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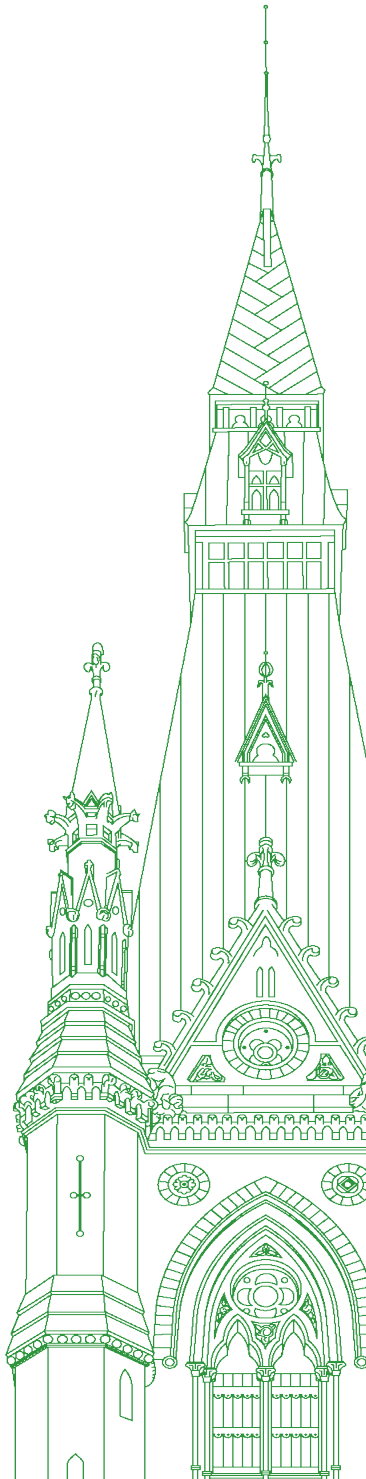

Chair: Mr. Ken McDonald

Standing Committee on Fisheries and Oceans

Tuesday, March 29, 2022

● (1100)

[*English*]

The Chair (Mr. Ken McDonald (Avalon, Lib.)): Good morning, everyone.

I now call this meeting to order.

Welcome to meeting number 13 of the House of Commons Standing Committee on Fisheries and Oceans.

Pursuant to Standing Order 108(2) and the motion adopted on January 20, 2022, the committee is commencing its study of marine cargo container spills.

The committee will use the last 15 minutes of today's meeting to discuss in camera the drafting instructions on the study of traceability of fish and seafood products.

This meeting is taking place in a hybrid format pursuant to the House order of November 25, 2021.

Interpretation services are available for this meeting. Please inform me immediately if the interpretation is lost, and we'll ensure that it is restored before resuming.

The “raise hand” feature at the bottom of your screen can be used at any time if you wish to speak or alert the chair.

When you are ready to speak, click on the microphone icon to activate your mike. Please speak slowly and clearly, which I should learn to do as well. When you are not speaking, your mike should be on mute.

I remind you that all comments by members and witnesses should be addressed through the chair.

I'd also like to remind all participants that taking screenshots or photos of your screen is not permitted.

I would now like to welcome our witnesses for today's first panel.

We have, from the Canadian Coast Guard, Chris Henderson, deputy commissioner of operations; and Jonathan Brickett, regional director, incident management, western region. From the Department of Transport, we have Martin McKay, executive director, legislative, regulatory and international affairs, marine safety and security; Naim Nazha, executive director, navigation safety and environmental programs, marine safety and security; Désirée Sauvé, acting director general, oceans protection plan; and François Marier, director, international marine policy.

I want to welcome Madam Gaudreau, who is replacing Madam Desbiens today, and I believe Mr. Paul-Hus is replacing Mr. Zimmer. It's good to have you with us.

We will now begin with opening remarks from Mr. Henderson for five minutes or less, please.

When you're ready, Mr. Henderson, the floor is your for five minutes or less, please.

Mr. Chris Henderson (Deputy Commissioner, Operations, Canadian Coast Guard): Good morning, Mr. Chair.

Committee members, thank you very much for the opportunity to participate in your study on marine cargo container spills this morning.

To open, I would like to provide a brief overview of the current state of play related to marine cargo loss in Canada, touching in particular on the recent case of the *Zim Kingston*.

As you know, global marine shipping trends continue to evolve. We're seeing much larger ships carrying enormous volumes of diverse cargo, everything from everyday household items and food products to petroleum and other fuels. For example, in May 2021, the largest container ship ever to call on North America's east coast berthed in the port of Halifax; the *Marco Polo* is capable of holding over 16,000 shipping containers.

These vessels and their cargo are critical to the global supply chains on which we depend for the necessities of everyday life and are essential to continuing to grow the Canadian economy. However, the transiting of these large vessels and their cargo across oceans and in and out of Canadian waters is not without risk. Accidents happen, and cargo can be lost.

We experienced this first-hand last October when the *Zim Kingston* lost 109 containers overboard off the coast of Vancouver Island as a result of an extreme weather event. As a result of significant investments made by the government through the oceans protection plan since 2017, the Coast Guard was well-positioned to respond quickly and effectively to this incident.

● (1105)

[*Translation*]

For example, the Planning for Integrated Environmental Response initiative developed area response plans that were instrumental in quickly notifying indigenous and coastal communities, as well as other response partners, of the incident.

In addition, the implementation of a 24/7 posture for Coast Guard's Regional Operations Centres and the National Command Centre played a critical role in coordinating our operational response throughout the incident.

Lastly, investments in drift protection and near-shore modelling enabled Coast Guard to track the trajectory of lost cargo containers and predict locations where containers and their contents could come ashore.

[*English*]

These are just a few of the oceans protection plan investments that have yielded substantial benefit in improving marine safety and protecting the marine environment, and have paid significant dividends in responding to the *Zim Kingston*, whose lost containers remain top of mind for the Coast Guard.

Under the Wrecked, Abandoned or Hazardous Vessels Act, another initiative of the oceans protection plan, the cleanup of lost cargo is the responsibility of the vessel owner. The Coast Guard's responsibility is to ensure that the owner takes the appropriate measures to address the lost cargo.

[*Translation*]

Following the *Zim Kingston*'s container spill, the Coast Guard monitored and supported beach clean-up operations, and we continue to hold the vessel owner accountable. At the Coast Guard's request, the vessel owner conducted a sonar scan of Constance Bank Anchorage. Planning is under way for a second scan in the Cape Flattery area.

Additionally, the Coast Guard has requested the vessel owner conduct an environmental risk assessment to determine the possible impacts the lost containers may have on the marine environment. We continue to keep partners and stakeholders engaged and up-to-date.

[*English*]

The *Zim Kingston* incident was a complex response operation that highlighted the many challenges of marine container spills. We are proud of the fast, effective, collaborative and sustained response effort put forward by our Coast Guard crews and very many response partners at multiple levels to successfully and safely resolve this complex incident.

We learned an awful lot from the incident of the *Zim Kingston*, and we will continue to draw lessons for years to come.

Thank you very much, Chair. I look forward to your questions.

The Chair: Thank you for that. That was dead on your five minutes.

We'll now go to Mr. McKay from the Department of Transport for five minutes or less, please.

Mr. Martin McKay (Executive Director, Legislative, Regulatory and International Affairs, Marine Safety and Security, Department of Transport): Good morning, Mr. Chair and committee members.

[*Translation*]

Thank you for the opportunity to participate in your study on marine cargo container spills.

[*English*]

I would like to begin by providing a brief overview of the international and domestic legal framework governing the safe carriage of marine cargo containers in Canada.

[*Translation*]

Through the International Maritime Organization, Canada is party to several international conventions related to the carriage and handling of marine cargo containers, which are adopted into Canadian law under the Canada Shipping Act, 2001, the Safe Containers Convention Act, and their respective regulations.

[*English*]

These set out a rigorous safety framework governing how containers are transported around the world on ships. For example, shipowners must ensure that containers are regularly tested and maintained in good condition, and the vessel master and crew must ensure that the containers are safely secured on board.

