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October 16, 2020

Ontario One Call  
104 Cooper Drive, Suite 1  
Guelph, Ontario  
N1C 1C3

Attention: Board of Directors, Ontario One Call

**Re: ORCGA Submission on the Ontario One Call Proposed Policy and Bylaw Amendments**

We are pleased and appreciate the opportunity to provide this submission to the Ontario One Call Policy and By-law Amendments.

The Ontario Regional Common Ground Alliance (ORCGA) promotes efficient and effective damage prevention for Ontario's vital underground infrastructure. The ORCGA unites all the industry stakeholders through our over 500 members working towards a common goal of safe digging practices. Ensuring that all excavators obtain locates and practice safe digging methods will provide a safer community.

The excavating industry in Ontario looks towards the ORCGA as the Association who advocates safe digging practices across the Province. ORCGA operates under a representative Board consisting of a balance of industry and government stakeholders in the sector.

Our mission and vision were developed by our stakeholders to provide our overall direction: "Leading Ontario to enhance safety through the collaborative prevention of damage to underground infrastructure", and our vision: "Effectively eliminate damages to underground infrastructure through influential advocacy, meaningful education and impactful engagement".

The impacts of third-party damages to underground infrastructure can be disastrous. Direct impacts can result in utility outages causing minor disruptions, major system outages to large numbers of individuals or businesses, or in the worst case, injury or loss of human life. In addition, a ripple effect of indirect impacts such as traffic congestion, business disruptions, evacuations, tying up emergency services, and others can be significant.

Following are comments from ORCGA Board of Directors:

1. The rationale currently provided justifies the deletion of By-law 2, Schedule 4 by classifying the Performance Standards and Specifications as "operational", thereby assigning the responsibility of establishing them to the Board, members, and excavators. However, best practices are developed through collaboration between industry leaders and can be used as a guideline for the excavation industry; its removal will eliminate any authority or link between the Alliance and the organization, causing ORCGA to lose not only its position in the industry, but also its leverage. Therefore, in keeping with the view held in this letter, the ORCGA deems it a critical component of the by-law. Accordingly, we propose that Section 7 of Schedule 4 be preserved and incorporated in another schedule such as Schedule 2 of By-Law 2 so it can be recognized by One Call and the Province.

2. The late locate policy review utilizes vague and subjective language that is unenforceable (i.e. “reasonable attempts”, “should”). Such language yields itself to a broad and ambiguous interpretation of the law, resulting in a lack of clarity on matters such as the number of late locates needed to occur before enforcement is applied, amongst others. Through consultation with the ORCGA, the law needs to use precise language and clearly define matters that have the potential to cause confusion. Doing so will ensure that the law can be interpreted narrowly enough for appropriate enforcement measures to be applied.
3. The compliance committee, and other oversight/enforcement agents such as arbitrators and mediators, is not independent of One Call because these agents are selected by One Call. Doing so lacks objectivity, makes the process and parties involved biased towards their aims, and is beyond the scope of the organization because it is outside the corporation’s objects. The by-law needs to delegate the duty of compliance and oversight to an external, unbiased party such as tribunals, etc.
4. One Call organizations are a single element of a larger and complex damage prevention system. This broader system includes all the process inputs and outputs between project owners, designers, one calls, excavators, utility owners and locate service providers. Ontario One Call’s Board of Directors is currently limited to individual stakeholders representing limited interests within the larger damage prevention system. To ensure that the broader process view is made central to decision making, most jurisdictions in North America have state-level agencies or public utility commissions to represent a comprehensive system view. With Ontario One Call’s governance structure differing from that in the United States, a different alternative to serve this function is needed. With proposed changes to the Board structure, we strongly recommend that advisory status be assigned to the ORCGA to ensure the Ontario One Call Board of Directors includes a comprehensive system view for damage prevention.

We appreciate the opportunity to comment on the proposed Ontario One Call Policy and Bylaw Amendments and trust that Ontario One Call and its Board will give serious consideration of the submission of the ORCGA in the development of the revised Policy and By-law amendments.

Sincerely,



Douglas F. Lapp, P. Eng.  
President & CEO  
Ontario Regional Common Ground Alliance  
(O)905-532-9836  
(M)647-221-2572  
[douglas@orcga.com](mailto:douglas@orcga.com)