

The Honourable Ken McDonald  
Chair, Standing Committee on Fisheries and Oceans  
House of Commons  
Ottawa, Ontario  
K1A 0A6

Dear Colleague,

I am pleased to respond on behalf of the Government of Canada to the recommendations made in the Standing Committee on Fisheries and Oceans' Sixth Report entitled, *Marine Cargo Container Spills*, which was tabled in the House of Commons on October 6, 2022.

The Government of Canada's top priority in the marine sector is the safety of Canadians, their communities, and the marine environment. Through the Oceans Protection Plan, which was recently renewed for an additional \$2 billion over nine years, we have invested in scientific research and new operational solutions to enhance our response to marine incidents, including marine cargo container spills. This \$2 billion investment includes \$890.3 million to strengthen marine incident prevention, preparedness, response, and recovery.

Building on work initiated under the first phase of the Oceans Protection Plan, the Government of Canada will:

- Engage and work towards the creation of a coordinated national pollution response system, regardless of location or type of good spilled;
- Develop a national network of trained emergency responders from multiple levels of government, Indigenous Peoples, and coastal communities to strengthen marine emergency response, especially in remote communities;
- Propose amendments to the *Canada Shipping Act, 2001* to strengthen Canada's preparedness for spills of hazardous and noxious substances from vessels and enable the creation of rules for emergency services such as marine salvage and firefighting; and
- Implement a long-term national approach for emergency towing which will include options on how to best meet emergency towing needs in Canadian waters.

On behalf of the Government of Canada, I would like to thank the members of the Standing Committee and its staff for their work in preparing this report, along with the numerous witnesses who shared their invaluable insights towards marine safety in Canada.

Yours sincerely,



The Honourable Omar Alhabra, P.C., M.P.  
Minister of Transport

*Enclosure*

**GOVERNMENT RESPONSE TO RECOMMENDATIONS**

Committee Recommendation	Government Response
<p><b>1.</b> That the Department of Fisheries and Oceans implement a marine debris monitoring and management plan that adequately addresses all forms of marine debris impacting coastlines</p>	<p><b>The Government acknowledges the recommendation, and it is being addressed through existing programs.</b></p> <p>The Government of Canada recognizes the importance of monitoring and addressing marine debris, subject to the nature and source of the debris, and the mandates and authorities of federal departments and agencies.</p> <p>Under the authority of the <i>Wrecked Abandoned or Hazardous Vessels Act</i> (WAHVA) the Canadian Coast Guard (CCG) can address vessels and wrecks that pose or may pose a hazard in all Canadian waters and in the exclusive economic zone of Canada (i.e. between 12 and 200 nautical miles from Canada’s coastline). CCG has the mandate to take the necessary measures to resolve the hazardous situation and to hold the owners accountable for damages and associated costs. Under WAHVA, the implicated vessel owner is responsible for the locating and cleanup of the marine debris caused by the hazardous vessel for a period of six years.</p> <p>The Government of Canada’s Zero Plastic Waste Strategy defines the roles of the Department of Fisheries and Oceans (DFO) and other departments as it related to marine debris. DFO is responsible for fisheries related sources of marine debris, Transport Canada is responsible for marine debris originating from shipping and ships, and Environment and Climate Change Canada is the lead for land-based sources of marine debris. Through the Zero Plastic Waste Strategy, these three departments work closely to ensure efforts and progress are made to prevent and mitigate the impact of all sources of marine debris.</p> <p>A major contributor to marine debris is abandoned, lost or otherwise discarded fishing gear (“ghost gear”) which has damaging impacts on the marine environment, fish stocks and species at risk. Ghost gear can be caused by rough weather, snags below the surface, unintentional line cutting from marine traffic, gear interactions, negligent fishing practices and illegal fishing. DFO has implemented mandatory lost gear reporting for all harvesters to accurately quantify the amount of ghost gear in Canadian waters. Since 2019, reporting lost</p>

		<p>gear is a legal obligation under subsection 22 (1) of the <i>Fisheries General Regulations</i> (FGR) and failure to comply with this license condition is subject to a fine, as specified in subsection 43.4 (1) of the <i>Fisheries Act</i>.</p> <p>Going forward, DFO has committed to modernizing Canada’s domestic fisheries operations and regulatory regime, with an overarching priority that marine pollution from ghost gear is prevented and reduced. As part of this commitment, DFO will enhance the Ghost Gear Program through improvements to data collection, lost and retrieved gear reporting systems, a regulatory review, and promotion of sustainable gear and best practices. This includes finalizing a Canadian Ghost Gear Action Plan by 2027.</p>
<p>2.</p>	<p>That the Government of Canada invest in research and monitoring to understand the impacts of polystyrene and other plastics entering our oceans and improve how these products are removed to prevent ecological harms</p>	<p><b>The Government supports the recommendation and action is ongoing.</b></p> <p>The Government of Canada recognizes that plastic pollution is an important environmental and economic issue that requires prompt action. As such, the Government is implementing a comprehensive plan to reduce plastic pollution from land and aquatic sources and transition to circular and sustainable systems where plastics stay in the economy and out of the environment.</p> <p>This is an evidence-based plan that requires the continued advancement of science and information exchange to strengthen the science-policy interface and inform future actions. The need for robust and accurate science and further understanding of plastic pollution is recognized in Canada’s commitments under the Ocean Plastics Charter and the Canada-wide Strategy on Zero Plastic Waste and its associated Action Plan.</p> <p>The Government of Canada conducts and supports research and monitoring to better understand plastic pollution in the environment and its impacts to wildlife and ecosystem health as well as the potential impacts of microplastics on human health. The Government is also collecting and reporting on complementary data on the plastics economy.</p> <p>In 2019, the Government launched Canada’s Plastics Science Agenda (CaPSA), developed in consultation with domestic researchers and experts, to outline research priorities across the plastics value</p>