When dangerous goods are carried inside containers, further international codes apply to ensure that they are marked and stowed safely. Canada also requires ships to provide documentation of container contents, including dangerous goods, before entering Canadian waters so that we know what's inside and where it's located. However, accidents can happen, as we saw with the *Zim Kingston*.

You heard from my colleague, Mr. Henderson, who explained how the Canadian Coast Guard led the response to the spill. Transport Canada also plays an important role to ensure that the vessel is structurally sound, to direct the vessel to safe anchorage or berth and to inspect the vessel for compliance and enforcement actions.

● (1110)

[*Translation*]

Transport Canada also establishes the liability and compensation regime for ship-source incidents, including for container spills, fires and pollution. Under the Marine Liability Act and the Wrecked, Abandoned or Hazardous Vessels Act, shipowners are liable for pollution from their ships and for lost cargo and containers.

In addition, Canada is leading international efforts to establish a global liability and compensation regime for damage from hazardous and noxious substances to contribute to adequate global compensation for victims of pollution damage.

[*English*]

Through the oceans protection plan, significant progress has been made in strengthening the prevention of and response to accidents and incidents involving marine container ships. We are continuing to improve the marine safety system to mitigate risks and impacts to indigenous peoples, coastal communities and the marine environment.

[*Translation*]

In closing, I would like to acknowledge the seriousness of the *Zim Kingston* incident as well as the importance of what we continue to learn from these events. Canada has in place a strong safety and liability regime, which helped to make the incident response a success.

[*English*]

Thank you. I look forward to taking your questions.

The Chair: Thank you. That was a minute under time, so I'm sure we'll use that somewhere along the way.

We'll now go to questions by members.

We'll go to Mr. Arnold first for six minutes or less, please.

Mr. Mel Arnold (North Okanagan—Shuswap, CPC): Thank you, Mr. Chair, and thank you to both witnesses for appearing today.

The *Zim Kingston* incident certainly raised questions for people on the west coast of British Columbia. Part of the oceans protection plan announced in 2016 was improved weather forecasting.

Could you tell us why the *Zim Kingston* ended up in such severe weather conditions and how that impacted the incident?

I believe this question would be for the Department of Fisheries and Oceans, through the Coast Guard.

Mr. Chris Henderson: Mr. Chair, I won't be able to answer the entire question because part of it is outside the purview of the Coast Guard.

The increase in weather [*Technical difficulty—Editor*] of Environment and Climate Change Canada, but I will try to address the question about how the *Zim Kingston* ended up in the teeth of a gale, so to speak.

The ship was bound for Vancouver and happened to find itself approaching the entrance of the Strait of Juan de Fuca at a point when there was significant weather affecting the west coast: high winds, high seas. Again, it's somewhat outside the purview of the Coast Guard to explain why this happens or what can be done about it, but the ship was not able to.... The master chose to stay outside of the Strait of Juan de Fuca because they weren't ready to proceed down the shipping lanes to the port, and the ship found itself, therefore—

● (1115)

Mr. Mel Arnold: It sounds like the improved weather forecasting that was supposed to be part of the oceans protection plan failed to prevent this incident. Would that be correct?

Mr. Chris Henderson: Well, sir, it is a fact that the master of the ship is the person who makes the decision about whether the ship will proceed, regardless of the weather, and increased weather forecasting wouldn't preclude the master from making a decision to proceed on his voyage.

Mr. Mel Arnold: Okay, thank you. I'll move on to the next important piece that I found here.

There were 109 containers that went overboard. Only four have been found. That leaves 105 containers unaccounted for. There were hazardous, toxic materials in those containers. How many of those containers that have not been recovered contained hazardous materials?

Mr. Chris Henderson: Two. There were four containers that went over that were in the cargo of the *Zim Kingston* that had dangerous goods on them. They were chemicals properly packaged and marked. Two of them went overboard when the ship was off Vancouver Island, and the other two remained on board the ship.

Mr. Mel Arnold: I understand that those hazardous goods pose a health threat to fish or aquatic species. What is the department doing to recover these hazardous goods so that they do not impact the aquatic species?

Mr. Chris Henderson: There are a couple of things on this one.

First, there is a risk of environmental impact. That is certainly the case. The information that we have been given by Environment and Climate Change Canada and the Department of Fisheries and Oceans, the science on the chemicals, is that they will dissolve and be bioremediated very quickly in salt water. To the extent there is pollution resulting from those two sea containers opening up at depth, that will be limited to the surrounding area and then quickly mitigated by bioremediation and by dissolving in the salt water.

That said, we're not ignoring that risk. It is the shipowner's responsibility to deal with it, and we are working closely with the shipowner. They have agreed, as I mentioned in my opening comments, that they are going to conduct a sonar survey off Cape Flattery in the vicinity of the area where the sea containers were lost. Depending on what they are able to find, we'll take action, depending on the information that we're able to accumulate from that. It is—

Mr. Mel Arnold: I see that in all, 57 tonnes of potassium amyl xanthate, used in mines and pulp mills, and thiourea dioxide, used in manufacturing textiles, were aboard the four containers, two that fell overboard and two that caused fire on board.

Presumably, approximately half of that 57 tonnes still remains in waters off the west coast.

Mr. Chris Henderson: Mathematically, about 50% of the [*Technical difficulty—Editor*] accounted for. Whether or not they're still in the sea containers remains to be seen, but as I said, the science tells us that these chemicals, while they are dangerous goods, they also dissolve rapidly in water, and the harmful environmental effects are mitigated and diminish rapidly once they are dissolved.

Mr. Mel Arnold: Thank you.

I believe my time is up.

The Chair: We'll now go to Mr. Hardie for six minutes or less, please.

● (1120)

Mr. Ken Hardie (Fleetwood—Port Kells, Lib.): Thank you, Mr. Chair.

Thank you to the witnesses for being here.

Commissioner Henderson, back in 2016, this committee studied, with great concern, the closure of the Comox marine traffic centre. We were concerned about outages in the system, as well as the shortage of staff to basically keep the one in the Victoria area operating properly.

Were there any outages or issues in the Victoria centre while this episode with the *Zim Kingston* was under way?

Mr. Chris Henderson: There were not, as far as I am aware. I will ask Jonathan Brickett if he is aware of any MCTS outages. My understanding is that the answer is no, but he is much closer to the coalface in Victoria.

Mr. Jonathan Brickett (Regional Director, Incident Management, Western Region, Canadian Coast Guard): Thank you, sir.

No, at the time, we were staffed appropriately and all the notifications were making it through to the various duty officers.

Mr. Ken Hardie: Sir, we had been tracking outages and staff difficulties at the Victoria area centre, and it was noted at the time that it was mainly third party systems that were failing. Have those been fixed or replaced?

We can go to Commissioner Henderson.

Mr. Chris Henderson: I'm sorry, sir. I'm not familiar with the outages to which you refer.

I'd be happy to get some specific information about that, and we can research an answer for you.

My understanding is that the marine communications and traffic services system and its technology were working as designed and properly, with adequate staffing at the time. I don't believe MCTS issues played any part in the *Zim Kingston* event.

Mr. Ken Hardie: Thank you very much.

Mr. McKay, are there international rules in place for what actually can be put into a container? For instance, if I have spent nuclear fuel rods, can I ship those by container from one country to the next over the ocean?

That is for Mr. McKay from Transport.

Mr. Martin McKay: To answer your question, yes, there are international conventions and regulations that specifically address the safety framework around container traffic and shipping. Some [*Technical difficulty—Editor*] International Convention for the Prevention of Pollution from Ships, the International Convention for Safe Containers, and the International Maritime Dangerous Goods Code.

It's that last code that would really speak to what can and cannot be safely transported on board a container.

All of these conventions are taken and implemented through domestic regulations through the Canada shipping—

Mr. Ken Hardie: I have an additional question. We can check into that offline, though, and I appreciate that.

Are there rules for stacking the containers? It would appear that the ones on the top are the most likely to go overboard. Would it not make sense to have rules that say that the least likely to contaminate or pollute should be the most at risk?

