> [11] 12:2,9 29:3 62:9 62:14 63:5 86:14 224:17 261:23 262:1 271:12</p> <p><b>lines</b> [1] 237:2</p> <p><b>liquids</b> [1] 218:2</p> <p><b>list</b> [1] 223:10</p> <p><b>listed</b> [1] 9:2</p> <p><b>listen</b> [1] 41:24</p> <p><b>listened</b> [1] 11:16</p> <p><b>listening</b> [1] 214:16</p> <p><b>lists</b> [1] 21:7</p> <p><b>live</b> [3] 20:25,25 149:26</p> <p><b>Lived</b> [1] 5:19</p> <p><b>livelihoods</b> [1] 10:6</p> <p><b>lives</b> [1] 237:6</p> <p><b>living</b> [1] 108:15</p> <p><b>Local</b> [9] 1:13 5:2 102:22 102:23 103:1 220:23 274:22 283:14 284:18</p> <p><b>locate</b> [1] 86:12</p> <p><b>located</b> [2] 134:8 193:14</p> <p><b>location</b> [2] 72:15 134:16</p> <p><b>locations</b> [2] 61:24</p>			
<p style="text-align: center;"><b>-J-</b></p> <p><b>J</b> [1] 197:15</p> <p><b>Jack</b> [2] 82:24 83:1</p> <p><b>January</b> [11] 31:3 33:13 94:10,10 192:8 194:21 195:17,18 233:13 253:22 253:25</p> <p><b>job</b> [11] 12:11 37:21 39:13 40:10 93:20 99:15 101:10 150:1 209:15 219:23 277:18</p> <p><b>jobs</b> [1] 80:8</p> <p><b>John</b> [6] 3:20 98:12 182:15,16 208:12 216:5</p> <p><b>John's</b> [39] 32:15 35:5 35:14 40:19 43:4 57:25 58:6 59:15 83:2 86:4,24 87:2,9,22 88:15,20,21 89:2 99:8,14 112:22 134:26 144:12,24 145:13 154:6 155:19 156:2,7,10 157:8 159:7 160:8 199:11 253:23 254:7 272:21 287:5,9</p> <p><b>JOHS</b> [28] 105:9,18 107:1 115:2,25 141:2 160:2 164:6 169:3 172:25 179:15 180:12 183:1,17 183:21,24 185:13,15 186:13 189:8,9 194:2 200:2 204:1 209:4 233:18 248:19 250:3</p> <p><b>joined</b> [3] 123:5 225:3 227:9</p> <p><b>joint</b> [20] 105:17,18 120:15 122:14 123:1 128:22 129:10 139:19 140:21 142:8,21 170:25 170:25 178:5,14 201:17 207:8 233:15,17 234:12</p> <p><b>journeyman</b> [3] 5:17 217:16,18</p> <p><b>joy</b> [1] 27:2</p> <p><b>judge</b> [1] 51:4</p> <p><b>Judy</b> [1] 287:13</p> <p><b>July</b> [6] 51:14 152:16,19 152:26 161:20 183:11</p> <p><b>jump</b> [3] 35:19 64:9 65:11</p> <p><b>jumped</b> [2] 257:13,15</p> <p><b>jurisdiction</b> [1] 250:13</p>				<p style="text-align: center;"><b>-L-</b></p> <p><b>L1</b> [1] 102:12</p> <p><b>Labrador</b> [5] 82:16 100:11,15 275:24 287:6</p> <p><b>lacking</b> [1] 75:5</p> <p><b>ladies</b> [1] 1:3</p> <p><b>lady</b> [2] 211:23 276:25</p> <p><b>land</b> [8] 32:17 33:4 38:12 41:20 42:6,7,9,14</p> <p><b>landed</b> [6] 37:7 157:10 157:26 158:9 163:9 254:6</p> <p><b>landing</b> [19] 32:24 36:24 36:26 42:10 46:9,19 47:24 70:11 84:10,10,14 157:10 158:4,7 163:10 164:10 194:12 272:11,13</p> <p><b>landings</b> [1] 67:20</p> <p><b>lands</b> [2] 42:12 47:3</p>			

<p>206:12 <b>locator</b> [2] 89:12 90:3 <b>logistically</b> [1] 237:19 <b>logistics</b> [1] 145:25 <b>longer</b> [7] 27:8 57:19 71:25 228:4 230:14 278:13 282:17 <b>longevity</b> [1] 228:11 <b>look</b> [21] 16:25 26:18 47:26 56:22,23 65:12 97:10 119:22 151:9 168:26 169:1 175:22 190:15 210:19 213:25 215:24 246:19 261:13 271:8,9 279:24 <b>looked</b> [11] 8:16 61:4 63:6 142:20 147:21 170:13 172:13,22 181:5 183:17 235:2 <b>looking</b> [20] 10:3 17:18 22:23 36:1,3 44:18 45:24 74:4 77:16 95:10 154:10 170:6,11 172:12,21 210:22 261:16 271:18 279:23 281:17 <b>lost</b> [4] 32:14 61:20 116:16 271:4 <b>lots</b> [2] 16:14 281:3 <b>love</b> [1] 277:17 <b>loved</b> [1] 212:9 <b>low</b> [4] 163:13 189:6 201:22 264:6 <b>lower</b> [2] 41:22 93:8 <b>lowest</b> [1] 59:14 <b>luck</b> [1] 48:7 <b>lunch</b> [5] 36:10 114:4 161:10,15,18 <b>lying</b> [1] 31:23</p>	<p><b>man</b> [2] 95:17 207:11 <b>manage</b> [1] 33:2 <b>management</b> [44] 77:6 106:3,4,12 115:10,15 120:8 123:6,17,25 125:14 144:5 168:22 179:9 188:6 203:4,5,6 206:13 207:8 207:20,21 211:11,20 212:14,20 215:20 221:24 221:24 222:10,11,14,15 222:17 223:10,11,17,20 224:10 241:23 246:14 254:22 257:2 277:25 <b>manager</b> [5] 17:1,8 107:10 182:2 238:7 <b>mandatory</b> [1] 36:22 <b>manner</b> [3] 221:8 274:16 278:10 <b>MANNING</b> [3] 81:6 177:17 273:16 <b>manoeuvres</b> [1] 155:19 <b>manufacture</b> [1] 265:2 <b>manufacturer</b> [2] 14:14 150:8 <b>March</b> [10] 37:22 52:22 56:8 57:17 67:1 169:16 198:21 251:10 252:12 281:22 <b>Marine</b> [2] 21:10 99:15 <b>Mark</b> [1] 2:1 <b>marketplace</b> [1] 43:12 <b>Martin</b> [6] 90:22,23 197:4,5 276:4,5 <b>material</b> [3] 259:17,24 260:17 <b>materials</b> [1] 12:8 <b>math</b> [1] 8:1 <b>mating</b> [1] 6:19 <b>matter</b> [12] 5:13 36:14 59:6 96:17 140:22 144:8 146:7 162:2 179:5 207:17 210:8 282:12 <b>matters</b> [5] 141:11 144:14 164:22 175:13 286:9 <b>mature</b> [1] 230:16 <b>may</b> [46] 14:24 20:21 24:19 54:11 65:21,22 88:4 111:26 116:23 117:5 120:12 121:17 127:26 134:4 153:2,4,13,24 185:26 188:14,25 193:26 203:4 207:13 211:19 212:16,22,25 213:12 214:9 215:10 217:26 226:12,12 231:7 235:10 236:24,25 248:6 251:14 253:17 257:15 262:15 266:2 268:17 286:1 <b>mean</b> [46] 34:9 38:5 44:21 48:21 56:20 59:2 74:4 104:13 116:15 119:18 130:23 131:7 144:3,6 145:6 150:12,15 150:18,23 152:25 159:17 161:5 167:7 175:12,24 180:25 184:2 188:12</p>	<p>191:13,22 199:8 201:4 203:18 204:9 209:17 210:18 211:22,22 223:2 223:8,19 228:22 256:11 261:12 272:13 281:13 <b>meaningful</b> [1] 188:19 <b>means</b> [4] 49:10 170:7 206:19 287:7 <b>meant</b> [5] 133:25 180:10 259:11 279:6,7 <b>meantime</b> [1] 236:5 <b>meanwhile</b> [1] 142:26 <b>measurement</b> [1] 34:22 <b>measuring</b> [1] 57:25 <b>mechanical</b> [2] 40:17 130:18 <b>mechanism</b> [6] 140:3 163:23 168:10 175:16 245:15 257:24 <b>mechanisms</b> [1] 181:15 <b>media</b> [5] 285:22,22,23 285:23 286:1 <b>medium</b> [1] 74:22 <b>meet</b> [8] 33:12 41:1 93:22 96:18 114:3,4 120:18 277:4 <b>meeting</b> [100] 17:2 106:17 107:1,1,3 110:10 110:16,17,17,23,25 111:3 111:21,24 117:8,11,15 117:18,25 118:11,25 119:9,16,21,25,26 120:4 120:4 121:8,11,15,17 122:14 123:1,2,16,23 124:9,22 125:15,19,24 139:23 140:4,9,19,21 141:6 145:19 146:4 147:3 160:2,2,4 162:3 165:20 165:25 166:1,2,4,6,10 168:14 172:25 179:16,26 180:5,6,13 184:4 186:20 186:25 188:8,18 194:2 195:6,7,18 204:15,17,22 204:26 206:16 212:17 233:7,15,17,19 234:4,11 235:2 236:4,5,24 237:3 248:3,18 249:24 256:24 280:15 <b>meetings</b> [29] 106:21 111:18,18 122:18,19 124:13,18 167:12 179:18 180:7 181:24 183:22 184:22 187:10 190:2 201:7,9 205:23 211:4 223:16 230:22 233:6 235:5,8 247:8 250:3 252:23 258:16 278:9 <b>meets</b> [1] 28:15 <b>member</b> [6] 83:1 179:9 236:15 241:7 282:9 285:16 <b>members</b> [18] 97:16 112:11 117:23,24 124:19 204:19 205:5 231:3 235:4 236:12 248:20 278:1 283:8,14 285:15,21,24 286:2 <b>membership</b> [1] 236:6</p>	<p><b>Memorial</b> [3] 82:10 196:15 275:19 <b>mention</b> [3] 109:10 173:10 200:20 <b>mentioned</b> [17] 24:1 52:23 83:18 85:26 93:12 93:24 96:20 117:22 118:12 150:13 199:17 200:10 209:9 214:1 218:22 247:7 267:5 <b>mercy</b> [1] 14:13 <b>message</b> [1] 243:18 <b>met</b> [5] 141:5,22 146:15 233:5 265:13 <b>metal</b> [2] 34:13 217:17 <b>meters</b> [2] 58:20,22 <b>method</b> [1] 76:15 <b>metre</b> [2] 38:9 44:26 <b>metres</b> [3] 44:21,23,25 <b>microphone</b> [4] 98:16 98:17 177:25 274:24 <b>mid</b> [1] 220:14 <b>middle</b> [1] 268:11 <b>might</b> [44] 16:5 38:1 50:26 71:5 103:24,24 117:3 118:15,23 122:17 132:19 133:7,8,13 137:20 155:8 156:13 159:2 167:9 181:5 182:10,11 186:18 191:2 192:23 193:18 203:24,25 205:8 211:21 212:23 214:18 215:19 223:18 226:13 227:25 236:11,13 245:12,12 257:18 260:23 277:9 281:3 <b>mike</b> [1] 1:6 <b>milk</b> [1] 72:4 <b>mill</b> [4] 164:21 190:10 253:12 257:21 <b>mind</b> [10] 20:8 25:19 41:24 93:23 94:12,19,26 202:12 245:5 278:4 <b>minds</b> [4] 18:26 22:2 62:17 210:16 <b>mine</b> [2] 65:6 136:2 <b>minimized</b> [1] 61:20 <b>minimizing</b> [1] 11:21 <b>minimum</b> [1] 28:17 <b>minor</b> [1] 245:2 <b>minuses</b> [2] 208:16,19 <b>minute</b> [10] 44:2,3 57:21 57:23 86:3,15,23,26 285:10,12 <b>minutes</b> [66] 32:20 33:11 33:23 54:8 57:14 58:5,7 85:23 87:1,8,13,21,22 88:5,14 92:9 124:18,22 124:26 125:15,15,19 126:11,15,18,23 127:5,7 154:19 156:4,5,9 160:15 162:4,13 180:7 183:17 183:21 184:3 185:25 186:6,24 194:20,21 201:8 202:3,11 204:1 205:22 222:20 230:21,25 231:11</p>	<p>231:13,16,20 236:8,23 237:13 240:11,20 265:9 265:10,12,16 285:17 <b>Miquelon</b> [1] 68:22 <b>miss</b> [3] 255:15,18,19 <b>mistaken</b> [2] 251:13 254:21 <b>mobility</b> [1] 261:1 <b>mock</b> [2] 137:2,18 <b>mode</b> [1] 35:10 <b>moderate</b> [2] 38:8 44:16 <b>modified</b> [1] 242:2 <b>modules</b> [1] 160:18 <b>moment</b> [3] 4:24 166:12 255:13 <b>Monday</b> [1] 282:16 <b>money</b> [4] 48:23 178:24 202:1 203:20 <b>month</b> [3] 38:20 192:7 194:2 <b>months</b> [16] 68:21 74:9 96:6 99:16 100:2 138:1 145:7 170:2 186:11 227:8 230:2 240:16 254:4 267:25 268:8 281:22 <b>morning</b> [37] 1:3,7 3:9 3:12,17,19 81:14,19 90:20,26 92:25 93:16,18 93:25 97:11 98:5,15,18 110:16,17 120:4,5 136:6 139:5 141:16 143:4 150:14 166:3 181:9 204:17 205:1,1,2 206:15 283:5 285:13 286:14 <b>Moss</b> [1] 287:13 <b>most</b> [21] 2:2 14:26 25:15 39:3 61:14 122:1 132:11 153:18 192:17 194:9 199:11 218:1 219:8 228:25 241:23 244:22 249:20 266:7 279:3 282:16 284:1 <b>motion</b> [1] 46:14 <b>mounted</b> [2] 95:17 133:3 <b>mounting</b> [3] 73:24 174:20 198:2 <b>mounts</b> [1] 192:9 <b>mouth</b> [3] 110:2 164:8 189:19 <b>move</b> [13] 19:8 37:6 44:7 47:4 98:16,16 133:14 161:21 162:19 163:17 170:17 260:25 261:14 <b>moved</b> [9] 6:23 7:12 25:2 30:9,9 35:7 101:7,10 125:12 <b>moving</b> [3] 70:20 207:15 261:25 <b>mow</b> [1] 11:3 <b>Ms</b> [14] 51:19 81:1 82:17 90:26 177:12 196:19,21 273:12 275:25 284:9,25 285:3,5,11 <b>multiple</b> [3] 70:12,15 72:20 <b>mundane</b> [1] 175:3</p>
<p><b>-M-</b></p>				
<p><b>MACDONALD</b> [3] 82:2 196:7 275:12 <b>machine</b> [1] 155:12 <b>machines</b> [2] 16:24 194:5 <b>Mahoney</b> [5] 81:24 196:3 273:24 274:1 283:18 <b>main</b> [2] 163:2 203:8 <b>maintain</b> [1] 117:2 <b>maintaining</b> [2] 205:16 276:18 <b>maintenance</b> [18] 4:25 28:9 33:18 74:19 108:14 110:19 111:19 198:5,6 211:25 212:10,18,19 213:7 222:21 271:10,11 271:14 <b>major</b> [1] 259:8 <b>majority</b> [3] 117:16 122:1 282:13 <b>makes</b> [5] 19:1 52:9 156:15 187:10 200:10 <b>malfunction</b> [2] 34:4 200:23</p>				

