



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Canadian
Coast Guard

Garde côtière
canadienne

Commissioner

Commissaire

AUG 2 1 2012

His Worship Mayor Mike Frazier
NCLGA Resolution Committee Chair
206-155 George Street
Prince George, B.C.
V2L 1P8

Dear Mayor Frazier:

Thank you for your letter of July 26, 2012, regarding the North Central Local Government Association's 2012 Resolutions, particularly resolution B28: Shipping and Dangerous Goods Liabilities.

I would like to first address your concerns regarding the Canadian Coast Guard's ability to respond to a marine pollution incident in a timely and adequate manner. Under the *Canada Shipping Act, 2001*, the Minister of Fisheries and Oceans, as delegated to the Canadian Coast Guard, is responsible for ensuring an appropriate response to all ship-source marine pollution incidents in Canada. The Canadian Coast Guard will place the expectation for pollution response activities on the polluter. Where the polluter has been identified and is willing and able to respond, the Canadian Coast Guard will advise the polluter of its responsibilities and, once satisfied with the polluter's intentions, monitor the polluter's response and provide advice and guidance as required in the capacity of Federal Monitoring Officer. However, in those cases where the polluter is unknown, unwilling or unable to respond, the Canadian Coast Guard will assume the overall management and ensure an appropriate response in the capacity of On-Scene Commander.

With respect to preparedness, the Marine Spills Contingency Plan – National Chapter clearly outlines the preparedness activities the Canadian Coast Guard undertakes to ensure an appropriate response, including the Levels of Service it is required to deliver to Canadians. This includes, among other things, planning at the national, regional and area levels, provisions for a 24/7 duty officer to respond to and assess all reports of marine pollution, training and exercise for Canadian Coast Guard personnel, and provisions of an established equipment capacity and supporting infrastructure to facilitate monitoring or response operations. In terms of response capacity, the Canadian Coast Guard has more than 80 equipment depot sites located across the country, with 3 major sites and 14 satellite sites located throughout B.C. alone.

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This is in addition to the equipment sites that the Response Organization, Western Canada Marine Response Corporation, already has in B.C., which the Canadian Coast Guard can contract during a response, if required. Furthermore, Canadian Coast Guard equipment and human resources located in other regions of Canada can be cascaded to a significant incident in Pacific Region through the National Response Team concept described in the National Chapter, if required.

With further reference to contingency planning, the National Chapter of the plan was updated in April, 2011 and will be undergoing further updates in the near future. Furthermore, all Regional and Area Chapters of the plan will also be updated. For your information, you may download a PDF version of the National Chapter at the following link:

<http://www.ccg-gcc.gc.ca/folios/00025/docs/national-response-plan-2011-eng.pdf>

Regarding the issue of liability, the *Marine Liability Act* places the responsibility for all costs associated with pollution damage and actions associated with responding to an incident, including the Canadian Coast Guard's monitoring and/or response costs, on the ship-owner. The ship-owner's insurance company will pay for these costs up to their limit of liability, at which point the Ship-Source Oil Pollution Fund and/or relevant international conventions may pay compensation up to their maximum limit. Nonetheless, all issues regarding liability are the responsibility of Transport Canada. As such, I have taken the liberty of forwarding your letter and my reply to Yaprak Baltacioğlu, Deputy Minister of Transport, for his consideration.

With respect to funding research into improving response techniques, many private and public organizations around the world are actively involved in this field. This includes work being conducted at the Department of Fisheries and Oceans' Centre for Offshore Oil, Gas and Energy Research (COOGER), which is responsible for coordinating the Department's nation-wide research into the environmental and oceanographic impacts of offshore petroleum exploration, production and transportation. The Canadian Coast Guard continuously reviews the work conducted by these organizations and the "lessons learned" from previous marine pollution incidents to determine the best and most appropriate response strategies and techniques to employ during a marine pollution incident.

Thank you once again for writing.



Marc Grégoire

cc. Yaprak Baltacioğlu, Deputy Minister of Transport, Infrastructure and Communities