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Georgia Strait Alliance comments on the Ministry of Environment's Policy Intensions Paper on Land Based Spill Preparedness and Response in BC

July 25, 2014

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About Georgia Strait Alliance

Georgia Strait Alliance (GSA) is a non-profit citizens' organization that works to protect and restore the marine environment and promote the sustainability of the Strait of Georgia, one of Canada's most at-risk environments, and its adjoining waters and communities. Founded in 1990, GSA has over 1000 members and supporters who work collectively to address root causes of threats to the Strait and find solutions that protect it. Our interest in this review relates to protecting the Georgia Strait's marine and shoreline environments, and the communities and economies that depend on them, from the impacts of an oil spill, particularly in light of current proposals to dramatically increase shipments of diluted bitumen through the Strait.

Introduction

Thank you for the opportunity to comment on the Ministry's plans to strengthen BC's spill preparedness and response regime. Repeated warnings in recent years from studies carried out by both the federal and provincial government and by other experts, and comparisons with other jurisdictions such as Washington State, have highlighted the gaps in preparedness that urgently need to be addressed.

We are pleased to see steps being taken towards long-overdue enhancements to and regulation of BC's spill preparedness and response regime, and towards finding additional funding and capacity for the Provincial Environmental Emergency Program. We support many of the guiding principles outlined in the Intensions paper, and want to applaud in particular the emphasis on meaningfully involving communities, First Nations and local governments, reducing financial and other barriers to their full participation, and recognizing the direct risks and costs they face in the event of a spill. However, the extent to which these intensions can be fully realized remains to be seen – as the Ministry acknowledges, many of the details of the proposed changes have yet to be developed and/or released – and will in large part depend on the nature of the proposed Provincial Preparedness and Response Organization (PRO). Our key concern is the lack of discussion of the governance of the PRO, which will determine whether it is essentially an industry body that risks lacking public trust and legitimacy, or one that is wholly transparent and accountable to the citizens of BC.

Preparedness, Response and Restoration

Preparedness and response planning must be based on comprehensive risk assessments that take into account all of the environmental, social, economic and community impacts of an oil spill, including as these may persist for decades after the incident.

We support the creation of geographic response plans, a process which should be led by the Ministry rather than industry, and should include meaningful involvement from, and benefit from the expertise of, communities, First Nations, local government and non-profit organizations. The Prince William Sound Regional Citizens' Advisory Council, an entity with ongoing government funding that allows citizens to work together to identify and address gaps in spill prevention and preparedness, provides an example to be emulated in BC. Finally, First Nations should be involved in geographic response planning on a government-to-government basis rather than being treated as one of many non-government stakeholders.

We support the requirement of environmental damage assessments and restoration activities, and recommend the American Natural Resource Damage Assessment process as a model to follow. Such a process recognizes that natural resources such as beaches and habitats provide valuable services to society. Legislation should require the responsible party to fully compensate for losses to ecological services, and fund restoration and enhancement of the damaged environment. The collection of comprehensive baseline information would be essential to ensure best possible restoration and adequate compensation.

We urge the Ministry to create legislated spill response times, equipment requirements and workforce capacities. In addition, we recommend the following specific response standards¹:

- *Oiled wildlife*. Wildlife response capability should include hazing, capture, assessment, rehabilitation and release of oiled birds and mammals. Oiled wildlife tactical response should be delivered by qualified workforce primarily from BC's wildlife rehabilitators groups.
- *Workforce capacity*. Response standards should focus on oil spill workforce capacity to respond to a specific amount of oil spilled.
- *Oily waste management*. Response standards should not be based on a time-frame for holding temporary oily wastes, but specify holding capacities.
- *Definition of 'oil'*. Documents guiding response standards should ensure that the definition of 'oil' includes all types of oil that pose an environmental or health risk if spilled. All forms of heavy oil should be explicitly referenced including diluted bitumen, synthetic crude/bitumen blends etc. Standards should require preparing for and responding to spills of all types of products carried by vehicles and vessels travelling through BC and alongside our coastline.