<p><b>Murphy</b> [224] 1:13 2:8 3:9,10,11,14,17,18,20 3:23,24 4:2,12,16,18,19 4:23 5:6,10,26 6:4,11,16 7:6,20,24 8:2,6,25 9:6 9:10,17,26 10:17 11:2,7 11:13 12:21 13:6,18,22 13:26 14:11,22 15:18 16:7,11,15,20 17:6,22 18:2,10,19 19:10,14 20:23 21:18,23 22:19,25 23:3,8,15,24 24:5,9,20 25:11,26 26:4,21 27:1 27:10,18,23 28:2 29:6 29:12,16,23 30:14,21,26 31:12,16,22 32:1,6 33:5 33:9 34:12,16,23 35:1 35:24 37:1,18 38:7 39:18 39:23 40:4,8,23 41:5,17 42:13,18,26 43:7,13 44:4 44:9 45:15,19 46:11,20 46:26 47:8,12,18,22 48:6 48:10,14 49:6,22 50:1,6 50:14,24 51:15,24 52:17 53:11,15,20 54:9,23 55:3 55:11 56:9,19 57:5,9 58:3,26 59:16,25 60:5 60:14,20,24 61:18 62:8 63:4,22 64:18 65:5,20 66:4,21 67:7,17,25 68:6 68:10,25 69:6 71:9,15 72:18 73:12,17 75:9 76:11 77:13 78:7,13,25 79:6,10 80:11,22,23 81:12,20 82:24 83:3,25 84:24 85:5 86:8 87:3,10 87:16,25 88:8,18 89:10 89:25 90:9 91:6,8,16 92:11,22,24 94:2,6 95:26 96:11,19,24 97:7,13,21 97:25 98:3 130:11 274:10 274:15,25 283:24</p> <p><b>must</b> [3] 39:6 215:13 266:21</p> <p><b>Mustangs</b> [1] 74:25</p>	<p><b>need</b> [33] 10:10,11 17:25 42:8 51:4 54:10 62:10 70:14 74:3 76:21 78:16 79:24 83:12 133:19 143:17 165:9 181:2 198:4 207:6 210:8 211:10 216:17 217:25 218:18 228:11 252:5,13 258:20 264:18,25 271:7 272:8 272:25</p> <p><b>needed</b> [6] 5:24 66:25 144:3 181:14 203:21 258:21</p> <p><b>needs</b> [4] 178:21 210:5 233:23 257:10</p> <p><b>negative</b> [2] 25:20 210:12</p> <p><b>negligible</b> [1] 76:17</p> <p><b>neoprene</b> [1] 260:19</p> <p><b>nervous</b> [1] 37:15</p> <p><b>neutral</b> [1] 222:21</p> <p><b>never</b> [14] 13:7 75:22 131:3,5 132:5 136:25,26 171:8 173:22 228:8 229:15 253:12 254:23 263:25</p> <p><b>Nevertheless</b> [1] 27:26</p> <p><b>new</b> [21] 17:10 74:16,21 138:14,15 165:25 184:21 187:1 197:21,26 203:12 223:15 224:26 226:20 234:17 241:24 247:23 248:1 268:3,21 278:20</p> <p><b>newcomer</b> [2] 277:23 278:4</p> <p><b>Newfoundland</b> [11] 4:19 5:16,22 7:9 82:11 82:16 100:5 196:19 199:5 275:24 287:6</p> <p><b>Newfoundlander</b> [1] 99:6</p> <p><b>news</b> [5] 73:26 92:6 212:2 212:4 240:8</p> <p><b>next</b> [23] 1:18,20 15:2 20:20 21:16 22:17 23:11 38:12 44:8 66:7 73:25 100:24 106:17 140:22 145:16 146:12 154:25 173:7 205:1,2,24 240:2 249:2</p> <p><b>nick</b> [1] 257:5</p> <p><b>night</b> [54] 50:7,12,19 51:4,25 52:2,3,10,20,21 52:25 53:4,21,26 54:10 54:17 55:2,6,12,25 56:1 56:3,7,12,21 70:6 71:4 71:20 79:20 83:10,22 84:7 85:8 86:7,9,11,22 88:4,17,22,23 89:1,19 89:23,24 93:1,19 95:15 96:8 97:4 117:14 119:23 121:15 281:24</p> <p><b>nightly</b> [1] 198:7</p> <p><b>nights</b> [1] 236:20</p> <p><b>nine</b> [3] 101:18 265:16 282:17</p> <p><b>NL</b> [1] 287:9</p>	<p><b>NLOPB</b> [3] 127:8 146:10 273:11</p> <p><b>nobody</b> [5] 37:11 77:17 77:18 175:9 188:24</p> <p><b>non-responsive</b> [1] 186:7</p> <p><b>non-stop</b> [1] 70:16</p> <p><b>non-voting</b> [1] 124:25</p> <p><b>none</b> [3] 76:17 104:16 144:7</p> <p><b>noon</b> [1] 141:15</p> <p><b>Nor</b> [1] 185:25</p> <p><b>norm</b> [1] 286:4</p> <p><b>normal</b> [10] 41:22 42:15 115:7 134:23 153:18 160:1 189:15 227:20,24 258:17</p> <p><b>normally</b> [3] 90:16 153:6 155:3</p> <p><b>north</b> [11] 38:21 57:13 57:19 58:9 85:24 96:6 97:2 99:12 100:14 174:23 200:6</p> <p><b>note</b> [3] 63:10 248:16 269:16</p> <p><b>noted</b> [1] 1:26</p> <p><b>notes</b> [10] 4:3,8 124:19 152:13 162:16 173:2 232:10 258:8 267:6 285:19</p> <p><b>nothing</b> [14] 84:12 137:7 137:16 154:6 165:10 184:21 186:6,10,16 194:12 229:16 239:20,22 241:24</p> <p><b>notice</b> [4] 41:19 206:11 285:3,13</p> <p><b>noticed</b> [8] 9:19 51:10 153:20 154:20,22 238:11 258:8 282:8</p> <p><b>notify</b> [1] 33:15</p> <p><b>notion</b> [1] 191:26</p> <p><b>Nova</b> [30] 1:15,20 2:18 4:15,26 5:2 6:17,23 7:12 31:4 32:21 102:25 191:18 192:6 198:26 217:15,24 219:26 220:8,26 221:4 221:12 224:10 233:9 236:5 251:3 267:7 274:11 274:18,23</p> <p><b>Nova's</b> [1] 153:6</p> <p><b>November</b> [8] 135:13 135:17,25 162:6 184:4 187:17 277:10 281:22</p> <p><b>now</b> [114] 1:3,15 5:7 7:3 15:9,12 18:7,14 20:2 25:2 31:18 32:12 36:14 36:15 43:23,25 44:7,21 44:23 46:4,9 50:7 52:5 55:1 56:7,10 61:14 65:13 66:26 69:11,12,16,17,23 71:23 72:7 73:3 76:24 77:12 78:10 80:15,26 82:5 87:13 89:4 90:16 90:17 91:9 93:10 95:22 99:11 110:9 117:22 119:25 120:15,22 121:13</p>	<p>122:9 123:4 125:13 130:2 131:21 134:21 135:2,9 135:23 137:9 138:14 145:8 149:25 160:7 161:9 163:20 165:10 168:9,17 169:23 171:17 172:11 176:24 177:10 187:21 193:6,19 197:22 199:16 200:10 202:19 207:15 212:7 216:1 217:1 219:18 220:21 222:14 223:7 228:2 233:3 238:2 245:5 249:8 250:12 252:3 259:13 260:12,18 263:24 266:5 268:3 270:12 277:9 282:20 284:9,25</p> <p><b>nowhere</b> [3] 175:6 176:21 200:12</p> <p><b>nuisance</b> [3] 34:5,17 131:14</p> <p><b>number</b> [28] 3:4 7:19 16:4 52:20 67:6 68:2 69:11,24 105:9 108:4,6 108:7 116:8,13 117:2 121:22 122:6,9 129:16 152:11 169:8 175:1 176:11 202:19 241:5 252:7 265:18 281:23</p> <p><b>numbers</b> [5] 53:8 123:20 123:25 135:5 150:17</p> <p><b>nurse</b> [3] 124:21 125:5 222:23</p> <p><b>nurses</b> [1] 125:11</p>	<p>174:4 175:8 178:5 198:15 199:22 200:11 201:2,7 201:12 202:22 203:1,8 204:20 206:14,24 207:8 221:3,10,21 225:24 236:4 243:19 269:20 270:1 276:19,24 277:1</p> <p><b>occupied</b> [1] 134:16</p> <p><b>occur</b> [3] 117:5 174:15 193:10</p> <p><b>occurred</b> [1] 211:8</p> <p><b>occurrence</b> [1] 179:17</p> <p><b>ocean</b> [10] 15:2 35:15 38:10 48:4 64:3 65:19 66:1 79:14 263:18 265:25</p> <p><b>October</b> [4] 100:5 152:17 162:18,23</p> <p><b>off</b> [39] 4:16 18:9 35:7 36:9,23,24 37:5,11 58:6 61:5 79:7 86:10 101:17 103:11 121:6,12,13 127:6 132:7 155:1 156:3 162:26 178:4 187:21,24 219:19 223:9 228:23 229:24 231:14,15 242:4 254:10 259:1 279:21 282:19,22 283:5,12</p> <p><b>offend</b> [1] 107:5</p> <p><b>offends</b> [1] 105:9</p> <p><b>offer</b> [7] 25:23 100:4 124:6 208:19 245:8 248:13 263:8</p> <p><b>offered</b> [3] 155:22 227:11 245:8</p> <p><b>offers</b> [1] 25:4</p> <p><b>office</b> [2] 49:15 74:19</p> <p><b>officer</b> [2] 147:5 213:22</p> <p><b>officers</b> [2] 146:15 147:8</p> <p><b>offices</b> [1] 144:25</p> <p><b>official</b> [4] 10:22 56:2 164:14,16</p> <p><b>offshore</b> [65] 6:7,21 7:2 7:9 8:12,20 10:21 11:17 13:16 15:3 19:16 24:25 44:10 57:24 58:8,13,19 61:7 68:19 70:23 72:23 74:20 79:12 80:4 91:11 91:12,20 92:2 97:16 98:21 99:13 101:7,9,15 104:2,3 106:11,12 121:8 121:23 136:9 138:19 139:15,21 144:2 145:6 145:10 149:11 174:16 175:26 176:4,7 182:1 192:17 199:5 207:23 211:5 217:9 229:13 238:7 240:14 248:7 252:22 275:4 283:9</p> <p><b>often</b> [16] 28:13 34:5 45:23 49:13 59:17 72:21 92:18 120:17 129:8 179:8 188:14 191:10 228:4 246:24 253:5,13</p> <p><b>OHS</b> [16] 2:21 105:13,13 107:1,3 109:20 112:11 141:2 151:5,9 168:14 240:20 244:17 247:19 248:20 251:2</p>
<p><b>-O-</b></p>				
<p><b>name</b> [9] 3:22 83:1 96:14 155:17 217:12 227:5 274:1 279:13,17</p> <p><b>names</b> [2] 279:17,18</p> <p><b>narrowed</b> [2] 9:11,13</p> <p><b>narrows</b> [1] 64:8</p> <p><b>nature</b> [9] 4:5 93:20 131:25 180:2 186:3 191:4 199:20 226:15 265:1</p> <p><b>near</b> [4] 94:24 255:15,18 255:19</p> <p><b>nearest</b> [1] 23:18</p> <p><b>nearly</b> [3] 57:18 153:20 259:5</p> <p><b>necessarily</b> [13] 45:13 46:24 61:13 78:1 119:4 132:19 168:6 231:13 234:20 244:21 250:8 256:11 280:18</p> <p><b>necessary</b> [2] 210:12 225:18</p> <p><b>neck</b> [1] 259:17</p>				

