



Ottawa, Canada K1A 0N5

**NOV 23 2012**

His Worship Mike Frazier  
Resolution Committee Chair  
North Central Local Government Association  
206-155 George Street  
Prince George BC V2L 1P8

Dear Mr. Mayor:

The Honourable Vic Toews, Minister of Public Safety, has provided me with a copy of your correspondence of July 26, 2012, regarding resolutions passed at the North Central Local Government Association's 57<sup>th</sup> annual convention, one of which pertains to the shipping of dangerous goods liabilities. Please accept my apologies for the delay in replying.

Transport Canada's role is to ensure that Canada's waterways provide for safe navigation to marine vessels and to minimize the risks associated with ship-sourced pollution.

The *Marine Liability Act* (MLA) is based on international law and makes shipowners strictly liable for pollution damage caused by oil carried on their vessels. This Act also requires cargo owners to contribute to both international and domestic compensation funds: the International Oil Pollution Compensation Fund and Ship-Source Oil Pollution Fund ([www.tc.gc.ca/qby69](http://www.tc.gc.ca/qby69)), respectively. These funds pay claims to victims of oil pollution damage should a spill occur. This balanced approach helps to ensure that both shipowner and cargo owner pay for pollution damage. A protection and indemnity association of shipowners and operators, known as the International Group of P&I Clubs, whose website can be found at [www.igpandi.org/](http://www.igpandi.org/), offers insurance coverage to shipowners and charterers against third-party liabilities encountered in their commercial operations.

The compensation funds contained in the MLA could provide Canadians with up to \$1.36 billion for an oil spill from a tanker, which is one of the highest amounts available in the world. Certificates of financial responsibility are issued under the Civil Liability Convention, which can be found online at [www.tc.gc.ca/ias59](http://www.tc.gc.ca/ias59).

The MLA is the principal legislation dealing with the liability of shipowners and ship operators in relation to passengers, cargo, pollution and property damage. Its intent is to set limits of liability and establish uniformity by balancing the interests of shipowners and other parties.

The International Maritime Organization's International Convention on Civil Liability for Oil Pollution Damage, 1992, and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992, were created to ensure that adequate compensation is available to cover oil pollution damage from tankers.

Additionally, Canada acceded to the Supplementary Fund Protocol of 2003 to the International Oil Pollution Compensation Fund (1992) and ratified the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001, which help to establish the robust compensation regime Canada has today.

With regard to packaged dangerous goods, under section 146 of the Cargo Fumigation and Tackle Regulations, "every company shall ensure that the requirements of regulation 6.2 of Chapter VII of the International Convention for the Safety of Life At Sea are met in respect of its vessels." Regulation 6.2 of Chapter VII states that in the event of the ship referred to in paragraph 1 being abandoned, or in the event of a report from such a ship being incomplete or unobtainable, the company, as defined in regulation IX/1.2, shall, to the fullest extent possible, assume the obligations placed upon the master by this regulation.

In Canada, the transportation of dangerous goods is strictly regulated under the *Transportation of Dangerous Goods Act, 1992*. The Act was designed with the sole purpose of maintaining public safety in the transportation of dangerous goods. Public safety as defined in the Act is the protection of people, property, health and the environment.

Transport Canada's Transportation of Dangerous Goods (TDG) program is based on the premise that properly classifying dangerous goods while ensuring that the dangerous goods are transported in a proper means of containment, along with proper training, shipping documents, safety markings and Emergency Response Assistance Plans (ERAPs), amongst other requirements under the law, are crucial elements in the safe transportation of dangerous goods.

ERAPs are required by the TDG Regulations for certain dangerous goods that necessitate special expertise and response equipment. A person who offers for transport or imports the dangerous goods must submit a plan to the TDG directorate. The directorate will review the plan and, if it is found adequate, will approve it. A person may not import, handle, offer for transport or transport ERAP dangerous goods without having an approved ERAP.

ERAPs are intended to assist local emergency responders to protect public safety by providing them with technical experts and specialized equipment at an accident site. This industry help is available to local first responders at no cost in response to an incident involving an ERAP dangerous good in transport.

In addition, Transport Canada operates the Canadian Transport Emergency Centre (CANUTEC) to assist emergency response personnel in handling dangerous goods emergencies. CANUTEC is staffed by bilingual professional government scientists specialized in emergency response and experienced in interpreting technical information and providing advice to first responders. The centre operates 24 hours a day and handles some 30,000 phone calls a year related to safety. Local firefighters or anyone involved in a dangerous goods incident are invited to call CANUTEC for immediate professional help.

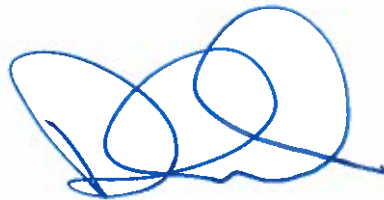
Finally, the Department also makes available an Emergency Response Guidebook. The Guidebook is an informative and comprehensive guide designed for use at a dangerous goods incident occurring on a highway, aircraft, ship or railroad. It enables first responders to quickly identify the specific or generic hazards of the material(s) involved in an incident.

The Guidebook was designed to assist first responders in making initial decisions upon arriving at the scene of a dangerous goods incident. It provides recommended evacuation distances, describes potential hazards of a dangerous good, supplies relevant public safety information including first aid, as well as the recommended type of protective clothing and respiratory protection.

Transport Canada makes this Guidebook available online or in a PC downloadable version. In addition, almost 60,000 paperback copies of the most recent version of the 2012 Guidebook were distributed for all vehicles at Canadian fire departments, police departments and ambulance services across Canada.

I trust that the foregoing information will be of use. Thank you for writing.

Yours sincerely,

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.

Denis Lebel, P.C., M.P.

c.c. The Honourable Vic Toews, P.C., Q.C., M.P.  
Minister of Public Safety