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The following submission was largely compiled from information already documented by the Oiled Wildlife Trust (OWT), outlining the deficiencies in oiled wildlife response in British Columbia. Though the deficiencies identified are based upon our experiences with oiled wildlife in British Columbia, similar deficiencies likely exist in all of Canada's marine areas, and will be useful in updating national preparedness levels.

Executive Summary - Challenges and Limitations of Oiled Wildlife Response in British Columbia

Formed in 2008, the OWT is a collective of non-governmental organizations that are stakeholders in oiled wildlife response in British Columbia.

The OWT believes all oiled wildlife deserve a response effort in order to prevent wildlife suffering as well as ongoing environmental contamination, however industry and government regulators often do not agree. The result is a delay in the activation of an oiled wildlife response or complete lack thereof.

British Columbia lacks all of the major resources to conduct a swift and efficient wildlife response including localized facilities, equipment and trained personnel. The absence of designated funding for oiled wildlife response is a significant impediment to prompt oiled wildlife response as government and industry struggle to decide who is financially accountable each time there is an oiled wildlife incident.

Divergent management and communication structures among government regulators in B.C. often result in the delayed activation of a wildlife response or inefficiencies in how it is carried out.

Government regulators involved in decision-making and oversight of oiled wildlife response often lack an understanding of the process and complexities of oiled wildlife rehabilitation.

While many nations have adopted legislation to mandate oiled wildlife response, Canada has not; here, oiled wildlife responses are policy-driven and extremely variable in nature.

Oiled Wildlife Trust – Background Information

The OWT includes the primary non-governmental organizations (NGOs) responsible for wildlife response and preparedness planning in British Columbia. Members of the Oiled Wildlife Trust include the:

- [Wildlife Rescue Association of British Columbia](#)
- [Wildlife Rehabilitators' Network of BC](#)
- [British Columbia Society for the Prevention of Cruelty to Animals \(BCSPCA\)](#)
- [Oiled Wildlife Society of British Columbia.](#)

The Oiled Wildlife Trust was born out of the need for a collaborative approach to oiled wildlife response based on historical experiences of B.C. wildlife non-governmental organizations (NGOs). In the late 1990s and early 2000s, B.C. NGOs were frequently called upon to handle wildlife recovery and rehabilitation aspects of oiled wildlife response efforts. However, these NGOs were ill prepared to deal with these incidences without professional and governmental support. As there was no financial backing from the Responsible Party (i.e. the party responsible for the oil spill) or government regulatory agencies, the NGOs primarily bore the entire financial burden. This had devastating consequences on their normal animal welfare service delivery programs.

As a result, in January 2008 the OWT was established to facilitate wildlife response management through a collaborative structure between NGOs, government regulatory agencies and professional wildlife response organizations. By maintaining a dialogue with government and industry, and working towards improved contingency planning, it was hoped that there would be a better outcome for both the organizations involved and the wildlife impacted during a spill event.

Each organization represented in the OWT is permitted and governed by one or more of the four wildlife regulatory agencies: Canadian Wildlife Service, Environment Canada, British Columbia Ministry of Environment, and Fisheries and Oceans Canada. Their areas of expertise involve all components of Wildlife Branch management within the Incident Command System and wildlife response operations

including reconnaissance, wildlife capture, data collection, animal medical care and rehabilitation. They also have extensive experience with wildlife contingency planning, training, and capacity building. Through its involvement with the regulatory agencies, the OWT participates in the Joint Wildlife Group initiated by Western Canada Marine Response Corporation, Canadian Coast Guard, Transport Canada, and the Chamber of Shipping.

