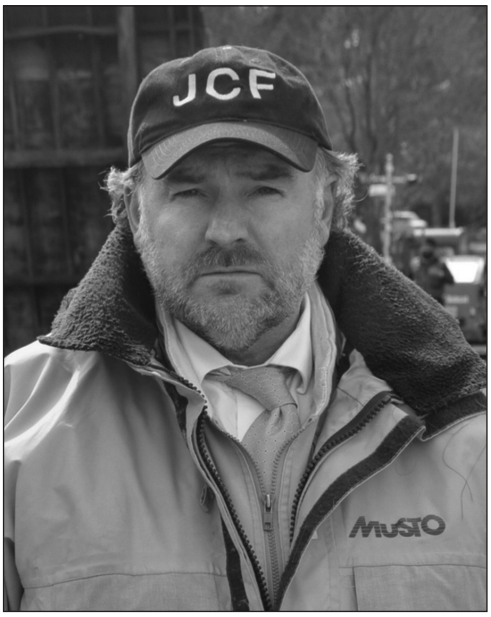

Tankers in Canadian waters

Canada's marine pollution preparedness and response on the West Coast
Part Two—Pollution response: risks and rewards

By K.Joseph Spears

Ottawa has sole jurisdiction over our territorial waters. So it must take the lead in developing a management regime that will take into account the rewards as well as the environmental risks of increased West Coast tanker traffic. Legislation will be required. So too will contingency plans for unforeseen eventualities.

These were the insightful words of Jim Prentice, the former federal Minister of Environment, a Dalhousie Law graduate and now executive vice president and vice-chairman of the CIBC, delivered to the Vancouver Board of Trade on February 23. Mr. Prentice's words highlight the importance of the marine pillar to Canada's energy policy. These comments were given in the context of a very thought-provoking and nation-building speech which rings true in Vancouver, home to Canada's largest port. Canada's economic future and prosperity depends on a robust shipping infrastructure to the Indo-Pacific Ocean and globally.

With a widened Panama Canal and an opening Northern Sea Route across the top of Russia, we will see in this century (known as the Asian Century), a dynamic shift in Vancouver's trade. The reality is, Canada can have both a sustainable shipping industry and protection of the marine environment as an integral and over-riding element of Canada's ocean policy. We need to have a dialogue on both the risks and rewards. This second article will explore Canada's ability to deal with the big one arising from a ship source oil pollution incident from existing West Coast marine traffic.

Canada's public and private sector can be proud of the excellent safety record with respect to shipping and should not be afraid of discussing these issues in the public domain. The intention of these articles is to set out the complex overlapping matrix of pollution response and prevention regime. Thankfully, it is untested. In order, to get this right, we have to first have a snapshot of the present situation with respect to pollution response. If there are gaps, these deficiencies will need to be rectified, improved and buttressed before tanker traffic increases. On that point, there can be no argument from the public or private sectors and the discussion must include all interest groups.

A solid foundation exists in Canada's ocean management strategy to both protect the marine environment and support marine trade. Ninety per cent of world trade is carried by sea. Canada is a trading nation. There has been very little discussion and debate on pollution response in the last decade and recent public attention has focused solely on the risks posed by potential shipping with no discussion on the existing ship traffic. There have been very few spills on this coast since the *Nestucca* in 1989 and all have been of a small nature. In order to have a discussion — we need to examine closely the present state of ship-source pollution response. Marine energy traffic is increasing — LNG terminals have been approved on the North Coast and we are seeing more interest in increased crude oil export shipments in Vancouver Harbour and jet fuel tanker movements to YVR such as the recently proposed Fraser River terminal in Richmond.

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Mr. Prentice's statement clearly sets out the need for discussion, debate and decision. This will take leadership from all interested parties. In Vancouver harbour, we have seen the public interest and concern about environmental risks posed by the movement of Aframax and Suezmax tankers from Kinder Morgan's Westridge terminal in Burnaby. This is not a new phenomenon and has been ongoing since Ioco was developed as an

Imperial Oil refinery in the early part of the last century at Port Moody. Whether this is an environmental risk or a political risk needs to be discussed. This is not a new issue in the Port of Vancouver but one that has been rediscovered. Debate on "contingency plans for unforeseen eventualities" is a good thing.

In Canada, the response to ship source pollution — as we explored in Part One of the article — is developed on the basis of the polluter-pay concept. The underlying approach of the *Canada Shipping Act, 2001* is that recovery of oil arising from a ship source pollution response would be undertaken by Response Organizations (ROs) created under the legislation. The September 2011 issue of *BC Shipping News* showcased Western Canada Marine Response Corporation capacity and capability. The present Corporation, and its forerunner, Burrard Clean, have had extensive experience in responding to oil spills on the West Coast, including the *Exxon Valdez* in Alaska in 1989. This real-time experience is invaluable for actual knowledge and the lessons learned. The good news is that we have had very few incidents so the gaps in response have not been observed. However, we should not become complacent.

The Canadian Coast Guard provides a supervisory function as well as assisting with respect to oil spills over 10,000 tonnes. The Canadian Coast Guard also has an inventory of oil spill equipment that can be cascaded across the country from pre-positioned equipment depots through various agreements. We saw the Canadian Coast Guard providing oil boom to the USCG in the *Deep Horizon* blowout. Having an inventory of all capability on the coast would strengthen a robust pollution response.

The Canadian Coast Guard, as the lead response agency monitors the Response Organization and can provide backup and technical expertise in the case of the pollution incident. Responding to oil spills on the West Coast is not without its challenges given the lack of infrastructure and communications. Roads only bisect the coast at certain points and everything has to be either floated or flown in by fixed and/or rotary wing aircraft. This becomes a major logistical challenge, especially if all charter aircraft are booked. To the writer's knowledge this has not been tested or exercised in real time and whether or not this legislative regime will work for a major incident involving existing marine traffic remains to be seen.

