

Transition of *Directive 019* Responses

The following sections set out the changes regarding responses to identified noncompliant events resulting from the issuance of the revised edition of *Directive 019*.

Directive 019 Response Name Changes

The revised edition incorporates changes to all the names of *Directive 019* responses to identified noncompliant events. Table 1 sets out for each one, the response name in the previous edition and the new name in the revised edition, where applicable. In addition, the table indicates the notice that has been removed from the revised edition, as well as the notice that has been added.

Table 1. Response names in the previous and revised editions of *Directive 019*

Response name in the previous edition of <i>Directive 019</i>	Response name in the revised edition of <i>Directive 019</i>
1st ERCB Notice of Low Risk Noncompliance	Notice of Low Risk Noncompliance
2nd ERCB Notice of Low Risk Noncompliance	<i>The response has been removed in the revised edition</i>
Low Risk Enforcement	Low Risk Enforcement Action
<i>No response in the previous edition</i>	Notice of High Risk Noncompliance
High Risk Enforcement Action 1	High Risk Enforcement Action
High Risk Enforcement Action 2 (Persistent Noncompliance)	High Risk Enforcement Action (Persistent Noncompliance)
High Risk Enforcement Action 3	High Risk Enforcement Action (Failure to Comply) High Risk Enforcement Action (Demonstrated Disregard)

Where a manual ERCB system is used to provide a prevention notice or enforcement action to a licensee, the ERCB will notify the licensee of the new responses set out in the revised edition of *Directive 019* in the prevention notice or enforcement action.

Where manual and automated ERCB systems are used together to capture and provide a prevention notice or enforcement action to a licensee, the ERCB will notify the licensee of the new responses set out in the revised edition of *Directive 019* in the prevention notice or enforcement action through the manual system, not the automated ERCB system.

Where automated ERCB systems are used to capture and provide a prevention notice or enforcement action to a licensee, the licensee should refer to Table 1 (above) and Figure 1 (below) to determine the new responses set out in the revised edition of *Directive 019*.

The ERCB's Field Inspection System has been updated to include the introduction of the Notice of High Risk Noncompliance as of November 1, 2010, the effective date of the revised edition of *Directive 019*.

Transition in ERCB Responses from Previous Edition of *Directive 019* to Current Edition

ERCB responses to noncompliant events will change as of November 1, 2010, the effective date of the revised edition of *Directive 019*. Figure 1, which pertains to low risk responses, and Figure 2, which addresses high risk responses, clarify the transition process and illustrate the changes in ERCB responses. For both figures,

- the effective date of the revised edition is represented by the vertical red-dotted line,
- ERCB responses under the previous edition of *Directive 019* are in black, and
- ERCB responses under the revised edition of *Directive 019* are in blue.

Depending upon when the ERCB initiated a response to a noncompliant event under the previous edition of *Directive 019*, the response (in black) may overlap with the effective date of the revised edition. If required, any subsequent responses (in blue) would be based on the revised edition.

Where a noncompliance still exists after the 1st ERCB Notice of Low Risk Noncompliance’s date to achieve compliance and the date overlaps the effective date of the revised directive, the ERCB will provide the licensee with a Notice of Low Risk Noncompliance instead of a Low Risk Enforcement Action. **This is a one-time only exception**, represented by the green-dotted-lined box in Figure 1. This exception is to give the licensee the benefit that would have been provided under the previous edition of the directive. For low risk noncompliant events that are identified and brought to a licensee’s attention after November 1, 2010, the ERCB will respond with a Notice of Low Risk Noncompliance.

Figures 1 and 2 indicate the typical responses expected. If an unexpected situation were to arise, the ERCB would ensure procedural fairness by either providing a re-notice or repeating the notice, both of which would be based on the responses under the revised edition.

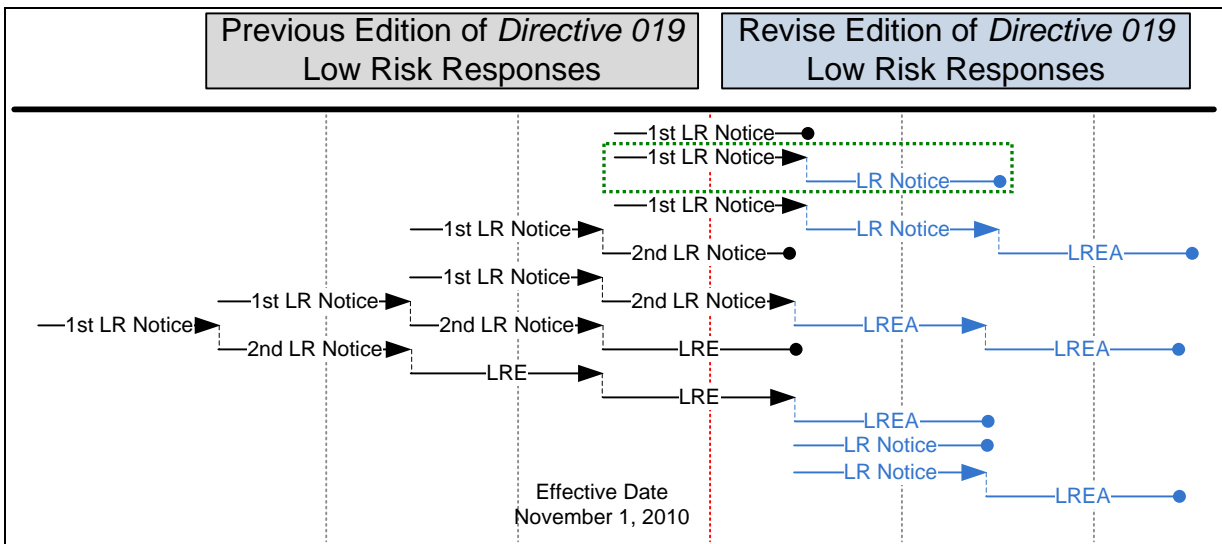


Figure 1. *Directive 019* low risk responses before and after the effective date of the revised edition