<p><b>oil</b> [17] 5:11,14,14,19 6:22 12:26 32:10 48:22,23 58:13 67:9 79:12 112:25 176:4 211:7 217:10 219:12</p> <p><b>OIM</b> [35] 106:20 114:10 114:22 117:24 119:25 120:4 125:26 127:4 140:18 141:21 182:2,17 190:14 195:10 206:11,19 206:22,24 207:7,19 208:16 222:16 224:13,22 225:10,10,18 226:2 233:26 235:3 238:14,25 244:11 245:25 280:8</p> <p><b>OIMs</b> [8] 106:10,19 110:17 119:8 204:26 206:12,15 207:2</p> <p><b>old</b> [7] 30:15 99:7,10 100:5 162:13 186:24 251:8</p> <p><b>omissions</b> [1] 126:2</p> <p><b>once</b> [13] 3:6 76:7 120:1 134:5,6 169:3 175:14 176:20 200:10 233:6 234:2 253:5 286:9</p> <p><b>one</b> [157] 1:13 2:23 5:14 8:1,13 9:1 13:9 14:26 15:2 17:10,18 20:12,17 22:7,9 23:22 24:11 29:24 30:1 31:1,1,5 32:14,18 40:15 41:21 42:6,14 52:12 54:17 55:15,15 56:3,4 57:16 58:11 60:1 61:3 63:11,12 66:13,16 67:9,10 69:11,21 70:25 71:1,2 72:5,7,10,11,12 73:15,25 76:12 79:17 83:11,16 101:1 102:14 102:17 103:6 106:17,20 108:9 110:15 111:21 116:20,23 117:22,23 122:21 124:19 125:13 128:12 129:5 131:3,5 132:19,20,20 134:9 136:24 137:5,10 142:14 148:3 149:5 150:9 152:16 152:17 153:16 154:8,14 154:22 155:10 156:12,21 158:1 159:4 160:10,12 162:25 164:15,15 169:9 173:20 174:25 180:14 181:17 194:5 202:23 203:10 204:14,16,26 205:1,2 206:10 208:8 209:18 210:20 214:24 223:21 226:19 234:3,17 236:4 238:16 240:15 243:10 245:4 247:13,13 248:17,21,24 249:2,2 253:22 256:14 258:11,16 259:6 263:16 264:9 265:1 265:1,18,22 267:5 268:25 269:17 271:4 278:23</p> <p><b>one-engine</b> [1] 32:24</p> <p><b>one-of</b> [1] 127:20</p> <p><b>ones</b> [4] 12:2,6 22:26 278:17</p> <p><b>ongoing</b> [1] 205:15</p> <p><b>onshore</b> [2] 207:19,21</p>	<p><b>Ontario</b> [1] 220:12</p> <p><b>onto</b> [5] 17:13 21:25 24:14 167:22 277:23</p> <p><b>open</b> [9] 76:9 93:17 182:18 189:7 190:18 198:21 211:15 253:9,11</p> <p><b>opening</b> [3] 1:8 3:8 216:14</p> <p><b>operate</b> [2] 70:22 89:13</p> <p><b>operated</b> [2] 73:2 89:12</p> <p><b>operating</b> [2] 70:18 156:23</p> <p><b>operation</b> [6] 28:9 45:22 45:22 115:15 119:12 121:26</p> <p><b>operational</b> [10] 45:23 48:17,20 49:1,25 55:13 71:12 133:20 153:14 225:16</p> <p><b>operations</b> [4] 108:14 111:20 166:18 172:14</p> <p><b>operator</b> [21] 20:9 24:22 25:1 53:25 54:10 56:3,4 56:21 59:12 69:11 71:20 76:13 130:7 132:21 133:11 150:8 170:4 172:13 190:4,15 240:18</p> <p><b>operator's</b> [1] 52:19</p> <p><b>operators</b> [30] 3:4 12:26 14:13 19:17 44:17 48:19 50:15 52:21 55:22 58:23 63:12 69:21 74:13 75:1 75:10 76:9,19,22 77:14 112:26 132:17 135:2 172:12 192:16,17 195:3 267:17,24 278:16 279:22</p> <p><b>opinion</b> [4] 78:10 127:25 129:5 149:24</p> <p><b>opportunities</b> [4] 39:7 60:18 202:21 248:13</p> <p><b>opportunity</b> [22] 65:3 66:2,17 101:3 122:13 124:12 126:7 158:23 179:8 223:11 225:11 230:15 245:8 262:16 263:8 265:1 269:18,23 274:8 275:1 282:6 283:20</p> <p><b>oppose</b> [1] 88:17</p> <p><b>opposed</b> [8] 25:8 54:7 60:18 70:19,19 88:11 156:13 264:17</p> <p><b>optimal</b> [1] 269:11</p> <p><b>optimum</b> [1] 39:8</p> <p><b>option</b> [5] 18:4 19:8 49:7 49:9 51:1</p> <p><b>order</b> [4] 42:9 84:3 166:20 182:10</p> <p><b>organization</b> [5] 2:19 206:20 227:5,6 235:6</p> <p><b>organizational</b> [1] 206:17</p> <p><b>organized</b> [1] 284:19</p> <p><b>original</b> [3] 9:18,20 74:25</p> <p><b>Orphan</b> [1] 100:1</p> <p><b>OSH</b> [3] 165:17 170:17</p>	<p>199:2</p> <p><b>ourselves</b> [1] 91:20</p> <p><b>outboard</b> [1] 17:20</p> <p><b>outfitted</b> [1] 134:25</p> <p><b>outlined</b> [1] 81:15</p> <p><b>outlining</b> [1] 138:25</p> <p><b>outset</b> [1] 180:6</p> <p><b>outside</b> [13] 19:8 30:6 49:5 113:25 128:24 130:6 151:11 193:14 227:2 233:5 246:8,19 284:18</p> <p><b>outstanding</b> [2] 79:13 251:5</p> <p><b>overall</b> [1] 2:26</p> <p><b>overcome</b> [1] 172:23</p> <p><b>overdue</b> [1] 38:15</p> <p><b>overlap</b> [1] 277:3</p> <p><b>overloading</b> [1] 71:3</p> <p><b>overnight</b> [1] 118:13</p> <p><b>overtaxing</b> [1] 73:4</p> <p><b>overview</b> [2] 8:19 9:22</p> <p><b>own</b> [10] 106:23 107:17 108:17 111:17 182:21 209:7 244:20,20 266:13 283:7</p> <p><b>owned</b> [1] 199:1</p> <p><b>ownership</b> [2] 243:21 244:2</p> <hr/> <p style="text-align: center;"><b>-P-</b></p> <hr/> <p><b>p.m</b> [4] 54:3 57:21 58:5 286:15</p> <p><b>package</b> [1] 138:24</p> <p><b>page</b> [3] 55:22,24 56:1</p> <p><b>paid</b> [1] 282:12</p> <p><b>painters</b> [1] 219:5</p> <p><b>PAN</b> [4] 194:6 198:26,26 198:26</p> <p><b>par</b> [1] 156:24</p> <p><b>parameters</b> [1] 149:25</p> <p><b>paraphernalia</b> [1] 48:3</p> <p><b>Parliament</b> [1] 83:2</p> <p><b>part</b> [39] 6:17,19,21 12:17 25:15 63:3 86:4,5 90:3 99:11 118:24 122:1 133:7 134:22 135:1 141:26 153:22 154:7 167:2 179:16 180:5,20 190:18 218:4 219:8 228:25 229:21 235:5,8 239:24 244:22,24 251:10 259:14 260:14,20 271:11 277:3 279:3</p> <p><b>partaken</b> [1] 247:8</p> <p><b>participants</b> [2] 122:2 177:8</p> <p><b>participate</b> [2] 264:22 283:21</p> <p><b>participating</b> [1] 283:19</p> <p><b>participation</b> [9] 1:26 11:11 81:14 113:17 119:15 120:10 123:6 128:6 176:2</p>	<p><b>particles</b> [1] 184:10</p> <p><b>particular</b> [29] 37:3 46:7 69:5 84:21 111:19,22 115:24 119:23 120:26 127:25 128:3 130:5,8 136:24 138:19 164:4 166:20 169:24 178:12 186:16 189:1 202:7 205:14 211:13 214:18 245:4,22 248:3 258:13</p> <p><b>particularly</b> [10] 51:26 83:8 89:19 103:23 129:23 130:17 198:2 199:13 201:15 283:13</p> <p><b>parties</b> [1] 286:6</p> <p><b>partly</b> [3] 208:14,14 236:6</p> <p><b>parts</b> [1] 22:7</p> <p><b>party</b> [1] 105:20</p> <p><b>passed</b> [2] 195:19 212:2</p> <p><b>passenger</b> [3] 17:12 31:3 35:20</p> <p><b>passengers</b> [7] 35:25 36:1 44:13 95:21 133:11 162:19 285:15</p> <p><b>passing</b> [1] 141:26</p> <p><b>past</b> [24] 7:15 13:12,12 75:15 79:16,17 110:20 122:21 126:17 129:14 134:3 136:26 162:23 175:2 176:17 192:7 210:8 213:16 214:22 231:7 238:11 247:16 249:22 268:22</p> <p><b>pattern</b> [1] 48:19</p> <p><b>patterns</b> [1] 117:20</p> <p><b>Peddle</b> [252] 1:17,21 2:12 98:4,5,6,7,12,15,19,20 98:21 99:5,21,25 100:19 100:26 101:16,23 102:4 102:9,16,21 103:2,8,17 104:12,23 105:16 106:2 106:9,18 107:12,22 108:2 108:23 109:6,14 110:1 110:14 111:2,15 112:8 112:15,21 113:2,9,14 114:2,15,24 115:20 116:5 116:10,14,22 117:12,26 118:6,16 119:6,17 120:2 120:19 121:4,25 122:15 122:25 123:10 124:1,10 124:20 125:1,6,10,22 126:8,14 127:2,17 128:8 128:18 129:3,12 130:1 130:22 131:4,18 132:3 132:23 133:4,18 134:1 134:10,24 135:10,18,26 136:16,21 137:6,15,25 138:6,11,16 139:4,13,25 140:6,11,15 141:4,14,19 142:5,17 143:2,9,20,26 144:21 145:4,17,24 146:14 147:4,14,19 148:8 148:22 149:14,23 150:11 151:7,17,21 152:4,8,23 153:9 154:18 155:6 156:14,18 157:19,24 158:5,11,25 159:15,25 161:2,11,18 162:1,11,22</p>	<p>163:8 164:3,25 165:3,22 166:15 167:6,19,24 168:8 169:17 170:19,24 171:20 172:5 173:9,26 174:11 175:21 176:8 177:26 178:3,11,18 179:20 180:19,24 181:19 182:4 182:12,22 183:7,14 184:1 184:20 185:6,17 186:9 186:22 187:4,12,14,20 188:1,10,23 189:13 190:7 190:24 191:8 192:19,26 193:4,9,21 194:25 195:5 195:20,23 197:15,18,23 198:18 199:7,26 200:18 201:14 202:14 203:16 204:11 205:6 206:10,26 208:4,12,21,26 209:16 210:15 211:2 213:3,14 214:21 215:16,21,26 236:3 242:16 243:18 245:9 252:6 274:21,25 283:24</p> <p><b>peeled</b> [1] 155:10</p> <p><b>Peet</b> [1] 287:5</p> <p><b>people</b> [114] 3:2 10:2,10 23:16 25:4,7 37:14,21 39:13,14,15,22 45:26 50:10 51:7 59:5 62:23 71:8 72:8,9,14 74:8 75:2 85:15,17 88:2 89:6,18 89:24 90:6 91:1 92:2,6 105:10 107:20 108:20 112:7 113:20 116:26 117:6,14 121:22 123:17 124:8,14 126:17 132:12 133:9,12,14 134:2 137:9 141:1 142:7 148:13 150:17,21,22,26 153:19 157:4 163:9,15 164:5,9 168:4,16 169:20 189:18 205:10,18,19,25 206:2 209:5,20,25 210:6,22 211:7,17 213:1,2 214:17 214:23 215:14 218:11,16 219:7 221:22 222:17 228:4 234:3,13 236:12 240:14 242:1 249:16 253:6 254:18,19 258:11 264:15 266:7,14 278:12 281:22 282:8,11,14,21 282:24,25 283:19</p> <p><b>people's</b> [1] 210:16</p> <p><b>per</b> [7] 69:11 72:24 107:24 109:16 153:12 225:5 233:6</p> <p><b>perceive</b> [1] 52:18</p> <p><b>perceived</b> [2] 160:25 167:15</p> <p><b>percent</b> [10] 29:20 32:13 53:2,5,6 88:24,25 213:19 229:14 260:12</p> <p><b>perception</b> [4] 52:22 56:6 71:7 210:21</p> <p><b>perennials</b> [1] 169:7</p> <p><b>perfect</b> [1] 38:1</p> <p><b>Perfectly</b> [1] 59:17</p> <p><b>perform</b> [5] 66:1,3 77:4 110:12 274:17</p>
--	--	--	--	---



<p><b>performance</b> [2] 110:21 274:12</p> <p><b>performed</b> [1] 114:14</p> <p><b>perhaps</b> [35] 3:1 4:9 11:1 48:15 49:25 65:7 72:23 79:4 84:20 105:6 124:5 138:4 150:4 152:14 179:3 179:4,12 180:17 181:22 182:26 184:15,16 186:16 188:18 190:4 191:1 194:23 195:19 208:14 211:18 214:14,16 215:19 216:16 242:15</p> <p><b>period</b> [17] 7:10,18 38:21 79:19 92:8 104:1 138:9 166:9 199:18 202:4 204:2 227:24 245:10 251:19 265:17 276:17 277:2</p> <p><b>periodic</b> [1] 219:6</p> <p><b>periods</b> [1] 201:19</p> <p><b>permit</b> [1] 11:25</p> <p><b>perpetual</b> [1] 120:21</p> <p><b>person</b> [18] 23:11 48:4 61:3 93:5,8,9 95:12 118:3 120:3 212:10 213:10 215:20 221:16 223:9 226:14 227:14 254:24 262:21</p> <p><b>personal</b> [8] 14:1 31:1,2 78:9 89:11 128:14 152:24 258:9</p> <p><b>personalities</b> [2] 3:2 207:2</p> <p><b>personality</b> [1] 208:2</p> <p><b>personally</b> [13] 11:21 20:24 33:14 58:11 60:9 61:4 74:17 131:22 183:12 224:26 241:6 254:13 260:9</p> <p><b>personnel</b> [5] 70:1,2 222:8,18 223:20</p> <p><b>perspective</b> [9] 25:24 25:25 29:4 59:11 62:26 166:25 186:18 209:2 241:14</p> <p><b>pertain</b> [1] 176:3</p> <p><b>pertains</b> [2] 199:11 245:21</p> <p><b>pet</b> [1] 65:6</p> <p><b>petition</b> [2] 150:15,18</p> <p><b>phase</b> [7] 6:10 177:22 202:2 274:9 283:17,20 283:21</p> <p><b>phases</b> [1] 274:6</p> <p><b>phone</b> [2] 96:17 100:10</p> <p><b>phrase</b> [5] 20:7 38:22 58:11 59:17 61:11</p> <p><b>picked</b> [3] 184:11 198:5 198:7</p> <p><b>picking</b> [2] 52:3 92:3</p> <p><b>pickup</b> [1] 30:1</p> <p><b>picture</b> [2] 42:9 84:4</p> <p><b>piece</b> [9] 76:6 111:13 136:6 140:23 151:2 215:5 232:24 245:17 255:24</p> <p><b>pieces</b> [2] 73:1 132:15</p>	<p><b>Pierre</b> [1] 68:22</p> <p><b>pig</b> [2] 263:1,5</p> <p><b>Pike</b> [2] 138:25 213:17</p> <p><b>pile</b> [1] 25:24</p> <p><b>pilot</b> [16] 31:7 32:12,23 36:8 37:8 41:23 84:13 93:3 100:21,25 154:3 155:14 156:5 160:7,13 212:15</p> <p><b>pilot's</b> [4] 33:6,8 35:21 36:4</p> <p><b>piloting</b> [1] 213:7</p> <p><b>pilots</b> [3] 36:5 197:8 276:8</p> <p><b>Pinto</b> [1] 30:13</p> <p><b>pipe</b> [3] 218:1,13,13</p> <p><b>pipes</b> [2] 218:3,16</p> <p><b>piping</b> [2] 217:23 218:8</p> <p><b>pitch</b> [1] 46:15</p> <p><b>place</b> [28] 8:3 12:1,23 27:15 30:10 72:10,11 75:19 103:14 104:21 112:17 119:3 126:22 127:20 129:24 130:3 145:3 169:16 173:13 174:9 175:16,23 180:11 181:15 233:22 235:12 241:8 287:5</p> <p><b>placed</b> [3] 134:14 192:12 193:14</p> <p><b>planning</b> [1] 74:19</p> <p><b>plans</b> [1] 133:10</p> <p><b>platform</b> [31] 32:22 98:23 108:9 114:10,26 120:7,9 121:5 124:21 125:4 129:11 150:16 164:12,18 168:11 169:15 179:7 180:14 181:11,25 182:17 190:1,20 191:5 192:3,13,24 201:23 207:11,26 255:24</p> <p><b>play</b> [1] 188:20</p> <p><b>PLBs</b> [1] 89:11</p> <p><b>plenty</b> [1] 124:12</p> <p><b>plucked</b> [1] 39:19</p> <p><b>plus</b> [5] 68:3 88:15 122:4 146:2 210:11</p> <p><b>pluses</b> [2] 208:15,19</p> <p><b>point</b> [66] 13:9 18:20 22:5,8,11 27:16,19 28:19 28:20 34:2 40:24 41:19 42:6 43:3,14 44:8 50:4 56:14,15 67:5 85:4 89:4 89:8 95:9 97:14 103:16 108:9 110:5 119:21 130:11 136:25 139:15 143:6,10 146:6,9 149:22 178:4,7 179:1 184:16 199:6 203:4 223:13 226:9 227:25 228:6 230:16 242:1 244:25 255:11 256:15 263:16 266:5,13 267:14 268:18 270:6,9 271:6,24 272:25 278:3 280:1,4 282:23</p> <p><b>points</b> [7] 22:22 40:15 54:16 66:13 84:8,12</p>	<p>90:14</p> <p><b>policy</b> [2] 15:15 203:12</p> <p><b>politicians</b> [1] 58:12</p> <p><b>poll</b> [1] 142:6</p> <p><b>pond</b> [1] 38:21</p> <p><b>pool</b> [4] 63:15,18 64:1 65:10</p> <p><b>pooled</b> [1] 132:18</p> <p><b>pooling</b> [1] 132:22</p> <p><b>popped</b> [1] 169:8</p> <p><b>port</b> [4] 21:25 22:17 24:14,15</p> <p><b>portion</b> [5] 40:14 78:6 111:13 129:26 284:13</p> <p><b>posed</b> [1] 55:14</p> <p><b>position</b> [15] 4:26 5:4 7:11 30:18 36:21,22 49:18 51:4 93:4,6 102:20 106:16 206:20 217:1 224:23</p> <p><b>positioned</b> [1] 22:1</p> <p><b>positions</b> [3] 209:11,22 222:12</p> <p><b>positive</b> [1] 177:2</p> <p><b>possibility</b> [1] 88:25</p> <p><b>possible</b> [19] 16:1 22:22 35:8 59:14 60:9 62:2,4 62:22 63:1 84:21 85:16 86:22 88:13,13 115:6 206:3 266:5 272:5,9</p> <p><b>possibly</b> [3] 87:24 227:16 248:2</p> <p><b>post</b> [2] 49:9 135:9</p> <p><b>post-crash</b> [1] 79:19</p> <p><b>potential</b> [3] 28:12 35:3 70:10</p> <p><b>potentially</b> [1] 159:4</p> <p><b>power</b> [3] 32:16 42:8 177:1</p> <p><b>PowerPoint</b> [1] 285:19</p> <p><b>practical</b> [1] 284:2</p> <p><b>practically</b> [1] 124:8</p> <p><b>practice</b> [3] 65:23 75:17 76:14</p> <p><b>pre-committee</b> [2] 234:4 248:3</p> <p><b>precise</b> [2] 236:25,25</p> <p><b>preparations</b> [1] 33:15</p> <p><b>prepare</b> [1] 124:22</p> <p><b>prepared</b> [4] 95:5 125:20,23 285:18</p> <p><b>prepares</b> [1] 124:18</p> <p><b>preparing</b> [1] 95:6</p> <p><b>present</b> [6] 8:10 46:5 58:18 123:26 224:7,9</p> <p><b>presentation</b> [8] 4:5 81:18 83:3 138:23 144:15 144:16 146:5,18</p> <p><b>presentations</b> [3] 4:6 222:25 286:2</p> <p><b>presented</b> [3] 134:20 135:22 138:14</p> <p><b>presently</b> [1] 44:16</p>	<p><b>preserved</b> [1] 268:25</p> <p><b>president</b> [7] 5:5 102:22 208:18,23 210:1 211:22 274:21</p> <p><b>pressing</b> [1] 199:12</p> <p><b>pressure</b> [8] 32:10 70:5 70:7,9 71:5,6,7 218:8</p> <p><b>pressures</b> [1] 12:7</p> <p><b>presumably</b> [2] 86:1 245:14</p> <p><b>presume</b> [3] 89:22,24 185:4</p> <p><b>pretend</b> [1] 137:4</p> <p><b>pretty</b> [14] 7:14 8:3 31:17 55:5 89:6 93:21 126:13 134:16 156:26 165:24 172:7 254:10 261:14 269:3</p> <p><b>prevalent</b> [3] 181:12 240:8 251:11</p> <p><b>prevent</b> [1] 80:2</p> <p><b>previous</b> [4] 122:18 150:21 158:16 236:24</p> <p><b>previously</b> [1] 52:24</p> <p><b>primarily</b> [3] 2:13 110:2 120:8</p> <p><b>primary</b> [1] 50:16</p> <p><b>principally</b> [1] 83:6</p> <p><b>principle</b> [2] 222:1 223:23</p> <p><b>priority</b> [1] 206:5</p> <p><b>private</b> [2] 59:12 113:3</p> <p><b>privy</b> [1] 75:23</p> <p><b>ProAct</b> [3] 256:6,17 257:9</p> <p><b>proactive</b> [3] 181:1 188:13 271:25</p> <p><b>problem</b> [18] 32:11,26 41:13 74:12 79:26 89:17 89:20 91:23 167:3 168:1 191:26 200:25 210:9,20 214:20 243:6,20 265:14</p> <p><b>problems</b> [3] 79:20 261:21 276:15</p> <p><b>procedure</b> [8] 15:12,22 42:1 127:14 171:4 182:10 221:15 224:17</p> <p><b>procedures</b> [5] 12:1 55:25 56:2 225:2 228:19</p> <p><b>proceedings</b> [4] 141:23 173:8 286:5,7</p> <p><b>process</b> [39] 52:13 105:1 118:24 127:23 138:23 145:2 146:13 147:20 149:1 150:3,6,23 154:7 157:7 162:9 165:13 174:13 180:6,21 183:2 185:10 189:15 190:12 193:5 194:10 198:19 200:4 202:6 216:9 222:16 222:17 232:22 242:11 243:20 253:9 278:16 280:10,11,18</p> <p><b>processes</b> [4] 77:2 104:21,24 143:24</p> <p><b>produce</b> [1] 48:23</p>	<p><b>producing</b> [2] 67:9 211:7</p> <p><b>production</b> [5] 67:16 68:3 108:14 110:19 166:13</p> <p><b>professional</b> [1] 274:16</p> <p><b>programs</b> [1] 77:20</p> <p><b>progress</b> [1] 175:7</p> <p><b>progressed</b> [1] 278:7</p> <p><b>project</b> [6] 6:5,7 7:13 17:1,8 233:9</p> <p><b>projects</b> [4] 5:15,19,21 6:24</p> <p><b>prolific</b> [1] 66:26</p> <p><b>pronounce</b> [1] 250:24</p> <p><b>pronounced</b> [1] 278:8</p> <p><b>proper</b> [7] 171:3 228:9,9 236:22 237:18 277:4 278:10</p> <p><b>properly</b> [5] 32:17 97:18 126:5 144:9 243:14</p> <p><b>proponent</b> [1] 77:19</p> <p><b>pros</b> [1] 207:26</p> <p><b>protect</b> [1] 272:24</p> <p><b>protected</b> [2] 263:23 273:1</p> <p><b>protection</b> [7] 58:9,14 91:13 217:25 266:5 272:18,20</p> <p><b>protocol</b> [4] 127:13 156:20 198:11 285:22</p> <p><b>protocols</b> [1] 228:20</p> <p><b>proved</b> [1] 61:17</p> <p><b>proven</b> [1] 264:14</p> <p><b>provide</b> [6] 61:24 66:25 71:2 146:23 185:26 245:15</p> <p><b>provided</b> [13] 4:2 39:4,5 39:17 40:2 77:10 112:20 112:25,26 145:1 146:23 185:2 227:2</p> <p><b>provider</b> [5] 26:18 102:8 102:10 113:1 227:2</p> <p><b>providers</b> [2] 14:13 112:23</p> <p><b>provides</b> [4] 43:6 59:11 59:12,19</p> <p><b>providing</b> [2] 44:18 167:12</p> <p><b>public</b> [2] 2:3 274:9</p> <p><b>pull</b> [5] 114:5 194:14 260:13,14,15</p> <p><b>pulled</b> [2] 18:8 259:13</p> <p><b>Puma</b> [2] 102:12 134:17</p> <p><b>Pumas</b> [4] 134:9,12,13 153:11</p> <p><b>purpose</b> [3] 139:26 140:4 200:8</p> <p><b>purposes</b> [2] 46:19 148:17</p> <p><b>pursued</b> [1] 19:9</p> <p><b>pushed</b> [2] 71:18 75:18</p> <p><b>pushing</b> [1] 49:13</p>
--	--	---	--	--