		<p>chain. Based on knowledge gaps identified in CaPSA and the <i>Science Assessment of Plastic Pollution (2020)</i>, Environment and Climate Change Canada (ECCC), Health Canada, Crown-Indigenous Relations and Northern Affairs Canada, and the Natural Sciences and Engineering Research Council of Canada provided over \$10 million to 39 projects to conduct research into the ecotoxicological and human health effects of plastics, as well as on methods and standards development for the detection of plastics. Funding was provided through a number of programs, including the Plastics Science for a Cleaner Future, the Increasing Knowledge on Plastic Pollution Initiative, and the Northern Contaminants Program.</p> <p>In addition, through ECCC’s Zero Plastic Waste Initiative, the Government supported community projects to advance community science to assess plastic pollution, remove plastic pollution from shorelines and nearshore areas, and to trial, deploy and assess different litter capture devices. From 2018-22, these projects removed over 325 tonnes of litter from the environment and deployed over 60 capture/removal devices.</p> <p>In Budget 2022, the Government reiterated its commitment to tackling plastic pollution and eliminating plastic waste by investing \$183.1 million over five years to address this priority issue. The investment includes supporting scientific research and monitoring to better understand plastic pollution and its impacts.</p> <p>The Government of Canada will continue to advance plastics science to fill priority knowledge gaps and inform decision-making, actions and investments.</p>
<p>3.</p>	<p>That the Government of Canada take a leading role to encourage the United Nations Environment Program and international partners to ban the use of expanded polystyrene foam in packaging for marine transport</p>	<p><b>The Government acknowledges the recommendation; however the International Maritime Organization (IMO) is currently not explicitly examining this issue.</b></p> <p>As a member of the IMO, Canada is committed to creating an atmosphere of cooperation and continuous improvement in the area of international shipping, including with respect to the packaging used in marine transportation.</p>
<p>4.</p>	<p>That, in collaboration with major shipping nations, the Government of Canada work with the International Maritime Organization to develop standards and requirements for locating devices to be incorporated</p>	<p><b>The Government acknowledges the recommendation, and it is being addressed through existing programs.</b></p> <p>Canada is currently participating in preliminary discussions at the International</p>

	in shipping containers, and that the Canadian Coast Guard, in consultation with Transport Canada, consider the feasibility of installing location and tracking devices, e.g., transponders, on shipping containers to assist in locating lost and sunken containers	Maritime Organization on methods to improve the traceability of containers lost at sea, including the standards and requirements that need to be developed for locating devices.
5.	That, in collaboration with major shipping nations, the Government of Canada work with the International Maritime Organization to investigate new container ship rules, e.g., the Rotterdam rules or others, that consider the volume and risk of modern container traffic	<p><b>The Government acknowledges the recommendation, however the International Maritime Organization (IMO) is currently not explicitly examining this issue.</b></p> <p>While no new rules are currently under development at the IMO, Canada continues to work with other nations to improve and promote the safe carriage of cargoes and containers rules for modern container traffic through ongoing participation in the IMO’s Subcommittee for the Carriage of Cargoes and Containers. Canada is also engaged in ongoing technical work related to the safe transportation of containers, focusing on ship construction, fire safety, cargo securing, dangerous goods, and safety of navigation.</p> <p>International requirements for the carriage of dangerous goods in packaged form are contained in the <i>Safety of Life at Sea (SOLAS) Convention</i>. SOLAS convention requires compliance with the <i>International Maritime Dangerous Goods (IMDG) Code</i>, which was developed by the IMO as a uniform international code for the transport of dangerous goods by sea. The provisions of SOLAS and the IMDG Code have been incorporated into Canadian legislation, with the latter updated every two years.</p> <p>Canada is committed to leading the development of current and emerging policies to improve the safety, security and environmental responsibility of the maritime sector, including with respect to the transport of hazardous and noxious substances and the carriage of chemicals in packaged form.</p>
6.	That the Canadian Coast Guard advocate for the expansion of improved cell phone and broadband internet coverage to Canada’s coastal communities	<p><b>The Government acknowledges the recommendation, and it is being addressed through existing programs.</b></p> <p>The Government of Canada is committed to improving cell phone and broadband across Canada, including in coastal communities, and has a comprehensive approach to improving connectivity in underserved communities across Canada. In June 2019, the Government published Canada’s first</p>

		<p>broadband strategy entitled <i>High-Speed Access for All: Canada’s Connectivity Strategy</i>. The Strategy is a key part of the Government’s ambitious plan to ensure that all Canadians have access to affordable, high-speed connectivity at speeds of at least 50/10 megabits per second (Mbps), regardless of where they live or work, as well as improved mobile access from coast to coast to coast.</p> <p>To meet its connectivity commitments, the Government has established the Universal Broadband Fund (UBF), which provides a total of \$3.225 billion to support connectivity in underserved rural and remote communities. Announced projects can be found on the UBF website at <a href="http://www.canada.ca/get-connected">www.canada.ca/get-connected</a>.</p> <p>The Government of Canada has now made a total of \$7.6 billion available for broadband expansion since 2015. Collectively, these investments will ensure that 98 percent (%) of Canadians are connected to high-speed Internet by 2026, with the goal of connecting all Canadians by 2030. These new investments build on existing programs that continue to roll out such as the \$585 million Connect to Innovate program, the Telecommunications Commission’s (CRTC) \$750 million Broadband Fund sourced from an industry levy, and the \$2 billion in low-cost loans and financing to support high-speed Internet infrastructure through the Canada Infrastructure Bank. General infrastructure programs such as Infrastructure Canada’s Investing in Canada Infrastructure Program and Indigenous Service Canada’s First Nation Infrastructure Fund also support connectivity.</p> <p>Although an expansion of cell phone and broadband internet coverage to Canadian coastal communities may enhance the maintenance of communications between partners and stakeholders during a marine emergency response, it is important to note that the Canadian Coast Guard does not rely on cell phone or broadband internet coverage to provide its core emergency communications.</p>
<p>7.</p>	<p>That the Government of Canada improve public accountability for marine spill incidents by communicating the progress of efforts in the wake of the spill with the public</p>	<p><b>The Government supports the recommendation and action is ongoing.</b></p> <p>The Canadian Coast Guard (CCG) recognizes the importance of providing regular public updates on response operations. Standard operating procedure when responding to significant spills is to post operational</p>

