



Canada's marine response: Are we ocean strong?

BY K. JOSEPH SPEARS

2015 has been a busy year in the global marine world with new infrastructure developments that will impact shipping for decades. There have also been numerous marine incidents both in Canada and globally in the last 18 months which have highlighted the need for marine response, a key component of a coastal state's marine infrastructure. The Panama Canal expansion project is scheduled for completion in 2016 which will increase vessel size capacity and add a new traffic lane. Earlier this month saw the new Suez Canal opened which was expanded at a cost of approximately \$8 billion to allow for shipping in both directions. The twinned Suez Canal and enlarged Panama Canal are potentially game changers which will have important impacts on Canada's marine shipping and access to and from our ports. For example, the expanded Panama Canal will allow the U.S. Gulf Coast to export LNG to Asian markets in competition with possible LNG exports from British Columbia.

Canada is the largest coastal nation with the longest coastline in the world – 244,000 kilometres – and an ocean space equivalent to the size of Australia. We cannot overlook or take for granted our marine response capabilities to deal with pollution and search and rescue, when called for. Our Arctic waters, and particularly the Northwest Passage, along with the Russian Northern Sea route, are seen as future potential global shipping routes. We need a robust marine response capability both in Canada's southern and Arctic waters, and within Canada's ports. Having this robust marine capacity and being Ocean strong is a key and critical investment in Canada's economic future.

A poor or weak marine response capability can impact future shipping activity, and can lead to increased costs through a variety of mechanisms such as increased marine insurance premiums or navigation prohibitions, or bans on certain marine activities, or vessel movement restrictions in a port because of a perceived public safety or environmental risks.

Why does marine response capability matter?



Photo: WCMRC

As potential marine shipping options increase for Canada's exporters, and as new export markets are developed through increased globalization and through reductions in trade barriers, the ability to provide effective marine response impacts indirectly decisions made by shipowners and operators, and is reflected in the costs of marine insurance and protection and indemnity insurance which are often dictated by international marine insurers and P&I Clubs located in major shipping centers. A lack of appropriate marine response may increase insurance premiums for both hull and machinery and cargo insurance, which can add to shipping costs, and impact the competitiveness of Canada's exports. The financial impact of these intangible and invisible financial costs for marine insurance are difficult to assess, much like the impact of piracy on global freight rates, but they do influence shipping decisions.

Risk management

From an ocean governance standpoint, the provision of federal marine response in Canadian waters is an element of ocean risk management which is mandated by the *Law of the Sea Convention* and which Canada has adopted into national legislation. In the case of marine response, this is a shared responsibility between two federal departments, the Canadian Coast Guard part of

Fisheries and Oceans (Canada) which is responsible for the performance and/or supervision of pollution cleanup, and Transport Canada which regulates shipping and sets marine response policy. The elements of ocean risk management include prevention, protection, response and mitigation. Much of Canada's existing marine infrastructure is directed towards the prevention phase of marine risk management such as aids to navigation, hydrographic charting and marine pilotage services. Globally, the International Maritime Organization (IMO) at the prevention phase specifies international uniform vessel standards through various international conventions. Luckily in Canada over the last 30 years, we have had few major marine incidents to call into question or identify gaps in the response and mitigation phase of ocean risk management. (The recent federal government's *Tanker Safety Expert Panel*, the subject of another article in this issue, looks at the subject.) The response phase of risk management comes into play when there has been a failure of the prevention phase of risk management, such as an operational bunkering spill during refueling. We saw a recent bunkering spill in Vancouver Harbour's English Bay in April 8, 2015 when MV *Marathassa* discharged 2,800 litres of intermediate fuel oil onto the waters and oiled the shoreline of Canada's largest coastal city.

Some recent incidents-to reflect upon

Some recent incidents highlight why it is important to have a marine response capability. A listing of relevant international marine incidents include: the *Norman Atlantic* ferry fire in the Adriatic, the auto carrier *Hoegh Osaka* listing in Southampton, and the fire and drifting tanker HMCS *Protecteur* off Hawaii. In Canadian waters, incidents involving the grounded bulk carrier *John I*, the drifting of MV *Scimitar* off Haidia Gwaii, the drifting laden tanker *Australian Spirit* off Halifax which lost its rudder, the grounding of icebreaker *CCG Ann Harvey* off Newfoundland's south coast, Vancouver's Centerm chemical container fire, the Squamish Terminal fire, and the MV *Marathassa* bunkering spill all happened in the space of months. Luckily, major marine incidents were avoided in all cases, which does not mean we shouldn't be prepared or discuss Canada's marine response capability. Marine incidents continue to happen on a regular basis and consequences for damage are potentially immense.