Mr. Martin McKay: To answer, yes, there certainly are rules in place with respect to how high containers can be stacked. This is governed under the International Convention for Safe Containers. That provides information related to the safety plate permanently attached to each container that would—

Mr. Ken Hardie: Okay. It's good to know there's a limit to how high, but they are very high, as we've seen in the pictures.

Are there also some rules like those for freight trains? When you put together a freight train, you can't put combustible material too close to the engine. Do some rules to that effect exist?

Are those same rules in effect when they are stacking containers on a ship? Do they have rules that would put the most dangerous cargo lower down and therefore least likely to be lost overboard?

Mr. Martin McKay: I might turn to my colleague, Naim Nazha, the executive director of environmental affairs and navigation safety, to respond to that question.

Mr. Naim Nazha (Executive Director, Navigation Safety and Environmental Programs, Marine Safety and Security, Department of Transport): Yes, there are definitely rules for stowage and segregation, taking into consideration the dangerous goods that are packed within the containers and the different categories of cargo that will be going on board the vessel. The shipmaster with his crew will do the stowage of those goods according to those regulations.

● (1125)

Mr. Ken Hardie: Right. Thank you.

The Chair: Thank you, Mr. Hardie.

We'll now go to Madam Gaudreau.

[*Translation*]

Ms. Gaudreau, you have six minutes.

Ms. Marie-Hélène Gaudreau (Laurentides—Labelle, BQ): Thank you very much, Mr. Chair.

I'd like to thank the witnesses for being with us today.

I'm learning lots of things. There are a few questions that have already been answered. I have others, which touch on my concern for future generations.

I heard you say that we learn from events that have occurred. That being said, we have to learn quickly. The purpose of our committee's study is precisely to help find solutions, including concrete preventive measures.

My first question has to do with science.

According to what was mentioned earlier, reports show that we don't have to worry once what is currently at sea is dissolved.

In that case, I don't know if I can ask, Mr. Chair, that we have access to those scientific reports to reassure ourselves. I'm thinking of our children and future generations. It could reassure us in that regard.

Mr. Henderson, I'd like some clarification. You said that the captain himself decided to stay at sea, even though the weather was probably not suitable.

Am I to understand that the regulations under the Canada Shipping Act contain nothing specific to prevent such a case from happening?

Mr. Chris Henderson: Thank you for the question.

First of all, we can certainly send you the report and scientific information on hazardous chemicals.

In terms of the regulations associated with decisions to stay at sea or not during a storm, I would probably have to ask Transport Canada to provide an answer.

Mr. Nazha, are you able to answer that?

Mr. Naim Nazha: I can indeed answer Ms. Gaudreau's question.

Having sailed as a master on these vessels myself, I can tell you that the master and his crew plan the voyages before they set sail. They consider the weather and the route from point A to point B as well as all other relevant points, including proximity to a coastline. The proximity of the Pacific coast, in this case, was considered by the captain and his officers. Precautions are taken based on the shipping routes that will be followed. In extreme conditions, they ask to return, for example, to what is called a safe haven, to be sheltered from bad weather, such as the weather on the west coast at the time of the incident.

Those are certainly factors that are taken into consideration.

Ms. Marie-Hélène Gaudreau: I represent Quebec, and you'll understand that I care deeply about our St. Lawrence River.

What do you need to prevent another disaster from happening in our oceans?

Mr. Naim Nazha: It's important to consider that in some areas, such as the St. Lawrence, there is compulsory pilotage. The same is true on the west coast. As soon as a vessel enters these waters, it is subject to the compulsory pilotage regulations, which require a pilot who is familiar with Canadian waters to board.

When a vessel approaches a coast or a pilot station in our waters, the vessel master and the officers are always responsible for maintaining the safety of the vessel in accordance with the conditions. On the east coast, for example, there may be ice. There are also bad weather conditions, such as those on the west coast. Vessel masters and officers are trained to take these conditions into account. It is their duty to keep their vessel safe.

● (1130)

Ms. Marie-Hélène Gaudreau: What are you lacking, in terms of material or human resources, to work more collaboratively and for each department or agency to ensure that such a disaster does not occur? I have been on various committees, and I see that there is a real desire to preserve the health of our oceans. This goes hand in hand with the fight against climate change.

Navigation will become an increasingly desirable means of transportation. Given what we've heard in our meeting today, is it now time to increase the material and human resources to prevent incidents?

Mr. Naim Nazha: We always work closely with our colleagues in the Canadian Coast Guard on all aspects of navigation safety, including the approach of vessels to Canadian waters. No matter what coastline a ship approaches from to enter a port, there is a monitoring system that is maintained by vessel traffic officers. When the ship sends its report 24 hours before its approach to Canadian waters, these officers follow the ship along well-marked points on nautical charts to determine its position, and so on.

There is always room for greater co-operation between Transport Canada and the Canadian Coast Guard in these activities. We always work together.

Ms. Marie-Hélène Gaudreau: Thank you, gentlemen.

Thank you, Mr. Chair.

[*English*]

The Chair: Thank you.

We'll now go to Ms. Barron for six minutes or less, please.

Ms. Lisa Marie Barron (Nanaimo—Ladysmith, NDP): Thank you, Chair. I'm happy that we're getting started on this very important study.

I want to thank the witnesses for being here today.

I commend the Coast Guard. Their response to the emergency on board the *Zim Kingston* is just one example of mitigating and addressing that emergency on board that ship. Of course, I commend the work of the Department of Transport as well.

I have many questions, so I want to get started.

I was hoping, Mr. Henderson, that you could expand a little bit on the communication and collaboration with first nations who continue to see debris washing up on their shores. We know, for example, that it took weeks for communications to occur with the Quatsino First Nation. Also, President Judith Sayers highlighted a lack of communication with the 14 Nuu-chah-nulth first nations along the west coast.

Could you share a little bit about what you think would be helpful moving forward to support communication and collaboration with first nations communities who are impacted by container spills such as the *Zim Kingston* in the future?

Mr. Chris Henderson: Mr. Chair, I'd like to mention that in the immediate aftermath of learning about the loss of the containers, the Coast Guard triggered our area response plans. A fundamental part of the area response plans is, in fact, direct and immediate communication with affected first nations.

There's a very long list of first nations that were engaged right from the get-go, from the Juan de Fuca response planning area and the west coast of Vancouver Island response planning area. Those are certainly categories that mean something within the Coast Guard's planning framework—I understand that—but the list is extensive. A tangible example of one of our primary considerations is to reach out first and foremost to affected coastal communities, which by and large in this context certainly were first nations.

In the immediate, it was further south, to be sure, and I believe the first nation that is being referred to is further north. As debris was starting to [*Technical difficulty—Editor*] we were indeed communicating with the north island nations, as well.

As to the question of what more can be done, we are working very extensively with first nations throughout British Columbia. We have a number of programs that are a result of the oceans protection plan. There are also measures that we're taking as a result of the Trans Mountain pipeline expansion—

● (1135)

Ms. Lisa Marie Barron: Thank you very much. I'm sorry to cut you off, but I want to make sure I get many of my questions in. Perhaps if there's any additional information, you could provide it in writing. That would be really helpful.

I'm not 100% sure if this question should go to you, Mr. Henderson, or perhaps Mr. McKay.

I want to get some clarification around the polluter pay principle, to understand more about what this looks like in practice. For example, does this polluter pay principle ensure that likely ecological impacts of the spill are addressed? One example I can think of is styrofoam that is being eaten by fish and birds as it disintegrates—or doesn't disintegrate; it floats in our waters.

Can you speak to how the polluter would be paying for this ecological disaster from styrofoam?

Mr. Chris Henderson: For the details of the polluter pay principle, I think François is going to take that question.

Mr. François Marier (Director, International Marine Policy, Department of Transport): Yes.

Mr. Chair, the polluter, which in this case is the owner of the ship, is liable under two acts: the Wrecked, Abandoned or Hazardous Vessels Act, for the cost of locating, marking or removing a wreck, which can include the containers even if the ship itself has not become a wreck; and the Marine Liability Act, under which the owners of the ship are liable for losses or damage caused by pollution from the ship with regard to response measures or preventive measures to address a threat of pollution. That would include not only oil pollution, but also all types of pollutants that are released into the ocean.