Though each contributing organization has its own mission, values and goals, together as the OWT, these organizations work to establish uniform, professional response to oiled wildlife incidents and to engage all stakeholders in actively supporting best achievable practices for all oiled wildlife. The OWT values the:

- Intrinsic worth of all oiled wildlife irrespective of species
- Humane treatment of wildlife
- Professional standards of operation in oiled wildlife response
- Strength of cooperation and respect of expertise and diversity

The OWT continues to work with government regulators and industry to identify Incident Command System wildlife branch structure and responsibilities; determine triggers for notification, assessment, and response; build an understanding of qualified wildlife assessment process and personnel; identify wildlife response variables; and determine range of reasonable costs.

Determination of when to intervene

Finding consensus between industry, regulators and wildlife responders as to when to mount an oiled wildlife response effort following an incident remains an ongoing challenge. OWT members strongly believe that an oiled wildlife response should be mounted in any incident where wildlife have become oiled or have the potential to become oiled. This will work to prevent further environmental contamination and secondary oiling of predator species, as well as to mitigate suffering for those affected. An oiled wildlife response may involve active capture and rehabilitation to release but can also include euthanasia for animals that are not medically stable to undergo rehabilitation or have a low survival prognosis.

However, to date the OWT has found that there is often a delay in having qualified personnel assess the area for impacted wildlife or a disagreement among industry, government and/or the OWT regarding whether an oiled wildlife response effort should be mounted. This is particularly true when impacted animals are not considered “Species at Risk” – the priority of the Canadian Wildlife Service. Canada Geese, gulls and Mallard ducks have frequently been the victims of oil spills where no effort was made to either capture and rehabilitate or to recover and euthanize, leaving live and dead contaminated animals in the environment (e.g. the Westwood Annette spill in 2006, the Burrard Inlet Mystery Spill in 2009, and the Southmere Village Park Ponds Incident in 2011). The OWT strongly supports Jessup’s (1998) assessment that *“oiled wildlife should be removed from the environment if for no other reason than to remove them as a continuing source of contamination to other wildlife (conspecifics, predators, or scavengers), humans, and the environment.”*

Lack of facilities, resources and trained personnel

British Columbia requires the development and acquisition of pre-established resources that are necessary to provide an adequate response in the event of a spill. This includes facilities infrastructure, equipment, trained personnel and funding to support oiled wildlife rehabilitation efforts.

With spills impacting wildlife on a nearly annual basis, a pre-existing facility identified for use as an oiled wildlife care centre should be mandatory. However, no such facilities have been identified in British Columbia. B.C. has 18 times the amount of coastline as the state of California, where ten oiled wildlife primary care facilities exist and hundreds of veterinarians, animal health technicians, wildlife rehabilitators and volunteers are trained and available to assist in oiled animal rehabilitation. According to the Oiled Wildlife Care Network-UC Davis (Bailey 2000) *“one of the many lessons learned from past oil spills is that the presence of an appropriately designed and equipped veterinary care facility and well-trained staff gives oiled wildlife their best chance at surviving the experience.”* In previous spills in British Columbia, oiled wildlife response facilities have been identified in times of crisis, and are less than ideal, lacking the amenities that are required for an efficient, effective, and safe oiled wildlife rehabilitation program, such as unlimited water supply, ample water pressure, adequate electricity, sufficient ventilation and provision of heat or air-conditioning as necessary.

The need for trained personnel in British Columbia is also of utmost importance. While there are certain individuals (fewer than 15 in B.C.) within the OWT organizations who are trained and experienced, they are not guaranteed to be available during the event of a spill. As on-call workforce in an emergency response, they are generally unavailable to provide full-time oversight of a spill response due to other full-time professional commitments. Ideally, professional on-call wildlife first responders would be stationed throughout the province and a pre-identified oiled wildlife response organization would be ready to mobilize immediately upon notification of a spill.

Wildlife rehabilitation centres across the province take in thousands of injured birds, mammals and reptiles every year, but are unequipped to deal with oiled wildlife, as they require specialized facilities, equipment and expertise. This is not unique to British Columbia, as even on a global scale animal welfare charities and voluntary environmental groups *“... lack the resources (financial and other) to undertake their own detailed pre-spill planning and to invest in the level of dedicated facilities and other resources appropriate for the perceived level of risk”* (White and White 2007). Most rehabilitation centres rely on public donations to care for their usual patient load and function at capacity year round. Staff and volunteers typically have no training or expertise in the care of oiled wildlife.

