

Canada-United States Joint Contingency Plan



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2017 LETTER OF PROMULGATION



1. The 2017 Canada-United States (CANUS) Joint Marine Pollution Contingency Plan (JCP) will supersede and replace the 2013 CANUS JCP.
2. The CANUS JCP promotes a coordinated system for planning, preparing and responding to harmful substance incidents in the adjacent waters of the United States (U.S.) and Canada. The 2017 CANUS JCP has been updated to address incorporation of the International Coordinating Officer (ICO) position, administrative changes within the Canadian Coast Guard and U.S. Coast Guard, and additional language for exercises, JCP/Annex updates, and training.
3. The CANUS JCP is consistent with the provisions of Article 10 of the *International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC), 1990*, and the *Agreement between Canada and the United States of America on Great Lakes Water Quality*, done on 15 April 1972, and last updated in 2012.
4. The CANUS JCP is supplemented by five Annexes, which are under the oversight and responsibility of the respective Canadian Coast Guard Assistant Commissioners and U.S. Coast Guard District Commanders.
5. The CANUS JCP may be modified by mutual consent of the participants or as outlined in paragraph 1100.
6. The 2017 CANUS JCP is signed in duplicate in the French and English languages, both translations being equally valid.

For the Canadian Coast Guard

Mr. Jeffery Hutchinson
Commissioner
Canadian Coast Guard

For the United States Coast Guard

Admiral Paul F. Zukunft
Commandant
U.S. Coast Guard

Signed at Sector Field Office Grand Haven, Grand Haven, Michigan on August 3, 2017.

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LETTRE DE PROMULGATION 2017



1. Le Plan d'urgence bilatéral Canada – États-Unis en cas de pollution des eaux de 2017 remplacera le plan d'urgence bilatéral Canada – États-Unis de 2013.
2. Le plan d'urgence bilatéral Canada – États-Unis promeut un système coordonné de planification, de préparation et d'intervention en cas d'incident lié à des substances nocives dans les eaux adjacentes des États-Unis et du Canada. Le plan d'urgence bilatéral Canada – États-Unis de 2017 a été mis à jour pour tenir compte de l'intégration du poste d'agent de coordination internationale, des modifications administratives au sein de la Garde côtière canadienne et de la garde côtière des États-Unis, et des langues supplémentaires pour la formation, les exercices et les mises à jour du plan d'urgence bilatéral et de ses annexes.
3. Le plan d'urgence bilatéral Canada – États-Unis est conforme aux dispositions de la clause 10 de la *Convention internationale sur la préparation, la lutte et la coopération en matière de pollution par les hydrocarbures, 1990*, et de l'*Accord entre le Canada et les États-Unis d'Amérique relatif à la qualité de l'eau dans les Grands Lacs* instaurée le 15 avril 1972 et mise à jour en 2012.
4. Cinq annexes complètent le plan d'urgence bilatéral Canada – États-Unis. Ces annexes sont sous la supervision et la responsabilité du commissaire adjoint de la Garde côtière canadienne et des commandants de district de la garde côtière des États-Unis, respectivement.
5. Le plan d'urgence bilatéral Canada – États-Unis peut être modifié par consentement mutuel des parties ou comme il est indiqué au paragraphe 1100.
6. Le plan d'urgence bilatéral Canada – États-Unis de 2017 est signé en double exemplaire en français et en anglais, chaque version étant également valide.

Pour la Garde côtière canadienne

M. Jeffery Hutchinson
Commissaire
Garde côtière canadienne

Pour la garde côtière des États-Unis

Amiral Paul F. Zukunft
Commandant
Garde côtière des États-Unis

Signée au bureau local du secteur de Grand Haven, Grand Haven, au Michigan, le 3 août 2017.

