



OCEANS PROTECTION PLAN

PLAN DE PROTECTION DES OCÉANS

What We Heard Report

Marine Pollution Preparedness Response and Recovery
Discussion Paper

Introduction

Through the Oceans Protection Plan (OPP), the Government of Canada is working together with Indigenous communities, the marine industry, and other partners to respond to marine pollution incidents that involve oil and/or hazardous and noxious substances. Transport Canada, with the support of partner departments, released the *Marine Pollution Preparedness Response and Recovery Discussion Paper*, which outlined a proposal to develop an integrated system to ensure an appropriate response to all such marine pollution incidents.

We developed the Discussion Paper based on expert recommendations and feedback gathered through engagement activities conducted under the first 6 years of the Oceans Protection Plan, specific to initiatives that dealt with marine pollution preparedness and response. We posted the Discussion Paper online in January 2023, and shared it widely to solicit feedback on the proposed system. Our engagement this year centers around a proposed integrated system that will be guided by the following principles:

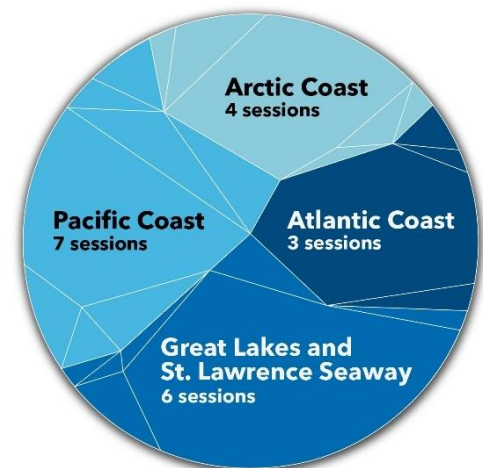
- create a single integrated response system that will improve how we prepare for, respond to and recover from marine pollution incidents, regardless of source
- limit the impact of possible marine pollution incidents on communities and the environment
- place the responsibility for paying for clean-up on those who create the risk of pollution
- create a pollution response framework that recognizes the role of Indigenous communities at the national, regional and local levels
- be based on evidence

Engagement from coast to coast to coast

The Discussion Paper was posted online, distributed, and presented nationwide from January 2023 through May 31, 2023. We sent targeted communications promoting the Discussion Paper to coastal Indigenous communities, marine industry stakeholders, and the provinces and territories to share this proposal and solicit feedback.

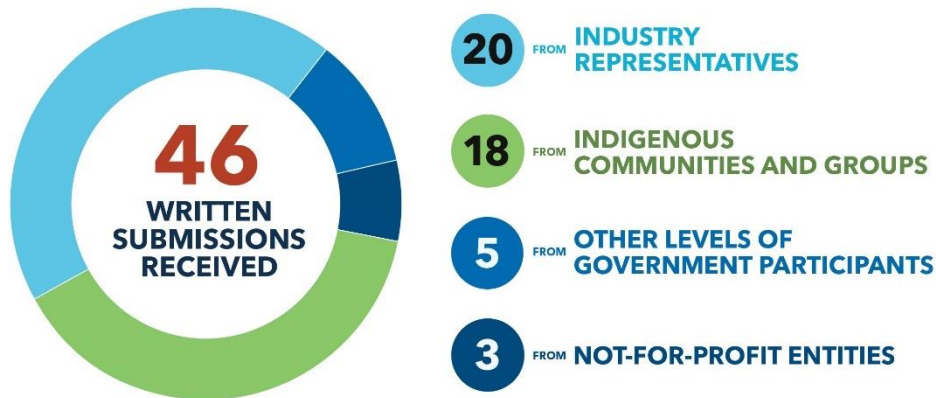
We held 20 virtual and in-person meetings across the country with provincial environmental and emergency ministries, Indigenous communities and groups, key interested groups, and

TALKING ABOUT
**MARINE
POLLUTION**
FROM COAST
TO COAST
TO COAST



marine industry stakeholders. These presentations and meetings, shared information, answered questions, and encouraged participants to make written submissions or request follow-up meetings if they wanted to.

We received 46 formal written submissions from different entities. We reviewed all the submissions carefully and summarized them in this report.