Ms. Lisa Marie Barron: Does it cover debris that will inevitably wash up on our shores for years to come from these containers, for example, which are still sunken and sitting on the bottom of our ocean floor? We know they will begin to rust and open up, and we'll see the debris continue to wash up.

Does the polluter pay for the long-term implications to our coastlines and our marine ecosystems from debris washing up for years to come?

Mr. François Marier: With regard to containers, if they've been identified as a hazard, whether that be to navigation or to the marine environment, yes the shipowner is liable. There is a time limit in terms of their liability, which is either three years from the time the debris or the container has been determined to be a hazard, or six years from the date that the container went overboard.

Ms. Lisa Marie Barron: I'm out of time. Thank you.

The Chair: You're definitely out of time.

We'll now go to Mr. Small for five minutes or less, please.

Mr. Clifford Small (Coast of Bays—Central—Notre Dame, CPC): Thank you, Mr. Chair.

Going back to the weather forecast at the time, Environment Canada modelling is usually pretty accurate a couple of days out, and the master and officers of the vessel are very good at reading weather charts.

Did the track of this storm shift suddenly and the master did not know they were heading into dangerous waters? Could they have avoided the area with the tighter isobars?

Mr. Chris Henderson: Mr. Chair, I could not hear the last part of the question. The audio cut out. I heard “could the master have avoided”, and then I lost it. I'm sorry.

● (1140)

Mr. Clifford Small: Could the master have avoided the area with the tightest isobars and remained in an area of the storm with less wind?

Mr. Chris Henderson: Mr. Chair, I don't think it's appropriate for me to question what could have happened had the master made a different decision. The master decides. He's in charge of his ship. He would have had access to the weather forecast information and he made a professional decision based on his experience. I think I'd best leave it at that.

Mr. Clifford Small: Okay, so given the fact that these container ships are coming into Canadian waters in high winds and stormy seas, it's possible they could lose some of their cargo.

Given that jurisdiction lies with the federal government, could a regulation be put in place so that these ships don't deliberately steer into the eye of a storm, for example?

Mr. Chris Henderson: Again, I think from the perspective of a mariner, I would point out that it would not have been an intentional decision to drive into the storm for that purpose.

As to the making of regulations, I think I will ask Transport Canada to answer that question.

Mr. Martin McKay: Mr. Chair, our regulations focus on the safety aspects in ensuring the navigational safety and the environmental protection of all marine shipping activities. However, as Mr. Henderson just pointed out, we would look to the experience and expertise of the masters to navigate their ships appropriately in stormy seas. We would not take it upon ourselves to regulate based on weather conditions.

Mr. Clifford Small: Okay. I'm going to switch a little bit here now.

Would you please tell the committee about the integrity of the seals on these containers? How long are they estimated to remain sealed tightly, to the best of your knowledge?

Mr. Martin McKay: I would have to take that question away and report back through the chair with the specific answers on the details with respect to the integrity of the seals on the container, unless my colleagues from Coast Guard have that information available.

Mr. Chris Henderson: No, I'm sorry. We don't have that. That's not part of our jurisdiction.

Mr. Clifford Small: We can't estimate how long it would take for seals to break down.

In terms of searching for missing containers, I assume you would be looking for containers that have dangerous goods or pollutants or things that could damage the marine ecosystem first and foremost. Would you bypass the containers you found that aren't an imminent threat to the ecosystem and continue looking for ones that are a real threat, and then go back to get the ones that are less volatile at a later period?

Mr. Chris Henderson: Mr. Chair, I'd just like to reiterate that the responsibility for searching for and recovering those containers rests with the shipowner. The Coast Guard's responsibility is to make sure that they keep after that and that they are taking adequate action.

When it comes to actually looking for and finding those containers, the sonar scan would determine where there are containers. It would not be possible to determine which containers are which through that technology. That would require additional surveys, probably using remotely operated vehicles. We work with the shipowner when the time comes, when we locate and then try to identify the containers. The approach is to work on the most dangerous first and the least dangerous later.

We would not intentionally bypass anything. We'd need to look at how to proceed, considering the conditions and the location, if we're able to find them, or if the shipowner is able to find them, at all.

● (1145)

The Chair: Thank you, Mr. Small.

We'll now go to Mr. Hanley for five minutes or less, please.

Mr. Brendan Hanley (Yukon, Lib.): Thank you, Mr. Chair.

Thank you to our witnesses for appearing before us today.

I'm not a west coast member of Parliament, but given the increased traffic in Arctic waters, I'm very cognizant of the implications that the scenario has for all of Canada's coastlines.

One item, Mr. McKay, is that under current laws, the responsible party to the spill of any cargo has to inform the government of such. Under polluter pays, they bear, as discussed, their financial responsibility for the cleanup. To my understanding, the provincial and territorial governments are responsible for ensuring that the responsible person is successful in responding to the situation. Who ensures that the polluter actually does pay?

Mr. Martin McKay: Thank you for that question, Mr. Hanley. I'd like to turn it over to my colleague Mr. Marier.

Mr. François Marier: As I mentioned earlier, under the Wrecked, Abandoned or Hazardous Vessels Act and the Marine Liability Act, Canada has implemented international conventions that make the shipowner strictly liable. This means you don't need to prove negligence on the part of the shipowner. They are automatically liable for the cost of responding to a spill or an incident.

Those conventions also require the shipowner to carry adequate insurance in order to deal with their liabilities.

Mr. Brendan Hanley: Thank you.

Mr. McKay, you point out that Canada is “leading international efforts to establish a global liability and compensation regime for damage...to contribute to adequate global compensation for victims of pollution damage”. I wonder if you could elaborate on how Canada is doing this and how it's playing that leading role.

Mr. François Marier: I can answer that question.

Canada in 2018 ratified an international convention on liability and compensation for hazardous and noxious substances. This covers thousands and thousands of different kinds of dangerous goods that are transported by ships. That convention is not yet in force internationally. We're about halfway there. A number of states need to ratify it. We've been leading international efforts to promote the convention and to get other states on board to become party to it so that it can come into force.

Mr. Brendan Hanley: Thank you.

I think in both of your addresses, it was mentioned that there were lessons learned from this incident.

Certainly, Mr. Henderson, you highlighted how complicated a response operation it is. I'm wondering if you could tell me a little bit about, from your point of view, some of the early and key lessons learned that could apply to a future situation.

Mr. Chris Henderson: Mr. Chair, it might be best if I ask J.J. to answer that question, because you'll get a more realistic answer from the person who was on the ground dealing with it.

J.J., go ahead.

Mr. Jonathan Brickett: Thank you, sir.

Thank you for the question.

In every case you can always do better. We do a post mortem in all of these cases. Right now we're actually in the middle of the after action report. We have three groups we're talking to. We looked at the command post staff. We did that one in December. We've done external agencies. That was last month. We're just about to consult with the indigenous communities and look at things like notification and involvement. Once that's done, we look at compiling or normalizing the results and then distribute those around for further work and understanding and then share them with our partners.

● (1150)

Mr. Brendan Hanley: Thank you.

I think I have a little bit of time. Maybe I can throw the same question over to Mr. McKay.

Mr. Martin McKay: Thank you, Mr. Hanley.

As Mr. Brickett and Mr. Henderson pointed out, this is an area in which we can continue to evolve and develop our internal regulations. We look forward to working with the Coast Guard on their after action report and taking those lessons learned away and further using them to enhance the already strong regulatory marine framework within Canada.

The Chair: Thank you, Mr. Hanley.

We'll now go to Ms. Gaudreau for two and a half minutes or less.

[*Translation*]

Ms. Marie-Hélène Gaudreau: Thank you, Mr. Chair.

People are listening and also trying to understand how we can do better.

I'd like a clarification about something I think Mr. McKay said. The need for vessels to keep clear of the eye of a storm was also discussed.

Can we legislate when we are in a position to see that there's a risk of spillage?

Regulations are sometimes subject to modulation for our lakes, rivers and routes. However, from what I've heard, it wouldn't be up to us to legislate navigation.