Treatment and care of oiled wildlife, especially in a response environment, is an extremely specialized discipline with different requirements for success. These requirements often conflict with those necessary for traditional wildlife rehabilitation. The admission of even one or two oiled patients into an existing wildlife rehabilitation facility can have a significant impact on the ability of a wildlife rehabilitator to provide high quality care for their existing patients, in addition to the expert care required for any oiled patients.

Oiled animals require isolation and separation from non-oiled patients. Separate physical space, caging, air ventilation and exchange, as well as different ambient air temperatures, are required during the stabilization phase. Once animals are stable, cleaning requires specific

hoses, nozzles, water quality and pressure, unlimited quantities of hot water, a means of safe and regulated disposal of contaminant and rinse water, as well as drying pens and grooming dryers. Pre-release conditioning requires more water for the overflow of diving/swimming pools. Throughout the entire process, veterinary and rehabilitation staff experienced in oiled wildlife care must also be trained to manage the health risks associated with caring for oiled animals to ensure the safety and well-being of wild patients and those caring for them.

The space requirements alone for oiled wildlife response are unattainable by all current wildlife rehabilitation facilities in our province.

Professional oiled wildlife response organizations have the expertise, knowledge of equipment, and experienced personnel to ensure that oiled wildlife response is carried out effectively and humanely. They are able to incorporate a tiered response, integrating more resources as necessary, without the proliferation of expensive and rarely used resources (White and White 2007). Though wildlife rehabilitators will always be an important resource during an oiled wildlife incident, their personnel and facilities should not be considered a feasible alternative to a professional oiled wildlife responder.

Absence of designated funding for oiled wildlife response

Fiscal responsibility is a challenge that contributes to all of the identified shortcomings surrounding oiled wildlife rehabilitation in our province. While the Canadian Wildlife Service, BC Ministry of Environment and Fisheries and Oceans Canada hold responsibility for migratory birds, non-migratory birds and terrestrial mammals, and marine mammals respectively, there is no designated funding within these agencies to fund oiled wildlife response for these animals. In California, where oiled wildlife rehabilitation is legally mandated (Lempert-Keene-Seastrand Oil Spill Prevention and Response Act and U.S. Oil Pollution Act of 1990), legislation has provided the financial and legal infrastructure necessary to conduct quality wildlife care which has unquestionably improved animal husbandry, biomedical care and release rates over the past 50 years (Newman et al. 2003). The [Lempert-Keene-Seastrand Act](#), which became effective in 1990, has become the key state compensatory mechanism for spills since the Exxon Valdez Oil Spill. It establishes a comprehensive liability scheme for damages resulting from marine oil spills with recoverable damages including the cost of wildlife rehabilitation activities. In California, oiled wildlife care facilities are funded by the interest earned on California's \$50 million Oil Spill Response Trust Fund, which also pays for the operation of the Oiled Wildlife Care Network.

Without the financial structure to ensure that wildlife rehabilitation efforts are pursued in the event of a spill, the animals ultimately suffer, and in many cases die. Even on a small scale, the time delay that it takes to determine where money will come from and who will undertake response efforts, can mean the difference between life and death for hundreds of animals in the field. The condition of animals left in the wild deteriorates quickly, and once their physical condition has declined, rehabilitation success rates are reduced and are more costly to pursue.

Within Canada, in an incident where there is no identified Responsible Party or the Responsible Party chooses not to take complete financial responsibility for wildlife rehabilitation efforts (e.g. the MV Andre incident in 2006, the Burrard Inlet Mystery Spill in 2009), it is left to government regulators to determine where finances will come from. If this is not promptly determined, the result is oiled animals

left in the field to suffer lingering and painful deaths where they will remain as ongoing sources of environmental contamination (e.g. the MV Andre incident in 2006).