**put** [37] 1:9 15:25 25:3  
30:5,6 40:25 41:12 54:12  
59:17 65:10 66:22 74:23  
75:19 115:5 122:3 131:5  
143:11 144:11,14 146:18  
150:15 167:10 171:4,9  
176:23 178:24 188:16  
203:20 229:21,22 233:20  
254:8 259:2,10 260:11  
277:19 279:13  
**puts** [2] 58:6 69:10  
**putting** [2] 74:24 279:17

**-Q-**

**Q.C** [538] 1:5 3:13,20 4:1  
4:21 5:3,8,23 6:2,8,14  
7:4,16,22,26 8:4,21 9:4  
9:8,15,24 10:13,25 11:5  
11:9 12:15,25 13:15,20  
13:24 14:7,19 15:14 16:3  
16:9,13,18 17:4,14,24  
18:6,12 19:7,12 20:19  
21:15,21 22:12,21 23:1  
23:6,10,21,26 24:7,17  
24:26 25:22 26:2,16,25  
27:6,12,21,25 29:2,8,14  
29:18 30:12,16,23 31:9  
31:14,20,24 32:3 33:1,7  
34:10,14,20,25 35:22  
36:25 37:16 38:4 39:10  
39:21,25 40:6,12 41:3,8  
42:11,16,21 43:2,9 44:1  
44:6 45:10,17 46:8,16  
46:22 47:6,10,15,20 48:1  
48:8,12 49:3,17,24 50:3  
50:9,22 51:6 52:11 53:7  
53:13,17 54:4,15,25 55:8  
56:5,13 57:2,7 58:1,24  
59:9,23 60:2,12,16,22  
61:16 62:5,19 63:20  
64:14,26 65:15,24 66:11  
67:4,13,21 68:1,8,23  
69:2 70:24 71:11 72:1  
73:6,14 75:7 76:3,25  
78:4,11,22 79:1,8 80:10  
80:17 82:2,6,12,22,24  
82:25 84:18,26 85:7  
86:19 87:7,12,19 88:1  
88:10 89:3,21 90:1,11  
90:19 91:1,6,7,26 92:21  
98:1,9,13,14,25 99:19  
99:23 100:16,23 101:13  
101:21,25 102:7,13,18  
102:26 103:4,13,19  
104:20 105:3,26 106:6  
106:14 107:2,14,26  
108:18 109:2,8,21 110:8  
110:26 111:8 112:2,13  
112:19,24 113:6,11,23  
114:13,17 115:12,26  
116:7,12,19 117:7,21  
118:2,10 119:2,13,24  
120:14,24 121:20 122:7  
122:23 123:3,22 124:3  
124:17,24 125:3,8,17  
126:3,10,24 127:9 128:5  
128:10,26 129:7,20 130:9  
131:2,16,20 132:13,25  
133:15,24 134:7,19 135:7  
135:16,20 136:12,18  
137:3,13,21 138:3,8,13

139:2,8,22 140:2,8,13  
140:26 141:12,17 142:2  
142:13,25 143:5,14,22  
144:19,26 145:14,21  
146:11,26 147:10,16  
148:5,19 149:12,20 150:2  
151:3,13,19,23 152:6,10  
153:7 154:16 155:2  
156:11,16 157:16,21  
158:2,8,19 159:13,21  
160:26 161:8,16 162:8  
162:15 163:6,19 164:19  
165:1,15 166:7,22 167:16  
167:21,26 169:5 170:15  
170:22 171:16,22 172:26  
173:24 174:2 175:19  
176:5 177:4,24 196:7,11  
196:16,25 197:10,16,17  
198:9,24 199:15 200:9  
201:1 202:9,18 204:7,13  
206:9 208:3,7,12,13,24  
209:13 210:10,25 215:25  
216:5,6,12,24 217:6,19  
218:6,21,26 219:10,20  
220:1,15,20 221:1,7,19  
221:26 222:4 223:1,6,22  
224:1,8,14,18 225:14,21  
226:1,6,18,26 227:19  
228:10,16 229:5,9,17,26  
230:7,13,20,26 231:19  
231:26 232:5,9,18,23  
233:2,14 234:10,25  
235:11 236:1,1,16 237:4  
237:11,21 238:1,20 239:7  
239:12,19 240:1,17,24  
241:4,12 242:14,23 243:3  
243:15,25 244:14 245:6  
246:12,25 247:5,12,18  
248:10 249:7 250:11  
251:17 252:2,24 253:24  
254:3,12 255:3,17,22  
256:3,8,16,21 257:14,23  
258:7 259:15,22 260:7  
261:4 262:9,20,25 263:6  
264:19 266:8,16,20,25  
267:4,10,20 268:2,13,20  
269:9,15 270:10,15,19  
270:23 273:2 275:12,16  
275:20 276:9,13,14 277:8  
277:14 278:21 280:3,20  
280:25 281:12,20 282:2  
284:12,16,24  
**qualities** [1] 91:22  
**quality** [2] 88:21 126:11  
**quarter** [2] 248:19  
267:25  
**quarterly** [1] 248:22  
**quarters** [1] 108:15  
**queried** [1] 164:17  
**questioned** [1] 64:20  
**questioning** [1] 80:16  
**questions** [65] 8:16 9:1  
9:2,5,18 28:3,4,6,15,20  
28:21 32:18 75:13 80:22  
81:2,7,12,25 82:3,7,13  
82:18,21,23 90:12,24  
91:2 94:25 110:4 111:12  
129:15,15 161:10 173:2  
177:7,13 178:3 195:24  
196:4,12,17,22,26 197:6  
197:11 202:20 208:9

214:14,26 245:24 273:5  
273:10,13,21 275:6,13  
275:15,17,21 276:1,6,10  
276:12 282:4 286:1  
**quick** [3] 33:19 37:12  
74:2  
**quicker** [1] 185:21  
**quickly** [2] 91:5 115:6  
**quite** [30] 13:2 30:18  
40:22 66:26 69:19 79:9  
104:6 146:3 160:24 161:3  
162:12 188:11,14 202:4  
203:3 206:21 211:2  
227:18,26 228:3 236:25  
248:1 249:24 253:5 255:9  
255:12 257:4 260:17  
263:12 269:7  
**quoted** [1] 58:12  
**quotes** [1] 17:1  
**quoting** [3] 20:1 28:8  
33:17

**-R-**

**radar** [5] 90:5,7 95:13  
171:26 251:1  
**rail** [1] 259:6  
**rain** [1] 63:2  
**raise** [4] 180:12 188:7  
190:14 212:16  
**raised** [22] 2:15,15 8:17  
28:5,23 32:19 63:25  
68:13 83:9 122:14 144:10  
144:10,18 145:5 149:18  
160:3,23 168:19 170:20  
183:19 189:20 198:25  
**raising** [1] 178:9  
**RANDELL** [3] 91:6  
197:15 276:13  
**range** [3] 27:9 47:5 53:5  
**Ranger** [2] 35:15 79:14  
**rare** [2] 69:21 127:21  
**rarely** [1] 122:5  
**rate** [2] 53:1,4  
**rather** [5] 20:20 33:3  
158:3 206:18 255:5  
**Raude** [1] 6:25  
**re-established** [1]  
266:21  
**RE-EXAMINATION**  
[1] 208:12  
**reached** [1] 207:21  
**reacquainting** [1] 171:3  
**read** [12] 8:7 26:9 50:26  
96:5 98:10 136:13 186:16  
186:23 194:20 212:5  
231:22 256:24  
**reading** [4] 96:10 185:9  
231:8 237:2  
**ready** [9] 1:4 33:19 40:20  
40:24 41:10 80:22 167:13  
197:14 254:7  
**real** [7] 32:25 60:23 71:6  
80:6 214:8 270:8 277:20  
**realign** [1] 206:1

**realism** [1] 66:13  
**realistic** [5] 25:16 62:14  
63:10,18 80:6  
**reality** [3] 56:3 61:26  
62:2  
**realized** [1] 154:4  
**really** [31] 40:15 75:22  
77:5 92:18 93:11,26  
138:20 144:7 159:10  
175:6 191:22 198:4 202:5  
203:18 204:5 211:2,19  
226:5 227:26 245:4 246:1  
247:23 249:21 253:7,7  
271:2,3 277:24 280:19  
280:21 281:21  
**rear** [2] 154:24 163:16  
**reason** [24] 14:25,25  
23:12 42:7 45:7,7 54:11  
55:13,17 66:18 74:11  
94:8,25 97:8 121:6 133:8  
205:21 227:17 236:11  
249:14 255:2 257:7  
258:18 262:3  
**reasonable** [1] 46:17  
**reasons** [10] 11:15 55:26  
71:12 133:20 140:25  
141:7,9 150:19 210:20  
227:10  
**rebooted** [1] 37:10  
**rebreathers** [2] 200:5  
251:24  
**received** [2] 227:9  
232:11  
**receiving** [1] 197:25  
**recent** [3] 13:11 68:20  
192:18  
**recently** [3] 129:17  
131:23 174:19  
**RECESS** [2] 80:13  
235:14  
**recognized** [1] 35:15  
**recognizing** [1] 20:3  
**recollection** [2] 183:26  
202:16  
**recommendation** [2]  
179:13 257:24  
**recommended** [2] 85:22  
88:6  
**record** [5] 79:14 82:26  
104:8,9 185:2  
**recordable** [1] 118:19  
**recorded** [2] 49:12 127:1  
**recourse** [1] 178:8  
**rectified** [2] 200:25  
260:8  
**rectify** [2] 178:22 202:17  
**reduce** [3] 70:9,14  
156:21  
**reduced** [1] 135:4  
**redundancy** [1] 9:12  
**reevaluation** [1] 171:11  
**refer** [7] 4:4 17:5 35:19  
108:12 109:1 201:5 272:6  
**reference** [8] 22:4,8,11  
22:22 84:6,8,12 151:6

