



## ASSESSMENT OF THE RESPONSE FROM TRANSPORT CANADA TO MARINE SAFETY RECOMMENDATION M02-04

### EMERGENCY PREPAREDNESS

#### Background

On 11 August 2001, at approximately 2054, while proceeding downbound under Bridge 11 in the Welland Canal, at Allanburg, Ontario, the bulk carrier *Windoc* was struck by the bridge's vertical-lift span, which was lowered before the vessel had passed clear of the bridge structure. The vessel's wheelhouse and funnel were destroyed. The vessel drifted downstream, caught fire, and grounded approximately 800 metres from the bridge. Although the vessel's cargo of wheat was not damaged, the vessel was declared a constructive total loss. The bridge sustained structural damage, and the Welland Canal was closed to vessel traffic for two days. There were no serious injuries or oil pollution.

#### Board Recommendation M02-04

Ongoing work by the St. Lawrence Seaway Management Corporation (SLSMC) concerning its preparedness for responding to vessel-related emergencies was noted by the Board. However, the Board was concerned that there has been no indication from the SLSMC that it will undertake a multi-agency, vessel-related emergency response exercise. Such exercises are necessary to evaluate preparedness for responding to a major emergency. Other agencies have conducted similar exercises within the St. Lawrence River and Great Lakes, but there has been limited participation by the SLSMC.

No major vessel-related emergency response exercise involving other agencies has been conducted within the Welland Canal. The risks associated with an improperly coordinated response are higher than those associated with a fully coordinated response.

Following commercialization of the Seaway in which the SLSMC is responsible for Canadian operations, there has been little, if any, oversight provided by Transport Canada (TC) to ensure that emergency plans, training and exercises are in place and adequate to respond to vessel-related emergencies in the Seaway. Although the Corporation is responsible for Seaway operations, TC retains regulatory authority and is responsible to ensure that arrangements are in place for dealing with vessel-related emergencies within the Seaway. The Board therefore recommended that:

The Department of Transport ensure that overall preparedness is appropriate for responding to vessel-related emergencies within the Seaway.

M02-04



## Response to M02-04

In its 20 March 2003 letter, TC provided the following comments:

- The Minister of Transport, under the *Canada Marine Act*, does have responsibility for the safety oversight of the Canadian marine transportation system in general; however, the *Canada Marine Act* does not provide a safety oversight role to the Minister in respect to the Seaway.
- Responsibility for emergency/contingency plans specific to the Seaway falls under the purview of the SLSMC. Emergency/contingency response plans have been updated by the SLSMC. They are currently conducting training, exercises and establishment of links with partners to test whether their level of preparedness is appropriate to respond to any vessel-related emergencies within the Seaway.

In its 09 May 2005 letter, TC provided the following additional comments:

- With reference to the Department's original response, and having regard to the management role that the Minister of Transport has given to the SLSMC under Part 3 of the *Canada Marine Act*, the Department will not be taking responsibility for approving the emergency response plan of the SLSMC.
- Discussions have been held between the Department and the SLSMC and a decision has been made to amend the Management, Operation and Maintenance Agreement between the Government of Canada and the SLSMC. This decision will require the SLSMC to have in place an up-to-date emergency response plan that is validated every two years by an independent third party that is qualified to carry out such a validation. Wording of the amendment is being prepared.

## Board Assessment of Response to M02-04

As a result of discussions between TC and the SLSMC, it has been decided to amend the Management, Operation and Maintenance Agreement. The agreement mandates how the SLSMC manages, operates and maintains the Seaway.

It is intended that the amendment will require the SLSMC to have in place an up-to-date emergency response plan. Follow-up information provided by TC on 19 May 2005 indicated that the plan will have to be validated every five years by a qualified independent third party, and copies of their report will be forwarded to TC and the SLSMC. In this way, "oversight" for overall preparedness will essentially have been addressed by TC, as intended by the recommendation. The SLSMC will continue to conduct annual emergency response exercises.

If fully implemented, the proposed action will substantially reduce the risks associated with inappropriate preparedness by ensuring that response plans are kept up to date and appropriate for responding to vessel-related emergencies within the Seaway. It is anticipated that the planned action to amend the agreement will be completed this spring. Therefore, the response to the recommendation is considered to be **Satisfactory Intent**.

**Next TSB Action: M02-04**

Upon receipt, the wording of the proposed amendment to the agreement will be verified and assessed against the intent of the recommendation, and implementation of the proposed action will be monitored. This deficiency file is assigned an **Active** status.