



**Environment**  
Office of the Deputy Minister

PO Box 442  
Halifax, Nova Scotia  
Canada B3J 2P8

(902) 424-1850 T.  
(902) 424-1599 F.  
[www.gov.ns.ca/nse](http://www.gov.ns.ca/nse)

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Captain Gordon Houston  
Chair, Tanker Safety Expert Panel  
Tanker Safety Panel Secretariat  
330 Sparks Street, Place de Ville Tower C (AAM)  
Ottawa, ON K1A 0N5

Dear Captain Houston:

Thank you for providing Nova Scotia Environment the opportunity to meet with the Tanker Safety Panel regarding the elements of a world class oil spill prevention, preparedness and response regime. Nova Scotia first experienced the devastating impacts of a marine oil spill on February 4, 1970 when the tanker "Arrow" struck Cerberus Rock in Chedabucto Bay releasing over 11 million litres of bunker C. On March 15, 1979 Nova Scotia experienced a second spill when the tanker "Kurdistan" broke in two, spilling 7 million litres of bunker C oil into the Cabot Strait.

At the time of these crises, Nova Scotia partnered with the federal government to clean impacted beaches. Contaminated soil and sand was buried on crown and privately owned properties. Since that time, the federal government has refused to partner with us for necessary site monitoring or remediation work.

The current regime focuses mostly on the immediate environmental and economic response through the collection and mitigation of the spilled oil. Nova Scotia Environment believes that the full life cycle of waste management must be included as an integral component of a truly world class regime. We are also concerned about the lack of regime controls and compensation for pollution damage from products that are currently excluded from the Ship Source Oil Pollution Fund. Our concerns extend beyond condensates and other hazardous materials and include the cleanup and removal of the vessels themselves as well as other cargoes and debris that pose environmental and public safety risks. With these concerns, we believe that the criteria to access the Canadian Ship Source Oil Pollution Fund are far too narrow and limiting.

Industry must ensure that adequate measures are taken to be prepared and able to respond to the challenges of effective waste management prior to an incident. Nova Scotia Environment supports the polluter-pay principle and believes that those who create risk are responsible to carry the cost of mitigating those risks through proper advanced preparation.

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It is expected that any new regulations from Transport Canada will require plans from industry on the management of any waste generated by an oil spill. This type of planning is necessary to ensure there are no gaps or inefficiencies in the handling of wastes. The regulatory requirements must ensure these plans are developed based on net environmental benefit as well as the principles of waste management hierarchy - reduce, reuse and recycle.

Nova Scotia's environment regulations are based on the polluter pay principle. The Environment Act requires a full technical, economic and social review of proposed waste management handling facilities. Additionally, any liabilities associated with the construction and operation of waste management facilities rests entirely with the responsible party. This responsibility would also extend to federal departments and agencies that are responsible for directing response activities in the event that the polluter is unknown or unable to respond.

When reviewing the current federal marine oil spill response regime, careful consideration must be given to ensure the scope of the mandate is broad enough and that the mandated 10,000 tonne response capacity is sufficient. Consideration must be given to the volumes currently being carried by vessels, the volumes stored at handling facilities as well as offshore exploration activities. The allowable response time must also be reviewed to ensure it is adequate not only from a scientific risk based approach but also to ensure public confidence.

On a final note, I would like to take this time to discuss the importance and necessity of Federal leadership for response preparedness and coordination. As I know you can appreciate, Nova Scotia is a small province with limited resources. While concerned with the recent changes to the Regional Environmental Emergencies Team concept lead by Environment Canada, I also see this as an opportunity for Transport Canada to lead an "all of government" approach for the response regime. I believe the Canadian Coast Guard must continue to maintain an active role as the Federal Monitoring Officer with adequate resources to respond in the event that the polluter is unknown, unwilling or unable.

In summary, the main points of concern include:

- The federal government must partner with Nova Scotia by assuming its share of responsibility for the management of oily waste sites from the Arrow and Kurdistan oil spills.
- The full life cycle of waste management must be included as an integral component of a truly world class regime.
- The regime lacks controls and compensation for damage caused by products such as condensates and other hazardous materials.
- The regime should extend to the cleanup and removal of the vessels themselves including other cargo and debris.
- Federal regulation must require plans from industry on the management of waste generated by a marine oil spill that adheres to the polluter pay model.

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- The regime must consider whether or not the mandated 10,000 tonne response capacity is sufficient given the quantities carried by vessels, held in storage on land and handled at offshore sites.
- The allowable response time must be reviewed for adequacy.
- Transport Canada should lead an "all of government" approach for the response regime that involves an active role for the Canadian Coast Guard as the Federal Monitoring Officer.

Yours truly,



Sara Jane Snook  
Deputy Minister

cc: Provincial Deputy Ministers of Environment  
Catherine Blewett, Deputy Minister, NS Aboriginal Affairs and Intergovernmental Affairs  
Jason Hollett, Executive Director, Sustainability and Innovation, NS Environment