**references** [2] 52:9  
84:13  
**referencing** [1] 84:22  
**referred** [8] 18:8 34:17  
34:18 39:12 50:20 183:10  
276:15,20  
**referring** [4] 39:15,17  
40:1 283:7  
**refers** [1] 159:1  
**refinery** [1] 5:14  
**refit** [3] 7:7 69:16 171:10  
**reflected** [2] 126:5,6  
**reflects** [1] 89:22  
**refreshing** [1] 229:16  
**refuelled** [1] 33:22  
**refuelling** [2] 33:20  
87:24  
**refusal** [19] 19:26 20:2  
21:13 127:22,23 128:14  
128:16,21 131:23 136:2  
139:14 140:25 144:18  
145:20 147:9 149:18  
150:20,21 239:15  
**refusals** [1] 129:18  
**refuse** [3] 19:22 71:22  
137:24  
**refused** [5] 140:25  
141:10 150:23,26,26  
**regard** [3] 73:20 80:8  
194:16  
**regarding** [4] 2:9 22:2  
198:23 239:15  
**regards** [32] 15:8 19:23  
21:9 24:22 28:21 31:2  
37:26 51:3 55:20 61:6  
63:23 68:20 69:20 71:19  
84:14 91:20,21 113:15  
122:17 139:1 147:22,24  
147:26 148:1 214:1,10  
226:15 237:17 240:10  
242:9 244:7 248:2  
**regime** [17] 2:14,16,17  
103:22 104:3 105:13  
112:7 129:11 174:5  
175:16 233:3 235:1,6  
236:4,9 270:12 284:19  
**regimes** [1] 2:21  
**register** [2] 74:11,12  
**Registrar** [4] 3:21,25  
98:10 216:3  
**regular** [8] 101:17  
110:13 134:22 141:2  
219:22 251:23 252:10  
267:18  
**regularly** [1] 139:23  
**regulations** [5] 139:17  
175:18,22 176:3,6  
**regulator** [1] 129:2  
**regulators** [1] 148:12  
**regulatory** [4] 14:16  
28:15 48:16 189:11  
**relate** [2] 76:5 201:21  
**related** [5] 46:6 168:12  
168:12,13 242:17  
**relating** [1] 129:9

<p><b>relation</b> [4] 84:7 179:12 217:9 218:7</p> <p><b>relationship</b> [1] 181:13</p> <p><b>relevant</b> [1] 152:21</p> <p><b>reliability</b> [1] 129:15</p> <p><b>reliable</b> [1] 231:1</p> <p><b>relocated</b> [1] 17:11</p> <p><b>remain</b> [2] 83:17 143:12</p> <p><b>remained</b> [2] 162:3,13</p> <p><b>remains</b> [1] 37:25</p> <p><b>remedial</b> [1] 195:12</p> <p><b>remember</b> [7] 30:13,15 51:11 101:26 134:6 153:18 214:24</p> <p><b>reminds</b> [1] 30:11</p> <p><b>removal</b> [1] 204:8</p> <p><b>removed</b> [2] 16:2 204:3</p> <p><b>renegotiated</b> [1] 103:15</p> <p><b>rep</b> [10] 107:24 108:17 110:15 111:17 117:24 118:4 205:23 209:12,14 223:10</p> <p><b>repeat</b> [1] 224:19</p> <p><b>repercussions</b> [2] 10:23 25:13</p> <p><b>repetition</b> [1] 9:12</p> <p><b>replace</b> [1] 68:16</p> <p><b>replaced</b> [4] 33:25 67:2 68:18 73:23</p> <p><b>replicate</b> [1] 137:19</p> <p><b>report</b> [30] 19:26 119:7 119:8,26 164:15,16 165:6 165:9 181:3 183:5 184:21 185:12 186:25 187:1 189:24,26 190:22 194:21 194:22 195:8,13 199:23 200:1,24 241:24 246:20 250:5 257:5 267:13 271:23</p> <p><b>reported</b> [6] 35:9 184:18 193:11 195:15 255:14,16</p> <p><b>reporting</b> [13] 11:26 189:11,21 190:18 191:3 197:24 198:12 252:8 253:10 257:3,3 270:12 271:13</p> <p><b>reports</b> [3] 197:25 199:9 203:11</p> <p><b>represent</b> [4] 109:12 117:18 192:6 275:4</p> <p><b>representation</b> [1] 179:4</p> <p><b>representative</b> [7] 81:5 147:2 185:11 188:6 220:22 223:12 241:19</p> <p><b>representatives</b> [13] 1:12,25 19:16 110:12 111:9 112:5,12 114:19 116:3 180:3 181:18 211:11 240:6</p> <p><b>represented</b> [1] 117:4</p> <p><b>representing</b> [4] 113:21 120:12 122:5 274:22</p> <p><b>represents</b> [1] 224:10</p> <p><b>reps</b> [46] 105:23 107:8,9</p>	<p>107:10,15 108:4 112:3 113:22,24 114:1,12 117:2 117:9,17 118:8,25 119:14 120:11,12,25 121:18 122:3,5,19 123:15 125:12 129:22 144:5,6 164:12 204:15,16,19 205:17 209:10,21 210:4 221:25 222:10 223:21 233:5,18 235:4 236:13 242:19 249:11</p> <p><b>request</b> [1] 180:17</p> <p><b>requested</b> [1] 165:26</p> <p><b>require</b> [6] 26:15,19 45:23 86:5 127:14 178:24</p> <p><b>required</b> [12] 32:15 115:17 118:21 126:19 139:12 142:22 144:7 160:6 165:6 167:4 181:26 245:10</p> <p><b>requirement</b> [2] 112:10 123:12</p> <p><b>requirements</b> [10] 28:16 45:23 48:18,20 49:1 55:13 139:16 144:4 176:9 176:10</p> <p><b>rescue</b> [29] 16:2 35:5 41:14 43:5,16 44:12,14 45:25,26 46:2 47:1,14 47:25 50:16,19 52:13 57:10,13 79:23 83:7 86:18 88:20 89:1,7 93:2 94:21 95:22 155:9,17</p> <p><b>research</b> [4] 16:22 27:7 53:9,16</p> <p><b>researching</b> [1] 84:2</p> <p><b>resistance</b> [1] 24:21</p> <p><b>resolution</b> [8] 129:1 178:7 179:5 180:18 239:2 243:21 244:1 245:3</p> <p><b>resolve</b> [9] 114:20 115:2 178:13 203:19 210:5,11 225:9,9,11</p> <p><b>resolved</b> [12] 114:9,26 115:6 119:4 151:6 162:14 185:3 207:10 223:13 238:5 251:20 256:14</p> <p><b>resources</b> [5] 66:23 70:8 70:14,22 73:5</p> <p><b>respect</b> [28] 30:18 55:2 78:5 103:23 112:4 130:15 131:23 158:26 168:3 174:17 176:17 177:10 178:12 179:18 192:7,12 192:17,23 195:4 201:2 204:23 207:25 220:22 221:9 224:22 233:8 250:17 274:13</p> <p><b>respective</b> [2] 106:22 125:26</p> <p><b>respond</b> [1] 163:24</p> <p><b>responded</b> [3] 75:13 80:1 195:10</p> <p><b>responder</b> [1] 168:18</p> <p><b>responding</b> [1] 203:9</p> <p><b>response</b> [37] 33:11,16 33:17 39:9,16 52:1 54:6 57:10,26 59:8,13 79:22</p>	<p>85:21 86:2,4,23,26 87:14 88:6,13,19,21 89:5 94:21 115:11,23 128:22 144:17 157:25 159:2 184:5,24 184:26 185:23 187:6 238:18 254:23</p> <p><b>responses</b> [1] 256:22</p> <p><b>rest</b> [3] 35:25 118:21 286:5</p> <p><b>restricted</b> [1] 53:22</p> <p><b>restructuring</b> [1] 100:8</p> <p><b>result</b> [6] 20:6 25:2 139:9 145:15 233:11 235:9</p> <p><b>retrieval</b> [1] 49:19</p> <p><b>return</b> [16] 9:5,9,11 19:20 28:3 32:15 33:10 34:1,3,7 55:6 68:12 69:8 75:12 183:12 281:19</p> <p><b>returned</b> [1] 31:17</p> <p><b>returning</b> [3] 31:8 35:2 155:21</p> <p><b>review</b> [5] 126:1 180:7 183:20 186:6 187:18</p> <p><b>reviewed</b> [2] 184:2 186:24</p> <p><b>rewards</b> [1] 12:12</p> <p><b>ride</b> [1] 100:21</p> <p><b>rig</b> [7] 12:16 99:22,24 101:9 211:26 225:6 236:14</p> <p><b>right</b> [107] 1:15 7:3 9:16 12:11 16:19 18:20 19:22 22:16 23:7 25:23 30:2,3 34:15 38:19 43:25 46:9 64:24 65:13 69:17 86:10 87:4 90:2,12 91:4 96:4,4 96:4 100:24 102:17 104:9 104:21 105:4,5 106:1,19 111:1 116:11 117:13,20 121:13 122:9,24 127:3 128:23 129:6,24 130:2,6 131:21 135:25 136:1 137:11,14,22 139:14 140:7 141:13 142:23 144:20 150:10,24 151:11 151:16,26 153:8 154:17 154:21,22 159:18 161:1 163:7 165:10 166:23 167:4 168:9,16 181:6,8 182:7 184:15 195:21 197:13 210:3 213:10 218:5,20 219:26 228:9 228:15 234:9 245:5 246:6 249:6 250:10 257:21 259:21 260:18 261:13,17 261:19 262:2,8 266:4 267:3 269:8 283:16 286:13</p> <p><b>rigs</b> [5] 6:25 108:10,11 108:13 116:20</p> <p><b>ringer</b> [1] 209:25</p> <p><b>risk</b> [13] 20:6,12,16,16 33:2 53:21 54:20 70:13 72:13,15 77:6 136:8,10</p> <p><b>riskier</b> [1] 54:17</p> <p><b>risks</b> [4] 12:19 20:3,7 62:7</p> <p><b>risky</b> [1] 136:9</p>	<p><b>road</b> [3] 10:24 203:22 230:2</p> <p><b>roadblock</b> [2] 203:23 207:15</p> <p><b>Robert</b> [1] 92:6</p> <p><b>rock</b> [1] 90:20</p> <p><b>Rogers</b> [1] 286:3</p> <p><b>Roil</b> [484] 1:4,5 3:13,20 4:1,21 5:3,8,23 6:2,8,14 7:4,16,22,26 8:4,21 9:4 9:8,15,24 10:13,25 11:5 11:9 12:15,25 13:15,20 13:24 14:7,19 15:14 16:3 16:9,13,18 17:4,14,24 18:6,12 19:7,12 20:19 21:15,21 22:12,21 23:1 23:6,10,21,26 24:7,17 24:26 25:22 26:2,16,25 27:6,12,21,25 29:2,8,14 29:18 30:12,16,23 31:9 31:14,20,24 32:3 33:1,7 34:10,14,20,25 35:22 36:25 37:16 38:4 39:10 39:21,25 40:6,12 41:3,8 42:11,16,21 43:2,9 44:1 44:6 45:10,17 46:8,16 46:22 47:6,10,15,20 48:1 48:8,12 49:3,17,24 50:3 50:9,22 51:6 52:11 53:7 53:13,17 54:4,15,25 55:8 56:5,13 57:2,7 58:1,24 59:9,23 60:2,12,16,22 61:16 62:5,19 63:20 64:14,26 65:15,24 66:11 67:4,13,21 68:1,8,23 69:2 70:24 71:11 72:1 73:6,14 75:7 76:3,25 78:4,11,22 79:1,8 80:10 80:15,17 96:25 98:1,9 98:12,14,25 99:19,23 100:16,23 101:13,21,25 102:7,13,18,26 103:4,13 103:19 104:20 105:3,26 106:6,14 107:2,14,26 108:18 109:2,8,21 110:8 110:26 111:8 112:2,13 112:19,24 113:6,11,23 114:13,17 115:12,26 116:7,12,19 117:7,21 118:2,10 119:2,13,24 120:14,24 121:20 122:7 122:23 123:3,22 124:3 124:17,24 125:3,8,17 126:3,10,24 127:9 128:5 128:10,26 129:7,20 130:9 131:2,16,20 132:13,25 133:15,24 134:7,19 135:7 135:16,20 136:12,18 137:3,13,21 138:3,8,13 139:2,8,22 140:2,8,13 140:26 141:12,17 142:2 142:13,25 143:5,14,22 144:19,26 145:14,21 146:11,26 147:10,16 148:5,19 149:12,20 150:2 151:3,13,19,23 152:6,10 153:7 154:16 155:2 156:11,16 157:16,21 158:2,8,19 159:13,21 160:26 161:8,16 162:8 162:15 163:6,19 164:19 165:1,15 166:7,22 167:16</p>	<p>167:21,26 169:5 170:15 170:22 171:16,22 172:26 173:24 174:2 175:19 176:5 177:4,10,24 208:7 208:12,13,24 209:13 210:10,25 215:25 216:5 216:6,12,24 217:6,19 218:6,21,26 219:10,20 220:1,15,20 221:1,7,19 221:26 222:4 223:1,6,22 224:1,8,14,18 225:14,21 226:1,6,18,26 227:19 228:10,16 229:5,9,17,26 230:7,13,20,26 231:19 231:26 232:5,9,18,23 233:2,14 234:10,25 235:11 236:1,1,16 237:4 237:11,21 238:1,20 239:7 239:12,19 240:1,17,24 241:4,12 242:14,23 243:3 243:15,25 244:14 245:6 246:12,25 247:5,12,18 248:10 249:7 250:11 251:17 252:2,24 253:24 254:3,12 255:3,17,22 256:3,8,16,21 257:14,23 258:7 259:15,22 260:7 261:4 262:9,20,25 263:6 264:19 266:8,16,20,25 267:4,10,20 268:2,13,20 269:9,15 270:10,15,19 270:23 273:2 284:12,16 284:24</p> <p><b>Roil's</b> [1] 190:10</p> <p><b>role</b> [5] 107:16 188:19,19 204:14 210:24</p> <p><b>roles</b> [2] 209:8 210:14</p> <p><b>roll</b> [1] 46:15</p> <p><b>rolled</b> [2] 21:25 24:14</p> <p><b>rolling</b> [1] 38:10</p> <p><b>room</b> [5] 2:2 271:1,16 282:8,11</p> <p><b>rose</b> [2] 69:13 254:9</p> <p><b>rotate</b> [3] 101:6 118:7 204:18</p> <p><b>rotates</b> [2] 106:16 276:16</p> <p><b>rotating</b> [1] 135:1</p> <p><b>rotation</b> [13] 101:17 110:13 117:11 118:4 120:26 160:1 206:13 219:19,22 233:6,7 236:19 268:3</p> <p><b>rotational</b> [2] 133:10 135:14</p> <p><b>rotations</b> [4] 7:15 117:1 162:5 236:9</p> <p><b>roughly</b> [2] 202:26 277:10</p> <p><b>round</b> [1] 101:20</p> <p><b>route</b> [2] 94:24 232:11</p> <p><b>routine</b> [1] 160:24</p> <p><b>ROV</b> [1] 99:15</p> <p><b>row</b> [2] 1:18 248:4</p> <p><b>rule</b> [1] 72:25</p> <p><b>rules</b> [2] 45:22 55:1</p> <p><b>ruling</b> [3] 19:25 21:7,10</p> <p><b>rumour</b> [7] 164:21</p>
---	--	---	--	---