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TABLE OF CONTENTS

2017 LETTER OF PROMULGATION	i
Table of Contents.....	iii
100 INTRODUCTION	1
101 Background	1
102 Definitions/Acronyms	2
103 Purpose.....	4
104 Geographic Scope.....	5
200 PRINCIPLES AND ROLES	6
201 Principles for Response to Discharges of Harmful Substances	6
202 Roles and Responsibilities	6
203 Organizational Concepts.....	7
300 PLANNING AND PREPAREDNESS	8
301 CANUS Annexes.....	8
302 Exercise Program.....	8
303 Training.....	9
304 Joint Response Teams	9
400 OPERATIONAL CONCEPTS	11
401 Notification	11
402 Response	11
403 Coordinated Response	11
404 Issue Resolution	12
500 RESPONSE PHASES	13
501 Phase I – Discovery and Notification.....	13
502 Phase II – Preliminary Assessment and/or Activation.....	13
503 Phase III – Containment and Countermeasures.....	13
504 Phase IV – Clean-up, Disposal and Decontamination.....	13
505 Phase V – Deactivation	14
600 TRANS-BOUNDARY MOVEMENT OF RESPONSE RESOURCES	15
700 PUBLIC INFORMATION	16
800 FUNDING	17
801 Funding For Responses to Harmful Substance Incidents	17
802 Funding For Non-Incident Related Activities.....	17
900 POST INCIDENT REPORTS	18
1000 ADMINISTRATION AND NON-BINDING INTENT	19
1100 MODIFICATIONS	20
1200 DISTRIBUTION	21

APPENDIX 1 – AUTHORITIES

APPENDIX 2 – NATIONAL CONTACTS

APPENDIX 3 – REGIONAL CONTACTS

APPENDIX 4 – RECOMMENDATIONS FOR THE DEVELOPMENT OF CANUS ANNEX

APPENDIX 5 – SAMPLE FORM FOR CONFIRMATION OF VERBAL ACTIVATION OR DEACTIVATION

APPENDIX 6 – INTERNATIONAL COORDINATING OFFICER (ICO) POSITION GUIDANCE

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100 INTRODUCTION

101 Background

The need for an international marine pollution contingency plan for the Canada-United States adjacent waters was recognized in the *Agreement between Canada and the United States of America on Great Lakes Water Quality*, done on 15 April 1972, as amended, and the *Canada-United States Marine Contingency Plan for Spills of Oil and Other Noxious Substances*, done 19 June 1974. In September of 1983, four additional geographically oriented annexes were added covering the Atlantic Coast, Pacific Coast, Dixon Entrance and the Beaufort Sea. The plan was subsequently revised in 1984 and was replaced by versions in 2003 and 2013 respectively. The responsible Canadian Coast Guard (CCG) Assistant Commissioners and the United States Coast Guard (USCG) District Commanders were tasked to develop detailed CANUS Annexes to the Joint Marine Pollution Contingency Plan for their respective trans-boundary regions.

Provisions of the *International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990*, to which both Canada and the United States are parties, and changes to each country's spill preparedness and response regimes, have necessitated further revisions to the Canada-United States (CANUS) Joint Marine Pollution Contingency Plan.

This 2017 revised CANUS Joint Marine Pollution Contingency Plan (hereafter referred to as JCP) replaces the previous versions of the JCP. This 2017 revised JCP is intended to provide non-binding guidance to the CCG and USCG, and other appropriate authorities, in coordinating preparedness and response operations.

The Participants in this JCP are the CCG and the USCG. However, it is recognized that both the CCG and the USCG coordinate with other applicable agencies to accomplish the marine environmental response and preparedness missions within their maritime boundaries.

102 Definitions/Acronyms

The definitions and acronyms that appear in this section are intended to apply wherever they appear in the JCP. These definitions apply for the purpose of this JCP and not necessarily for any other purposes or instrument. For the purpose of this JCP, the terms “hazardous” and “harmful” and the terms “Polluter” and “Responsible Party” are used interchangeably.

102.1 Activation: Initiation of bi-lateral coordination (through a formal response between representatives of the applicable JCP Annex) during a pollution incident.

102.2 Adjacent Waters: Those waters described in Section 104 over which either Participant exercises jurisdiction.

102.3 CCG: Canadian Coast Guard.

102.4 CCG Incident Commander (IC): The CCG representative responsible for overseeing the response to a marine pollution incident.

102.5 Containment: Any measure, including mechanical or chemical, which is taken to control or to mitigate the spread of harmful substances.

102.6 Countermeasure: Any measure that is taken to reduce the impact and effect of harmful substances.

102.7 Deactivation: Termination of bi-lateral coordinated response operations.

102.8 Discharge: Any emission, intentional or unintentional, that results, directly or indirectly, in the waterborne entry of harmful substances, and includes, but is not limited to, spilling, leaking, pumping, pouring, emitting, emptying, throwing, or dumping.

