

32 Pollution – Compliance with Canadian Regulations

The attention of shipmasters is drawn to the –

Vessel Pollution and Dangerous Chemicals Regulations,

Ballast Water Regulations,

Arctic Shipping Pollution Prevention Regulations,

Response Organizations Regulations,

Environmental Response Regulations

Canada is responsible for the *Vessel Pollution and Dangerous Chemicals Regulations and Masters of vessels* should note that these regulations contain specific provisions for oil, noxious liquid substances and dangerous chemicals, pollutant substances, sewage, garbage, air, and anti-fouling systems. The regulations incorporate the provisions of MARPOL and the Anti-fouling Systems Convention. Canada has acceded to both these conventions, including all Annexes of MARPOL. However, stricter discharge provisions apply in internal and inland waters. Canada is committed to protecting its marine wildlife and ocean environment and will not tolerate the illegal discharge of oil, oily substances or other toxic substances in Canadian waters.

The North American Emission Control Area is in force and applies south of 60°N in waters under Canadian jurisdiction, including the 200-mile Exclusive Economic Zone. This measure also applies in waters of French territories of St. Pierre and Miquelon and the United States. As of January 1, 2015, all vessels in North American Emission Control Area must use fuel with a sulphur content of no more than 0.10%.

All crew members must be made aware of the consequences of illegally releasing oil or other toxic substances into Canadian waters, including the devastating effects on marine wildlife, the possibility of stiff fines and imprisonment, and the publication of the names of vessels and individual crew members that have been successfully prosecuted.

Vessels entering Canadian waters, including the 200-mile Exclusive Economic Zone, are closely monitored by aerial surveillance, patrol vessels, satellite imaging and port state control inspections.

Vessels suspected of illegally releasing oil, or other toxic substances into the marine environment, can be detained for investigation and can be prosecuted under Canadian laws. Owners, operators or individual crew members who are found guilty under Canadian laws can be fined up to \$1 million.

Any discharge, or the danger of a discharge, of any pollutant must be reported by the quickest means available and in the manner prescribed in the *Guidelines for Reporting Incidents Involving Dangerous Goods, Harmful Substances and/or Marine Pollutants* (TP 9834) or *International Maritime Organization Resolution A.851(20)* as amended. If a vessel has been unable to obtain compliant fuel for North American Emission Control Area, it must report to in accordance with procedures set out the Ship Safety Bulletin 04/2013, [Reporting when compliant fuel is unavailable](#).

Masters of oil tankers should note that applicable tankers must carry either a Polar Ship Certificate or an International Oil Pollution Prevention Certificate as prescribed by the Regulations and a Certificate of Insurance or Other Financial Responsibility issued in accordance with the provisions of the *International Convention of Civil Liability for Oil Pollution Damage, 1992*.

Masters of laden oil and chemical tankers, operating in ice control zones of Eastern Canada, should refer to the Transport Canada publication *Joint Industry - Government Guidelines for the Control of Oil Tankers and Bulk Chemical Carriers in Ice Control Zones of Eastern Canada* (TP 15163) for guidance in the operation of their vessels while in ice control zones. A copy of the guidelines should be carried on board all applicable vessels.

Masters of vessels entering Canada's exclusive economic zone from seaward are advised to consult the [Ballast Water Regulations](#) (the Regulations) and the TP 13617 - List of Canada's designated alternate ballast water exchange areas and fresh waters (2021) to ensure compliance. With the exception of vessels specifically exempted from the provision of the Regulations, all vessels are expected to exchange or treat their ballast prior to ballast discharge in waters under Canadian jurisdiction. Vessels will also be required to salt-water flush ballast water tanks with open ocean water containing residual quantities of ballast water. The Master of a vessel, whether or not they are carrying ballast onboard, must ensure the vessel complies with the regulations and submits a completed ballast water reporting form as outlined in the Ship Safety Bulletin #07/2022 – Instructions for submitting Canadian Ballast Water Reporting Form (BWRF). In cases where Transport Canada determines that a vessel did not comply with the Regulations, the vessel may be subject to inspection and detention in accordance with subsection 222(1) of the *Canada Shipping Act, 2001*.

Transport Canada is the lead agency responsible for Canada's Marine Oil Spill Preparedness and Response Regime. The regime was established in 1995 to enable industry to respond to its own oil spills within the prescribed time standards and operating environments, for Canadian waters south of 60 degrees north latitude. The regime is built upon a partnership between government and industry. It sets rigorous standards for response organizations and oil handling facilities (including oil handling facilities north of 60), and establishes the requirements for national preparedness capacity. Please refer to the end of this Notice for Transport Canada contact information.