<p>190:10 252:20 253:1,12 257:12,21  <b>rumours</b> [3] 191:15 251:24 257:11  <b>run</b> [4] 72:5 226:13 228:23 264:16  <b>running</b> [2] 157:10 158:7  <b>runway</b> [4] 42:23,24 157:14 158:3</p> <hr/> <p style="text-align: center;"><b>-S-</b></p> <p><b>S</b> [5] 31:17 215:1 230:25 232:14 271:20  <b>S-92</b> [14] 17:10,19 31:10 31:13,15 51:12 52:4 133:5 153:3,15 158:15 192:1 199:1 214:26  <b>S-92s</b> [2] 51:1 134:26  <b>Sacuta's</b> [1] 206:16  <b>sad</b> [1] 38:18  <b>safe</b> [14] 12:2 14:17 19:19 20:9,15 29:17,21 30:8 45:5,5 77:5 88:22 101:4 101:5  <b>safely</b> [8] 32:17 42:22 52:16 62:2,3 70:23 84:17 158:9  <b>safer</b> [1] 80:7  <b>safest</b> [1] 30:10  <b>safety</b> [164] 2:14 12:23 13:8,10,13,21 14:3 17:9 17:10 24:18 45:7,13 49:2 55:16 62:10,14 77:17 79:14 83:8,10 86:6 103:22 104:3,8,8,15,18 105:2,7,19,22,23 107:9 107:15 108:4,17 110:10 110:15,22 111:17,18,22 112:3,11 113:4,4,17,22 113:24,26 114:5,12 116:2 117:2,23 118:4,11 119:14 120:11,16,25 122:2,4,19 123:13,15 125:12 128:4 129:11,22,24 130:13,20 131:11 135:21 139:20 142:10,12 146:15 147:5 147:8 159:23 160:2 161:25,26 164:1,11 165:18 166:12 167:12 168:11,20,20 169:13 172:1,8 174:5,10 175:2 175:8 178:6,22 181:10 181:17 182:19 190:2,19 191:4 198:15 199:22 200:11 201:3,8,13,20 202:22 203:1,9 204:15 204:16,19,20 205:17,23 206:14,25 207:9 209:12 209:14,23 210:4,19 213:22 214:5,8 221:3,10 221:21 223:9 225:24 228:26 229:4,14 233:4 235:4 236:4 242:17 243:20 249:11 250:15,19 257:1 261:5 262:4 269:20 270:1 274:18 276:19,24 277:2,20 279:11,11,25  <b>Salamis</b> [2] 217:13</p>	<p>218:23  <b>salt</b> [5] 64:10 65:2 263:17 263:20 265:24  <b>sands</b> [2] 5:18,19  <b>SAR</b> [16] 35:10,12 37:21 39:7,13,14,17 40:1,2,19 40:19 52:12 57:20 58:18 87:5 272:20  <b>sat</b> [3] 74:22 249:17,24  <b>satisfaction</b> [2] 73:8 225:23  <b>satisfactory</b> [3] 178:7 204:10 262:10  <b>satisfied</b> [6] 75:14 115:23 127:5 128:21 152:2 183:1  <b>Saturday</b> [4] 120:4,5 141:15 143:1  <b>Saturdays</b> [2] 282:21 283:11  <b>save</b> [1] 279:7  <b>saved</b> [1] 246:11  <b>saw</b> [2] 154:23,24  <b>says</b> [6] 15:16 17:10 71:20 74:22 154:5 185:2  <b>scaffolders</b> [1] 219:5  <b>scaffolds</b> [1] 12:5  <b>scaled</b> [1] 116:17  <b>scenario</b> [3] 86:20 146:1 157:15  <b>scenarios</b> [1] 106:24  <b>SCH</b> [1] 153:5  <b>schedule</b> [10] 120:21 121:8 133:9,10 135:2,14 153:12 267:14 269:11,12  <b>scheduled</b> [2] 56:22 139:23  <b>scheme</b> [2] 222:14 237:13  <b>scope</b> [2] 193:25 199:9  <b>Scotia</b> [1] 199:1  <b>scratched</b> [1] 118:22  <b>screen</b> [2] 95:18 172:1  <b>screens</b> [1] 251:1  <b>scribe</b> [1] 231:21  <b>scribing</b> [1] 231:21  <b>scuttlebutt</b> [1] 164:12  <b>se</b> [1] 109:16  <b>sea</b> [45] 6:20 38:8,21,25 44:10,11,14,16,17,19,19 44:22,24,26 45:14 46:1 46:3,5,6,9 47:13 48:15 49:11,18 56:15 57:13,19 58:10,21 59:1 63:25 64:3 64:4 65:17 69:13,23 85:25 89:19 96:6 97:2 145:11 174:23 200:7 263:7 264:11  <b>seal</b> [1] 74:13  <b>Sealand</b> [1] 102:5  <b>seals</b> [4] 171:13,13 277:20,21  <b>search</b> [15] 27:26 35:5 43:5 50:16 52:13 57:10</p>	<p>57:13 79:23 83:6 86:18 88:19 89:1,7 95:22 155:9  <b>searched</b> [1] 57:11  <b>SeaRose</b> [4] 1:23 9:21 191:17 192:4  <b>seas</b> [2] 58:20 59:2  <b>seat</b> [8] 22:13 30:3,4 35:19 98:5 100:24 134:14 134:18  <b>seated</b> [6] 1:14,18,20 2:2 22:13 215:3  <b>seats</b> [3] 41:11 163:16,17 23:12 29:9 43:3 66:15 72:2 86:2 88:13 103:15 104:16 115:14 153:4 158:14 161:4 167:22 212:1 238:6 268:5 285:8  <b>see</b> [58] 3:1 20:13,16 23:12,22 36:3,6 45:12 49:10,11 66:2,6,7,9 70:6 82:20 86:6 87:5 89:6 93:26 94:23 95:9 104:21 115:22 127:15 128:2 134:17 146:7,22 154:9 154:13 158:22 177:3 183:18 205:25 208:17 218:17 221:14 224:20 226:17 229:20,22 237:17 248:8,24 249:22 253:8 253:13 255:15 262:14 263:13 264:14 265:14 271:17 278:4 284:3,4,23  <b>seeing</b> [5] 197:22 226:16 231:9,17 282:21  <b>seem</b> [11] 77:21 95:7 130:4 134:21 175:11,15 176:19 202:11 205:23 214:6 236:6  <b>seismic</b> [1] 68:5  <b>seldom</b> [1] 134:17  <b>select</b> [1] 200:4  <b>selected</b> [1] 106:4  <b>selection</b> [1] 79:21  <b>selfless</b> [1] 37:23  <b>sell</b> [1] 203:3  <b>selling</b> [1] 17:19  <b>semi</b> [3] 6:24 67:10 69:22  <b>Semi-submersible</b> [1] 99:26  <b>semi-submersibles</b> [1] 67:15  <b>semis</b> [1] 69:19  <b>send</b> [2] 72:13 193:13  <b>senior</b> [2] 212:15,18  <b>sense</b> [10] 25:6 91:11 92:1,5 95:12 109:19 156:15 187:10 209:11 214:8  <b>sensing</b> [1] 90:7  <b>sensitive</b> [2] 194:17 198:3  <b>sensors</b> [1] 131:11  <b>sent</b> [4] 19:24 125:25 153:15 285:23</p>	<p><b>separate</b> [2] 72:14 112:26  <b>September</b> [2] 7:10 103:10  <b>sequence</b> [1] 166:20  <b>serious</b> [2] 41:6 93:21  <b>seriously</b> [3] 41:6 95:1 95:1  <b>served</b> [2] 187:12 191:21  <b>service</b> [21] 9:9,11 19:21 26:18 28:3 43:4,6 51:2 55:6 68:12 69:4,8,9 71:2 71:3 72:22 75:13 112:22 112:26 227:2,20  <b>serviced</b> [1] 41:10  <b>services</b> [5] 66:25 99:15 108:10,11 110:19  <b>serving</b> [5] 67:6 125:4 230:8,14 232:2  <b>session</b> [8] 111:4 120:6 173:13,14,17 233:12 234:12 248:17  <b>set</b> [8] 15:7,21 48:26 49:4 149:25 166:10 176:10 278:4  <b>setting</b> [1] 46:3  <b>seven</b> [11] 44:25,26 72:10 122:12 137:26 145:7 183:22 184:22 219:15,21 227:8  <b>several</b> [9] 38:24 72:6 101:8 112:22 145:9 162:4 166:1 171:7 201:24  <b>severe</b> [1] 46:1  <b>shadow</b> [1] 22:2  <b>shaken</b> [1] 266:17  <b>shall</b> [14] 108:8 110:21 111:16 126:16 166:20 169:7 189:14 202:15,17 203:23,26 205:13 207:22 210:17  <b>shape</b> [4] 218:18 258:14 262:11,13  <b>share</b> [1] 274:3  <b>sheet</b> [2] 212:2 217:17  <b>Sheldon</b> [11] 1:17 98:6 98:12,19,21 177:26 185:9 197:15 208:12 226:9 270:7  <b>shift</b> [6] 71:14 117:14,14 121:12,14,16  <b>shifts</b> [2] 106:22 282:20  <b>ship</b> [2] 68:21 99:20  <b>Ships</b> [1] 67:22  <b>shock</b> [1] 92:12  <b>Shop</b> [1] 220:25  <b>shore</b> [1] 42:23  <b>short</b> [4] 6:5 7:9 67:24 258:20  <b>shortly</b> [8] 8:17 32:7 69:17 153:26 154:20 155:13 279:15,16  <b>Shot</b> [1] 90:20  <b>shoulder</b> [1] 260:14</p>	<p><b>show</b> [3] 53:1 88:23 191:3  <b>showed</b> [1] 240:25  <b>showing</b> [3] 32:11 240:10 277:19  <b>shown</b> [1] 252:22  <b>shut</b> [5] 31:6 32:12 188:8 188:24 257:21  <b>sic</b> [1] 185:9  <b>sick</b> [1] 121:6  <b>side</b> [29] 21:25 22:16,17 24:11,15,15 25:8,8 106:13 109:12,16 113:4 119:11 123:6 130:18 135:24,25 137:5,10,12 154:21,21,22,25 155:1 203:7 207:8 224:10 261:18  <b>sided</b> [1] 207:22  <b>sidelight</b> [1] 208:15  <b>sides</b> [2] 76:22 179:22  <b>sight</b> [1] 31:4  <b>sign</b> [1] 127:6  <b>signed</b> [3] 150:16 231:14 231:15  <b>significance</b> [1] 212:12  <b>significant</b> [4] 102:19 108:7 201:20 212:24  <b>significantly</b> [2] 15:5 283:1  <b>Sikorsky</b> [9] 14:15 15:22 17:8 73:22 83:14 148:13 154:13 196:14 199:1  <b>similar</b> [14] 15:7 56:14 56:16 97:2 102:14 157:22 208:15 216:9,16,17 221:8 227:1 235:6 248:12  <b>similarly</b> [1] 134:8  <b>simply</b> [7] 8:23 18:14 49:21 58:18 66:24 148:6 254:24  <b>simulator</b> [2] 32:25 61:2  <b>sincerely</b> [1] 284:1  <b>single</b> [2] 100:11,20  <b>singular</b> [1] 169:24  <b>sink</b> [1] 65:21  <b>sit</b> [6] 22:17 106:4 180:4 209:6 210:6 216:3  <b>site</b> [3] 105:21 107:25 113:18  <b>sits</b> [2] 123:14 125:16  <b>sitting</b> [6] 20:20 22:17 43:16 137:5 187:18 210:13  <b>situation</b> [34] 14:9 16:6 19:3 21:1,2 22:5 25:10 33:3 52:26 70:4 80:2 85:11,21 86:11,17 91:19 92:13,20 121:19 127:26 178:22,25 189:22 194:7 198:26 202:7 233:8 238:16 239:6 240:13 244:10 245:5 246:14 261:20  <b>situations</b> [11] 71:5</p>
---	---	--	---	--