We have been lucky to have many dedicated mariners and government officials who have risen to the challenge of pollution response.

Most of the recent public discussion has concerned oil tanker spills from proposed traffic. Along our coast we have a variety of vessels including fishing vessels, tug and barge, large pleasure vessels which are the size of small ships and large bulk carriers that can have bunkers in the range of 2,000 to 3,000 tonnes. If these were to accidentally discharge oil into environmentally sensitive waters it can have a major impact especially during breeding seasons for seabirds. This requires a nimble and timely response.

In Canada, we do *ad hoc* very well. We have been lucky to have many dedicated mariners and government officials who have risen to the challenge of pollution response. Under questioning by Senator Charlie Watt of Nunavik, former Assistant Commissioner Mike Turner of the Canadian Coast Guard had this to say when testifying on February 28, 2008 at the Senate Standing Committee on Fisheries and Oceans which was examining the Coast Guard's role in the Arctic (the same would apply to the West Coast):

"Certainly, this is an area where multiple departments would come into play. It is perhaps the irony of the situation I was criticizing earlier that there is nothing like a crisis to bring co-operation and collaboration amongst the populous. They step up quickly and do an excellent job. I can name numerous situations I was involved in during my time where we had super co-operation between the departments."

The Office of the Auditor General examined Canada's oil response capability in the 2010 Fall Report of the Commissioner of the Environment and Sustainable Development and made numerous recommendations with respect to the existing pollution response regime. This provides a good benchmark and is echoed in Mr. Prentice's comments to look at contingencies. The relevant federal agencies have responded to that report and instructed the Director General's Marine Pollution Committee to take active steps to rectify the deficiencies noted in this timely report (http://www.

Oil spill response equipment is at the disposal of CCG should the need arise.

OIL SPILL RESPONSE

oag-bvg.gc.ca/internet/English/parl_cesd_201012_01_e_34424.html).

As the Commandant of the United States Coast Guard, Vice-Admiral J.V. Card stated during the *New Carrissa* grounding and break-up off the Oregon Coast: "at the time of an incident, it is not the time to be making friends". We need to develop capability and capacity in coastal communities and we need to do that through a structure and formal relationship to be brought into the response regime. On the search and rescue (SAR) side of marine emergency response, volunteer and local expertise and knowledge is used daily by the Victoria JRCC. Volunteers are, in effect, unpaid professionals of the Canadian Coast Guard Auxiliary (Pacific). This buttresses and strengthens our search and rescue response. The time has come to look at this model or a similar one for an element of pollution response.

What is also invaluable is the development of a working relationship between all interested parties before a pollution incident. This intangible human component is one that is often overlooked and not considered. People and training are critically important — the human element matters as does local knowledge of the waters and marine life. We have 25,725 kilometres of coastline on the West Coast. No computer model or sensitivity mapping can consider all the complex interactions and nuances. Local marine knowledge is always needed and must be brought into the decision process on pollution response.

We need a truth-to-power discussion with all interested parties if we are to be ready...

We need to look closely at the report from the Public Review Panel on Tanker Safety and Marine Spills Response Capability, *Protecting Our Waters,* commonly referred to as the Brander-Smith Report in 1990 which examined West Coast response. Not all of the recommendations were considered. We need to revisit and reconsider this important and insightful report along with the excellent work done by the Pacific States/British Columbia Oil Spill Taskforce.

When we look at the grounding of the MV *Costa Concordia* off the Italian coast this year, we see vividly the challenges that can arise with the modern well-founded ship equipped with the latest in communications and in close proximity to major centres and infrastructure — even then, the salvage will take months. The oil pollution response is using Canadian-made response equipment from AquaGuard. What would this look like if such an incident occurred on the West Coast? At any one time during the height of the cruise season we have up to 38 cruise ships transiting our waters.

We need a truth-to-power discussion with all interested parties if we are to be ready for an oil spill from existing marine traffic. The time has come to put Canada's *ad hoc* approach in the past and regain our position as a world leader on marine pollution response. To reap the rewards of marine energy movements, we need to eliminate as much of the risk as possible. That will be a challenge but one we can achieve. It is not unlike other challenges which have shaped our Province and our country. This will take strong leadership. A robust, coast-wide pollution response capability needs to be the central pillar of Canada's energy policy.

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SUPERTANKERS (CONT'D)

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The pilots work for B.C. Coastal Marine Pilots, which despatches them up and down the coast as needed.

In recent years, the number of assignments for this tough and select group has been falling. With 300 fewer sailings from Kitimat because of the Eurocan pulp mill closure alone, there might not need to be any more pilots added to the core licenced group if the supertankers come.

Coastal Marine Pilots General Manager, Paul Devries, says experienced pilots make about what a senior airline pilot does — $140,000 to $200,000 a year, depending on call out — and there were over 10,000 assignments on the coast and the Fraser River in 2011 without a serious incident.

Pilots will be paired on supertankers, with the added back up of escort tugs for the Douglas Channel passage, and Devries is confident the work can be done safely.

At Port Metro Vancouver where tankers have been successfully handled without a major accident for 97 years, Harbour Master, Yoss Leclerc, keeps a watchful eye over 600 kilometres of coastline and says firmly that "marine safety is priority Number One, followed by the environment."

These days, he says, there are international regulations covering how ships are built, and such things as crew training, safety equipment, emergency response procedures; plus there are national regulations covering Canadian waters and harbour operation regulations such as requiring any vessel over 40,000 deadweight tonnes to be tethered by tugs. And, terminals having the final say on vessels they handle gives an added safety factor that is especially important for tankers, he adds.

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