



Transport  
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Canada



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(03/2006)

## ENVIRONMENTAL RESPONSE SYSTEMS

# Managing Canada's Marine Oil Spill Preparedness and Response Regime



Canada 

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Bordered by three oceans, Canada has the longest coastline in the world and possesses the largest freshwater reserves.

To Canadians, the marine environment represents strong and deep ties to our heritage. It has sustained families and communities for generations, contributes significantly to our economy and plays an essential role in the recreational and fishing industries. Protecting our marine environment from the adverse effects of oil spills from ships and oil handling facilities is a priority of Transport Canada (TC) and other government departments.

## **RISK OF MARINE POLLUTION**

Within Canada, maritime shipping is a growing and important part of our economy. While growth in the industry is welcomed, it brings with it an increase in vessel traffic and a greater risk for pollution that could damage our marine environment. TC is conscious of this and is proactive in minimizing the risks of oil pollution by implementing updated pollution prevention regulations thus guaranteeing an adequate marine oil spill preparedness and response capability is in place.

**The best way  
to protect the environment  
from oil spills is to prevent them from happening . . . .**

TC is responsible for preventing pollution from ships and the National Aerial Surveillance Program (NASP) is one method by which this is achieved. The NASP is the primary tool available to TC for detecting any illegal discharges at sea. Internationally, aerial surveillance is widely adopted and considered to be the most effective method for the detection of oil spills. The presence of the surveillance aircraft acts as a deterrent by discouraging intentional pollution.

The NASP is a national program managed from within TC headquarters. It currently uses four fixed wing aircraft that are strategically located across Canada. Evidence gathered by the NASP is forwarded to the respective regional enforcement personnel, as they are responsible for investigating shipboard pollution occurrences. The NASP is available to TC and Environment Canada to enforce the provisions of Canadian legislation applicable to the illegal discharges from ships. TC regularly evaluates its surveillance program to improve the effectiveness of the aircraft and to increase operational capability.







TC is also an active member of the Emergency, Prevention, Preparedness and Response Working Group, which consists of eight Arctic countries and special interest groups dealing with the prevention, preparedness and response to environmental emergencies in the Arctic. Its goal is to protect the Arctic environment from activities that may result in an accidental release of pollutants.

.... but we **must be prepared.**

TC's Environmental Response Systems (ERS) division is responsible for Canada's Marine Oil Spill Preparedness and Response Regime. It works diligently with other federal agencies and departments to ensure preparedness and response mechanisms are in place. TC sets the guidelines and regulatory framework for preparedness and response to oil spills and spills of noxious and hazardous substances into Canada's marine environment.

Our National Preparedness Plan links all elements of Canada's Marine Oil Spill Preparedness and Response Regime.

## **OUR GOALS ARE TO:**

- Ensure national preparedness;
- Manage Canada's marine oil spill response regime;
- Provide a National Aerial Surveillance Program; and
- Minimize the impact of marine oil spills.

## **OUR MISSION:**

To develop and administer policies, regulations and programs to protect the marine environment and to mitigate the environmental impact of marine pollution incidents in Canadian waters as well as to ensure the protection and safety of the public.

## PREPAREDNESS CAPACITY

The Canadian regime is built on the principle of cascading resources, which means that, in the event of an oil spill of national interest, the resources of a specific area can be supplemented with those from other regions or from our international partners as need be. Furthermore, the regime relies on a strong and productive partnership between government and industry.

TC's ERS ensures that an appropriate level of preparedness is available to respond to marine oil spills of up to 10,000 tonnes per region within prescribed time standards and operating environments. Canada's preparedness capacity is augmented by international resources, through signatories to international joint plans such as the United States and Denmark or International Convention on Oil Pollution Preparedness, Response and Cooperation member states.

A large part of Canada's preparedness capacity is provided by certified industry response organizations maintaining a response capability for their member stakeholders. These response organizations are certified by TC as mandated under the *Canada Shipping Act* and, through the enforcement of the response organization regulations, ERS's Regional Pollution Prevention Officers conduct audits and inspections as stipulated by the act.