The Canadian Coast Guard is the lead federal agency responsible for ensuring an appropriate response to all ship-source spills and will place the onus of response on the polluter. The Canadian Coast Guard monitors the overall response to ensure that it is effective, timely, and appropriate to the incident. As the Canadian Coast Guard will be notified of all ship-source spill occurrences, polluters are encouraged to discuss their intentions with the appropriate Canadian Coast Guard representative. Please refer to the end of this Notice for regional Canadian Coast Guard contact information.

Pursuant to Part 8 of the *Canada Shipping Act, 2001*, all oil tankers of 150 or more tonnes gross tonnage, all other vessels of 400 or more tonnes gross tonnage that carry oil as fuel or as cargo and groups of vessels that are towed or pushed, are of 150 gross tonnage or more and carry oil as cargo in Canadian waters south of the 60th parallel of latitude are required to enter into an arrangement with a Transport Canada certified response organization.

This does not apply to a non-Canadian vessel that is only transiting the territorial sea of Canada or the exclusive economic zone of Canada, and is not engaged in the loading or unloading of oil during transit.

The following is a list of Transport Canada certified response organizations and their Geographic Areas of Responsibility:

Western Canada Marine Response Corporation's (WCMRC) geographic area of response covers the waters bordering the Province of British Columbia (including the shorelines associated with such waters) and extending throughout the Exclusive Economic Zone (200 nautical miles offshore) and including, but not limited to, the inland waters of the Province.

Eastern Canada Response Corporation (ECRC)'s geographic area of response covers all the Canadian waters south of 60°N latitude in the provinces of Newfoundland, Prince Edward Island, Nova Scotia, New Brunswick, Quebec, Ontario, Manitoba, Saskatchewan and Alberta, excluding the waters in the primary areas of response associated with the designated ports of Saint John, N.B. and Point Tupper, N.S.

Point Tupper Marine Services Ltd. (PTMS)'s geographic area of response comprises all the waters between an arc having a 50 nautical mile radius about Bear Head light, 45°33' North, 61°17' West, but not extending north of the Canso Causeway into St. George's Bay and the contiguous land mass and, for greater certainty, not to include the waters of the Bras d'Or Lakes, St. Andrews Channel, St. Patrick's Channel, Great Bras d'Or and other waters internal to Cape Breton Island.

Atlantic Emergency Response Team (ALERT) Inc.'s geographic area of response covers all the Canadian waters between the western boundary consisting of an arc having a 50 nautical mile radius about the point 45°08'03"N, 66°17'12"W, and the eastern boundary consisting of an arc having a 50 nautical mile radius about a point, centered on Cape Spencer Light.

Please refer to the end of this Notice for Response Organizations contact information.

Canada has signalled a willingness to address wrecked and/or abandoned vessels as a source threat with its accession to the *Nairobi International Convention on the Removal of Wrecks, 2007*, a framework which outlines the rights and obligations of vessel owners and coastal states with respect to wrecks resulting from a maritime casualty within a state's Exclusive Economic Zone (EEZ). The *Wrecked, Abandoned or Hazardous Vessels Act (WAHVA)*, Canada's instrument to adhere to this convention, came into force on July 30, 2019. It holds owners responsible for their vessels by prohibiting abandonment and by enforcing the principle that owners are liable for the hazards and other issues that vessels and wrecks might pose. WAHVA also provides Transport Canada with authority to address all issues of vessel abandonment and dilapidation, and the Canadian Coast Guard with authority to address any vessel-related hazard, be it environmental, safety-related, or socio-economic in nature. Both organizations have powers to enforce compliance with directions they might issue to vessel owners under WAHVA.

CANADIAN COAST GUARD (Superintendent, Environmental Response) <u>Western Region</u> 604-816-7432 <u>Central Region</u> 418-558-9269 <u>Arctic Region</u> 867-446-6990 <u>Atlantic Region</u> 709-772-6338	RESPONSE ORGANIZATIONS Western Canada Marine Response Corporation (WCMRC) 604-294-6001 604-294-9116 (24 hours)
	Eastern Canada Response Corporation Ltd. (ECRC) 613-230-7369 <u>Quebec Region</u> 418-692-8989 <u>Atlantic Region</u> 902-461-9170 <u>Great Lakes Region</u> 519-862-2281
TRANSPORT CANADA Marine Safety and Security, Navigation Safety, and Environmental Programs 330 Sparks Street, 10 th floor, K1A 0N5 613-991-3131	Atlantic Emergency Response Team (ALERT) Inc. 506-632-4499 (24 hours)
	Point Tupper Marine Services Ltd. (PTMS) 902-625-1711

Authority: Canadian Coast Guard
Transport Canada