¹ Recommendations adapted from: EnviroEmerg Consulting, 2008, [Major Marine Vessel Casualty Risk and Response Preparedness in British Columbia](#). (part funded by Georgia Strait Alliance)

We believe a dedicated spill fund is needed for BC. Canada's existing funding and damage compensation regime is nowhere near strong enough to deal with the costs of a major oil spill, which could leave taxpayers liable for covering costs in the billions – and the proposed expansion to federal compensation funding remain inadequate. A separate provincial fund should be established, funded by industry, to top up the federal funds available, and support activities not included in the federal regime. The provincial fund should be inclusive of all environmental consequences of a spill (not just oil pollution), and of the economic losses that businesses, property owners and governments may suffer as a result of a spill.

Provincial Preparedness and Response Organization (PRO)

Overall, we see the benefits of a single, BC-wide, industry-funded and provincially regulated response organization that centralizes resources and can ensure consistency and best practices in planning for and responding to a spill. In particular we want to highlight our support for the PRO's provision of 'in the moment' funding to local governments and First Nations, to ensure up-front costs are not a barrier and they have the financial and other resources necessary to fully participate in planning for and responding to a spill.

However, we are concerned that the governance of a potential PRO is not discussed in the document. In our view, if the Ministry were to proceed with establishing a PRO, while industry must fund and might lead the operational elements of the PRO, ultimately the organization must be accountable to the public. One way to facilitate this would be to establish a governing body for the PRO that includes equal participation and voting rights for industry, provincial and local government, First Nations, and community and non-profit representatives.

Enhanced Provincial Environmental Emergency Program

We are entirely supportive of the Ministry's overall intention to strengthen the Provincial Environmental Emergency Program, and of the specific enhancements proposed. We see a particularly strong need to increase the program's ability to provide liaison and training support for First Nations, local government, communities and other stakeholders.

The program's funding and staffing is markedly lower than comparable jurisdictions, such as Washington State, and is long overdue for additional resourcing. We believe that industry rather than taxpayers should be responsible for the majority of this funding; otherwise, the 'polluter pay' principle is rendered hollow.

Additional comments

Oil spills cross international boundaries, and we recognize that effective response must involve joint planning, research, and training operations to overcome trans-boundary challenges. We recommend

that thorough consideration be given to the recommendations set out by the Pacific States/British Columbia Oil Spill Task Force in their 2011 report on transboundary oil spill response.²

We are concerned about the lack of discussion of volunteer management in the intensions paper. Emergent volunteers are a reality in any major spill, and could be a major resource. Ensuring that these concerned citizens do not fall through the gaps between the many overlapping players involved in responding to a spill, and that plans are in place for managing, communicating with and making meaningful use of emergent volunteers, must be a priority.

Finally, we would like to highlight that BC's inadequate response capacity for spills of diluted bitumen and other heavy oils requires particularly urgent attention. The best available technology for responding to oil spills depends on the oil remaining on the surface of the water, and bitumen may submerge over time in certain marine environments – and there is no known technology that can remove bitumen from the ocean floor. Bitumen is also known to be highly resistant to chemical dispersants, which in any case also carry under-researched risks to the marine environment. Investment in research and development into methods to improve recovery rates of bitumen on the surface of the water, and to identify technologies to recover submerged bitumen, should be a high priority for a potential PRO.

Conclusion

Thank you for considering our comments on the Ministry's plans to strengthen BC's spill preparedness and response regime. Our support for additional preparedness and response measures discussed above is intended to address the threats we face from current levels of marine oil tanker traffic. The most effective way to prevent additional oil spill risk is to avoid further increases in tanker traffic on BC's west coast. Therefore, in addition to improving BC's spill response regime in order to lessen the risk we currently face, we urge the Province of BC to clearly state its opposition to both the Kinder Morgan and Enbridge pipeline projects, and deny any permits that may be sought of the Province to allow for their construction.

² Pacific States/British Columbia Oil Spill Task Force, 2011, [Stakeholder Workgroup Review of Planning and Response Capabilities for a Marine Oil Spill on the U.S./Canadian Transboundary Areas of the Pacific Coast Project Report](#).