102.9 Harmful Substance: Subject to Canadian or U.S. national laws or regulations, means any substance which, if introduced into marine or fresh waters is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the waters, and includes but is not limited to:

- a. Substances subject to control by the *International Convention for the Prevention of Pollution from Ships, 1973 as amended by the Protocol of 1978*.
- b. Substances on the list of substances to which the *International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 2010* would apply.
- c. Substances subject to the *Federal Water Pollution Control Act of 1972, as amended*.
- d. Substances subject to the *Comprehensive Environmental Response, Compensation, and Liability Act, as amended*.
- e. Substances subject to the *Oil Pollution Act of 1990, as amended*.
- f. “Pollutants” within the meaning of the *Canada Shipping Act, 2001*.
- g. Both oil and hazardous substances as described by the *National Oil and*

Hazardous Substances Pollution Contingency Plan (NCP) of the U.S.

102.10 Harmful Substance Incident: A discharge, or threat of discharge of a harmful substance.

102.11 International Coordinating Officer (ICO): A position activated, as required by the CANUS Annex, to facilitate international coordination across shared maritime boundaries between Canada and the U.S. ICO activation and use will depend upon the regional staffing/capability and the applicability of the role to the respective area. A detailed position description is located in Section 202.6 and Appendix (6).

102.12 Joint Contingency Plan (JCP): Specifically referring to this Canadian Coast Guard-United States Coast Guard Joint Contingency Plan.

102.13 Joint Response Team (JRT): Advisory team of interagency representatives in Canada and the U.S. who coordinate, plan, and prepare for trans-boundary harmful substance incidents in order to facilitate an effective coordinated response. Coordination may include, but not be limited to, updating and exercising of JCP Annexes, actual incident responses, and meetings with federal/state/provincial/territorial, local, and Indigenous representatives.

102.14 JRT Co-Chair: CCG Regional Director of Programs and the USCG District Incident Management and Preparedness Advisor serve as the Co-chairs of the JRT.

102.15 Liaison Officer (LOFR): The LOFR is a conduit of information and assistance between organizations and normally does not have delegated authority to make decisions on matters affecting an organization's participation in the incident. A position-specific description is located in Section 202.7.

102.16 Mutual Aid for Non-adjacent Waters: The request for aid by one Participant to the other for assistance in responding to an incident or an event that does not pose a threat to the waters of the requested country.

102.17 National Oil and Hazardous Substances Pollution Contingency Plan (NCP): Found in Title 40, Part 300 of the U.S. Code of Federal Regulations, a plan to provide the organizational structure and procedures for preparing for and responding to discharges of oil and releases of hazardous substances, pollutants, and contaminants in the U.S.

102.18 National Level Exercise: Engages the senior leadership of each nation in exercising its strategic oversight and support role for a Spill of National Significance. Exercises may take the form of a senior level workshop, seminar, tabletop, or leverage one or more multi- CANUS Annexes exercises being planned for that same time period.

102.19 National JCP Committee: A committee whose functions are described in this document, and whose members should include representatives of CCG and USCG Headquarters. Co-chairs for the National JCP Committee are Director, Preparedness and Response, CCG and Chief, Office of Marine Environmental Response International Preparedness Division, USCG. The National JCP Committee may coordinate with other national and regional stakeholders.

102.20 National Response System(s): Planning, preparedness, and response arrangements for dealing with discharges of harmful substances.

102.21 Notification: a formal notification to the other Participant of a harmful substance incident (or threat of such an incident).

102.22 Participants: The CCG and the USCG.

102.23 Polluter: The owner of a “vessel” or “oil handling facility”, within the meaning of the *Canada Shipping Act, 2001*, that is the source of an incident. (See 102.26 Responsible Party for U.S. equivalent.)

102.24 Polluter pays principle: The Polluter pays principle as set forth in Principle 16 of the Rio Declaration on Environment and Development, which is reflected in the national laws of each Participant that require that the Polluter or Responsible Party is, generally, responsible for the costs associated with pollution.

102.25 CANUS Annex: Area-specific plan that supplement the JCP and provide the basic information necessary to execute an efficient and effective response operation in the adjacent waters of the respective USCG District or CCG Region.

102.26 Responsible Party: The owner, operator or demise charterer of a vessel, the owner or operator of an onshore facility, the lessee or permittee of the area in which a facility is located in the case of an offshore facility, the licensee of a deepwater port or the owner or operator of a pipeline within the meaning of the U.S. NCP. (See 102.23 Polluter for Canadian equivalent.)