		<p>updates as quickly as possible to social media accounts. The CCG also provides information to any media organizations that contact the agency during their operations in a timely manner.</p>
<p>8.</p>	<p>That, in collaboration with major shipping nations, the Government of Canada work with the International Maritime Organization to require ships' manifests to more accurately identify goods being carried and to require them to be made available to the port authority and joint spill response task force in advance of entry to the port. Spill response task forces would be established for each port and would include federal, provincial and territorial agencies and involved volunteers from coastal communities</p>	<p><b>The Government acknowledges the recommendation, and it is being addressed through existing programs.</b></p> <p>The Government of Canada recognizes the importance of having accurate and timely access to ships' manifests in the event of an incident. To support response operations, the Canadian Coast Guard (CCG) currently has the authority to request these documents from the master of a vessel in the event of an incident. Further analysis is needed to determine if this information could be shared in advance of a vessel entering a Canadian port.</p> <p>During the next phase of the Oceans Protection Plan, the Government of Canada will continue to strengthen Canada's marine preparedness and response system in collaboration with federal, provincial, and territorial agencies, as well as Indigenous and coastal communities. The CCG's Coastal Marine Response Network (CMRN) will provide training, equipment and tools to Indigenous, coastal communities and partners to enhance their response capacity to marine incidents. Within CMRN, the Coastal Marine Response Teams initiative will enhance coordination and integration of first responders across the incident management community by establishing and broadening the networks of marine emergency responders across Canada. Through this project, Indigenous and coastal communities will work with dedicated CCG personnel and will be trained and equipped to support marine pollution response efforts as response partners. This project will be co-developed with participating Indigenous and coastal communities.</p> <p>As a complementary measure to enhancing overall preparedness at all levels for marine pollution events, the CCG will also work with Indigenous groups and marine stakeholders (coastal communities, provincial/territorial governments, municipal governments, local organizations, and the private sector) to develop a new national program of Integrated Marine Response Planning. This new program will facilitate the participation of Indigenous groups and</p>

		<p>marine stakeholders to develop response plans to support consistent and effective responses to marine pollution incidents.</p>
<p>9.</p>	<p>That the Government of Canada immediately review its emergency salvage tug capacity along all coasts to ensure that salvage tug capacity is consistent with the size and volume of vessels travelling to our ports, and establish long-term arrangements for marine emergency towing</p>	<p><b>The Government supports the recommendation and action is ongoing.</b></p> <p>The Government of Canada recognizes the importance of having adequate emergency towing capacity along all coasts, to protect coastal environments, provide safe shipping and protect economic and traditional ways of life.</p> <p>The Government of Canada is committed to protecting mariners, citizens, and the marine environment, including Indigenous groups, coastal communities, and the surrounding waters. Under the Oceans Protection Plan, the Government of Canada committed to improving emergency towing capacity in Canadian waters. This included the procurement of emergency tow kits for the Canadian Coast Guard (CCG) vessels nationally, the chartering of two emergency towing vessels for the West Coast, reviewing existing towing capacity on all coasts, and the development of a long-term national approach for emergency towing. This approach is known as the National Strategy on Emergency Towing, and it will include options and recommendations on how to best meet emergency towing needs in Canadian waters.</p> <p>Work on the strategy is well underway to consider the unique contexts and needs of regions across the country, the perspectives of Indigenous Peoples, partners and stakeholders, international comparisons, and lessons learned from recent emergency towing operations, as well as shipping data trends and risk analyses findings, to help to ensure that towing capacity is consistent with the size and volume of vessels travelling in and out of Canadian ports.</p> <p>Since 2018, the Government of Canada has leased two Emergency Towing Vessels that are strategically located in the waters off British Columbia. This helps to ensure that the CCG has the vessels it needs to respond to incidents involving large ships, such as tankers and container ships, off the West Coast. The leased vessels aim to fill an immediate operational need for increased emergency towing capacity, in particular for larger vessels. Since leased, these vessels have responded over 30 times to help prevent maritime incidents.</p>