Lessons learned

After the MV *Marathassa* bunkering incident in Vancouver Harbour which generated a great deal of public, political and media attention, the Commissioner of the Canadian Coast Guard, Jody Thomas, moved quickly to initiate an independent review of the environmental response, and make recommendations based on inputs from all stakeholders. This analysis was completed by former assistant Commissioner of the Coast Guard, John Butler (*Butler review*). His independent review brought together over 23 different groups involved in the response, including the provincial government and all levels of municipal governments to examine the lessons learned. The *Butler Review* was released on July 19, and examined what worked well and what could be improved, and presented 25 recommendations to improve oil spill response. This is a prompt positive step forward and highlights the importance of examining events that are not common.

While this incident occurred in Canada's largest port, with a relatively well resourced marine response capability and a long experience with numerous bunkering spills over the years, the *Butler Review* highlights the importance of building relationships and strengthening Canada's marine response capability on an ongoing basis, which requires inputs from all parties. The incident highlighted that at the time of an incident is

not the time to be making friends. The *Butler Review* requires constant exercising and thinking around how to best deliver marine response capability around Canada's coasts. In one particular instance, the *Butler Review* indicated that "there appeared to be confusion about some partners regarding the roles and responsibilities of key partners in oil spill response." This is an interesting finding given that Canada's marine response regime is now almost 20 years old.

The key is to build on the groundwork laid by the *Butler Review* and look closely at its 25 recommendations, which provide a solid foundation for discussion and analysis.

Marine response and public opinion

Canada's ability to deliver prompt marine response capability is very much a live issue in public opinion, particularly considering possible future incidents resulting from proposed increased energy exports. As energy exports are of vital economic importance to Canada, an effective marine response capability is indispensable. To date, marine shipping in and around Canada has had a very good environmental record based on the existing risk management regime. The challenge, however, is how do we respond to possible low probability, high consequence events such as a major spill? The perception is we are not going to handle this well. In the Canadian example, these major incidents have proven to be very infrequent events. However, it is unrealistic to think they will never occur.

Independent thinking and analysis

The Clear Seas Centre for Responsible Marine Shipping has been set up in Vancouver in 2014 and formally launched earlier this summer. Clear Seas is an independent, not-for-profit organization that provides impartial and evidence-based research to inform the public and policy makers about marine shipping in Canada, including risks, mitigation measures and best practices for safe and sustainable marine shipping. Clear Seas' vision for safe and sustainable shipping is holistic, encompassing environmental, social and economic impacts of the shipping industry. Clear Seas was established in Canada after discussions with the marine shipping sector, port authorities, First Nations, non-governmental organizations, coastal communities, and other stakeholders concerned about marine shipping risks, prevention, preparedness, and response strategies along Canada's coastlines and waterways. Clear Seas will operate under guiding principles that include openness, objectivity, excellence, and unbiased research and engagement.

This is a good step forward to move the discussion forward and gain the public's trust.

The future

Given Canada's immense ocean space, and limited resources, we need to be creative in how we deliver marine response around the country. The issue is one of leadership and partnerships across a broad spectrum. These last 18 months have shown that marine incidents can and will happen. We have luckily dodged a number of bullets in that many of these incidents could have turned into major pollution incidents, such as when the laden tanker *Australian Spirit* lost its rudder off Halifax in December 2014, but that clearly does not mean we should be complacent.

The federal *Tanker Safety Expert Panel* and the *Butler Review* are good starting points to analyze marine response in Canada, which is a key element of our shipping infrastructure. The goal is to build on the groundwork laid by the *Butler Review* and look closely at its 25 recommendations. This independent review provides a solid foundation for operational improvement that can be implemented immediately. It will require federal leadership to put this into practice and follow-up on a regular basis with all levels of government.

The lessons learned in Vancouver's English Bay this past April can be applied around Canada. The Canadian Coast Guard has shown a willingness to accept criticism, look critically at the lessons learned and move forward with its new and old partners. This is a very positive and welcome step. Most of the recommendations are not costly to implement, and there is room for everyone to participate. The new Clear Seas Centre adds to the process with independent fact-based analysis. We can learn from these recent past incidents and, with the parties working together, we can improve an ocean strong Canada which will bode well for Canada's shipping industry and economic future. We have an international obligation to get this right. Marine response is an integral part of Canada's ocean infrastructure.

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