



August 31, 2015

Mr. Daniel Haché, Director
International Marine Policy
Transport Canada
Ottawa, ON K1A 0N5

By email: daniel.hache@tc.gc.ca

GLSLCI comments on Proposed Canadian Legislative Regime for the Remediation of Hazards Related to Shipwrecks

Dear Mr. Haché:

Thank you for the June 25 letter, addressed by Mr. Albert Deschamps, Regional Director General, Quebec Region, inviting us to comment the proposed Canadian Legislative Regime for the Remediation of Hazards Related to Shipwrecks. The Great Lakes and St. Lawrence Cities Initiative (GLSLCI) appreciates this opportunity to express the views of shorefront communities and local governments on this topic.

The Great Lakes and St. Lawrence Cities Initiative is a binational coalition of over 110 U.S. and Canadian mayors and local officials working to advance the protection and restoration of the Great Lakes and St. Lawrence River. The Cities Initiative and local officials integrate environmental, economic and social agendas and sustain a resource that represents approximately 20 percent of the world's surface freshwater supply, provides drinking water for 40 million people, and is the foundation upon which a strong regional economy is based. Members of the Cities Initiative work together and with other orders of government and stakeholders to improve infrastructure, programs and services and increase investments that protect and restore this globally significant freshwater resource.

First and foremost, the Alliance supports the development of a regime, including legislation based on the *International Convention on the Removal of Wrecks, 2007 (IWR Convention)*, that would comprehensively address the hazards associated with shipwrecks.



We are clearly in favor of the proposed legislation, to ensure that commercial vessels and pleasure craft that become a wreck in the future can be removed or remediated by their owners or by Canadian authorities at the owners' expense. We also commend the requirement that owners have the financial resources to meet that obligation.

The Cities Initiative fully supports that the proposed regime would extend the application of the IWR Convention to Canada's internal waters and territorial sea and to non-seagoing ships. As mentioned in the Discussion Paper, there are a significant number of vessels that never venture out into the open seas, including some large vessels that operate exclusively on the Great Lakes. We agree that these vessels should also be included in the proposed scope of application and, therefore, subject to the proposed regime.

Under the current situation, the removal or remediation of shipwrecks that are not successfully salvaged by their owners can be costly for local governments and represent a burden for taxpayers. In addition, impacts to economic and social activities, to public security and to the health of population and ecosystems are not fully accounted with, if any. Our member cities, being waterfront communities in the Great Lakes and St. Lawrence basin, are vulnerable to such casualties.

While the Initiative fully supports the intent of the proposed regime, upon further consultation with our members, there remains a need for additional improvements that address the outstanding concerns of the municipal sector while continuing to meet Transport Canada's regulatory objectives.

First, any changes to enforcement measures and ship safety and liability provisions must prevent the devolution of remediation and recovery costs to municipal taxpayers. The proposed tonnage threshold of 300 Gross Tons (GT) covers only approximately 1 500 vessels, while Canada has a large fleet of vessels under 300 GT (almost 50 000 vessels) that spend most of their time within Canada's internal waters and territorial sea and are likely to account for more shipwrecks than the larger vessels. Our opinion is that the costs to remediate hazards that could be caused by some of the larger vessels less than 300 GT - should they become a wreck - could be significant.

Consequently, the Great Lakes and St. Lawrence Cities Initiative recommends that the federal government re-consider a lower tonnage threshold for compulsory insurance and develop adequate enforcement measures under the proposed regime.



Further, Mayors are the first line of defends to protect the health and security of their citizens. Municipalities understand community needs, public sentiment and potential barriers to the effective removal and remediation of shipwrecks. Therefore, the federal government must work constructively, in partnership with other orders of government, to address the hazards associated with derelict and abandoned vessels. In particular, municipal concerns and expertise should be considered when conducting hazard assessments and determining the most appropriate measures for removing or remediating a shipwreck.

There are specific concerns that we have identified. They are just a few illustrations of the type of health and security issues that municipalities are facing. They include:

- 1) Many municipalities use the Great Lakes as their raw water supply for drinking water which presents risks that were likely never contemplated when the IWR Convention was written. For this reason, the risk of contamination of a raw water source should be included as a specific risk and furthermore, that the hazard assessment for ship removal/remediation should consider the risk of contamination to a raw water supply.
- 2) Insurance coverage should cover the consequential costs incurred by municipalities who lose their raw water supply due to a ship wreck. These consequential damages will be different for each municipality and the costs of damage may include (but not be limited to), the costs to secure a different raw water supply, the cost to purchase and distribute to the public a supply of potable water, the costs to repair and/or reinstate a water treatment system and or a water distribution system contaminated as a result of a ship wreck. The insurance coverage should also indemnify the municipality from all claims they receive for damages suffered by the public as an indirect result of a ship wreck.
- 3) While the white paper does include communications with respect to reporting a wreck, one important component of communication not addressed is the early warning communication from the State to affected municipalities so that they can take appropriate action. Future work, likely outside the scope of this white paper, should focus on how a report of a ship wreck from the ship owner to the State can be quickly and efficiently broadcast out to municipalities so that they can take action to protect their community and their infrastructure from harm. Work should also focus on how the State predicts on the direction, velocity and concentration of a contamination plume resulting from a ship wreck. This information would provide each affected municipality more information for us in planning their response to a pending contamination plume at their raw water intake.



These issues need to be dealt with, either in the scope of the discussion paper or at future stages of the work on shipwrecks management. Municipalities, their Mayors, are not just one more stakeholder; they are a local government democratically invested with powers and responsibilities. We need to participate as a full partner when considering social, environment and economic impacts to local communities.

Consequently, moving forward, the Great Lakes and St. Lawrence Cities Initiative recommends that the federal government ensures meaningful consultation with municipalities when further developing, implementing and enforcing the proposed legislative regime when assessing and responding to social, environmental and economic hazards related to shipwrecks.

We thank you again for the opportunity to share the Initiative's views on the proposed Canadian Legislative Regime for the Remediation of Hazards Related to Shipwrecks. Should you have any questions regarding this submission, please contact Scott McKay, Program and Policy Manager, at phone number 514-618-0297 or by email scott.mckay@GLSLcities.org.

Sincerely,

David A. Ullrich, Executive Director
Great Lakes and St. Lawrence Cities Initiative