

# MARINE SAFETY MANAGEMENT SYSTEM

## ENVIRONMENTAL PREVENTION AND RESPONSE NATIONAL PREPAREDNESS PLAN

### Process Framework

See Attachment – Environmental Prevention and Response Program Framework.

### 1.0 Purpose

- 1.1 The purpose of the National Preparedness Plan (NPP) is to establish the national preparedness capacity of the marine spill response regime under Transport Canada's (TC) regulatory role.
- 1.2 This plan is intended to provide a clear and consistent understanding of the preparedness capacity of the marine spill response regime and to ensure mechanisms are in place to provide an adequate preparedness capacity.

### 2.0 Authority

- 2.1 This plan relates to the authority of the Minister of TC under the *Canada Shipping Act, 2001* (CSA 2001).

### 3.0 Background

- 3.1 Canada's national system of oil spill preparedness and response is built upon a partnership between government and industry.
- 3.2 The regime was established in 1995 to enable industry to respond to its own oil spills of up to 10,000 tonnes within the prescribed time standards and operating environments, for Canadian waters south of 60 degrees north latitude.
- 3.3 TC is the lead federal regulatory agency for Canada's marine oil spill preparedness and response regime. Under TC's leadership, Canada's national oil spill preparedness and response system brings together components of industry, the provinces and other federal agencies to protect Canada's marine environment.

- 3.4 In 1995, amendments to the *Canada Shipping Act* led to the creation of a network of private sector owned and operated oil spill Response Organizations (RO) that provide industry with the ability to respond to oil spills up to 10,000 tonnes, south of 60 degrees north latitude, based on a cascading of response capability.
- 3.5 The principle behind these amendments is that potential polluters should bear the costs of preparedness for the environmental risk posed by their operations.
- 3.6 Under the regime, Oil Handling Facilities (OHF) and vessels of a prescribed class are required to have an arrangement with a TC-certified RO for the provision of a response in the event of a pollution incident.
- 3.7 The certification process for ROs is rigorous. TC, in consultation with industry, sets the standards by which the ROs are certified, ensures their continuing compliance with those standards, and monitors response operations undertaken by ROs.
- 3.8 ROs are certified for a prescribed period (not to exceed five years) and currently there are four (4) certified ROs operating in Canada.
- 3.9 The regime requires OHF operators to develop Oil Pollution Emergency Plans (OPEP) and enter into an arrangement with a certified RO.
- 3.10 The regime requires vessels operating in waters under Canadian jurisdiction to develop a Ship Oil Pollution Emergency Plan (SOPEP) and enter into an arrangement with a certified RO.
- 3.11 As the lead federal response agency, the Canadian Coast Guard (CCG) maintains a preparedness capacity for response to spills north of 60 degrees north latitude and provides an initial response and monitoring capacity for the entire marine spill response regime.

## **4.0 Scope**

- 4.1 TC is the lead regulatory agency responsible for Canada's oil spill preparedness and response regime. It implements regulations and sets rigorous standards for ROs and OHFs, and ensures the required national preparedness capacity for the regime.

## 5.0 Responsibility

- 5.1 This plan is the responsibility of the Director, Operations and Environmental Programs (AMSE).
- 5.2 The Manager, Environmental Response Systems (AMSEF) is responsible for the development, implementation, monitoring and maintenance of this plan.
- 5.3 The Regional Directors of Marine Safety and their respective Environmental Response subject matter experts (SME) are responsible for operational compliance.

## 6.0 Procedures

- 6.1 Government and industry will work together under the leadership of TC to protect Canada's marine environment from negative effects of spills from the marine transportation of oil in a seamless, national and cost-effective system that:
  - fosters best preventive practices;
  - ensures immediate and effective response to a potential spill anywhere in waters under Canadian jurisdiction;
  - maintains in a state of readiness, a supply of appropriate preparedness equipment, along with plans and a network of trained personnel;
  - supports international efforts to protect and enhance the marine environment world-wide; and
  - implements necessary adjustments to continue the development of the system.

## 7.0 Roles and Responsibilities

The roles and responsibilities of Governments, potential polluters, and ROs are summarized below.

### 7.1 TC's Roles and Responsibilities

**Legislative** - TC is the lead regulatory agency for marine spills in Canadian waters where this policy applies. Responsibilities under the *Canada Shipping Act, 2001* (CSA 2001) include:

- to certify ROs and evaluate their activities that include, but are not limited to, auditing, inspection, response plans, exercise and training;

- to ensure amendments to fees charged by an RO in relation to an arrangement with an OHF or vessel are applied in an appropriate and transparent manner through a User Committee;
- to implement and oversee the National Aerial Surveillance Program;
- to act as the National Competent Authority for the International Convention on Oil Pollution Preparedness, Response, and Co-operation (OPRC);
- to appoint Regional Advisory Committee (RAC) Members in six Regions, and provide logistical and Secretariat support for each Committee;
- to oversee RO User Committees (CSA 2001);
- to implement and oversee the National Advisory Council (NAC) and provide logistical support to the NAC;
- to inspect OHFs, evaluate their prevention plans, OPEPs and activities as it relates to exercising, training, preparedness and response; and
- to ensure oil tankers of 150 tonnes gross tonnage or more and vessels of 400 gross tonnes or more that carry oil as cargo or fuel have the appropriate documentation as required by CSA 2001.

