



**Speaking Notes to the Standing Senate Committee
on Transport and Communications
April 9, 2019**

Introduction

Good morning Mr. Chair – my name is Sonia Simard and I am here today on behalf of the Shipping Federation of Canada, which is the voice of the owners, operators and agents of deep-sea vessels that carry Canada’s imports and exports.

The ships represented by our members load and discharge all kind of cargoes – including oil, at ports across the country - on the west coast, the Atlantic, the St. Lawrence River and the Great Lakes.

Our association’s mandate is to contribute to the policy discussion on the safe and efficient transportation of goods through Canadian waters.

Given the foregoing, we would like to bring to the Committee’s attention a previous technical assessment made by Transport Canada – namely the TERMPOL Review Process on the Northern Gateway project. During this technical analysis, Transport Canada and the Canadian Coast Guard assessed the safety of shipping routes in the Hecate Strait - considering the size of tankers, traffic density and environmental factors. The results of that study led Transport Canada to conclude, and I quote:

The proposed shipping routes are appropriate for the oil tankers that will be used at the proposed terminal (...). The proposed routes provide the required clearances for good vessel manoeuvrability and allowances for very large crude oil tankers to safely navigate.

In other words, Transport Canada's own assessment indicated that the existing regulatory regime, combined with the implementation of enhanced safety measures, would support the safe movement of oil through the northern coast of B.C. From our side, we are not aware of any new evidence-based risk assessment that has led Transport Canada to modify its earlier safety assessment.

Having said that, let me stress that we are not here today to advocate for or against specific oil projects but to urge the Committee to ensure that any **discussion on prohibiting tanker operations off the north coast of British Columbia is evidence-based.**

Tankers have a strong safety record. 60% of world crude oil is transported by tankers. The yearly average of oil spill greater than 700 tonnes has steadily decreased, from around 25 in the 1970s to less than two since 2010. In Canada, more than 280 million tonnes of oil and petroleum products move in and out of ports on the east coast (mostly through Come-by-Chance, Port Hawkesbury, Saint John, Montreal and Quebec). There are navigational challenges in the Atlantic and the St. Lawrence River, taking for examples, the high tides in the Bay of Fundy and ice navigation in the Gulf and the Saint Lawrence river during several months. Yet, there is framework in place that supports the safe movement of oil through these Canadian waters.

We certainly recognize that no industrial activity is free of risks and that the identification of acceptable risk levels is a public policy decision. **However, we believe that this decision must be rooted in comprehensive and detailed evidence regarding navigational safety. In our opinion, this part is missing.**

Transport Canada has also stated that the spill response capacity that currently exists on B.C.'s north coast is not as strong as in other areas of Canada and this would be one of the reasons to impose the proposed moratorium. From our perspective, we would expect that the ongoing initiatives by Transport Canada and the Western Canada Response Management Corporation (known as WCRMC) – in developing Area-response based plans for the North Coast would address this issue. In fact, a few weeks ago, this Committee heard from a representative of the WCRMC, who stated that it is possible to deploy additional response capacity along the north coast of B.C.

In addition to the issues outlined above, the implementation of a tanker moratorium has raised questions under international law. We believe that the government has attempted to circumvent possible conflict with freedom of navigation under international law by crafting its moratorium as a prohibition on loading, unloading or anchoring – rather than a prohibition on the passage of

tankers per se. This is our opinion is the equivalent of using the back door for doing what cannot be done through the front door.

In this respect, we would note that international law enables coastal states to designate particularly sensitive sea areas, in which a country can apply stricter measures (such as routing requirements) after having completed an informed risk assessment process. It is our view that any discussion on imposing conditions on the movement of tankers off the North Coast should take place within this context – including the consideration of specific shipping corridors.

We appreciate this opportunity to provide our comments on Bill C-48.

