



City of North Vancouver • District of North Vancouver • District of West Vancouver

**Tanker Safety Panel Secretariat
330 Sparks Street, Place de Ville Tower C (AAM)
Ottawa, ON K1A 0N5**

March 17, 2014

To Whom It May Concern,

Re: Phase II Submission of Canada's Spill Preparedness and Response Regime

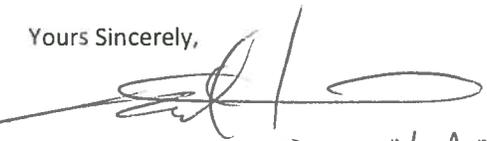
The North Shore Emergency Management Office conducts emergency planning for the City of North Vancouver, District of North Vancouver, and District of West Vancouver. These municipalities all have waterfront areas within Port Metro Vancouver and could be directly impacted if there was a spill of Hazardous Noxious Substances (HNS) – including LNG, LPG, and animal and plant oils within the waterway.

As was mentioned in my submission for the Phase I strategic review, all emergencies start at the local level and there appears to be little if any outreach to Local Authority Emergency Management entities around this topic. It is again recommended that you engage not just first response organizations from a few select municipalities, but also municipal emergency management departments when reviewing criteria, levels of preparedness, training, exercising, and development of procedures that could impact our communities.

Although we previously requested that there be better outreach, there has been none and it was by chance that we became aware of the deadline to submit statements. As a result of the lack of advance notice and time it is not possible to provide a proper in-depth response. Please see the attached for question responses.

Please contact me at 604.969.7000 if you require additional information.

Yours Sincerely,

for 
Dorit Mason, M.Sc., A.B.C.P.
Director

M. ANDREWS
EMERGENCY PLANNER

1. How should HNS be defined for the purposes of a Canadian ship-source incident preparedness and response regime?
 - The various standards (i.e., TDG, provincial, IMO definitions, etc.) should be compared against each other to come to a common definition and include any substance that can cause people to harm to the public and environment which includes air pollutants and explosives/nuclear/emissions.
2. What types of substances should be included in a Canadian regime for HNS? What is the rationale for their inclusion? What criteria should be used to inform the future inclusion of additional substances?
 - Dilbit should be reviewed to see if meets the definition – rationale – keep definition loose and include eco-system and human health danger. In order to provide meaningful comment, there should be a stakeholder engagement by the federal government which provides some background.
3. Should a regime address HNS transported in bulk or in packaged form (e.g. containers), or one or the other? Why?
 - It should include both bulk and containers. If it causes harm and it is regulated, the storage mechanism is not a factor if the material can be released to the receiving environment. The evaluation should include a ‘pathways’ of exposure approach to determine if the containers limit the exposure.
4. What measures are already undertaken, either by government or industry, to prevent ship-source HNS incidents?
 - I am not aware of any required measures to prevent HNS incidents and if there are any, these have not been well communicated. Canada has not signed the IMO agreement.
5. What additional measures should be taken to reduce the risk of a ship-source HNS incident?
 - The Coast Guard has seven guiding principles that apply to responses to chemical spills. Ships are required to file Pollution Incident Emergency Plans and have a copy of this on board. Lack of direction impedes policy direction on releases from vessels – there is no strategy or internal system. There is concern that there is adequate liability coverage to address any required recovery costs. In addition, risk assessment methods need to ensure they review both probability and potential consequences. What about future cumulative effects (economic, environmental, private property, public space, health).
6. What private-sector capability currently exists to respond to HNS incidents in the marine environment, including at HNS handling facilities, on board vessels that carry HNS, and with emergency response contractors?
 - WCMRC currently only responds to oil spills, they have responded to canola but not chemical. Coast Guard handles chemical spills. Local government does not have resources or knowledge to respond beyond containing public interface. Need more transparency and more incident and tracking of near misses, more ability to view what is on each vessel (ship and rail) in real time. Port Metro should know what is on each vessel and report to local authorities and fire departments. First responders need access to real time information. Not aware of any local capacity to do spill modelling. Must be concerned about air quality and impact on recreational boaters in vicinity. With Federal cut backs, don’t feel capacity is there for the Coast Guard to respond. No training exercises that regularly engage local authorities – these scenarios could include mass causality and spill response.
7. What public-sector capability, at all levels of government, currently exists to respond to or oversee the response to HNS incidents in the marine environment?
 - The Coast Guard strategy. No provincial response, limited ability to provide any assistance. Briefing schedule. Municipalities can do land based evacuation and containment, basic emergency response, notification to our citizens, and info sharing. WCMRC – response role – in place but does not align with the BC Emergency Response Management System (WCMRC indicates that cleanup is #1 priority while ; BCERM says responder safety is most important). Currently need ship owner’s permission before information can be released to the public about

the spilled material. This is inadequate – for life public safety we need to know as soon as possible.