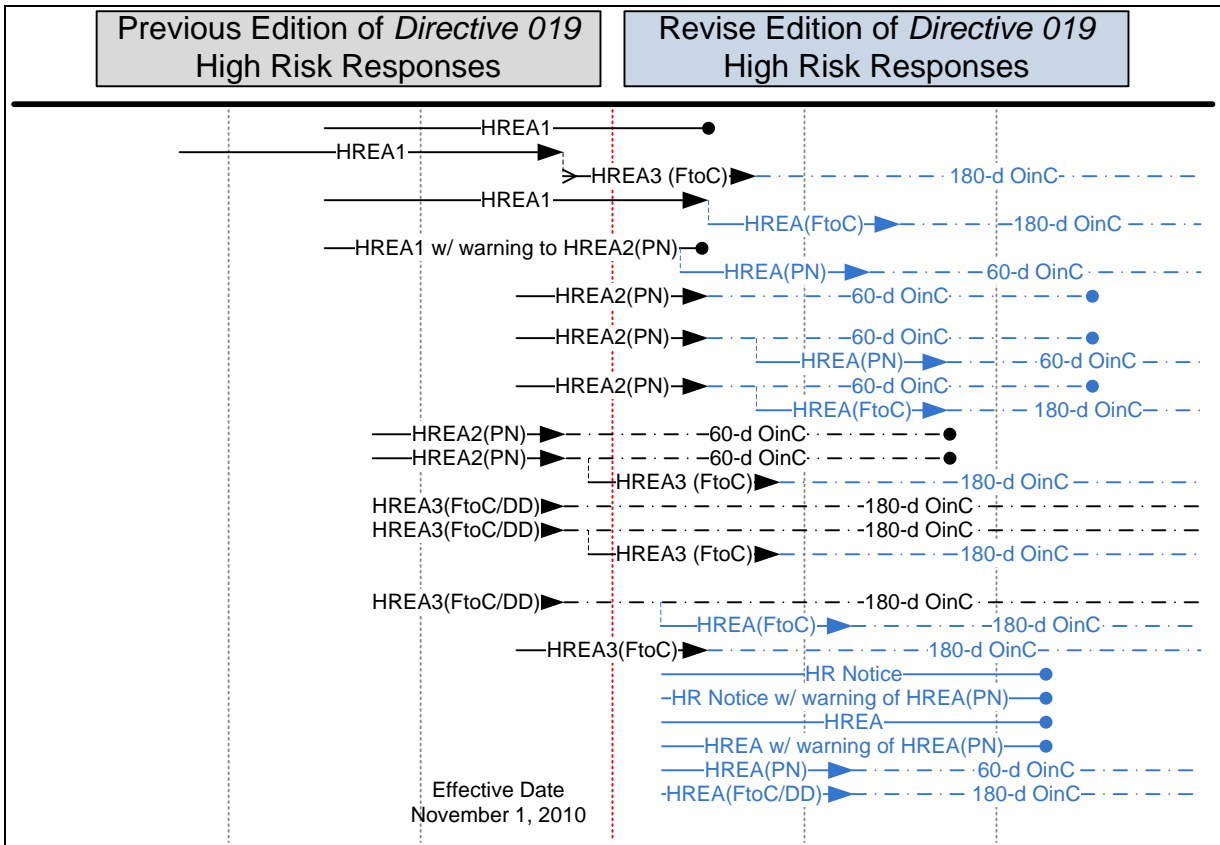


Figure 2. *Directive 019* high risk response before and after the effective date of the revised edition

Legend for Figures 1 and 2

Directive 019 High Risk Responses	
——HREA1——	High Risk Enforcement Action 1
—HREA1 w/ warning to HREA2(PN)—	High Risk Enforcement Action 1, w/ Notice of HREA2(PN)
——HREA2(PN)——	High Risk Enforcement Action 2
——HREA3 (FtoC)——	High Risk Enforcement Action 3
—HREA3(FtoC/DD)—	High Risk Enforcement Action 3 (Failure to Comply or Demonstrate Disregard)
——HR Notice——	Notice of High Risk Noncompliance
—HR Notice w/ warning of HREA(PN)—	Notice of High Risk Noncompliance, w/ Notice of HREA2(PN)
——HREA——	High Risk Enforcement Action
—HREA w/ warning of HREA(PN)—	High Risk Enforcement Action, w/ Notice of HREA2(PN)
——HREA(PN)——	High Risk Enforcement Action (Persistent Noncompliance)
——HREA(FtoC)——	High Risk Enforcement Action (Failure to Comply)
—HREA(FtoC/DD)—	High Risk Enforcement Action (Failure to Comply or Demonstrate Disregard)
Directive 019 Low Risk Responses	
——1st LR Notice——	1 st ERCB Notice of Low Risk Noncompliance
——2nd LR Notice——	2 nd ERCB Notice of Low Risk Noncompliance
——LRE——	Low Risk Enforcement
——LR Notice——	Notice of Low Risk Noncompliance
——LREA——	Low Risk Enforcement Action
Line Features	
—●—	Denotes Compliance Achieved
- - - - -OinC - - - - -	Operate in Compliance from the Previous Edition of D019
- - - - -OinC - - - - -	Operate in Compliance from the Revised Edition of D019
——PR——▶	Response from the Previous Edition of D019
——RR——▶	Response from the Revised Edition of D019
	Decision Point