Divergent management and communication structures among responders

Regulator support and effective communication within and among governmental agencies, industry and NGOs involved in oiled wildlife incidents is critical to a timely and effective response. The Incident Command System is an organizational structure employed by many organizations, corporations and government agencies for the management of major emergencies, including oil spills. By providing a unified, centrally authorized chain of command, incidents of any size or complexity can be effectively dealt with. By providing the necessary structure, Incident Command allows personnel from varying agencies to efficiently and effectively work together, even if they do not normally do so. It provides a common management structure, clear lines of communication, and clarity surrounding the roles of individuals and organizations in the emergency response. The system is adaptable, scaling up or down as needed. While most Canadian government agencies and corporate industry have embraced this model in responding to oil spills, not all key players (most notably, the Canadian Coast Guard) in oil spill response in British Columbia are engaged, resulting in communication breakdown, duplication of some efforts and the absence of others. Further, while Incident Command may be used by the Responsible Party or other government agencies to manage an oil spill incident in Canada, the Wildlife Branch is often not incorporated, resulting in an oiled wildlife response effort that is disorganized and inefficient.

In the Leroy Barge Incident (2007) the absence of the Canadian Coast Guard from the Incident Command System provided a clear example of the disjointedness that may evolve during a response. In this incident, two separate command posts were established, one by the Responsible Party (involving Incident Command) and the other by Canadian Coast Guard (without the Incident Command System). Without clear lines of communication between the Canadian Coast Guard and the Responsible Party, and an established pathway for commencing a wildlife response effort, the wildlife response was chaotic and slow to mount. Fortunately, in this incident the BC Ministry of Environment took a proactive role in supporting reconnaissance efforts and no impacted wildlife were found. If large numbers of wildlife had been contaminated, this spill may have been disastrous.

Misunderstood wildlife rehabilitation procedures among regulators

Due to mounting public pressure in recent years regarding the humane treatment of oiled wildlife, government entities have increasingly rewritten policy to support wildlife rehabilitation following an oil spill event. However, a lack of understanding from high-level regulators regarding procedures necessary to adequately and humanely rehabilitate oiled wildlife has meant that legislation has been slow to follow. There is a lingering train of thought amongst many that “an oiled duck is a dead duck”. Though most certainly factual at one point in time, this idea no longer holds true, as oiled wildlife rehabilitation has become a well-documented scientific process adhering to strict internationally accepted protocols (e.g. US Fish & Wildlife Service – Best Practices for Migratory Bird Care During Oil Spill Response,

International Petroleum Industry Environmental Conservation Association – A Guide to Oiled Wildlife Response Planning, OWCN Protocols for the Care of Oil Affected Birds, OWCN Protocols for the Care of Oil Affected Marine Mammals).

There are many factors that affect an animal's ability to be successfully rehabilitated following an oil spill incident, including (but not limited to): the animal's condition prior to the spill, species impacted, type of contaminant, and length of time from oiling to rescue and rehabilitation. However, there tends to be a belief that degree of oiling is a major predictor for successful rehabilitation, which is highly inaccurate. Even heavily oiled birds that are *quickly* recovered, stabilized and rehabilitated can have a high rate of success in their rehabilitation.

Cited in Canadian Wildlife Service's National Policy on Oiled Birds and Oiled Species at Risk (Environment Canada 2000):

“There are areas in Canada and types of incidents where cleaning and rehabilitation may successfully allow many oiled birds to re-enter the breeding population. These are areas where the water is warmer and with oiled species which respond more readily to cleaning and rehabilitation. However there are vast expanses of Canada's coastlines where the waters are generally cold or frigid and the species generally affected do not respond well to cleaning and rehabilitation. In these cases the most humane treatment is often to euthanise affected birds.”