<p><b>10.</b></p>	<p>That the Minister of Fisheries and Oceans consult the Canadian Coast Guard and other ministries on options to improve marine firefighting capabilities such as were required to deal with the <i>ZIM Kingston</i></p>	<p><b>The Government acknowledges the recommendation, and it is being addressed through existing programs.</b></p> <p>The Government of Canada recognizes the importance of marine firefighting capability. The Canadian Coast Guard, in coordination with Transport Canada (TC) and other departments, will examine the current marine firefighting capabilities in Canada to determine future options and opportunities to enhance these capabilities.</p> <p>As part of the Oceans Protection Plan, Budget 2022 outlined the Government of Canada’s plan to introduce legislative amendments to the <i>Canada Shipping Act, 2001</i> to enable regulatory development for the preparedness and response to spills of hazardous and noxious substances from vessels. To promote domestic capacity, the proposed amendments include a regulatory power that would require vessels to have arrangements in advance of incidents for certain emergency services, including marine firefighting, and to enable government regulation of these arrangements. Should the proposed amendments receive royal assent, TC would work with a range of Indigenous groups, provincial and territorial governments, as well as marine stakeholders, to develop the requirements for these arrangements through regulations.</p>
<p><b>11.</b></p>	<p>That the Minister of Fisheries and Oceans write a letter to the Minister of Transport, the Minister of the Environment and to provincial and territorial counterparts to explore opportunities to develop a list of pre-qualified salvage contractors from which ship owners must choose to respond to shoreline debris and lost-cargo cleanup of Canada’s coastal and inland waterways</p>	<p><b>The Government acknowledges the recommendation, and it is being addressed through work already underway.</b></p> <p>As part of the Oceans Protection Plan, Budget 2022 outlined the Government of Canada’s plan to introduce legislative amendments to the <i>Canada Shipping Act, 2001</i> to enable regulatory development for the preparedness and response to spills of hazardous and noxious substances from vessels. To promote domestic capacity, the proposed amendments include a regulatory power that would require vessels to have arrangements in advance of incidents for certain emergency services, including marine salvage and to enable government regulation of these arrangements. Should the proposed amendments receive royal assent, Transport Canada would work with a range of Indigenous groups, provincial and territorial governments, as well as marine stakeholders, to develop the requirements for these arrangements</p>

		<p>through regulations.</p> <p>In parallel, work is underway by Public Services and Procurement Canada, in consultation with the Department of Justice and central agencies, to explore the necessary regulatory work for the development of a prequalified list of suppliers accessible to ship owners on behalf of Transport Canada.</p>
12.	<p>That to be pre-qualified to undertake clean-up activities, a salvage operator must have demonstrated capacity or skill and performance to work in partnership with Indigenous and coastal communities who possess the local terrain knowledge and can provide critical advice and operational support</p>	<p><b>The Government acknowledges the recommendation, and it is being addressed through existing programs.</b></p> <p>The Government of Canada acknowledges the importance of partnering with Indigenous communities when performing clean-up activities given their knowledge of the local terrain and ability to share critical advice and operational support. Public Services and Procurement Canada will work with the Department of Justice on behalf of the Canadian Coast Guard to explore the development of competitive procurement tools that include criteria that promote Indigenous community involvement in marine cargo clean-up activities. This work will be done in a way that, a) recognizes that Indigenous communities and Indigenous companies must be compensated for their work (either through direct contracting, subcontracting, or through Indigenous Participation Plans); and b) takes into account the salvage industry and Indigenous communities' capacity to ensure competition.</p>
13.	<p>That the Government of Canada review the salvage capacity on the West Coast and Canada's other coasts to address the current lack of major vessel salvage operations capability and promote domestic capacity, and consult with the United States (U.S.) federal counterparts on methods and equipment to retrieve sunken containers</p>	<p><b>The Government acknowledges the recommendation, and it is being addressed through existing programs.</b></p> <p>In order to promote domestic capacity, the Government of Canada recognizes the importance of first conducting meaningful industry engagement with the salvage community. Public Services and Procurement Canada will work with the Canadian Coast Guard to conduct industry engagement with a focus on increasing Indigenous community capacity.</p> <p>Additionally, as part of the Oceans Protection Plan, Budget 2022 outlined the Government of Canada's plan to introduce legislative amendments to the <i>Canada Shipping Act, 2001</i> to enable regulatory development for the preparedness and response to spills of hazardous and noxious substances from vessels. To promote domestic capacity, the proposed amendments include a regulatory power that would require vessels to have</p>

		<p>arrangements in advance of incidents for certain emergency services such as marine salvage and to enable government regulation of these arrangements. Should the proposed amendments receive royal assent, Transport Canada would work with a range of Indigenous groups, provincial and territorial governments, as well as marine stakeholders, to develop the requirements for these arrangements through regulations.</p> <p>Finally, as part of the ongoing bilateral collaboration taking place under the Canada–U.S. Joint Marine Pollution Contingency Plan, the Canadian Coast Guard will consult with the U.S. Coast Guard on its methods and equipment to retrieve sunken containers.</p>
<p><b>14.</b></p>	<p>That, to encourage industry involvement in the development of regional salvage capacity, the federal government investigate global best practices and develop standards to ensure that shipping companies travelling through Canadian waters have established arrangements with salvage companies</p>	<p><b>The Government supports the recommendation and action is ongoing.</b></p> <p>The Government of Canada recognizes the importance of domestic capacity for salvage operations. As part of the Oceans Protection Plan, Budget 2022 outlined the Government of Canada’s plan to introduce legislative amendments to the <i>Canada Shipping Act, 2001</i>, to enable regulatory development for the preparedness and response to spills of hazardous and noxious substances from vessels. To promote domestic capacity, the proposed amendments would require vessels to have arrangements in advance of incidents for certain emergency services such as marine salvage and to enable government regulation of these arrangements. Should the proposed amendments receive royal assent, Transport Canada would work with a range of Indigenous groups, provincial and territorial governments, as well as marine stakeholders, to develop the requirements for these arrangements through regulations.</p>
<p><b>15.</b></p>	<p>That the Government of Canada expand Canada’s marine oil spill preparedness and response regime to include responses to hazardous and noxious material incidents from major vessels</p>	<p><b>The Government supports the recommendation and action is ongoing.</b></p> <p>As part of the Oceans Protection Plan, the Government of Canada has developed a strategy to enhance our preparedness for ship-source hazardous and noxious substances incidents in Canadian waters. This strategy will be implemented over the next five years and will leverage the mature and effective framework already in place for ship-source oil spills.</p> <p>Key elements of the strategy include making regulatory and legislative amendments to the <i>Canada Shipping Act</i>,</p>