85:18 127:20 142:14 194:11 207:3 226:12 244:7 245:20 253:15 272:6 <b>six</b> [22] 7:15,25 44:19,19 44:20,22 122:12 123:15 123:20,21 170:2 172:19 179:23 184:22 195:19 204:22,25 209:19 220:11 236:4 257:15,18 <b>size</b> [8] 124:5 222:5,8 258:13,17 262:11,13 265:11 <b>sleep</b> [2] 8:8 117:19 <b>sleeping</b> [1] 153:19 <b>slid</b> [1] 163:2 <b>slide</b> [1] 285:19 <b>slip</b> [1] 165:14 <b>slot</b> [2] 268:23 281:23 <b>slots</b> [1] 267:19 <b>slowness</b> [1] 172:3 <b>small</b> [2] 100:17 124:5 <b>smaller</b> [1] 222:7 <b>soft</b> [1] 260:19 <b>softer</b> [1] 260:20 <b>soldiers</b> [1] 12:9 <b>solely</b> [2] 48:17 109:17 <b>solicit</b> [1] 111:11 <b>soliciting</b> [1] 199:21 <b>solicitors</b> [1] 285:25 <b>solid</b> [1] 284:2 <b>solution</b> [5] 165:2,4 200:7 201:25 262:10 <b>solve</b> [6] 115:13,14 117:9 167:2 168:1 243:6 <b>solved</b> [3] 280:10,16,21 <b>someone</b> [13] 88:4 93:2 109:17 118:20 169:24 182:6 188:25 210:24 211:21 213:20,24 231:15 246:9 <b>something's</b> [1] 202:12 <b>sometime</b> [1] 162:5 <b>sometimes</b> [29] 39:26 106:25 121:3 124:15 126:19,22 164:26 178:19 189:25 191:12 204:2,3 205:12,19,25 206:8 207:5 208:2 209:1,6,7,25 218:17 236:11 244:19 253:2,15 262:5 269:6 <b>somewhere</b> [5] 49:15 72:9,23 168:15 233:25 <b>Sooley</b> [1] 287:11 <b>soon</b> [4] 1:6 35:8 37:2 198:13 <b>sooner</b> [3] 185:19 241:10 253:14 <b>sophisticated</b> [1] 131:8 <b>sorry</b> [9] 56:7 117:23 132:14 208:8 216:2 221:20 224:23 254:2 284:15 <b>sort</b> [44] 3:8 90:6 93:22	95:13,18 99:2 100:12 101:6 106:16 107:16 113:5,7,12,22 114:11 116:1 126:2 127:13 129:17 131:12,14 143:18 157:14 160:22 164:21 171:15 182:7 185:25 189:21 191:4 192:15 201:3 218:4 226:17 229:4 231:1 236:2 243:13 244:5 248:4 251:24 253:7 259:7 279:7 <b>sorts</b> [1] 211:17 <b>sound</b> [2] 105:11 287:7 <b>sounds</b> [1] 105:12 <b>south</b> [2] 68:22 100:14 <b>space</b> [2] 99:14 133:16 <b>speak</b> [13] 2:8,12,17 10:26 103:20 124:12 202:13 226:19 266:12 269:18 272:14 275:1 285:17 <b>speaking</b> [5] 4:3,8 13:4 124:14 285:18 <b>speaks</b> [3] 88:26 107:23 128:19 <b>specific</b> [4] 148:20 173:1 175:24 176:6 <b>specifically</b> [5] 28:10 136:4 139:26 200:16 274:12 <b>specifications</b> [1] 27:5 <b>speed</b> [2] 156:21 180:8 <b>spend</b> [2] 216:18,21 <b>spent</b> [1] 283:6 <b>spirit</b> [1] 126:21 <b>spoke</b> [2] 181:9 233:3 <b>spoken</b> [2] 262:21 266:14 <b>sponsons</b> [2] 17:13,21 <b>sporadic</b> [2] 56:10 67:24 <b>spot</b> [1] 126:4 <b>SR</b> [1] 77:15 <b>St</b> [40] 32:15 35:5,14 40:19 43:4 57:25 58:6 59:15 68:22 83:2 86:4 86:23 87:2,9,22 88:15 88:20,21 89:2 99:8,14 112:22 134:26 144:12,24 145:12 154:6 155:19 156:2,7,10 157:8 159:7 160:8 199:10 253:23 254:6 272:21 287:5,9 <b>stability</b> [2] 22:3 147:24 <b>stable</b> [1] 83:17 <b>staff</b> [2] 125:14 213:18 <b>stage</b> [8] 170:26 173:7 187:5 201:17,26 204:1 207:18 209:24 <b>stages</b> [1] 176:22 <b>stairs</b> [2] 259:2,3 <b>stalelated</b> [1] 239:9 <b>stall</b> [1] 271:23 <b>Stan</b> [5] 1:19 216:5 217:7 217:12 276:13 <b>stand</b> [5] 31:23 67:12	128:3 216:2 258:25 <b>standard</b> [13] 28:7,17 42:1 44:11 72:26 76:15 85:23 87:18 156:20 198:5 265:6,13,14 <b>standby</b> [6] 33:21 35:6 35:9 47:4 54:1,12 <b>standing</b> [10] 35:10 165:16,18,19,23 167:1 167:11 209:23,26 222:23 <b>standpoint</b> [1] 168:24 <b>stands</b> [2] 54:3 97:8 <b>starboard</b> [2] 22:16 135:24 <b>start</b> [6] 6:20 146:10 161:13 229:24 285:14,16 <b>start-up</b> [1] 6:21 <b>started</b> [16] 7:11,13 37:5 134:5 135:11,15 140:16 153:17 160:12 172:20,20 187:17 219:15 229:12 241:10 279:16 <b>starting</b> [1] 5:12 <b>state</b> [20] 3:22 17:18 38:8 44:11,16,17,19,19 45:14 46:1,3,5,6,9 48:15 49:11 49:18 56:15 69:24 154:14 <b>statement</b> [2] 79:3 216:15 <b>states</b> [12] 9:20 17:7 18:3 20:1 38:26 44:10,15,22 44:25 47:13 59:1 145:11 <b>stating</b> [1] 19:18 <b>station</b> [1] 69:18 <b>statistics</b> [5] 88:23 96:5 96:7 97:2 272:12 <b>stats</b> [1] 53:24 <b>stature</b> [1] 258:20 <b>status</b> [3] 199:23 200:1 203:11 <b>stay</b> [9] 19:4 20:15 30:7 93:5 107:3 253:1 285:7 286:6,10 <b>staying</b> [2] 143:7,11 <b>steady</b> [1] 7:14 <b>steep</b> [1] 163:14 <b>Stena</b> [1] 68:21 <b>step</b> [8] 11:25 77:1 139:10,10 152:1 167:17 167:22 221:20 <b>stepped</b> [2] 210:21,23 <b>steps</b> [2] 145:16 170:16 <b>Steward</b> [1] 220:25 <b>stick</b> [1] 259:20 <b>sticking</b> [1] 260:25 <b>still</b> [22] 25:9 30:8 37:19 57:18 61:7,19 103:5,11 103:14 116:24 128:23 129:6 130:6 142:26 149:24 151:11 153:11 162:14 172:22 218:18 260:23 278:13 <b>stood</b> [1] 61:4 <b>stop</b> [1] 132:14	<b>stopped</b> [1] 37:6 <b>stops</b> [2] 70:12,15 <b>story</b> [2] 30:11 169:10 <b>straight</b> [1] 261:23 <b>strap</b> [1] 14:24 <b>Street</b> [1] 287:5 <b>stress</b> [2] 156:22 157:12 <b>strictly</b> [1] 109:17 <b>strikes</b> [1] 211:10 <b>strong</b> [1] 257:4 <b>struck</b> [1] 95:2 <b>structural</b> [1] 237:7 <b>structure</b> [8] 58:18 105:2,20 184:12 190:22 206:18 236:6 237:14 <b>structured</b> [2] 166:16 245:9 <b>struggling</b> [1] 21:4 <b>stuck</b> [3] 59:3 202:13 259:14 <b>studies</b> [2] 52:26 53:3 <b>study</b> [1] 96:20 <b>stuff</b> [1] 172:18 <b>style</b> [1] 265:2 <b>subject</b> [1] 252:10 <b>subjects</b> [1] 265:8 <b>submersible</b> [2] 6:25 67:11 <b>submitted</b> [1] 28:21 <b>subsequent</b> [2] 179:15 183:17 <b>such</b> [11] 28:1 70:7 111:5 111:5 113:8 137:16 212:17 225:5 228:26 257:7 281:5 <b>suggest</b> [4] 2:23 85:25 186:7 223:18 <b>suggested</b> [4] 10:4 159:2 213:16 234:1 <b>suggesting</b> [3] 26:17 71:6 202:10 <b>suggestion</b> [1] 276:22 <b>suggestions</b> [2] 35:11 248:17 <b>suit</b> [67] 14:24 37:12 59:7 61:5 63:13 64:13,15,20 65:2,4,10,12,17,18,18 65:23,26 66:3,6,16,18 66:20 91:9,14,17,18 91:25 138:2,14 169:12 169:23,25 170:11 171:4 171:12,14 243:4 249:21 250:17 258:9,10,20,21 259:9 260:6,8 261:2,2 262:10,18 263:9,10 264:3 264:10,24 265:6,23 266:17 272:16,16,23 278:3,20,20 279:6,25 <b>suitable</b> [1] 145:11 <b>Suite</b> [1] 287:5 <b>suits</b> [40] 36:19 63:16 64:2,21 66:10 74:9,13 74:14,17,18,21 75:2 79:21 92:14,18 169:9,11	169:18 170:3,6 239:23 240:12,25 242:2,2,3 244:8,23 261:9 262:5 263:13,16,22 264:9 272:3 272:6 277:15,17,17,21 <b>summer</b> [1] 153:18 <b>sun</b> [1] 153:21 <b>Suncor</b> [8] 81:23 196:2 217:14 273:23 274:2,4,6 279:23 <b>Suncor's</b> [1] 254:21 <b>Sunday</b> [4] 143:3,3 160:3 166:3 <b>Sundays</b> [2] 282:22 283:12 <b>Super</b> [3] 102:12 134:9 153:11 <b>supervision</b> [1] 65:8 <b>supervisor</b> [19] 107:10 107:20 139:15 180:16 181:4 222:22 225:7,8,17 238:6,13,17,18,21,21 244:11 256:13 279:14 280:7 <b>supervisors</b> [1] 123:8 <b>supplemental</b> [1] 148:25 <b>supply</b> [7] 22:4 47:3,4 48:4 94:22 219:4,9 <b>supplying</b> [1] 185:20 <b>support</b> [6] 25:5,6 142:12 149:16,16 151:10 <b>supported</b> [2] 142:10 150:19 <b>supporting</b> [1] 274:5 <b>suppose</b> [3] 140:24 193:3 223:24 <b>supposed</b> [8] 59:7 66:20 91:24 138:18,20 149:10 193:6,10 <b>supposedly</b> [4] 197:26 254:6,9 264:3 <b>surprise</b> [2] 92:12 188:25 <b>surprised</b> [2] 38:16,18 <b>surrounding</b> [2] 161:20 161:23 <b>survey</b> [1] 8:22 <b>survivability</b> [4] 53:24 61:10,15 86:10 <b>survival</b> [7] 16:1 21:4 33:24 59:7 60:6,18 138:2 <b>survive</b> [6] 43:17,21 59:5 60:8 266:1 272:10 <b>surviving</b> [1] 272:9 <b>survivors</b> [1] 86:13 <b>suspect</b> [2] 60:3 271:15 <b>suspender</b> [1] 260:16 <b>suspenders</b> [1] 260:13 <b>swell</b> [3] 38:9,9,10 <b>switch</b> [2] 268:8,11 <b>sword</b> [3] 60:1 62:15 71:16 <b>sworn</b> [4] 3:15,20 98:12
--	---	--	--	---

216:5 <b>system</b> [28] 11:23,24,25 77:26 104:25 105:7,9 110:2 164:8,14 165:5 189:16,21 190:19 191:1 192:22 193:3,17 195:9,9 201:22 218:14 256:7,17 257:3,9,9 274:18 <b>systems</b> [6] 12:22 13:1,4 77:20 131:8,11	77:9 266:6 <b>tells</b> [2] 79:18 170:10 <b>temperature</b> [5] 32:9 92:7 95:13 263:18 264:5 <b>temperatures</b> [1] 12:7 <b>ten</b> [11] 72:10 100:7 120:25 122:8,9,14 123:8 204:18,25 257:13 265:17 <b>tend</b> [4] 231:1 249:10 253:1,2 <b>tended</b> [1] 204:18 <b>tends</b> [2] 210:16,17 <b>term</b> [4] 67:24 227:20 230:8,14 <b>terminology</b> [1] 108:26 <b>terms</b> [25] 2:7 22:16 38:5 45:14 83:16 91:9 104:7 104:16 108:20 124:6 137:22 149:8,26 157:22 158:23 168:20,24 198:13 200:19 205:14,22,26 207:6 217:21 224:11 <b>Terra</b> [30] 1:15,20 2:18 4:15,26 5:1 6:17,23 7:12 31:4 32:21 102:24 153:6 191:17 192:5 217:15,24 219:26 220:8,25 221:4 221:12 224:9 233:9 236:5 251:3 267:7 274:11,18 274:23 <b>test</b> [2] 63:13 64:22 <b>tested</b> [3] 65:1,3 263:17 <b>testified</b> [1] 21:11 <b>testimony</b> [3] 150:14 182:16 195:25 <b>testing</b> [5] 63:15 265:4,5 265:8 266:22 <b>tests</b> [2] 66:9 147:25 <b>text</b> [1] 136:13 <b>thank</b> [83] 3:26 30:20 34:26 44:7 57:3 59:24 80:11,11,18 81:2,4,7,9 81:11,13,19,21,23 82:7 82:9,13,15,26 83:2 90:16 91:4 92:22,24 97:22,26 98:3 161:17 177:6,10,13 177:15,18,20 195:23,25 196:2,6,8,10,12,14,19 196:22,24 197:2,8,13 208:4,6 210:26 212:4 215:24,26 220:19 236:2 273:5,8,17,19,21,23,25 274:24 275:5,6,9,15,17 275:23 276:3 282:3,14 283:21,24,25 284:7 286:11,13 <b>Thanks</b> [1] 275:7 <b>that'll</b> [3] 223:19 268:8 269:8 <b>themselves</b> [4] 14:21 21:19 114:1 204:15 <b>there'd</b> [1] 140:20 <b>thereafter</b> [4] 153:26 154:20 155:13 279:16 <b>therefore</b> [1] 237:1 <b>thermal</b> [1] 91:21	<b>they've</b> [8] 17:11 19:17 131:9 171:1 176:18 283:6 283:10,10 <b>thick-wise</b> [1] 261:2 <b>thinking</b> [6] 10:8 93:18 93:19 211:9 217:20 227:25 <b>third</b> [4] 132:9 268:5 281:7,14 <b>thought</b> [11] 25:3 36:9 65:6 93:14 167:7 181:26 233:25 242:6 260:5 277:9 283:17 <b>thoughts</b> [2] 25:13 174:7 <b>thousand</b> [2] 100:2 153:25 <b>three</b> [45] 1:11,12 58:20 67:9,9,15 68:3 69:8,12 70:18 73:2 94:12 95:14 101:17,17 112:16 120:20 122:18 132:15,17 153:25 172:14,19 186:11 199:18 205:9,18,20 212:1 220:12 236:12 264:1 267:1,18 267:24 269:6 272:24 276:17 281:9,18,24 283:3 283:13 284:1 285:14 <b>threw</b> [1] 142:23 <b>throat</b> [2] 259:14 260:25 <b>throttled</b> [1] 154:8 <b>throttles</b> [1] 154:11 <b>through</b> [44] 4:4 28:12 38:2 62:10 64:8 80:21 86:20 90:6 92:3,4 95:12 95:13 140:22 147:21 157:15 164:7,14 165:14 166:21 168:13 171:1 175:7 184:19 185:14 186:20 187:5 189:14,16 194:9 201:25 202:26 209:24,26 216:8 228:6 231:11 257:8,10 267:16 271:12 272:4 274:19 280:17 283:16 <b>throughout</b> [3] 181:12 283:15,16 <b>thumb</b> [1] 72:25 <b>Thursday</b> [5] 63:13,14 144:23 145:18,20 <b>ticket</b> [1] 5:17 <b>tie</b> [2] 128:7,11 <b>tied</b> [1] 278:14 <b>timely</b> [2] 59:22 234:19 <b>times</b> [25] 7:21,23,25 67:18 79:22 88:19 101:9 117:16 131:13 132:8,9 132:11 169:8 170:26 171:7 172:19 199:18 218:1 231:12 241:5,24 242:6 245:24 267:18 268:24 <b>timing</b> [1] 267:6 <b>tired</b> [1] 277:16 <b>title</b> [1] 120:17 <b>Tobin</b> [1] 216:1 <b>today</b> [9] 1:9,12,22 2:7 8:10 103:21 152:22 283:4	286:7 <b>together</b> [11] 77:12 107:21 114:1 122:4 144:15 206:2,7 233:22 234:6,11 248:21 <b>toll</b> [1] 265:9 <b>tomorrow</b> [2] 285:13 286:14 <b>tomorrow's</b> [1] 285:1 <b>too</b> [18] 28:13 38:2,14 43:19 45:22 57:6 58:19 101:1 171:14,14 228:13 238:11 239:5 249:22 258:23 262:5,6 264:3 <b>took</b> [19] 35:26 61:5 126:22 141:10 156:8,9 157:1 162:26 163:13 169:16 186:11,13 201:23 215:2 247:21 250:21 264:4 265:10 279:21 <b>toolbox</b> [1] 11:25 <b>tooth</b> [1] 228:13 <b>top</b> [3] 37:23 271:12 283:5 <b>topsides</b> [1] 220:7 <b>Torbay</b> [1] 64:9 <b>totally</b> [3] 42:12 61:22 265:23 <b>touch</b> [1] 55:19 <b>touched</b> [1] 189:4 <b>tour</b> [1] 215:1 <b>touted</b> [1] 91:17 <b>towards</b> [3] 25:20 88:24 88:25 <b>town</b> [1] 41:2 <b>track</b> [1] 229:24 <b>Trades</b> [1] 99:10 <b>tradespeople</b> [1] 219:9 <b>Traditionally</b> [1] 168:17 <b>trained</b> [8] 22:10 63:26 66:16 99:7 112:11 136:25 136:26 261:21 <b>training</b> [49] 22:6,7 39:8 39:8 59:26 60:6,7,13,19 61:24 62:1,7,21 63:3,9 63:10,23,25,26 64:4 66:14,15 112:3,6,16,20 113:5,7,8,13 137:9 141:9 172:17 226:22,23 227:1 227:10,11,18 228:17 229:21,22 230:3,9 232:12 232:24 264:21 266:22 275:19 <b>trains</b> [1] 60:7 <b>transcribed</b> [1] 287:6 <b>transcript</b> [1] 287:3 <b>transferred</b> [1] 100:9 <b>transition</b> [1] 236:3 <b>transparent</b> [3] 165:13 193:11 198:22 <b>transport</b> [16] 14:15 28:11 29:20 40:16 51:13 66:3 81:4 146:1 148:24 175:17,25 177:15 195:9	214:2,7 273:15 <b>transportation</b> [20] 14:12,23 24:18 57:12 65:4 76:5 91:8 109:23 129:9,25 131:24 167:1 174:6 217:9 245:11,13 245:17 250:15,19 270:2 <b>travel</b> [9] 2:10 20:4,8,9 80:7 102:3 175:18,26 240:14 <b>travelled</b> [3] 5:17 101:8 220:9 <b>travellers</b> [2] 2:12 109:26 <b>travelling</b> [7] 54:18 100:13 109:22 138:9 143:7 145:7 155:4 <b>treacherous</b> [1] 60:4 <b>treated</b> [4] 34:4 35:3 41:6 95:4 <b>treatment</b> [1] 157:22 <b>trials</b> [1] 6:20 <b>tried</b> [2] 131:9 259:12 <b>tries</b> [1] 61:24 <b>trip</b> [1] 29:22 <b>tripped</b> [1] 259:5 <b>trips</b> [2] 101:20,22 <b>trouble</b> [9] 22:9 35:2 40:26 47:23 54:14 93:23 159:5 160:11 264:16 <b>troubling</b> [2] 21:12 160:14 <b>truck</b> [2] 30:7,15 <b>trucks</b> [2] 41:26 42:3 <b>true</b> [5] 182:23 188:11 210:18,22 287:3 <b>truth</b> [1] 93:15 <b>try</b> [21] 11:14,15 14:26 15:10 72:9 105:8 106:23 114:9 115:1,8,10 117:9 118:7 165:13 170:17 178:13 187:9 188:12 206:1,5 234:3 <b>trying</b> [12] 16:12 18:21 23:16 27:14 62:23 115:4 115:5 116:1 144:3 166:23 202:5 256:25 <b>TSB</b> [1] 14:15 <b>Tuesday</b> [1] 146:16 <b>turn</b> [5] 32:4 191:18 200:13 209:12 268:12 <b>turnaround</b> [3] 153:1 153:23 160:10 <b>turnarounds</b> [1] 129:16 <b>turned</b> [7] 32:7,7 146:9 157:2,6 219:25 242:7 <b>turning</b> [1] 153:22 <b>tweaked</b> [2] 62:11,12 <b>two</b> [64] 2:21 3:5 26:24 32:13 38:8 40:15 52:12 54:7,16 58:20 66:12 67:9 67:15 70:19,20,26 72:13 85:15,18 87:20 108:10 108:13 112:16 116:20 121:10 122:21,22 125:24
---	---	---	---	---