This incorrect statement helps to guide CWS's response to oiled wildlife incidents and also represents a core misunderstanding of the basics of the oiled wildlife rehabilitation process. While unfavourable environmental conditions and colder ambient temperatures will lead to hypothermia more quickly in oiled birds, it does not automatically render them poor candidates for rehabilitation. A swift recovery effort can make rehabilitation efforts for birds, even in colder areas very effective (e.g. [Pribilof Island Spill](#), Alaska, 1996). A more accurate predictor for the successful rehabilitation of birds is their body condition when rescued, which normally coincides directly with how quickly they were captured following oiling. Current oiled wildlife rehabilitation protocols use standardized clinical predictors to assess candidacy for rehabilitation, such as:

- degree of wasting (as a percentage of body weight which is compared to normal values for that species, sex and season)
- degree of dehydration
- body temperature
- heart rate
- respiration rate and quality
- blood values (packed cell volume and total solids)
- condition of eyes and other mucous membranes
- condition of skin and scaly areas (e.g. presence of burning)
- temperament and response rate of animal (e.g. depressed, lethargic)

In instances where animals are found to be poor rehabilitation candidates based on the aforementioned professional protocols, oiled wildlife medical personnel (and the OWT) support and regularly administer humane euthanasia.

Deficient response capacity of government entities

In British Columbia, the government entities responsible for wildlife typically hold no capacity themselves to respond to oiled wildlife in distress. Therefore they depend on other organizations for operational provision of equipment and expertise. Depending on the species impacted, different government agencies will be called into action to help provide varying levels of oversight or guidance.

Canadian Wildlife Service

As waterfowl and seabirds are the species most often affected by oil spills it is the Canadian Wildlife Service (CWS) that is most commonly engaged following an oil spill impacting wildlife. In the [National Policy on Oiled Birds and Oiled Species at Risk](#) (2000) the CWS has identified its responsibilities during a spill to be: the licensing of bird responders and rehabilitators under the Migratory Bird Regulations, ensuring their compliance with permits issued, monitoring their effectiveness, and ensuring that oiled migratory birds are treated humanely. However, it has been the experience of the OWT that designated CWS personnel are often untrained and inexperienced in recognizing oiled wildlife and are generally unfamiliar with the oiled wildlife rescue and rehabilitation process. This renders them unable to provide critical oversight. Additionally, as the OWT has frequently experienced, designated personnel may be absent from critical oiled wildlife planning meetings, they may be difficult to contact during an actual emergency, or they may find themselves without the financial backing needed to support the National Policy during an oiled wildlife incident.

In creating the National Policy, the CWS identified the effective conservation of migratory bird populations and the assurance of humane treatment of oiled birds and Species at Risk as imperatives. Further it is declared that: *“as necessary, CWS will ensure humane treatment (either through cleaning and rehabilitation or euthanization) of oiled wildlife.”* In most historical spill scenarios this has not been undertaken, with potentially containable oiled birds often remaining in the field.

The CWS’s National Policy also outlines that cleaning and rehabilitation will normally be required when impacted birds are listed as endangered or threatened, as defined by federal, provincial or territorial regulations. This policy frequently results in oiled birds (such as Canada Geese, Mallard ducks and gulls) being left in the field because of their species status. This section of the National Policy comes into direct contradiction with the other sections outlining that oiled birds need to be removed from their environment to prevent them from acting as an ongoing source of environmental contamination. Further, it fails to acknowledge the advantages of oiled wildlife rehabilitation other than conservation benefits such as: the prevention of unnecessary suffering to wildlife, the opportunity to assess wildlife damage by means of evidence collection, the public value of wildlife and their support for oiled wildlife rehabilitation activities, and the critical preparedness opportunity to maintain oiled wildlife response skills for use when threatened or endangered species are impacted. This section of the National Policy came directly under fire in the international wildlife community (C. Doucette personal experience, Effects of Oil on Wildlife conference, 2008), where government regulators in the United States explicitly criticized the decision to rehabilitate individuals based solely on species conservation status.