		<p>2001, acceding to the international <i>Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 2000</i>, and strengthening hazardous and noxious substances incident preparedness and response capacity in Canada.</p>
16.	<p>That the Government of Canada require hazardous and noxious substances handling facilities of prescribed classes (to be determined through consultation with industry) to develop hazardous and noxious substances response plans to ensure adequate response to pollution incidents that could occur during the handling of hazardous and noxious substances between a vessel and a facility</p>	<p><b>The Government supports the recommendation and action is ongoing.</b></p> <p>As part of the Oceans Protection Plan, Budget 2022 outlined the Government of Canada’s plan to introduce legislative amendments to the <i>Canada Shipping Act, 2001</i> to enable regulatory development for the preparedness and response to spills of hazardous and noxious substances (HNS) from vessels, including while loading or unloading from an HNS handling facility.</p> <p>Similar to what is already in place for oil spill preparedness and response, the proposed amendments to the <i>Canada Shipping Act, 2001</i> would enable the development of regulations that require prescribed classes of hazardous and noxious substances handling facilities to be responsible for preparing for and responding to a release of hazardous and noxious substances through response plans. Should the proposed amendments receive royal assent, Transport Canada would work with a range of Indigenous groups, provincial and territorial governments, as well as stakeholders, to develop the requirements for these arrangements through regulations.</p>
17.	<p>That the Canadian Coast Guard ensure it has the flexibility to quickly contract with appropriate technical experts and responders in the event a polluter is unknown, unwilling, or unable to respond to a hazardous and noxious substances release</p>	<p><b>The Government supports the recommendation and action is ongoing.</b></p> <p>The Canadian Coast Guard (CCG) has measures and procedures in place that enable, in appropriate circumstances, emergency contracting with appropriate technical experts and responders, if any pollutant is released into the marine environment. In 2022, the Fisheries and Oceans Canada and the CCG expanded its emergency contracting delegation to \$15 million (M), from the previous delegation amount of \$10M, which will facilitate responses to emergencies caused by actual or potential marine pollution: this includes, but is not limited to, response or prevention actions where there is an impending risk of a marine pollution incident due to hazardous vessels, cargo loss, oil spills, and hazardous and noxious substances.</p>
18.	<p>That the Canadian Coast Guard ensure that its officials have the</p>	<p><b>The Government supports the recommendation and action is ongoing.</b></p>

	<p>appropriate training to develop new expertise and competencies required to carry out its federal monitoring officer and on-scene commander functions through a hazardous and noxious substance response program</p>	<p>A wide variety of operational training is delivered to Coast Guard staff. Some is specific to program requirements; there are also modular-based courses aimed at ensuring the effective application of the Incident Command System (ICS) when responding to incidents. ICS allows first responders to follow common and consistent planning processes while adhering to a set of well-established and logical principles and features. Given its widespread use across Canada and North America, ICS enables first responders from a broad range of departments, agencies and maritime communities to come together and work together efficiently and cohesively to resolve the incident at hand. Staff have the opportunity to practice their skills through drills and operational exercises, which are conducted routinely and cover a range of maritime scenarios related to the mandate of the Coast Guard.</p> <p>Through its implementation of the Hazardous and Noxious Substance program under the Oceans Protection Plan, the Canadian Coast Guard will be training its on-water responders and acquiring the necessary competencies and expertise to carry out its incident commander role in overseeing the response to hazardous and noxious substance incidents in the marine environment.</p>
<p><b>19.</b></p>	<p>That the Canadian Coast Guard develop and maintain a national exercise plan to regularly validate both the national contingency plan for hazardous and noxious substances and region-specific planning and readiness for hazardous and noxious substances</p>	<p><b>The Government supports the recommendation and action is ongoing.</b></p> <p>As part of its implementation of the Hazardous and Noxious Substance (HNS) initiative under the Oceans Protection Plan, the Canadian Coast Guard will incorporate HNS related exercise objectives into its national exercise plan. The Canadian Coast Guard will update the National Marine Spills Contingency Plan and its regional chapters to reflect an enhanced HNS mandate. In combination with additional training and related exercise objectives, this will serve to enhance overall operational readiness for HNS incidents in the marine environment.</p>
<p><b>20.</b></p>	<p>That the Government of Canada take a leading role to encourage the United Nations Environment Programme and the International Maritime Organization, to review and update the rules relating to the marine transport of hazardous chemicals and in particular, those chemicals that are reactive with water and prone to combustion</p>	<p><b>The Government acknowledges the recommendation; however the International Maritime Organization (IMO) is currently not explicitly examining this issue.</b></p> <p>As an active member of the IMO, Canada works with the IMO to create or improve international standards that can be added to Canada's laws and regulations. Canada's</p>