<p>133:12,12 137:9 147:6,8 147:12 152:15 153:24 156:13 160:22 170:12 172:18 179:22 187:15 189:23 199:18 206:12 209:18,18 211:26 216:8 220:2 227:21,24,26 228:4 228:5 230:8 236:9,11,14 248:21 249:25 269:6 274:10 277:4</p>	<p><b>underwater</b> [3] 22:5 23:17 79:22 <b>undetected</b> [1] 80:1 <b>uneventful</b> [1] 158:12 <b>uneventfully</b> [1] 158:10 <b>unhappy</b> [1] 25:10 <b>union</b> [8] 10:22 102:20 208:18,23 210:1,5 282:9 284:19</p>	<p><b>upper</b> [2] 163:1,1 <b>ups</b> [1] 137:2 <b>upside</b> [1] 21:4 <b>upwards</b> [1] 257:6 <b>useable</b> [1] 44:20 <b>used</b> [15] 13:9,10 19:22 25:9 62:20 65:17,19 69:4 83:14 102:14 108:22,26 133:26 229:15 255:19</p>	<p><b>vote</b> [4] 127:15 142:7 223:5 239:9 <b>voted</b> [2] 151:15,24 <b>votes</b> [1] 209:20</p>	<p><b>weighting</b> [1] 147:26 <b>welcome</b> [2] 80:8 161:17 <b>well-founded</b> [1] 10:15 <b>well-known</b> [2] 48:18 49:16 <b>west</b> [1] 108:12 <b>wet</b> [5] 60:26 61:1 65:13 65:22 228:1</p>
<p><b>two-helicopter</b> [1] 153:12 <b>type</b> [12] 15:9 59:2 77:10 84:21 102:11 127:20 148:25 149:1 165:5 227:12,14 278:19 <b>types</b> [1] 45:12 <b>typical</b> [1] 105:17 <b>typically</b> [4] 106:11 121:8 180:4 222:9</p>	<p><b>Union's</b> [1] 166:25 <b>unionized</b> [2] 1:24 8:13 <b>unit</b> [2] 5:2 67:1 <b>units</b> [4] 67:3,6 68:11 102:24 <b>University</b> [3] 82:10 196:15 275:19 <b>unless</b> [5] 121:6 272:19 273:3 280:17 284:18 <b>unlike</b> [1] 61:22 <b>unlikely</b> [1] 59:4 <b>Unlimited</b> [2] 287:12,14</p>	<p><b>useful</b> [3] 177:5 231:2 232:24 <b>using</b> [6] 38:22 52:5 64:21 69:9 74:25 134:5 <b>usually</b> [12] 68:4 113:3 121:1 133:22 166:3 189:1 189:16 204:21 209:21 221:24 222:9 281:18 <b>utilize</b> [1] 64:7</p>	<p><b>-W-</b> <b>wait</b> [4] 143:13 248:7 272:18,19 <b>waited</b> [1] 242:3 <b>waiting</b> [6] 43:16 59:5 190:21 241:25 242:4 266:3 <b>walk</b> [3] 60:3 119:26 120:6 <b>walkabouts</b> [1] 235:3 <b>walked</b> [1] 61:5 <b>Wallace</b> [47] 81:10,11 81:23 177:21,26 178:1,2 178:16,26 180:1,22 181:7 181:21 182:9,14,24 183:9 183:16 184:14,25 185:8 185:24 186:15 187:2,7 187:16,23 188:3,17 189:3 190:3,9,26 191:24 192:21 193:2,7,16 194:19 195:1 195:16,22 196:2 197:18 200:13 202:19 273:20</p>	<p><b>whereas</b> [2] 42:23 279:25 <b>whereby</b> [1] 165:5 <b>wherever</b> [4] 15:26,26 87:23 194:18 <b>whichever</b> [1] 218:19 <b>whimsical</b> [1] 208:14 <b>whistles</b> [1] 131:11 <b>whole</b> [15] 25:23 70:4 77:14 92:13 93:15 97:14 104:2 146:19 172:14 245:1 247:4 260:20 261:1 265:25 278:2</p>
<p><b>-U-</b> <b>Uh-hm</b> [11] 68:7 75:8 87:11 112:14 215:17 229:18 230:6,19 240:23 243:24 267:9 <b>UK</b> [2] 175:26 176:2 <b>ultimate</b> [2] 12:13 129:1 <b>ultimately</b> [2] 132:17 250:21 <b>Um-hm</b> [1] 37:17 <b>unable</b> [1] 23:12 <b>unacceptable</b> [2] 20:6 20:12 <b>unanimity</b> [1] 127:11 <b>unawares</b> [1] 31:18 <b>unbeknownst</b> [1] 77:21 <b>uncomfortable</b> [3] 19:1 21:1 36:21 <b>uncommon</b> [1] 34:6 <b>uncovered</b> [1] 50:25 <b>under</b> [9] 23:13 65:8 69:20,22 75:21 103:11 218:15 254:8 265:13 <b>underline</b> [1] 62:3 <b>underpinnings</b> [1] 105:15 <b>underscore</b> [1] 90:13 <b>undersigned</b> [1] 287:2 <b>understand</b> [36] 1:10 3:14 11:17 25:25 34:9 40:3 48:20 53:8 54:2 62:6 70:25 72:7 73:9 77:5 79:25 83:12 87:13 90:4 93:1 95:23 103:20 116:20 130:17 132:22 143:25 151:4 163:22 183:2 191:25 192:6 223:23 224:3 255:18 258:12 262:7 281:2 <b>understands</b> [1] 131:25 <b>understood</b> [4] 70:9 129:21 142:15 178:10 <b>undertake</b> [1] 62:22 <b>undertaken</b> [1] 112:6</p>	<p><b>unlike</b> [1] 61:22 <b>unlikely</b> [1] 59:4 <b>Unlimited</b> [2] 287:12,14 <b>unnerving</b> [1] 157:3 <b>unnoticed</b> [1] 37:24 <b>unresolved</b> [1] 225:22 <b>unrestrained</b> [1] 203:3 <b>unsafe</b> [1] 19:22 <b>unusual</b> [2] 74:1 159:12 <b>unzipper</b> [1] 37:12 <b>unzipping</b> [1] 37:3 <b>up</b> [147] 5:19 6:20,26 7:8 8:3 10:4 14:24 18:14 19:15,19 21:17 29:25 36:21 44:20 57:14,16,21 57:24 58:4 61:4 64:6 66:8 71:23 79:11 84:3 92:3 93:9 100:1,7,8,21 101:2 108:5 109:18,25 111:7,23,26 114:6,22 115:8 118:12 119:19 122:26 123:8,15,17 129:13 131:5 133:13 136:7 137:18 138:18,23 150:15 151:2 154:11,25 155:10 159:6,22,26 162:3 162:5 164:13 165:7,26 166:2,10,17,19 167:1,15 168:19 169:6,8,21,26,26 171:5,17 173:12 175:2,6 176:12,16,21 179:4 180:8 184:11,22 188:16 189:1 189:16,23 193:26 194:1 194:14 195:7 198:5,7 200:20 201:22 209:23 210:1 216:26 219:17 221:22 224:17 225:11 229:22 230:9 231:16 233:11,26 238:3,18 239:2 239:6 240:11 244:20,21 245:5 250:3 252:19,21 252:22 254:10 255:11 257:13,15,18 258:25 259:10,12,13,25 260:15 261:11 262:1 265:5 272:8 272:15 274:23 278:18 279:25 283:10 <b>update</b> [1] 110:20 <b>updates</b> [2] 185:1 186:5</p>	<p><b>-V-</b> <b>V</b> [1] 197:15 <b>Valerie</b> [1] 147:7 <b>valuable</b> [2] 92:25 97:12 <b>value</b> [3] 60:23 61:8 79:17 <b>valves</b> [1] 12:4 <b>variability</b> [1] 45:21 <b>varied</b> [1] 126:15 <b>varies</b> [3] 67:11 68:2 117:13 <b>various</b> [11] 2:9,11 28:6 105:23 109:3 132:8 141:7 166:14 180:3 184:26 186:5 <b>vary</b> [1] 126:12 <b>vast</b> [1] 282:13 <b>vein</b> [2] 229:20 271:7 <b>verbal</b> [1] 146:17 <b>versa</b> [1] 55:24 <b>versed</b> [1] 175:13 <b>version</b> [1] 126:18 <b>versus</b> [1] 25:23 <b>vertically</b> [2] 42:12 158:4 <b>vessel</b> [11] 46:12,14 47:4 47:4 84:10 137:26 138:10 143:7 145:7 245:13 249:2 <b>vessels</b> [2] 217:24 218:8 <b>vice</b> [2] 5:4 55:23 <b>vice-president</b> [1] 5:1 <b>view</b> [10] 50:12 66:14 85:4 89:8 135:21 176:14 203:14 266:9,14 271:6 <b>viewed</b> [1] 146:5 <b>views</b> [2] 199:22 263:7 <b>vigorous</b> [1] 266:22 <b>virtue</b> [2] 109:25 246:17 <b>vis</b> [2] 273:10,10 <b>visual</b> [1] 52:9 <b>voice</b> [1] 188:20 <b>voices</b> [1] 15:1 <b>volunteer</b> [1] 232:6</p>	<p><b>watching</b> [1] 36:4 <b>water</b> [65] 15:13 21:3 33:24 39:20 43:16,24 47:24 52:6 58:19 59:3 59:20 63:2 64:10 65:2,4 66:16 84:5,7 85:15,18 88:3 89:7 90:6 91:23 92:10 93:2 95:5 96:2 100:2 159:17,20 222:26 223:2,4 261:15,16,22 262:15 263:17,18,19,19 263:20,20,24,25 264:1,5 264:15,16 265:7,8,11,16 265:19,20,21,21,22,23 265:24,25 272:8,14,15 <b>waters</b> [1] 60:4 <b>waves</b> [1] 63:2 <b>ways</b> [6] 77:16 114:7 170:7 271:9,9 282:24 <b>weakness</b> [1] 191:3 <b>wear</b> [3] 70:17 258:21,21 <b>weather</b> [7] 38:5 39:4 69:23,26 145:8 269:4 281:5 <b>web</b> [2] 17:25 286:4 <b>webcast</b> [1] 286:3 <b>website</b> [1] 18:9 <b>week</b> [14] 21:16 26:22 43:11 73:21 95:11 114:6 120:1 122:21 144:23 149:3 233:20 262:16 272:20 276:17 <b>weekly</b> [9] 111:18,18 114:4 117:8 120:6 181:24 205:22 206:5 233:5 <b>weeks</b> [7] 120:20 158:16 179:24 205:9,19,20 236:4 <b>weight</b> [4] 24:10 162:18 163:4 211:15</p>	<p><b>Williams</b> [2] 214:23,24 <b>winch</b> [1] 41:12 <b>wind</b> [1] 63:2 <b>window</b> [3] 22:11 137:10 137:20 <b>windows</b> [3] 28:13 145:9 154:22 <b>winds</b> [1] 133:22 <b>wing</b> [1] 42:15 <b>winter</b> [1] 58:22 <b>wires</b> [1] 12:5 <b>wish</b> [2] 212:16 285:21 <b>within</b> [9] 70:25 114:20 115:15 118:4 170:16 184:13,18 206:20 225:16 <b>without</b> [8] 71:3 84:22 89:14 90:2 132:10 133:6 190:21 237:5 <b>witness</b> [9] 1:14,16,22 90:18 98:4 104:5 216:1 221:9 254:16 <b>witnessed</b> [1] 164:9 <b>witnesses</b> [1] 1:11 <b>woman</b> [1] 95:18 <b>wonder</b> [5] 53:25 66:22 72:21 94:7 206:21 <b>wondered</b> [1] 27:15 <b>word</b> [7] 39:26 49:26 107:4 108:21 110:2 164:8 189:19 <b>words</b> [4] 26:17 62:6 190:11 271:4 <b>worked</b> [21] 5:11,18,20 6:5,24 7:7 98:21,23 99:16 100:6,10 101:14 104:1 131:3 164:7 220:2</p>

<p>220:6,6,11 262:6 278:15  <b>worker</b> [36] 1:22 25:12          61:23 105:22 106:10,23          107:8,19,20 109:22          110:12 111:9 114:19          120:12 125:26 127:4          140:17 141:21 144:5          151:26 180:11,14 181:17          181:25 185:11 188:5          209:3 221:25 222:10          223:21 225:15 236:13          242:19 251:23 253:15          284:18  <b>worker's</b> [1] 225:22  <b>workers</b> [72] 2:9,12 8:11          8:12,13 10:20 15:3,3,17          15:19 19:16,22 20:13          24:24 25:5 28:18,22,25          28:26 37:20 44:11 45:4          45:12,20 58:8,9,14,16          62:12 70:3,12,21 71:13          72:17 75:12,13,15,18          76:22 77:2 80:3 83:5          85:10 89:9 91:12 97:16          107:24 111:21 130:12          163:20 167:5 179:9          189:17 190:20 191:6          200:2 211:11 212:20          217:26 238:2,8 240:7          241:19 246:5 248:11          250:7 264:24 266:10,12          266:13 274:10,22  <b>workers'</b> [2] 28:14 29:4  <b>workforce</b> [24] 30:19          59:10 73:18 81:16 107:9          110:24 111:10,13 116:3          118:14 123:25 129:22          190:13 192:3,11 194:17          195:4 235:5 243:6 274:8          275:3 276:16 279:9          284:21  <b>workings</b> [1] 113:25  <b>workplace</b> [14] 1:24          12:17 14:4 29:22 76:7          105:25 123:7 127:22          129:18 130:14 179:3          181:16 237:5 276:16  <b>works</b> [22] 1:17 48:26          49:1 51:8 75:25 89:16          103:22 104:25 105:7          114:23 139:19 216:19          221:11 237:6 243:20          248:24 249:3 266:6          268:17 271:20 282:19,19  <b>world</b> [6] 58:14 86:16          127:10 148:11 212:12          269:20  <b>worlds</b> [2] 85:16 86:23  <b>worldwide</b> [3] 174:18          174:21,22  <b>worry</b> [2] 154:7 264:13  <b>worth</b> [2] 50:13 213:16  <b>worthy</b> [1] 57:3  <b>wraps</b> [1] 260:21  <b>wrist</b> [1] 171:13  <b>writing</b> [1] 146:18  <b>written</b> [2] 165:11          198:19</p>	<p><b>wrong</b> [3] 26:5 131:13          162:7  <hr/> <b>-X-</b>  <hr/> <b>x-raying</b> [1] 218:17  <hr/> <b>-Y-</b>  <hr/> <b>year</b> [23] 5:7 7:1,23 51:14          56:8 57:18 101:19 146:3          170:2,11 172:7 192:8          209:15 225:1 230:8          238:11 247:22,22,25          249:15,23 253:25 268:24  <b>years</b> [36] 5:21 7:15,23          7:25 98:24 99:7 100:7          101:19 120:23 124:21          170:12 171:1,8,25 172:10          172:19 176:15 187:13,15          187:19,22 201:24 202:8          209:18,19 219:16,18          220:11,12 227:21,24,26          228:4,5 229:2 247:17  <b>yesterday</b> [1] 63:12  <b>yet</b> [4] 195:15 239:11,22          249:14  <b>yourself</b> [4] 71:18 85:26          98:17 185:12  <hr/> <b>-Z-</b>  <hr/> <b>zipper</b> [8] 169:26 171:5          259:10,11,14,23 260:20          260:23</p>			
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