Environment Canada

While the Canadian Wildlife Service is responsible for the National Policy on Oiled Birds and Species at Risk, the roles of the Canadian Wildlife Service and Environment Canada with respect to oiled wildlife are not always clearly defined. In the 2009 Burrard Inlet Mystery Spill Canadian Wildlife Service personnel were unreachable. Seriously distressed migratory birds were being sighted and reported by members of the public, so oiled wildlife responders called the provincial regulators to ask for guidance. Environment Canada (after being contacted by the provincial government regulators) agreed to fund the activities of a professional oiled wildlife response organization over the B.C. Day long weekend. At the end of the weekend, responsibility for oiled wildlife was to be transferred back to the Canadian Wildlife Service. The Canadian Wildlife Service ultimately decided that oiled wildlife response efforts would not be conducted. As a result, the oiled, but otherwise healthy, wildlife that had been captured were euthanized and 30-40 live oiled animals were left in the field.

As is evidenced by this example, even though Canadian Wildlife Service is under Environment Canada's jurisdiction the two government entities may have very divergent decision-making pathways. Though it may be expected that they would support and follow the same policies, this does not necessarily happen in actual oiled wildlife incidents.

BC Ministry of Environment

The BC Ministry of Environment has typically taken a supportive role in oiled wildlife rehabilitation activities but may be limited by resources and jurisdiction. The Province of British Columbia "*acknowledges the strong public concern for the fate of wildlife affected by an oil spill and give(s) a high priority to wildlife protection and rehabilitation*" (BC Ministry of Environment 2002). As stated in its [response strategy](#) "*provision will be made to contract veterinary services to ensure that professional decisions are made in the management of wildlife rehabilitation.*" This was the case in the MV Andre, Westwood Annette, and Westridge Pipeline spills, where the provincial veterinarian provided oversight of oiled wildlife rehabilitation efforts.

As the government entity primarily responsible for terrestrial mammals and non-migratory birds, the BC Ministry of Environment is typically called upon less often than the Canadian Wildlife Service, which oversees migratory birds. So, though its role is crucial, the BC Ministry of Environment's involvement is limited by jurisdiction and by the cooperative relationship with federal government entities.

Fisheries and Oceans Canada

Finally, while marine mammals tend to be affected in far fewer numbers than their avian counterparts, preparedness for oiled marine mammals needs to be an integral part of contingency planning. Thus far, oiled marine mammal planning has been largely ignored in British Columbia. Fisheries and Oceans Canada (DFO), along with CWS and BC Ministry of Environment need to be integrated into the Wildlife Branch of the ICS during an incident that affects all species. While wildlife NGOs in our province have pushed the government to adopt a professional model for oiled wildlife response for birds, this has not yet happened for marine mammals.

Regular marine mammal rehabilitation centres that are utilized for oiled marine mammal response may find that this impacts their capacity to care for newly admitted oiled animals and/or limits their ability to accept regularly admitted patients due to strain on personnel, space, equipment and consumable supplies. This may be particularly devastating during the busy summer season when facilities are caring for many neonates. Additionally, the financial burden of responding to oiled marine mammals may detract from their regular rehabilitation activities.

Absence of federal legislation

The absence of legislation to ensure the protection of wildlife is at the heart of the ineffective involvement of government agencies in response to oiled wildlife incidents in British Columbia. While each entity has its own policy to guide oiled wildlife response, the absence of federal and provincial legislation means that each incident varies greatly in its response as there is no clear pathway for decision-making. This allows for major inconsistencies that, ultimately, result in wildlife casualties. Until substantive federal legislation is in place that ensures that oiled wildlife rehabilitation activities are undertaken, we anticipate that in many instances, the wildlife response will be less than adequate.