Key highlights from submissions

Most submissions supported the proposal of an integrated system that improves how we prepare for, respond to, and recover from marine pollution incidents. Many comments recommended that the Government of Canada should:

- honour Indigenous rights and interests and co-develop the system
- be evidence-based
- keep engaging with interested parties
- be clear about using alternative response measures
- address the evolving landscape around hazardous and noxious substances

4 key themes emerged from the submissions:

- It's necessary to clarify the roles and responsibilities of different authorities, jurisdictions, and partners, and to create clear response protocols
- Indigenous communities were very interested in co-developing their role. They recommended sustainable funding towards training and involvement in developing and implementing response plans
- Many submissions welcomed including hazardous and noxious substances, but warned that preparing for and responding to hazardous and noxious substances is very complex
- It's important to keep the polluter-pays principle while also exploring different funding models for preparedness and response activities

Feedback on key questions

General Questions

What are your perspectives on the Government of Canada's intention to develop a national system for marine pollution incidents in Canada?

There was broad support among the submissions for the Government of Canada's intention to develop an integrated system for managing marine pollution incidents.

Specific feedback from industry stakeholders included:

- asking for clarity around roles and responsibilities under the new proposed system, especially the role of the Canadian Coast Guard
- looking for clarity about how Unified Command will be used during a response
- supporting engaging with and involving Indigenous communities
- recommending using the expertise and experience of response organizations and regional operators
- suggesting a separate system for preparing for and responding to marine pollution incidents that involve hazardous and noxious substances because of the complex requirements of dealing with such a response on water

Feedback from Indigenous communities and organizations centered around the following:

- upholding the *United Nations Declaration on the Rights of Indigenous Peoples*
- honouring and recognizing Treaty rights and interests
- including Indigenous communities' knowledge, perspectives, and experiences
- including national, regional, and local preparedness and response levels following the international Tiered model
- continuing work on existing commitments established by regional and local agreements related to marine preparedness and response
- making sure that long-term, sustainable funding will be available to Indigenous communities
- increasing the Arctic's readiness and preparedness for marine pollution incidents

The feedback received from other levels of government recommended:

- respecting and adhering to jurisdictions and ongoing work already established by provinces and territories
- continuing to engage and collaborate with other levels of government in the future
- recognizing the impacts small spills have on the environment
- being science-based

Not-for-profit organizations recommended the following:

- involving specialized organizations that are experts in ocean data and marine wildlife management to support the management of marine pollution incidents
- reviewing current limitations to funding preparedness and response activities
- constantly improving to address evolving types of marine pollutants, particularly hazardous and noxious substances.

What could be done to make the response to marine pollution incidents more effective and efficient?

The responses fall under 4 main themes:

- clear roles and responsibilities
- increase Indigenous capacity and training
- response planning with data, science and Indigenous knowledge, and
- continual collaboration

Clear roles and responsibilities

Multiple submissions recommended clarifying the roles and responsibilities of different authorities, jurisdictions, and partners, and creating clear response protocols. This included involving Indigenous communities when developing response plans.

Some submissions recommended creating a formal, independent response authority, similar to the UK's Secretary of State's Representative for Maritime Salvage and Intervention (SOSREP). Submissions also noted a need for clarity on the Canadian Coast Guard's role in marine pollution response operations.

Increase Indigenous capacity and training

Many Indigenous communities and groups support creating a formal role for Indigenous participation in preparing for and managing marine pollution incidents. This includes making sustainable funding and resources available to support Indigenous participation in integrated response planning.

Submissions also recommended that training and exercising should be expanded to include monitoring. The end goal is to have local Indigenous emergency responders in every community who are equipped to properly respond to a marine pollution incident.

Response planning with data, science, and Indigenous knowledge

Submissions want sound science and comprehensive data to be integrated into successful preparedness and response planning. Incorporating Indigenous knowledge and experience, and including their presence into integrated response plans is essential moving forward. Submissions recommended using web-based platforms



and not-for-profit organizations that offer specialized real-time data that can be used for monitoring and response. Some of these platforms are already funded by the federal government.

Continual collaboration

Almost every submission recommended continuing the dialogue and engagement on this initiative. In particular, the Government of Canada must honour Indigenous rights and interests, and respect the *United Nations Declaration on the Rights of Indigenous Peoples* when working with Indigenous nations.

How should a world-class system for responding to marine pollution incidents be funded?