	<p>marine-related laws, such as the <i>Canada Shipping Act, 2001</i>, are based on more than 30 of the organization's conventions, including both the International Convention for the <i>Safety of Life at Sea (SOLAS)</i> and the International Convention for the <i>Prevention of Pollution from Ships</i>.</p> <p>Canada is committed to leading the development of current and emerging policies to improve the safety, security and environmental responsibility of the maritime sector, including with respect to the transport of hazardous and noxious substances (HNS) and the carriage of chemicals in packaged form.</p> <p>While no new rules are currently under development at the IMO, Canada regularly works within the Sub-Committee on Pollution Prevention and Response to address the transport of hazardous chemicals. The current work agenda includes technical work related to the international <i>Protocol on Preparedness, Response and Co-operation to Pollution Incidents by HNS</i>, as well as the development of an HNS response guidebook. Canada also participates in the IMO's Evaluation of Safety and Pollution Hazards meeting, which is focused on assessing carriage requirements for chemicals, and items related to the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk.</p> <p>As part of the Oceans Protection Plan, Canada has increased its leadership and international work to improve marine safety and protect the marine environment. Since 2017, Canada's role includes a permanent mission to the IMO in London, England. Canada's permanent mission acts as a link between the IMO and the Government of Canada to allow for more effective, efficient and coordinated policy-making. It also improves Canada's ability to influence international maritime agreements, rules, standards and guidelines. Additionally, it is the Government's intent to accede to the international <i>Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 2000</i>, which provides a global framework for the development of national and regional measures to prepare for and respond to HNS incidents and establishes a set of minimum requirements of HNS preparedness and response for State Parties.</p>
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<p><b>21.</b></p>	<p>That the Canadian Coast Guard consult with stakeholders, including Indigenous coastal communities, in a review of its emergency response training for emergency response and shoreline cleanup personnel in coastal communities to ensure the safe and proper handling and disposal of debris and the provision of necessary equipment and supplies</p>	<p><b>The Government supports the recommendation and action is ongoing.</b></p> <p>With the next phase of the Oceans Protection Plan (OPP), the Government of Canada will continue to strengthen Canada’s marine preparedness and response system in collaboration with federal, provincial, territorial agencies, as well as Indigenous and coastal communities. An initiative central to advancing these efforts will be the Canadian Coast Guard’s (CCG) Coastal Marine Response Network (CMRN), which will seek to establish and broaden networks of marine emergency responders across Canada through innovative projects and programs. A foundational component of CMRN will be the establishment of new Coastal Marine Response Teams along Canada’s coastlines, which will enhance coordination and integration of first responders in coastal and Indigenous communities across the incident management continuum for all-hazard marine incident management, with primary focus on pollution response. This project will be co-developed with participating communities to enhance local pollution response capacity. It will provide contribution funding to support engagement, training, exercising, response equipment acquisition, and local response planning.</p> <p>In support of the CMRN, the CCG will lead a national Integrated Marine Response Planning program, through which Indigenous groups and marine stakeholders (coastal communities, provincial/territorial governments, municipal governments, local organizations, and the private sector) will collaboratively develop response plans that outline tactical information to coordinate safe and proper handling and disposal of spill debris and waste.</p> <p>Under OPP, the CCG launched a program to deliver training to coastal Indigenous communities in British Columbia in marine search and rescue, environmental response, and the application of the Incident Command System. This Indigenous community response training project enabled participants to play a greater role in marine safety in their communities. Under the next phase of OPP, this project will expand beyond British Columbia, to focus on delivery of search and rescue training and exercising to interested Indigenous communities nationally.</p>
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		In addition, the Indigenous Community Boat Volunteer Program, which funds Indigenous communities to purchase a boat or equipment required to participate in the marine safety response system as active members of the CCG Auxiliary, was extended under OPP Renewal and will provide increased opportunities for Indigenous communities to build marine emergency response capacity.
22.	That the Government of Canada work in collaboration with Indigenous communities to review their spill response capacity in their territories to ensure they can be active partners in clean-up efforts	<p><b>The Government acknowledges the recommendation, and it is being addressed through existing programs.</b></p> <p>As part of the next phase of the Oceans Protection Plan (OPP), the Government of Canada is working with coastal communities, including Indigenous communities, to establish Coastal Marine Response Teams (CMRTs) along Canada’s coasts to support marine spill pollution response efforts. This project will be co-developed with participating communities to enhance local pollution response capacity through the provision of contribution funding to support engagement, training, exercising, response equipment acquisition and local response planning. The Canadian Coast Guard will also provide dedicated personnel to support CMRTs and their integration into the broader Canadian Coast Guard-led Coastal Marine Response Network (CMRN). Through CMRT, Indigenous communities will be able to review and, if they wish, further enhance their spill response capacity, thereby ensuring they are an active partner in any spill response clean-up effort. CMRN initiatives such as CMRT will be implemented in a phased approach over the next few years, which will progressively broaden the response partner base.</p> <p>Through the OPP Marine Pollution Preparedness, Response and Recovery initiative, the Government of Canada will seek out a formal role for Indigenous communities in Canada’s marine spill preparedness, response and recovery regime, including identifying sustainable funding and appropriate legal protections to support this role.</p>
23.	That Fisheries and Oceans Canada and other relevant departments review how they communicate the risk of spills to the public to ensure that people without training are not at risk after a spill occurs	<p><b>The Government supports the recommendation and action is ongoing.</b></p> <p>The Canadian Coast Guard (CCG) will continue working with partners through existing measures to ensure that the public is fully aware of the health and safety risks associated with responding to spills. This</p>