What changes could be made and who could make them?

[*English*]

Mr. Martin McKay: I apologize if that was what was heard. It was not up to us to legislate with respect to shipping; it was more with respect to telling masters of ships where they must go in the face of inclement weather.

In terms of a regulatory framework for ensuring the protection of both the navigation system and the environment, we have the Canada Shipping Act, 2001. As well, in the specific instances of containers, we have the Safe Containers Convention Act. Under both of these acts, we have a number of regulations that are tied into international standards and regulations with respect to ensuring both the safety of sea and the safety of the environment in the maritime setting. It's through these that we have domestic regulations like the cargo, fumigation and tackle regulations or the vessel pollution and dangerous chemicals regulations that govern the way in which we ensure the safe transit of materials in the marine space, the safety of ships within the marine space and the safety of those crews and masters operating within Canadian waters.

[*Translation*]

Ms. Marie-Hélène Gaudreau: Thank you, Mr. McKay.

From what I understand, there could be much more punitive or restrictive legislation depending on the dangerousness of the goods that ships transport. That is a major element.

We cannot judge the actions of the master. In fact, if there is a law, a ship's master would have to comply with it and couldn't rely on financial considerations to justify decisions. We can understand the economic aspect of this situation, but the ecological aspect should be given priority from the outset in 2022.

Do you agree with me?

[*English*]

Mr. Martin McKay: With respect to all of our regulations, we put the safety of both the navigational safety system and the environment front and foremost and make those two aspects key priorities.

The Chair: Thank you.

We'll go now to Ms. Barron for two and a half minutes or less, please.

Ms. Lisa Marie Barron: Thank you, Chair.

Mr. Henderson, can you clarify what would be defined as a cleaned shoreline? I'm hearing from those on the ground that they're continuing to see debris washing up onto shores that have been identified as cleaned. Can you expand on that?

Mr. Chris Henderson: I think it's fair to say that with the situation with the *Zim Kingston* and the fact that there are 105 sea containers that are unaccounted for, debris will surface and wash up. The Coast Guard will continue to work with the shipowner to attend those beaches where there are reports from the public or from first nations. We've also received reports from Parks Canada about debris.

We have our own helicopters. We have the airplanes from the national aeronautical surveillance program that will go to take a look. We'll work with the shipowner to continue to clean the beaches as debris comes up.

It's also the case that it will become increasingly difficult to attribute the garbage—and unfortunately, sadly, there's a lot of garbage on the beaches—to the *Zim Kingston*, but we'll continue to do what we can.

● (1155)

Ms. Lisa Marie Barron: Thank you, Mr. Henderson.

Unfortunately, we know we're going to see increased spills in our waters if we keep going in the direction we are going and using the processes we have in place. With climate change, we're going to keep seeing extreme weather events. If we keep trying to ship the number of containers we are shipping, at the heights they're at, they're inevitably going to fall over.

I'm hoping that as we study this we'll be able to take this information to not only understand the environmental impacts on our marine environment but also to prevent these spills from occurring moving forward.

I'm wondering if you could speak a little bit around this. What I'm hearing from those on the ground is that the onus of responsibility on shippers to clean up these container spills is not working. Instead, we need to look at having a tactical task force to ensure that local communities, first nations and local experts are all able to begin the cleanup immediately.

What is stopping us from developing a plan to utilize local knowledge and to clean up effectively and efficiently when container spills occur?

The Chair: Mr. Henderson, if you're going to answer that question, I'd ask you to submit it in writing. The time allotted for Ms. Barron has gone way over. If you could provide that to the committee, it would be appreciated.

Mr. Chris Henderson: Certainly.

The Chair: Now we have a decision to make as a committee. I'm not going to make it up front.

We've used almost a full hour. To go any further, we have to go 10 minutes to clew up. If we go any further than this, the last panel is going to have a very limited amount of time because of the fact that we have drafting instructions at least 15 minutes before we clew up. I'll leave that to the committee to give me some direction.

Mr. Perkins, you're up next.

I'll ask you to tell me if you want us to go for 10 minutes or if you want to lose it on the other end.

Mr. Rick Perkins (South Shore—St. Margarets, CPC): I personally would like to go a little more on this with the officials, if I could, but I'm in the committee's hands.

The Chair: Okay, you have your five minutes, and then we'll go to the Liberal side for their five minutes to clew it up. The next panel will be very short.

Mr. Rick Perkins: Thank you, Mr. Chair.

Witnesses, thank you for coming.

The incident command post and the unified command post was apparently stood down on November 25, 2021, on this incident. Could you tell me who's coordinating the cleanup right now?

Mr. Jonathan Brickett: Whether a command post is still going or not doesn't extinguish the Coast Guard's mandate. The folks who were in the command post have program responsibilities. That just transitioned from what we had as a very formal, separate structure to look after those decisions and then moved into the program. The same folks from the province, the nations, Environment Canada, DFO, and working with the shipowner, carry on with that spill. It's just not done with an incident commander.

We have legal authorities under WAHVA, and we continue on to date with that.

Mr. Rick Perkins: Thank you.

I think the witnesses mentioned earlier that they're coordinating and that there are outside resources being used to help in the cleanup. Could you tell us who they are and how much they're being paid, please?

Mr. Chris Henderson: The audio cut out a little bit at the beginning of that question. I'm not sure that it's necessary to go back.

As Mr. Brickett has said, the Coast Guard continues to work closely with the shipowner, and the shipowner is the organization that is contracting—

● (1200)

Mr. Rick Perkins: Okay. That's great. Then how much is the shipowner being paid by the federal government to clean up their own mess?

Mr. Chris Henderson: The shipowner is not being paid anything by the federal government to clean up.

Mr. Rick Perkins: Are you allotting additional funds to help in the cleanup, not only from the ship, but also the coastal cleanup?

Mr. Chris Henderson: To date, we have expended about $80,000 on personnel and helicopter flights. As we progress, we'll take a look at submitting a claim to the shipowner, which we will do. It's certainly our practice to tabulate our costs and seek to recover them, and we are not paying any money to the shipowner to do their work.

Mr. Rick Perkins: The only other outside resource you're coordinating in the cleanup is the shipowners. Are there no other outside resources?

Mr. Chris Henderson: Well, the shipowner is contracting other resources. We're working with the shipowner to make sure their response is adequate and appropriate. We feel, collectively, that we are working with a very responsible and responsive shipowner. Up until this point we've had no reason to invoke the authorities we have under the Wrecked, Abandoned or Hazardous Vessels Act, and they continue to be very responsive and responsible.

Mr. Rick Perkins: Thank you.

Mr. Chair, the witnesses mentioned earlier in the testimony that they were delayed in their decision-making or made some decisions not to proceed when they had the opportunity to do so. Was that because there was a backup at the port of ships or was it for some other reason?

Mr. Chris Henderson: Mr. Chair, perhaps I could ask for clarification on who did not proceed.

Mr. Rick Perkins: Was the ship delayed in getting to the port because there was a backup of container vessels at the port?

Mr. Chris Henderson: I'm sorry, sir, but I am not able to answer that question. I don't know.

Mr. Rick Perkins: Okay.

Was there a pilot on board when the ship entered, and if so, is the pilot not in charge of the ship in terms of bringing the ship into the harbour?

Mr. Chris Henderson: Mr. Chair, I need to point out that the rough weather the *Zim Kingston* experienced was well offshore. They were 38 nautical miles from the coast of Canada when they lost the sea containers. They were in international waters. So, no, there was not a pilot on board.

Furthermore, when the ship did enter Canadian waters, it was in the traffic separation scheme, but the pilotage waters don't begin until Victoria. There's no requirement for a pilot to come down the Strait of Juan de Fuca. The ship came to anchor right away in Constance Bank, which is directly off the coast of Victoria. In fact, it's right about where the pilot station is. The pilots are required to get from Victoria to Vancouver. The only time the *Zim Kingston* did that was when the ship was transferred at the end, the resolution of the whole incident, in December, and then we needed to have pilots.

Mr. Rick Perkins: Thank you very much.