### **Preparedness**

- to establish a framework which includes the coordination of the organizational relationship of the various bodies involved;
- to ensure the appropriate level of preparedness is available to combat marine oil pollution incidents in waters under Canadian jurisdiction;
- to ensure continuous enhancement of the regime;
- to ensure a consultation process is active with all stakeholders;
- to ensure vessels operating in waters under Canadian jurisdiction have a SOPEP and an arrangement with a certified RO; and
- to establish a national preparedness and response regime to deal with marine incidents involving hazardous and noxious substances.

## **Response**

- to conduct on-board investigation of ship source pollution occurrences;
- to investigate discharges of oil that occur during transfers between vessels and OHFs;
- to serve as the lead Agency for salvage of vessels during a pollution incident; and
- to provide technical expertise to CCG with respect to the ship and ship's onboard activities (e.g. lightering) in the event of a marine spill or threat of a spill.

## **7.2 CCG's Roles and Responsibilities**

**Legislative** - The CCG takes what measures are deemed necessary to repair, remedy, minimize or prevent pollution damage from a ship or OHF, as stated in CSA 2001, Part 8, sub-section 180. (1).

### **Preparedness**

- to provide competent and qualified CCG ER personnel to act as the Federal Monitoring Officer/On-Scene Commander (FMO/OSC) or to support the activities of the FMO/OSC;
- to ensure an adequate number of trained Environmental Response personnel on Response Management System (RMS);
- to provide competent and qualified Environmental Response personnel as Pollution Response Officers (PROs) appointed by the Minister of Fisheries and Oceans;
- to provide operational oversight and maintenance of:
  - (1) CCG National Response Plan and Regional Chapters.
  - (2) Canada/United States Joint Contingency Plan (CANUS JCP) and Regional / District Annexes with the United States Coast Guard (USCG).
- to exercise the Regional District of the CANUS JCP Annexes on a bi-annual basis;
- to provide services relating to the National Support Team;

- to maintain the CCG as a center of excellence in marine spill response through research and development, training, exercising and national and international technical cooperation;

## **Response**

- to co-ordinate inter-departmental activities during pollution incidents;
- to provide a preparedness capacity in support of the regime; and
- in the event of an international incident, provision of available response resources to countries which are signatory to the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC), 1990, upon request and to the greatest extent possible.

## **8.0 Ships' Roles and Responsibilities**

8.1 **Legislative** - Ships in excess of 400 gross registered tonnes or tankers in excess of 150 gross registered tonnes have a role based on the polluter pay principle. The specific roles and responsibilities, as regulated by TC, are:

- to have an appropriate SOPEP;
- to have an arrangement with a certified RO; and
- to have a Declaration which:
  - confirms an arrangement with a certified RO,
  - identifies the ship's insurer,
  - identifies the authorized person who implements the RO arrangement.

## **8.2 Preparedness**

TC's expectations regarding preparedness for ship owners and managers:

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<sup>2</sup> The preparedness capacities listed are a measurement of the CCG inventory against the Response Organization Standards developed for RO certification. The RO standards are planning standards and as a result the tonnage levels listed for CCG are only an indication of the Regional CCG response inventory levels. The tonnage numbers listed are not performance based and should be treated accordingly.

- to ensure that an appropriate SOPEP is kept on board the vessel and the captain and crew are well versed on its content;
- to ensure the SOPEP is exercised and tested on a prescribed basis;
- to ensure that ships are boomed during bunkering operations ; and
- to equip their vessels with enough boom to circle the vessel; and
- to carry sorbent material when transiting in remote areas.

### 8.3 Response

TC's expectations for shipowners and managers in the event of a spill are:

- to follow proper notification procedures when a spill occurs;
- to implement the SOPEP;
- to appoint an OSC<sup>1</sup> for the management of the spill for which they are responsible;
- to mitigate, contain and control an oil discharge/spill through their own capacity (means) and/or in combination with a contractor and the invoking of the vessel's RO arrangement;
- to keep the CCG FMO apprised of all response activities and plans;
- to take financial responsibility for all reasonable costs associated with the response, recovery activities and monitoring costs of pollution incidents; and
- to participate in the post mortem process and follow up on the lessons learned within three months.

## 9.0 Oil Handling Facilities Roles and Responsibilities

### 9.1 Preparedness

TC's expectations regarding preparedness activities for OHF owners and managers are:

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<sup>1</sup> Except in cases where a co-ordinated response is activated under the Canada - United States Joint Marine Pollution Contingency Plan. In this case, the CCG is required to provide the OSC.