		<p>includes CCG standard operating procedure when responding to significant spills to post operational updates as quickly as possible via social media accounts.</p> <p>Furthermore, during a marine pollution incident, individuals or organizations may reach out to the CCG and request to participate in the response operation as a volunteer (i.e. assistance with on-water or shoreline clean-up operations, site rehabilitation, waste management, etc.). In accordance with relevant health and safety legislation and the CCG's National Marine Spills Contingency Plan, the Agency maintains a policy of not engaging or placing volunteers in potentially dangerous situations where they may be exposed to hazardous materials, environments and working conditions.</p> <p>Through the renewed Oceans Protection Plan, the CCG is advancing key initiatives, such as Integrated Marine Response Planning (IMRP) and Coastal Marine Response Teams (CMRT), to build preparedness and response capacity amongst partners. This will position a growing number of individuals and organizations to become full response partners in the event of a marine pollution incident. Through IMRP, response partners will actively and regularly participate in response planning initiatives, training, and exercising to build response capacity. IMRP will also see the development of a risk-based marine pollution response planning methodology, through collaboration with spill response partners and the integration of scientific and Indigenous knowledge. As a result, during a marine pollution incident, these response partners will be well positioned to contribute to response activities. IMRP will outline clear processes for communication and notifications to volunteers and the general public during marine incident response operations. CMRT will enable Indigenous and coastal communities to develop local response capacity through activities such as training, exercising, and equipment acquisition. Both CMRT and IMRP will be implemented in a phased approach over the next few years.</p> <p>Once the CCG has established a relationship with volunteers through capacity building initiatives such as IMRP or CMRT, and worked collaboratively with them on training, exercising, and other operational activities, the CCG will no longer consider these groups volunteers, but rather response partners. This means</p>
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		that the response partner base will be progressively broadened over time.
24.	That the Government of Canada review the Canadian Coast Guard's drift modelling capabilities, which are essential to effective responses to marine spills	<p><b>The Government supports the recommendation and action is ongoing.</b></p> <p>The Canadian Coast Guard (CCG) does not possess drift modelling capabilities, but receives data, information, and advice from partners, including from the Science Sector of Fisheries and Oceans Canada (DFO). This includes observations of ocean conditions from deployment of instrumentation, scientific expertise in local oceanographic conditions, and prediction of drift using ocean models. DFO research and development activities provide continuous improvement to the accuracy, resolution, and coverage of the ocean models available for prediction of ocean conditions including drift. Collaboration between CCG and partners such as DFO is ongoing to improve the methodologies to make data and information available for timely decision-making in the event of a marine incident.</p>
25.	That the Canadian Coast Guard consult with current and potential partners on a strategy to create a joint spill response task force that adds clean-up capacity to supplement, where necessary, the capabilities of volunteer groups and involves the Unified Command response partnership in the oversight of the clean-up effort	<p><b>The Government acknowledges the recommendation, and it is being addressed through existing programs.</b></p> <p>The Canadian Coast Guard (CCG) continues to foster collaboration and engagement with marine stakeholders, including with response partners, in order to enhance Canada's marine preparedness and response regime. As part of the new phase of the Oceans Protection Plan and building on ongoing efforts to increase marine response capacity across Canada's coasts, the CCG will work with Indigenous and coastal communities to co-develop Coastal Marine Response Teams (CMRTs) to enhance coordination and integration of first responders across the incident management community for all marine pollution incidents. As a co-developed initiative, Indigenous and coastal communities will have the opportunity to shape CMRT capacity and capabilities in their respective communities. Further, through the Integrated Marine Response Planning (IMRP) initiative, the CCG – supported by partner federal departments – will work collaboratively with Indigenous groups and marine stakeholders (coastal communities, provincial/territorial governments, municipal governments, local organizations, and the private sector) to develop and/or revise (where necessary) inclusive and evergreen plans that support consistent and effective responses to marine pollution incidents. Both CMRT and</p>

		IMRP will promote the use of Unified Command for the oversight and coordination of spill response operations. CMRT and IMRP will be implemented in a phased approach over the next few years, which will progressively broaden the response partner base.
26.	That the Government of Canada establish and fund a joint spill response task force composed of federal, provincial, territorial and Indigenous governing bodies, commercial fisheries organizations, and non-governmental organization representatives and task it to recruit, regularly train, and equip a workforce capable of responding to spills in the regions most likely to be impacted, which can be deployed in the immediate wake of a spill occurring	<p><b>The Government acknowledges the recommendation, and it is being addressed through existing programs.</b></p> <p>In the new phase of the Oceans Protection Plan (OPP), the Government of Canada will continue its efforts and investment to bolster Canada’s marine preparedness and response regime by renewing existing programs and funding new projects under its Coastal Marine Response Network (CMRN) initiative. This includes new national initiatives, such as the Coastal Marine Response Teams (CMRT) project and the Integrated Marine Response Planning (IMRP) program. Through CMRT, the Canadian Coast Guard will provide contribution funding to coastal and Indigenous communities so that they can be trained, equipped, and ready to participate in incident management operations or respond directly to marine pollution incidents. IMRP will nationalize marine pollution response planning across Canada, bringing together Indigenous groups and marine stakeholders (coastal communities, provincial/territorial governments, municipal governments, local organizations, and the private sector) to collectively develop regionally specific marine pollution response plans. As the CMRN matures, responses to marine pollution will become increasingly coordinated and cohesive, as individuals and organizations become trained and equipped to be able to participate as response partners. However, since CMRN initiatives such as CMRT and IMRP will be implemented in a phased approach, the resulting response partner base will take time to be progressively broadened.</p> <p>Through the OPP Marine Pollution Preparedness, Response and Recovery initiative, the Government of Canada is seeking to identify sustainable funding to support marine spill response preparedness, response and recovery activities, including for Indigenous communities.</p>
27.	That the Government of Canada assign a joint spill response task force to create the geographic response plans required to respond	<b>The Government acknowledges the recommendation, and it is being addressed through existing programs.</b>

	effectively to cargo container spills on all coastlines, including clear objectives and timeline standards for cargo container spill responses	As part of the next phase of the Oceans Protection Plan, and building from previous efforts to increase marine response planning capacity on the west coast, the Government of Canada, with the Canadian Coast Guard as the lead federal agency, will work collaboratively with Indigenous groups and marine stakeholders (coastal communities, provincial/territorial governments, municipal governments, local organizations, and the private sector) to implement a new national program of Integrated Marine Response Planning. Through this program, geographically focused integrated marine response plans, informed by science, Indigenous knowledge, and operational experience will be developed. These plans will support consistent and effective responses to marine pollution incidents, including those related to cargo container spills.
28.	That a joint spill response task force be composed of federal, provincial, territorial and Indigenous representatives and be tasked to develop the human and social capital infrastructure required to respond to cargo container spills in a timely manner	<p><b>The Government acknowledges the recommendation, and it is being addressed through existing programs.</b></p> <p>Through the next phase of the Oceans Protection Plan, the Government of Canada will continue its efforts to strengthen Canada’s marine preparedness, response and recovery regime in collaboration with federal, provincial and territorial agencies, as well as Indigenous partners. Through the Canadian Coast Guard’s Coastal Marine Response Network (CMRN) initiative, the Coastal Marine Response Teams (CMRTs) project will be implemented along Canada’s coasts. CMRTs will enhance coordination and integration of first responders across the incident management community for all-hazard marine incidents in Canada. The Canadian Coast Guard will provide contribution funding to enable CMRTs to access training and procure equipment so they are positioned to support marine pollution response efforts. The Government will also work with Indigenous groups and marine stakeholders (coastal communities, provincial/territorial governments, municipal governments, local organizations, and the private sector) to develop a new national program of Integrated Marine Response Planning (IMRP). This new program will facilitate the participation of marine stakeholders to support effective, consistent and coordinated responses to marine pollution incidents across Canada. CMRN initiatives such as CMRT and IMRP will be implemented in a phased approach over the next few years, which will progressively broaden the response partner base.</p>