The Chair: We'll now go to Mr. Kelloway for five minutes or less.

Mr. Mike Kelloway (Cape Breton—Canso, Lib.): Thank you, Mr. Chair.

Hello to my colleagues and to the witnesses. Thank you for being here.

Before I get into a few questions, I just want to take this time to thank the Canadian Coast Guard.

Recently we've had too many tragedies on the Atlantic coast, whether it's in Newfoundland and Labrador with a Spanish vessel or with a vessel off the coast of Cape Breton. I just want to commend the men and women of the Coast Guard for their efforts.

Also, I know it's a difficult time when you lose people in the Coast Guard. I know that your staff, your employees, those who are on the vessels and those who are at the Canadian Coast Guard College in Cape Breton feel it every time someone is lost. I just want to thank you for all your efforts. Please pass that on to each of the men and women in the Coast Guard.

I have a couple of questions.

One is actually building on a question that MP Barron referenced earlier in the testimony. It's around the polluter pays principle. I heard during the testimony—and please correct me if I'm wrong—that there's a window of three to six years. I'm just wondering if there's a statute of limitations on that. For example, if a container happens to unleash some of its product and it's traceable back to the owner, 10 years down the road is the owner still culpable in terms of making restitution and payment to the Government of Canada?

That would perhaps go to somebody from Transport Canada, I believe.

● (1205)

Mr. François Marier: Yes. I can answer that question.

Yes, there is a statute of limitation. As I indicated earlier, it's a total of six years from the time of the incident. When the container went overboard, there are essentially six years for the liability of the shipowner.

Mr. Mike Kelloway: Thanks for the clarification. I was looking to get that answered today in discussions, and I appreciate your bringing that up.

I don't want it to seem like I'm stealing MP Barron's questions, but I had several questions that were written down in advance by me that MP Barron happened to ask.

This one is around aboriginal participation and collaboration in terms of the process. In this case, we had an accident that has led to something quite terrible, and we had a process by which, as I think Commander Henderson mentioned, first nations and indigenous communities were reached out to in terms of getting them information in a timely fashion and then involving them in the process.

I'm wondering, Commander Henderson, if you could unpack that a bit in terms of the process from the time that you were alerted to this accident, and if you can walk through a bit of a timeline. I understand from the testimony that there is currently a debriefing on lessons learned, best practices and things that we can do better. I'm wondering if you could tie that into communication and collaboration with indigenous communities in B.C., but for that matter, up north or on the Atlantic coast.

Mr. Chris Henderson: Mr. Chair, I will ask J.J. to handle that questions, because he's right there and will be able to give you the best view on that. If necessary, I can jump in on the expansion beyond British Columbia.

Mr. Jonathan Brickett: Mr. Chair, our involvement with coastal nations actually starts well before any incidents. As part of our response planning, we engage the various communities by identifying what's important to them, some of the environmental sensitivities in their particular area and also how they want to be notified and who we notify. At the time, we have those lists. They're attached to each of our plans and then we go out with a notification. Once the case is stood up and we're having a command post, then we look for further involvement.

With me in the incident command post, we had two unified commanders, incident commanders from Beecher Bay First Nation and the emergency manager from the Sc'ianew aggregate of nations. Also, on the west coast, as in anywhere else in that area, we solicit involvement in the environmental unit. This is the traditional knowledge and how we bring that into decisions before the unified commanders.

Mr. Mike Kelloway: Commander Henderson, do you want to add anything to that?

Mr. Chris Henderson: Thank you very much, sir.

I would just add that beyond the confines of the western region, the Coast Guard works very closely with first nations across the country and Inuit.

In our Arctic region, the assistant commissioner there has deep and active engagement with Inuit land claims organizations that are working to.... We're doing everything we can to improve our ability to incorporate Inuit knowledge in our work. The same thing is happening with the indigenous relations program centred in Atlantic Canada and also in central Canada.

Literally everywhere we work, we [*Technical difficulty—Editor*] partnership with the indigenous coastal communities. They're very receptive, and we really gain a lot from working with them. It's an important collaboration.

Mr. Mike Kelloway: Thank you, Mr. Chair.

Do I have time?

The Chair: You have time to take a break.

Mr. Mike Kelloway: Thank you very much.

The Chair: On that note, we'll say thank you to our guests for the first hour of our committee meeting today.

I know your time is valuable, and we do appreciate the fact you take the time to appear at our request to answer questions from members of the committee. Again, we'll allow you to sign off as we move into our next portion of our meeting. Thank you.

We'll take a quick recess to do a sound check with the interpreters.

● (1205)

_____(Pause)_____

● (1210)

The Chair: We're back.

I have just a few comments before we go to our opening statements by witnesses.

I want to let everyone know that interpretation services are available for this meeting. Please inform me immediately if interpretation is lost and we'll ensure it is restored before resuming.

The “raise hand” feature at the bottom of the screen can be used at any time if you wish to speak or to alert the chair. When you are ready to speak, click on the microphone icon to activate your microphone, and please speak slowly and clearly. When you are not speaking, your mike should be on mute. I will remind participants that taking screenshots or photos of your screen is not permitted.

Now I would like to welcome our witnesses for the second portion of our meeting today. From EnviroEmerg Consulting, we have Stafford Reid, environmental emergency planner and analyst. Also, from Rugged Coast Research Society, we have Ben Boulton, field operations manager.

We will now begin with opening remarks from Mr. Reid for five minutes or less, please.

Mr. Stafford Reid (Environmental Emergency Planner and Analyst, EnviroEmerg Consulting): Hello and thank you very much for this opportunity to speak to this committee. I appreciate it.

I'll give you a very quick introduction to me. I have had a career of about 48 years now in environmental emergency protection and management, for the last 30 years of which I have been engaged specifically in environmental emergency preparedness response. I have been running my own environmental emergency consulting firm for the last 15 years, and for the last eight years I've been working extensively with coastal first nations, mostly on the northern and central coast of British Columbia from Vancouver Island north and up, including Haida Gwaii, on all matters related to marine incidents.

This allows me to have a fairly good insight and to sort of look under the table on many aspects regarding the ability to manage a major container incident. I paid very close attention to the *Zim Kingston* incident. Basically, when you start to peel back the layers that we have in place in the way of regulations in safe shipping and incident management, we've come a long way. We have safe shipping, but you have to peel it back a little bit and realize that we are not really operationally prepared by the Government of Canada, the province or coastal first nations to deal with an actual container vessel for such things as identifying a safe place of refuge if that vessel needs to be brought in to shore for salvage operations. We don't have any salvage capability here on the coast, so there are really critical interventions that have to be worked on.

We have made some mileage on emergency towing for the interim with the Coast Guard leasing some very large tugs, recognizing that there is a limit on what they can handle in the way of emergency tug rescuing.

When we actually lose containers, there's really very little response to track the actual floating containers other than throwing some tracking buoys in the water. Finding and recovering the sunken ones is very difficult. It's a salvage operation. When it gets down to the point of actually removing the containers and recovering the debris from the shores, those are really complex processes that require shoreline cleanup assessment techniques and the ability to muster a workforce that is not only registered but screened, hired, supervised, equipped and paid. Being paid is a big thing. Building that workforce is really important.

We then have some institutional challenges with regard to incident management in the sense that under unified command there are jurisdictions for environmental emergencies that are allowed and entitled to be in unified command. That includes the stewards and trustees in the natural resources, those who have mandates, and those who are first nations with rights and titles. When you set unified command, those jurisdictions include things like the Canadian Coast Guard, maybe Transport Canada or the province with the Ministry of the Environment, local government and all first nations. You don't get to cherry-pick who comes in. Any first nations on whose territorial waters there are threats or actual impacts are entitled to be in unified command.

There's a little bit of work that needs to be done in that area.

That's my opening statement. This topic, when you start to peel back the layers, is mind-numbingly complex, and I could go on forever on any one of the topics I talked about. I'm open to questions now.

● (1215)

The Chair: Thank you, Mr. Reid.

We'll now go to Mr. Boulton for his opening remarks.

You have five minutes or less. Go ahead, please.

