

January 8, 2017

To:

VADM Fred Midgette, USCG, PAC AREA

RADM Michael McAllister, USCG Dist. 17

Capt. Joe Raymond, USCG Dist. 13

Mike Emerson, USCG, Director of Marine Transportation Systems

Assistant Commissioner Roger Girouard, Canadian Coast Guard

Yvette Myers - Transport Canada

**RE: Establish a Reciprocal Prevention Agreement between the U.S. and Canada**

On behalf of the Pacific States/British Columbia Oil Spill Task Force (Task Force), I am submitting this letter for your consideration of a proposed reciprocal agreement between the U.S. and Canada. The agreement would establish prevention standards for vessels in innocent passage and protect our shared waters from vessels visiting ports in either country. The Task Force has been advocating for safe transport along our western shores for over 20 years and believe vessels in innocent passage continue to pose significant risks to our pristine shores.

Tanker and cargo vessel traffic transiting the Gulf of Alaska is significant and expected to increase as Canada's inland crude is shipped from British Columbia's ports to foreign destinations. Prince Rupert is slated for extensive container port expansion, and the lift on the export of crude from the U.S. will increase the volumes shipped from U.S. West Coast ports as well. Tankers shipping crude oil will transit close to U.S. and Canadian shores while in innocent passage. These tankers will not be required to have salvage or oil spill response equipment, nor will the tankers be required to have stockpiles of dispersants staged because of their innocent passage status. It is imperative that at a minimum, prevention standards be put in place which can be achieved by an agreement between both countries. Routing measures and monitoring could substantially reduce the risk.

The recent multiple maritime incidents in Canadian waters have raised concerns and interest in additional safety measures: the Russian cargo vessel SIMUSHIR's loss of power and near grounding in heavy weather two years ago; the grounding, sinking and oil spill from the Kirby Marine ITB; the loss of power of the Tote container ship last year; and the Matson container ship last month. All of these incidents involved U.S. flag vessels or vessels engaged in U.S. trade and all were sailing on innocent passage through Canadian waters, limiting Canada's jurisdiction in regulating these vessels. We face the

same issue in Alaska. Our highest risk of marine casualties and oil spills are presented by vessels transiting the Aleutians, engaged in trade with Canada and thus sailing on innocent passage.

In the late 90's, the Task Force developed voluntary offshore routing measures to reduce the risk of oil spills presented by vessels sailing along the Pacific Coast, Alaska, and Hawaii. These measures were endorsed by the US Coast Guard and exist in the West Coast Offshore Vessel Traffic Risk Management Project (2002)<sup>1</sup>. In three of the four incidents listed above the vessels did not adhere to these standards and were operating close to shore when they incurred casualties.

Therefore, the PSBC Task Force requests the governments of the U.S. and Canada enter into a reciprocal prevention agreement that would apply to vessels visiting either country's West Coasts. We suggest minimal, common sense, prevention requirements that have been previously identified as effective:

1. Establishment of vessel routes and required compliance so vessels are kept a safe distance off shore to allow for substantial response time. The West Coast Project recommends specific distances depending on the vessel type and risk posed.
2. Early notification to the coastal jurisdiction when a vessel incurs a casualty or is disabled.
3. Participation in a monitoring system to track vessels and provide assistance when needed.
4. Identification of places of refuge with potential mooring buoys.
5. Prepositioning of assets, such as towing packages and ship arrestors.

Early notification is critical. To achieve that vessels must be registered with a tracking service that verifies compliance throughout transit. This service would also communicate with the vessel and Coast Guard from the appropriate country if a vessel has strayed from its course, is operating at a reduced speed, or appears to be disabled. There would be a fee associated with this service, but registration with a tracking service would provide automated compliance with minimal workload increases for the Coast Guard of both countries. If the tracking service registration was mandatory for both countries, all ports on the West Coast would require compliance establishing a level economic environment.

We believe the establishment of mandatory prevention requirements from both countries is necessary to reduce the substantial risks these transits pose. The existing

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<sup>1</sup> <http://oilspilltaskforce.org/wp-content/uploads/2013/12/2002-Offshore-Vessels-Risk-Management-Project-Report.pdf>.

voluntary measures are not being adhered to by vessels in innocent passage. The U.S. and Canada would benefit from a reduction of those risks by better protection along our remote coastal waters.

Respectfully submitted,

*Sarah Brace*

Sarah Brace  
Executive Coordinator  
Pacific States/British Columbia Oil Spill Task Force

cc:

Steve Danscuk, USCG Pac Area  
Robert McFarland, USCG Dist. 13  
Captain Brian Gilda, USCG Dist. 13  
Brian Wootton, Canadian Coast Guard Western Region  
Bonnie Gee, Chamber of Shipping of British Columbia