- to ensure that their operations have the appropriate infrastructures, plans, equipment and trained personnel to manage an immediate and effective response during oil transfer operations to or from a ship as per the legislative requirements;
- to ensure that an appropriate OPEP is available and facility personnel are well versed in its content;
- to have an arrangement with a certified RO;
- to ensure the OPEP and OPFR are exercised and tested; and
- to maintain a preparedness capacity (as per the legislative requirements).

## 9.2 Legislative

Oil handling facilities have a role in Canada's oil spill preparedness and response regime. The specific responsibilities are:

- to comply with the RO and OHF's Regulations by;
  - having an appropriately-prescribed OPEP and equipment on site (monitoring this is TC's role);
  - having an appropriately prescribed Oil Pollution Prevention Plan (OPPP) on site;
  - having an arrangement with a certified RO; and
  - providing a declaration which:
    - Confirms an arrangement with a certified RO.
    - Stipulates the reporting of oil pollution incidents.
    - Identifies the authorized person who implements the OPEP and RO arrangement.

## 9.3 Response

TC's expectations regarding response activities for OHF owners and managers are:

- to follow proper notification procedures when a spill occurs;
- to implement the OPEP;

- to appoint an OSC for the management of the spill<sup>2</sup>;
- to mitigate, contain and control the spill within the appropriate time allowances and by invoking their arrangement with a RO, through their resident capacity, or by the use of a contractor;
- to keep the CCG FMO apprised of all response activities and plans;
- to be financially responsible for all reasonable costs associated with the response, recovery activities and CCG monitoring costs; and
- to participate in the post mortem process and follow up on the lessons learned within three months.

## 10.0 RO Roles and Responsibilities

### 10.1 Legislative

The role of the RO is to comply with the appropriate law, regulations, and standards that regulate them. TC's expectations for ROs are:

- to submit to TC, an appropriate response plan and declaration to obtain a certificate of designation;
- to provide a proposed list of fees or amended fees with each application for certification; and
- to maintain the availability of the resources, equipment and procedures as identified in the response plan.

### 10.2 Preparedness

TC expectations for RO preparedness are:

- to ensure that the appropriate infrastructure, plans, equipment, and trained personnel are established to maintain their certification;
- to conduct exercises to validate their submissions for certification;
- to ensure the RO preparedness capacity identified in their submissions is kept in a constant state of operational readiness;

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<sup>2</sup> Except in cases where a co-ordinated response is activated under the Canada - United States Joint Marine Pollution Contingency Plan. In this case, the CCG is required to provide the OSC.

- to establish and maintain a Life Cycle Management Program for their preparedness capacity;
- to develop and maintain the appropriate logistic plans to allow for a response within the prescribed RO time standards;
- to ensure their preparedness capacity is located in the optimum locations considering the associated risk and adjusted as required within the prescribed legislative requirements;
- to advise in advance of any potential changes to their certification submission; and
- to establish RO User Committees to oversee fee amendments and advertise fee amendments through Canada Gazette.

### 10.3 **Response**

When ROs are contracted by the OSC (polluter or CCG) to respond to a spill, TC's expectations for ROs for response are:

- to activate the RO spill management team upon notification by the OSC;
- to deploy equipment and personnel for response operations as per the direction of the OSC;
- to ensure close adherence to response times when responding to oil pollution incidents within their Geographical Area of Response (GAR);
- to invoke their mutual aid agreements as required;
- to co-ordinate all response activities and plans through the OSC and CCG FMO;
- to take financial responsibility and submit all costs associated with the response to the OSC; and
- to participate in the post mortem process and follow up on the lessons learned within three months.

## 11.0 Environment Canada's (EC) Roles and Responsibilities

Environment Canada is recognised as the federal authority for environmental advice to the CCG FMO or CCG OSC during a pollution incident;

Their specific responsibilities include:

- to Chair (or co-chair) the Regional Environmental Emergency Team (REET);
  - the REET provides, for planning purposes, a forum for the exchange of scientific and technical information relating to pollution incidents or related issues; and
  - in the event of a pollution incident, the REET provides consolidated environmental and scientific advice along with multi-agency support functions to the CCG FMO or CCG OSC.
- to participate in the post mortem process and follow up on the lessons learned, within three months; and
- to act as the lead federal agency for spills from federal facilities (including CCG and DND vessels) and for pollution incidents originating from the land.

## 12.0 Requirements

TC has responsibility for ensuring an appropriate response capability is readily available in all regions of Canada, including all necessary infrastructures, plans, equipment and trained personnel. Evidence of this response capability will be demonstrated through the National Marine Spills Preparedness Plan (The Plan).

The preparation of The Plan is the responsibility of the Director, Operations & Environmental Programs, with regional input. This plan defines the scope and framework within which the Canadian Response Regime will operate to ensure an appropriate response to marine pollution incidents in waters under Canadian jurisdiction.

## 13.0 References

The following reference is relevant for the application of this plan:

- *Canada Shipping Act, 2001*