Mr. Ben Boulton (Field Operations Manager, Rugged Coast Research Society): Thank you to the committee for having me.

The Rugged Coast Research Society is a Nanaimo-based registered charity developed to research remote coastal habitats and coordinate restoration efforts in sensitive ecological areas in partnership with local indigenous communities.

Rugged Coast was created in 2017. To date, we have surveyed 720 kilometres of B.C.'s west coast and removed approximately 70,000 kilograms of hazardous marine debris from some of the most unforgiving locations on the west coast of Vancouver Island. We are a member of the B.C. marine debris working group and have created many meaningful partnerships up and down the coast with our first nations partners.

In 2021, we were part of the CCCW-funded cleanup projects, and hired approximately 80 crew members up and down the west coast of Vancouver Island to participate in shoreline cleanup and debris accumulation research projects. The scope of our projects was from Bamfield, British Columbia, to the southern tip of Brooks Peninsula. These cleanups were based on high accumulation points with cultural significance to local first nations, as well as sensitive ecological areas.

This is how we operate: We look at areas that are in close proximity to open headlands and high collection areas, based on known hot spots up and down the coast and also with close proximity to local first nations food fisheries area, looking at contaminate transport from microplastics into bivalves and into the food web.

On our involvement in the *Zim Kingston* spill, Renny Talbot, our director, contacted incident command for Canadian Coast Guard letting them know that we had the crews. We had 15 highly skilled and trained crew members from the summer who were ready to go as soon as that first container made landfall.

Yet, there was a delay. We did not mobilize until November 5. We ended up meeting with a bunch of the other non-profit organizations that conduct shoreline cleanups. These non-profit organizations have been conducting multi-million dollar cleanup projects. We have the experience to conduct them in a cost-effective manner.

When we went up to the coast, we were joined with Living Oceans Society, Surfrider Foundation, Ocean Legacy, and we met Epic Exeo, which was already on the ground. What ensued after this were 4.3 metre tides, large waves and a storm surge. A lot of this debris that was on the shore ended up washing back into the ocean and becoming redistributed along the coast. A lot of the fridges were smashed apart.

I just went down.... We were up in the Scott Islands doing a reaccumulation survey, which was in no way funded through the government. This was external funding that we found. We found quite a bit of *Zim Kingston* debris in an area that has not been surveyed to our knowledge.

One of the biggest gaps that we found was a lack of consultation with the groups that were responsible for the majority of the cleanups over the last decade. We have experience, and we are often operating on a very, very limited budget. However, last year we had a significant budget and we were able to clean up a lot of this coast.

Our contact with Amix, the prime contractor, was very limited. Renny Talbot reached out as soon as the container made landfall and we were made aware that Amix was the prime contractor. We were offered some expenses to travel up north. We went up as a volunteer task force of about 15 people from among the five organizations. There was a crew that was being paid quite high wages, too, and they weren't specialized in shoreline cleanups. We could have mobilized almost 100 folks in our volunteer network to respond before that November 5 high tide.

There were very limited resources and no safety briefing from Amix—nothing. We had to do that all on our own, and we have the capacity to do that.

● (1220)

Epic Exeo actually asked, “Hey, can we have some resources and use some helicopter time?” They said, “We know this coast inside and out and we know the collector beaches.” Not until then did we finally get a bit of helicopter time, and we were moved along on that Saturday and Sunday at their response, but it did take some poking and prodding. As the weekend went on, we determined that for a lot of these beaches we cleaned, we had a huge crew up there. That wasn't being used very effectively, so we decided to mobilize back home and go back to our day jobs.

Post-cleanup involvement has included many meetings within the B.C. marine debris working group and outside of the B.C. marine debris working group with a passionate group of individuals. We have been contracted by an external source to collect data and to collect a representative dataset that shows the extent of this spill. In some of the monitoring that has been going on—we don't see the whole picture—it appears, seemingly to us, that the easily walkable beaches are being checked and debris is being stashed, sometimes below the high-water mark, and left out there for days and weeks at a time.

Then what happens—

The Chair: Thank you, Mr. Boulton. I have to ask you to end it there because we've gone way over the five-minute mark for your opening statement. Hopefully, anything you didn't get to say will come out in our rounds of questioning.

I want to get a consensus from committee members. We have about 15 minutes left before we have to go in camera, so we will try to get through one round of questioning. Normally it's six minutes. That gives us about four minutes each if everybody is in agreement.

I'm seeing nodding of heads. I think that's the fairest way to do it.

We'll start off with Mr. Arnold for four minutes or less, please.

Mr. Mel Arnold: Thank you, Mr. Chair.

Thank you to the witnesses.

I'd like to start off with Mr. Boulton.

You mentioned a lack of consultation with established volunteer groups. This is something we heard in this committee recently when we studied the response to the flooding in the Lower Fraser. There were many local groups, such as the Lower Fraser angling guides who were all willing and able and actually did help, but they had very little contact or support from the department.

Could you elaborate on that? I know that you ran out of time in your opening presentation, but have you offered that knowledge to the department? What has been the result?

● (1225)

Mr. Ben Boulton: The knowledge has been offered by.... We've created a collective between all of the B.C. marine debris working groups. We've been contacting different individuals, the Canadian Coast Guard and the various other stakeholders involved. We've been met with the reporting desk, so we send our debris and our data to a reporting desk. What happens after that reporting desk, we don't know.

One of the initiatives we're looking at is creating a detailed manifest of the debris from our day one on the incident. Hopefully, the Canadian Coast Guard will share the manifest, although I don't believe it's very detailed. With this detailed manifest, we want to pass it along to all of our members and provide a baseline for the debris from the incident.

Mr. Mel Arnold: Thank you. That ties into another question I had.

We'd like to see that ship manifest as well to know what was in those 109 containers, especially the 105 that haven't been recovered.

When you do a beach cleanup, are you able to identify the source of the material that is actually recovered? How much of what you have recovered on the beaches recently in regard to the *Zim Kingston* has also been from other general debris that may come ashore?

Mr. Ben Boulton: Because of the time frame of the spill and our response, we were able to find freshly packaged debris related to the incident. I've been in contact with a professor from the University of Hawaii who has been modelling other container ship spills. We've been coordinating between our manifest that we've created to determine which debris is from which incident.

Mr. Mel Arnold: Is there any extent of other debris mixed in with that?

Mr. Ben Boulton: There is a huge amount of other debris. We are focusing our surveys on suspected *Zim Kingston* debris. We hope that the Coast Guard will bring to light and confirm whether we know which debris is from which spill, but that requires sharing of the manifest, and unfortunately the manifest doesn't sound very detailed. We have specific items—

Mr. Mel Arnold: Thank you. I have about 30 seconds left, I think, for a question for Mr. Reid.

You mentioned there is no salvage capability on the west coast. Would you like to elaborate on that?

Mr. Stafford Reid: Yes. Salvage is a very special requirement, and I include firefighting. For example, when the *Zim Kingston* was on fire, we were very lucky to have two offshore supply vessels right there in Victoria to provide a lot of firefighting capability. Well, that's part of salvage.

The other part of salvage is having emergency pumps that can pump bilge water. If the bilge pumps in the *Zim Kingston* had failed, you'd have needed to get some pumps in there before that vessel would sink, because you'd be pouring a lot of water into that vessel.

With the *Zim Kingston*, they knew they had to keep that hull cool, because heat stress could have cracked that entire vessel and it could have sunk. It was a good strategy to understand that you needed to put a little water in there, but salvage would have been able to provide some emergency temporary hull patching to mitigate any kind of structural failure.

None of the major salvage providers in the world reside here. There's no representation like SMIT, Ardent, Mammoet, or any of the other 50 major salvage companies worldwide. We don't have any storage depots for large salvage equipment that's required, which you can put on a vessel or helicopter.

The three critical interventions that must be done are emergency towing—

The Chair: I'm sorry, Mr. Reid, but I have to cut you off there. You're about a minute and a half over the allotted time. If you could send in the remainder of your response to the committee, we would appreciate it.

We'll now go to Mr. Hardie for four minutes or less, please.