Environmental Response Systems works with TC's stakeholders through Regional Advisory Councils (RACs). There are six RACs nationwide, each consisting of seven members. Membership is composed of a balanced cross-representation of individuals, groups and companies whose interests could potentially be affected by a spill. The role of each RAC is to address areas of mutual concern and to provide advice with regard to Canada's oil spill regime directly to the Minister of Transport.

The *Canada Shipping Act* and its associated regulations and standards demand that potential polluters maintain a minimum level of preparedness at all times. In the case of oil handling facilities, each facility is required to have onsite plans, equipment, personnel, training and exercise programs enabling them to deploy an immediate response in the event of an oil spill. ERS's Regional Pollution Prevention Officers enforce the oil handling facility regulations by frequently conducting audits and inspections of the facilities and response equipment.





Furthermore, mandatory oil spill response exercises are conducted with oil handling facilities, response organizations, other government departments and our international partners. These exercises evaluate the effectiveness of procedures, equipment and resources identified in plans.

## **CANADA'S PREPAREDNESS LEADS TO A STRONG RESPONSE**

While TC's ERS is responsible for the management and governance of Canada's Marine Oil Spill Preparedness and Response Regime, the Canadian Coast Guard (CCG) is the lead agency for the response component on behalf of the Government of Canada. Thus, when a marine incident occurs, the CCG will use their expertise to ensure an appropriate response to the incident.

Where the polluter has been identified and is willing and able to respond, the CCG will advise the polluter of its responsibilities and, once satisfied with the polluter's intentions and plans, will monitor the polluter's response and provide advice and guidance as required. However, in those cases where the polluter is unknown, unwilling or unable to respond, the CCG will assume overall management to ensure an appropriate response to the incident.

## **SPIRIT OF COOPERATION**

Canada's Marine Oil Spill Preparedness and Response Regime is built upon a successful partnership between government and industry. TC's ERS is responsible for working with industry to ensure regulatory compliance and response preparedness in the event of an oil spill.

The Canadian Coast Guard is the lead federal agency responsible for ensuring an appropriate response to all ship-source spills in waters under Canadian jurisdiction and mystery spills south of 60° north latitude.

The Canadian Coast Guard and the other response organizations have significant response resources strategically placed throughout the country that are ready to respond. A cooperative approach by all parties concerned is essential to ensure an effective response.

In an effort to ensure continuous improvements to the regime, TC's ERS reviews post-mortem reports of exercises and incidents to ensure that the recommendations and/or lessons learned are considered and implemented as appropriate.

## COMPENSATING FOR RESPONSE COSTS

Canada's Marine Oil Spill Preparedness and Response Regime is built upon the polluter-pay principle, which makes the polluter liable for all response costs associated with an oil pollution incident. Furthermore, there are various national and international funds to pay for the clean-up costs.

## REGULATORY FRAMEWORK

The following legislation and international agreements allow TC to fulfill its role in the prevention and preparedness of marine oil pollution incidents:

- **International Convention for the Prevention of Pollution from Ships (MARPOL)** seeks to eliminate intentional pollution of the marine environment resulting from ship operations and to minimize accidental discharges of pollutants. Transport Canada administers and enforces the convention through the *Canada Shipping Act* and its regulations.
- **International Convention on Oil Pollution Preparedness, Response and Cooperation** is a framework that allows Canada to provide assistance to major incidents in other member states when requested and to seek the assistance of our international colleagues if required.
- *Canada Shipping Act* and the *Arctic Waters Pollution Prevention Act* are the main acts used to regulate marine environmental prevention, preparedness and response within Canada.





**Strong legislation and  
partnerships...**  
**...help protect our marine environment**

TC is committed to preventing pollution from ships and oil handling facilities and to protecting our marine environment.

For further information on Canada's Marine Oil Spill Preparedness and Response Regime, contact:

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