Many submissions said it was important to make sure the polluter is financially responsible for preparedness and response. Some submissions emphasized making sure that the polluter-pays principle is applied equally to all sources of marine pollution. Some also recommended that the Government of Canada explore upfront funding methods and look at other jurisdictions around the world for funding models. Many submissions from Indigenous communities stressed the importance of making stable and long-term funding available to support readiness at the local level.

Additional questions for consideration by Indigenous partners and communities:

How should the Government of Canada collaborate with Indigenous groups to develop a formal role for Indigenous communities in a national marine pollution, preparedness, response, and recovery in Canada?

It was clear from the submissions that the Government of Canada's intention to create a formal role for Indigenous communities is a step in the right direction. However, Indigenous communities stressed that the Government of Canada must do more to build trust and demonstrate real progress in co-developing and co-managing decision making.

The roles Indigenous communities and groups wanted varied depending on their unique values and capabilities. Some had a strong desire to create an Indigenous response organization or a network of Indigenous first responders along the coast. Others wanted better notification processes and access to real-time data for their own emergency management response plans. All strongly recommended that the Government of Canada work directly with individual nations to determine their desired role in the proposed system.

What kind of support and resources are required for Indigenous communities to successfully participate in the national system?

Most recommendations said that it was important that there is long-term, sustainable funding for Indigenous communities to:

- train, build capacity, and exercise response plans
- purchase and maintain equipment and infrastructure to support emergency response
- access digital platforms or academic resources for monitoring real-time data and analysis
- participate in recovery and environmental protection activities

Additional question for consideration by Provinces and Territories:

How can the Government of Canada work to integrate the national system with existing regimes for pollution that are provincial and/or territorial?

The different levels of government stressed the need to engage early and often with provincial and regional partners. This will help to better understand and align federal and provincial responsibilities. All submissions said that jurisdictions must be respected and adhered to. The Government of Canada should use frameworks and mechanisms that already exist for managing marine pollution incidents.

The submissions also suggested creating a working group with representation from each province and territory.

Next steps

We will share this report in the months ahead with those who provided direct feedback, so we can further explore the proposed ideas. It will also be given to those we shared the Discussion Paper with and be posted online.

We will incorporate the feedback from our engagement on the Discussion Paper in our policy framework. We will continue our dialogue with Indigenous communities and groups, marine stakeholders, different levels of government, and other interested parties as we move this initiative forward.

The Government of Canada is committed to the *United Nations Declaration on the Rights of Indigenous Peoples Act*. We will continue working in consultation and cooperation with Indigenous groups to co-develop their role within the integrated system for preparing for and managing marine pollution incidents.

Contact information

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Annex: formal written submissions

The following communities and groups provided formal written submissions and have given Transport Canada permission to publish their names.

Arctic Security Consultants

Atlantic Environmental Response Team (ALERT) Inc.

B.C. Ministry of Environment and Climate Change Strategy, Environment Emergency Program

B.C. Ferry and Marine Workers' Union (BCFMWU)

Caldwell First Nation

Canadian Fuels Association

Chamber of Marine Commerce

Chemistry Industry Association of Canada

Clear Seas

C-NOLPB

Comité Zone d'Intervention Prioritaire (ZIP) du Haut Saint-Laurent

Conseil de la Première Nation des Innus Essipit

DSS Protection

ECRC~SIMEC

Ekaluktutiak Hunters & Trappers Organization

Fraser Health Authority

Hammurabi Consulting

Irving Oil

Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations

Kwilmu'kw Maw-klusuaqn

le Grand Conseil de la Nation Waban-Aki

Logistro Consulting International

Makivvik



Malahat Nation

Marine Animal Response Society

Mohawk Council of Kahnawà:ke

Nation huronne-wendat

*New Brunswick Department of Environment and Local Government / Le gouvernement du Nouveau-Brunswick
Environnement et Gouvernements locaux*

PNC First Nations Marine Response Working Group

Port Saguenay

Shipping Federation of Canada / Fédération maritime du Canada

*Ship-source Oil Pollution Fund (SOPF) / Caisse d'indemnisation des dommages dus à la pollution par les
hydrocarbures causée par les navires. (CIDPHN)*

Siem Offshore Canada

Songhees Nation

Snuneymuxw First Nation

Virtual Marine

Wasauksing First Nation

Western Canada Marine Response Corporation