● (1230)

Mr. Ken Hardie: Thank you, Mr. Chair.

Mr. Boulton, your narrative is very similar to what we've heard before. Mr. Arnold referenced what we heard with the Fraser Valley flooding. There were so many groups and so many good-hearted generous people out to help, but the coordination was really a challenge. I would ask you to put in writing your recommendations as to how we can fix that for the purposes of helping us complete the report on this study for the government.

Mr. Reid, do we keep track of containers that have sunk? Are they mapped, and do we go back and check them to see what state they're in?

Mr. Stafford Reid: No, we don't. That's part of it. That's a salvage operation, again, and requires side scan sonars supported by remotely operated vehicles with cameras. There is only one guideline that's out there that talks about—

Mr. Ken Hardie: Again, I'm very sorry but I have to intercede because our time for questioning is quite short.

The *Queen of the North* went down in 2006. My guess is that we're still seeing material from that, and we're still seeing material from the tsunami in Japan. These incidents have a very, very long tail on them. In planning, do we not have to plan for the fact that we're going to be dealing with the outcome of an accident or a disaster for years to come? Is that planning in place?

Mr. Stafford Reid: No, it's not; an example being that with containers when you have styrofoam and nurdles—those are little plastic pellets—they're much more insidious and have much more long-term impact than even oil. If you don't recover them, they get buried in sediments, and we don't have a long-term understanding of all the ecological impacts. So no, we do not.

Mr. Ken Hardie: Would that then speak to some kind of a longer-term funding mechanism to look after this—more of an insurance package, rather than letting an individual shipper off the hook in six years?

Mr. Stafford Reid: Well, that comes down to shipowners' limit of liability. They have the ability to reach a limit, a financial limit, and basically relinquish any kind of response in incident management. That limit of liability, how much money is actually available, is never, ever communicated, because once they reach [*Technical difficulty—Editor*] and that includes all the long-term monitoring, the recovering of the containers and everything. So we don't know what the limit of liability is. We don't know what the burden rate is. We don't know—

Mr. Ken Hardie: Then we perhaps need a different structure if we're to take care of the long-term impacts.

Mr. Stafford Reid: That's correct, and the ship-source oil pollution fund is not the way to go.

Mr. Ken Hardie: Okay, thank you.

The Chair: Thank you, Mr. Hardie.

We'll now go to Madam Gaudreau for four minutes or less, please.

[*Translation*]

Ms. Marie-Hélène Gaudreau: Thank you, Mr. Chair.

Thank you to all our witnesses. They have given us a lot of information to help us better understand the situation. Ultimately, they show that protecting our oceans is not a priority for Quebec and Canada. We will have to put this priority at the forefront so that it becomes a political will.

In the next few minutes, I'm going to ask the witnesses to give us some additional information that will help us do our work.

Mr. Reid, you said that there were few providers of rescue operations. I understand that this is not the case elsewhere in the world.

Can you give me an example of good practices with respect to equipment or rescue operations?

We could include this in our report and give the government free rein to implement this measure quickly. You can also send us more information in writing later, if you wish.

[*English*]

Mr. Stafford Reid: I've sent in a fairly substantive 11-page report that covers many of these issues here. It was provided a few days ago. The best practices for salvage are to actually have some salvage exercises, an analysis of who are the salvage—

[*Translation*]

Ms. Marie-Hélène Gaudreau: I'm sorry for interrupting, Mr. Reid, but unfortunately the interpretation isn't working. We have to make some checks.

● (1235)

[*English*]

Mr. Stafford Reid: I have provided a written submission that covers many of the topics, from limits of liability to a lot of the topics that have been raised in this meeting in the way of [*Technical difficulty—Editor*], in a strategic and meaningful way. My submission has been provided to you.

[*Translation*]

Ms. Marie-Hélène Gaudreau: Thank you, Mr. Reid.

Mr. Boulton, I've heard about the complexity and the lack of consultation and political will. What reassures me today is that the situation isn't due to a lack of interest or competence. What is missing is funding, or a decision by the committee that will go to the House of Commons. If protecting our oceans, our fisheries and what we eat is really important, it will come out in the coming days. That reassures me, and I wanted to mention it to you.

However, I would also like you to assure me that, in the report on debris, you've made all the recommendations we need to collect, demystify and better understand the origin of our debris.

[*English*]

Mr. Ben Boulton: This will require.... I will provide more in writing, as time is probably running out, on more resources to look at past spills so we can attribute different debris to different spills. What this comes down to is funding from the federal government and resource allocation, such that we can use it at the time of incident. It's not just removals but also data collection, focusing on data collection from day one so we can establish our baseline.

[*Translation*]

Ms. Marie-Hélène Gaudreau: In 30 seconds, do you think that, if the public was aware of this data—

[*English*]

The Chair: Excuse me, but the time has gone way over. We did allow for the little interruption.

I'll now go to Ms. Barron for four minutes or less, please.

Ms. Lisa Marie Barron: Thank you, Mr. Chair.

Thank you to our witnesses for all of their work to protect our coastlines and marine environments.

I want to ask Mr. Boulton a question.

It's nice to see you. Can you expand a bit on what you were discussing around the manifest?

A few pieces I'm hoping you can expand on are the lack of access to a detailed manifest of items that have spilled from the *Zim Kingston*, the work you're doing to establish a manifest and a bit more information on how many items you are discovering in the process of creating this manifest and what the items are.

Mr. Ben Boulton: To keep it brief—again, recommendations will be provided in writing—I have 67 suspected *Zim Kingston* items, which include different particulate matter from packaging, which degrades quite quickly. It is important to establish where this debris comes from, from day one.

Our database that we are producing, in partnership with other B.C. marine working group members, comes from the data collected from individuals who have been involved since our day one of response, from the engagement point. This includes a database of photos, high-quality images from different angles, noticeable markings, serial numbers and whatever we can find. We're tabulating that into this manifest.

I'm assuming with the manifest, when we talk about the helmets and the mats, the general category is probably a container full of sports equipment. That doesn't give us a lot of detail. This is something we could lobby the federal government to add into its regulations. We could ask for, from shipping containers coming into our ports, a detailed materials manifest so that we can actually attribute debris to each spill.

Ms. Lisa Marie Barron: Thank you very much.

My next question is for Mr. Reid.

You mentioned that you worked with the Haida Nation in 2019 to prepare a marine incident exercise. Could you speak a bit more to this exercise, and any push-back you might have received from the federal government during this process?

● (1240)

Mr. Stafford Reid: I was hired by the Council of the Haida Nation to develop a marine exercise that represented something that needed to be done. There were high risks. It became quite obvious that it was the container vessel traffic in B.C. Because of its growth and the nature of container vessels, the high-drift rate requirements were very high and tug interventions could be needed, as well as places to refuge.

I put in about three months putting a whole marine exercise together. This was supposed to have been a collaborative endeavour by the Council of the Haida Nation, Transport Canada and the Canadian Coast Guard. Right at the very end, about a week before the entire exercise, all that work was thrown to one side and the whole exercise was converted to a marine oil spill. That was the comfort zone of the Canadian Coast Guard.

The Coast Guard wasn't prepared to get their minds wrapped around all of these issues that are being talked about today, such as being able to do aerial field observations to determine where the debris is; applying the shoreline cleanup assessment techniques, or SCAT, which is my expertise; managing a workforce; providing the right notifications and engagements for local communities; what not to do, such as not coming on the beach; and having safety training. That's just the scope of the issues. It never went anywhere. It was turned into another oil spill exercise, like we've been doing for probably the last 30 years.

Ms. Lisa Marie Barron: Thank you, Mr. Reid.

My question next is for Mr. Boulton.

I'm wondering—

The Chair: Thank you, Ms. Barron.

Ms. Lisa Marie Barron: Four minutes go quickly. Thank you.

The Chair: Yes, four minutes are not long when you're asking questions.

I want to thank our witnesses for appearing before the committee today, albeit virtually, for their time and testimony here today. It is valuable information as we do this study.

I will now recess for a few moments to allow us to go from public to in camera.

Again, thank you for your time.

[*Proceedings continue in camera*]