8. What response techniques exist for responding to various HNS incidents in the marine environment? Are all of them authorized under current legislation? If not, under what circumstances should they be authorized?
 - No idea what currently exists; this needs local government input regarding type of response and strategies. There should be preauthorized techniques and responses.
9. What preparedness and response requirements should be incorporated into a new HNS regime?
 - Knowledge of what materials are transiting the harbour.
 - That there are response plans for each substance.
 - Community outreach for local government notification
 - Annual NHS spill exercises with local government and first responders participating – costs should be borne by the industry that brings the hazards.
 - Pre-staged containment supplies paid for by industry and transporters
 - Disposal strategy
 - Shadow website/public info and social media in place
10. To whom should these requirements apply?
 - To industry, transporters must take responsibility. Regulators need to ensure that they are applied. Local authorities/responders need to be engaged as emergencies start at the local level.
11. Is the current reporting/record keeping of HNS cargo on vessels in Canada adequate to prepare for and respond to HNS incidents? What could be done to improve the quality and accessibility of the information?
 - No – local governments and emergency responders are not privy to that information. We need to have real time information and track near misses. Information is critical it provides us with situational awareness and can speed up response and help make it more effective.
12. Are there international best practices (ship-source or other) that should be considered when creating a national HNS incident preparedness and response regime?
 - Possible information from Norway, Netherlands and Australia – as these appear to be best practices.
13. How do health and safety considerations for both responders and adjacent populations impact preparedness and response for HNS incidents? How to prepare if we don't know what is coming.
 - There needs to be a shoreline emergency response. Local governments all have emergency plans – protection of responders is first priority after which it is saving lives and public safety. Must consider evacuation, air quality, what type of personal protection is required for responders (do they need special gear? And Local Authorities should not have to fund that or the associated training). What are Standard Operating Procedures? Identification of places of refuge, where is the material moved to? Consideration of weather and environmental conditions.
14. What scientific advice and expertise is required during an HNS incident? Does this expertise currently exist, either in government or private industry? What expertise needs to be developed in Canada?
 - There needs to be a Marine version of a Spill Response Standard Operating Procedure which includes concepts such as (but not limited to):
 - Each area individually modelled
 - Knowledge of materials and spread estimates and impacts (air and water) when it enters each modelled area
 - Pre-warning so that local authorities have situational awareness and can respond quicker
 - Clean up best practices and subject matter expert for each material, shoreline specialists, etc.
 - Analysis of impacts after the spill
 - Interaction between materials
 - Disposal approach

- Cost recovery – not to be borne by local authorities and they have a mechanism to access funding to recoup their expenses
15. How should response capacity for an HNS regime be developed? What factors should be considered?
 - See #9, includes best practices, transparency, info shared to all affected parties and agencies. Resource allocation and ongoing training for local authorities. Ships responsibility – needs to be consistency between rail and marine protocols and responsibilities.
 16. Should a separate preparedness and response regime for HNS be created, or should the existing Ship-source Oil Spill Preparedness and Response Regime be expanded to include HNS? Why or why not?
 - There should only be one – it is easier to track one than two. It also depends on definition of HNS and which party is responding to each material/substance. Systems developed must be integrated with response system. One system of response is important as we don't know the material until we get out there (and even then it sometimes takes time before we actually know what the material is). There needs to be one overarching system covering both oil and HNS, although there could be separate regimes within it. What are the best management practices for this? There should also be a targeted consultation (again – you need to do better outreach to local authorities!)
 17. Could Canada's Response Organizations (ROs) fulfill the role of responder to certain ship-source HNS incidents, as they currently do for ship-source oil spills?
 - Not at this time? They may be able to in the future if they have the training and resources. Currently contracts are for oil not HNS. Ideally it should all substances. There must be local BC representation (provincial and local authority as applicable) with decision making and oversight
 18. What factors would need to be considered in broadening the Response Organizations' mandate to include HNS?
 - No comment at this time.
 18. If adopted, should the requirements for an HNS regime be integrated into current legislation, such as the *Canada Shipping Act, 2001* and the *Arctic Waters Pollution Prevention Act*, or should new legislation be created?
 - New piece of legislation that focuses onto the importance of this item. It could be referred to in current legislation.
 19. How should an HNS regime interact with the regulations for the transportation of dangerous goods in Canada?
 - It should align with language and intent of Transportation of Dangerous Goods. This would be the best situation for first responders.
 20. What role should the Canadian Coast Guard play in an HNS incident?
 - Canadian Coast Guard should lead.
 21. What are the current roles and responsibilities of other levels of government (provincial and municipal) in this area? Are any of these governments considering new prevention, preparedness and response requirements that could be of benefit to a national regime?
 - Municipal role would be emergency response – emergencies always start at the local level. We therefore need to understand the hazards and risk and what our vulnerabilities are. We need to be prepared to evacuate the community and provide services to them. This also links to the whole issue of rail safety – there needs to be a common methodology for understanding risk and being able to respond – this again comes down to open and transparent communication. Local authorities end up having to respond and there should be mechanisms to access funding to recover response costs and also restore the environment.
 - – Hazard risk/vulnerability, evacuation. Links to rail discussions and concerns.
 22. What other parties (i.e., first response agencies, health agencies, marine services, etc) have a role in the preparedness for or response to ship-source HNS incidents? What role could they play?
 - Consideration of preparedness and response roles is often limited to the roles of groups responding to clean up spills on the water surface. In order to protect public and environmental health and safety, the following parties at a minimum should all be engaged in preparedness and