102.27 Response Resources: Equipment, personnel, and other assets deemed necessary by the CCG Incident Commander or USCG Federal On-scene Coordinator to conduct response operations or monitoring activities.

102.28 Table Top Exercise (TTX): A discussion-based exercise designed to test the theoretical ability of a group to respond to an emergency situation. A TTX can include workshops, seminars, and facilitated discussions which solicit and include community support.

102.29 USCG: United States Coast Guard.

102.30 USCG Federal On-scene Coordinator (FOSC): The USCG official designated in accordance with the U.S. NCP to coordinate and direct the U.S. response.

103 Purpose

103.1 The purpose of the JCP is as follows:

- a. To promote a coordinated system and operational guidelines for national preparedness, planning and response to events in the adjacent waters which exceed the capabilities of action under any CANUS Annex.
- b. To promote a coordinated system for regional preparedness, planning, and response to events in the adjacent waters, by providing guidance that supplements the existing national response systems of each Participant, facilitating cooperative bilateral response planning at the regional and national levels. The CANUS Annexes provide guidance with respect to the process that should be used to facilitate an effective response on either side of the border.
- c. To promote a coordinated system for the provision of mutual aid for harmful

substance incidents in non-adjacent waters.

103.2 The JCP facilitates for both Participants coordination of response activities conducted by or on behalf of those responsible for a discharge of a harmful substance.

103.3 The JCP provides guidance for consultation between the Participants on response actions that may be taken during a harmful substance incident commensurate with Section 304.

103.4 The JCP is intended as a means for the Participants to meet their commitments under the *International Convention on Oil Pollution Prevention, Response, and Cooperation, 1990* (OPRC 1990), which has been ratified by the governments of both Participants, and is intended to be consistent with the provisions of that convention. Depending on the circumstances, a given action such as notifying the other Participant of a pollution incident may be required under applicable international law even where such action is only recommended, or not mentioned, in this JCP.

103.5 The Participants concur that the JCP is to be implemented consistently with the *Great Lakes Water Quality Agreement, 2012*.

103.6 The JCP is intended to complement the *Canada-United States Joint Inland Pollution Contingency Plan, 2009*.

103.7 The JCP is not intended to apply to radiological incidents. Such incidents are covered by the *Canada/United States Joint Radiological Emergency Response Plan*.

104 Geographic Scope

104.1 The Participants intend to apply the JCP in adjacent waters:

- a. Annex 1 (Great Lakes: CANUSLAK) — in areas comprising the *Waters of the Great Lakes as defined in the Great Lakes Water Quality Protocol of 2012*, as amended.
- b. Annex 2 (Atlantic: CANUSLANT) — in areas comprising those waters of and along the Bay of Fundy and the Gulf of Maine seaward to latitude 40° 27' 05" N, longitude 65° 41' 59"W, then north along a bearing of 000 ° to the Canadian shoreline.
- c. Annex 3 (Pacific: CANUSPAC) — in areas comprising the international boundary waters in the Salish Sea, including the Strait of Juan de Fuca and seaward approaches, Haro Strait, Boundary Pass and Strait of Georgia.
- d. Annex 4 (Beaufort Sea: CANUSNORTH) — in areas comprising those waters off the Arctic Coast of Canada and the U.S. in the Beaufort Sea.
- e. Annex 5 (Dixon Entrance: CANUSDIX) — in areas comprising the waters of the Dixon Entrance off the Pacific Coasts of Canada and the U.S.

104.2 The Participants intend to apply the principles of the JCP in non-adjacent waters within each Participant waters to the outermost extent of their respective Exclusive Economic Zone (EEZ) not specified in 104.1.

200 PRINCIPLES AND ROLES

201 Principles for Response to Discharges of Harmful Substances

201.1 Response to harmful substance incidents in Canada and the U.S. is predicated on the use of private sector resources funded by the Polluter/Responsible Party. Response Operations are monitored or directed if necessary as determined in Canadian waters by the CCG IC and in U.S. waters, by the USCG FOSC. The CCG IC or the USCG FOSC may augment the response by using public sector or additional private sector resources.

202 Roles and Responsibilities

202.1 The Director General, National Strategies, CCG, and the Director, Incident Management and Preparedness Policy, USCG are intended to have overall responsibility for the maintenance of the JCP and executive oversight of the activities of the National JCP Committee as described in Section 202.2.