		<p>In addition, the Government of Canada will explore, in consultation with other levels of government, Indigenous groups, and industry, the development of a single system that can ensure an appropriate level of preparedness for all marine pollution incidents, regardless of source. The national system would also provide a framework to ensure an effective and consistent response to marine pollution incidents across the country, as well as for post-incident recovery. Accountability for polluters would be strengthened, and a formal role for Indigenous communities within the system would be identified, as well as sustainable funding and appropriate legal protections to support this role.</p>
<p>29.</p>	<p>That the federal government examine alternative polluter-pays and/or industry-pays mechanisms that would go beyond the current statutory limitation of three or six years and would ensure that sufficient funds are available in a timely manner to respond to immediate and long-term environmental damage caused by marine cargo container spills</p>	<p><b>The Government acknowledges the recommendation, and it is being addressed through existing programs.</b></p> <p>Canada has a comprehensive liability and compensation regime to cover losses and damage for ship-source pollution incidents such as oil spills, pollutants (including hazardous and noxious substances) spills, and wrecks, which includes lost marine cargo containers. Shipowners are strictly liable for losses and damage caused by their ships and their cargo. Eligible costs include activities that are meant to limit potential long-term damage, such as reasonable costs to respond to the incident or to remediate the environment.</p> <p>The liability regime for marine cargo container spills is found in the <i>Wrecked, Abandoned, and Hazardous Vessels Act</i> (WAHVA) and the <i>Marine Liability Act</i> (MLA).</p> <p>In 2019, Canada became party to the <i>Nairobi International Convention on the Removal of Wrecks</i> (Wreck Removal Convention), which is implemented through the WAHVA. This Convention ensures that the owners of all vessels operating in Canadian waters or Canada’s Exclusive Economic Zone are strictly liable for the costs of locating, marking and removing hazardous wrecks that affect navigation or Canada’s environment. This includes containers lost overboard, regardless of whether the vessel itself has become a wreck. Claims must be submitted within three years from the date of the wreck being declared a hazard and no more than six years from the date of the maritime casualty that resulted in the wreck.</p>

		<p>The MLA also makes shipowners strictly liable for losses or damage associated with measures taken to repair, remedy, minimize or prevent pollution damage from a vessel due to a pollutant, including hazardous and noxious substances. The shipowner is liable for losses and damage up to a certain amount based on the size of their ship. Typically, the largest ships calling at the port of Vancouver have a gross tonnage of approximately 150,000. A container vessel of that size could limit its total liability for personal injury and loss of life and other losses and damage to approximately \$320 million (M).</p> <p>In 2018, Canada ratified the <i>2010 International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea</i> (HNS Convention). It is not yet in force internationally and when it does come into force, it will complement Canada's existing liability regime for pollutants. The owner of a containership would be held strictly liable for losses or damage caused by hazardous and noxious substances carried on their ship as cargo up to an amount based on the size of their vessel. A ship with a gross tonnage of 150,000 carrying hazardous and noxious substances in containers could limit its liability to approximately \$200M.</p> <p>In addition, the Convention will create an international Hazardous and Noxious Substances Fund, financed by industries that receive hazardous and noxious substances by sea. A total of approximately \$440M in compensation would be available from the shipowner and the Fund in the case of an incident. Eligible claims will include:</p> <ul style="list-style-type: none"> <li>• loss of life or personal injury;</li> <li>• incident response and clean-up;</li> <li>• loss of damage to property outside of the ship;</li> <li>• economic losses to the fishing and tourism sectors;</li> <li>• costs of preventive measures; and,</li> <li>• costs of reasonable environmental reinstatement.</li> </ul> <p>Claims must be submitted to the shipowner or the Fund three years from the date when the person suffering the damage knew or ought reasonably to have known of the damage and of the identity of the owner, but no later than ten years from the incident that caused the damage. This</p>
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		<p>significantly extends the statutory limitations period for such spills, providing claimants with a longer window to submit a claim if a container carrying hazardous and noxious substances only starts leaking years after the incident.</p> <p>The Wreck Removal Convention and the HNS Convention represent a sustainable and comprehensive global regime. The conventions establish strict liability for shipowners regardless of fault and include compulsory insurance requirements with direct access to the insurer, which helps victims receive compensation much faster without usually requiring judicial proceedings, increasing access to justice. To balance these strict requirements imposed on industry, shipowners may have the right to limit their liability and there are statutory limitations within which compensation must be sought. Limiting the liability of shipowners allows them to maintain the insurance coverage that makes it easier to access compensation.</p> <p>Through the Oceans Protection Plan, the Government will examine options for how to fund preparedness, response and recovery work for oil, and hazardous and noxious substances pollution based on the polluter pay principle. The goal is to make sure the Government is prepared and well-equipped at the national, regional and local level to respond to, and recover from, marine pollution incidents. We want to make sure that there is a way to fund these activities, without affecting our existing liability and compensation structures.</p>
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