response activities in the marine environment AND insofar as the marine based incident has impacts the land and air quality:

- First Nations
- Local Governments
- Local First Responders
- Local Health Authorities
- Provincial bodies and ministries including: Health, Emergency Management, Environment, Transportation
- Federal bodies and ministries including but not limited to: Environment Canada, Department of Fisheries and Oceans, Transport Canada, Public Safety Canada, Canadian Coast Guard, Parks Canada, Canadian Border Services Agency
- Response Organizations (WCMRC, ECMRC)
- Private Sector Hazmat Teams
- Terminal Owners and Operators
- Port Authorities
- Recreational boaters
- Conservation Authorities and Environmental Organizations
- Pacific Pilotage Authority
- Tug Operators
- Residents and businesses in high-risk zones
- International partners, including the US Coast Guard, Environmental Protection Agency, and State Departments of Ecology and Environment

Currently there is virtually no response capacity to deal with marine based HNS incidents, including fires, and explosions on the water – all the above groups must be involved in preparedness and response, but all must be adequately resourced and trained to do so. There is a major gap where Response Organizations should exist to respond specifically to marine based HNS incidents. There is also limited acknowledgement of the impact of HNS incidents on local governments, and responders, or of their legislated responsibility to protect public health and safety. Local governments and responders cannot carry out their legislated responsibilities without being fully integrated into preparedness and response planning, training, and exercising.

What role could they play?

Local Government and Responders have a critical role to play in Preparedness, Response, and Recovery including:

Preparedness:

- Hazard, Risk and Vulnerability Assessment as legislated
- Participant in training and exercising
- risk assessment including impacts on land
- environmental remediation planning
- public communication and education (evacuation and shelter in place instructions)
- response planning including approval of response techniques,
- assessment of impact of response on local communities
- PPE for first responders based on risk
- Notified of changes or proposed changes to transportation regulations
- Notified of changes to risk and hazard scape
- Must have access to information about the transport of hazardous materials
- Local knowledge relevant to preparedness, response and recovery (baseline data for monitoring impacts, etc)
- Mitigation of human health risks

Response:

- Role in Unified Command
- Implementing emergency plans including public notification, evacuation, shelter-in-place, emergency social services, perimeter control, traffic management, etc
- Implementing business continuity plans in situations where local government operations have been impacted
- Potential for local government equipment to be utilized in response
- Deployment of hazmat teams
- Declaration of local state of emergency if required
- Coordination of first responders and local stakeholders and partners within jurisdiction
- Coordination with local hospitals regarding signs, symptoms, and treatment
- Activation of local EOC if required
- Oversight of shoreline clean-up
- Protection of traditional territory and cultural values
- Provision of local knowledge related to human health, ecosystem management, environmental sensitivities

Recovery:

- Business recovery planning
 - Land use planning
 - Enforcement of perimeters to protect human health
 - Monitoring of long-term environmental impacts
 - Oversight and approval of local environmental remediation
23. Should responders be provided immunity from liability in the context of their response, as they are in the Ship-source Oil Spill Preparedness and Response Regime under the *Canada Shipping Act, 2001*?
- Yes
24. How could a future HNS incident preparedness and response regime be financed or funded? Surcharge builds spill response kitty.
- Carry marine spill insurance – liability requirement.
25. How should an HNS regime be overseen and enforced? Federal authority but have no staff capacity to enforce.
- The panel should review the FCM rail program
27. How should priorities for HNS-related research and development be established?
- The BC Emergency Response Management System model should be utilized. There should also be consultation (make sure you actually engage local authorities!!!), gap analysis, dedicated funding streams, annual workshops, risk analysis. Strategic five year plan based on risk level of **current** and proposed substances. Screening of new products.
28. Who should be responsible for funding and conducting this research?
- There should be Federal funds available. It needs to be independent, academic, peer research, think tank, stakeholders AND ultimately PRACTICAL!