202.2 The Director, Preparedness and Response, CCG and the Chief, CG-MER International Preparedness Division, USCG are the Co-chairs of the National JCP Committee, as described in Section 102.19. The Co-chairs are responsible for providing oversight and support to the Regional JRTs' preparedness and response activities pursuant to the CANUS Annexes of the JCP and to support national-level response to pollution events which exceed the capabilities under any CANUS Annex in accordance with each Participant's national response system (Appendix (1)). The National JCP Committee may coordinate with other national and regional representatives. These responsibilities may include, but are not limited to:

- a. Providing administrative management of Committee activities.
- b. Ensuring the decisions and priorities of the National JCP Committee are attended to and addressed in a timely manner.
- c. Endeavoring to meet annually or more frequently, as circumstances allow, to document emerging national and regional issues or concerns.
- d. Coordinating the development and implementation of the national-level exercise plan, in accordance with the five CANUS Annexes.

202.3 The Assistant Commissioners, CCG, and the District Commanders, USCG, who have responsibility for regional areas to which the JCP applies, are intended to exercise overall responsibility for the development of CANUS Annexes. They are intended to be responsible for ensuring the elements of the CANUS Annexes are incorporated into their Regional, District, and Area plans and for coordinating issues among other federal, state, provincial, and local agencies. The respective CCG Regions and USCG Districts with responsibility under this JCP are identified in Section 104.1.

202.4 The Regional Superintendents, Environmental Response, CCG and the District Incident Management and Preparedness Advisors, USCG, designated in Appendix (3), are intended to be responsible for coordinating and overseeing issues of operational readiness for their geographic areas of responsibility among other federal, state, provincial, and local agencies.

202.5 The CCG IC and the USCG FOSC, in accordance with their respective national laws, response systems and this JCP, are intended to ensure that a timely and appropriate response is initiated to a harmful substance incident.

202.6 International Coordinating Officer (ICO): The ICO is an official who possesses and provides detailed subject matter expertise and knowledge of the CANUS JCP and CANUS Annexes. The ICO supports the CCG IC and/or USCG FOSC by providing cross-border coordination and support through direct engagement with the applicable Incident Commander and Regional Response Team. This role may be applied with varying frequency across the five CANUS Regions and not every response requires the activation of the ICO. Further guidance on the ICO position can be found in Appendix 6.

202.7 Liaison Officer (LOFR): The LOFR provides a conduit of information and assistance between organizations/agencies within each country's command post.

202.8 The JCP and CANUS Annexes augment the national response systems of Canada and the U.S. by providing a "bridge" between the two systems for those harmful substance incidents occurring in the adjacent waters by promoting coordinated planning at the local level. The Incident Command System for managing response activities should be utilized as referred to in the CANUS Annexes.

202.9 Responses to harmful substance incidents should be carried out under the provisions and procedures of each Participant's national response system. The national response systems should be supplemented by procedures referenced in the JCP and the CANUS Annexes.

202.10 The JCP is intended to be consistent with the "Polluter pays" principle as defined in Section 102.24.

202.11 Under their respective applicable national laws and policies, the roles of the CCG IC and the USCG FOSC are:

- a. CCG IC: to oversee the response to a marine pollution incident.
- b. USCG FOSC: to monitor response operations and take or direct appropriate actions of response organizations, including, when appropriate, response efforts of the Responsible Party.
- c. If, in the Participants' determination the Polluter's or Responsible Party's efforts are deemed not adequate, or in the event of a discharge or spill event of unknown origin (mystery spill) or for which the Polluter/Responsible Party is unable to take appropriate response actions, the Participants should execute necessary response actions.

300 PLANNING AND PREPAREDNESS

301 CANUS Annexes

301.1 Participants should endeavor to develop and maintain CANUS Annexes in accordance with Appendix (4) and the principles of this JCP.

301.2 The CANUS Annexes provide the basic information necessary to execute an efficient and effective response operation across the shared maritime border of Canada and the U.S. The CANUS Annexes should be appended to, or incorporated in, the relevant District plans, Regional plans and Area plans where appropriate.

301.3 The CCG Assistant Commissioners and the USCG District Commanders for geographical areas to which this plan applies have overall responsibility for the development of CANUS Annexes. Each should endeavor to ensure that the elements of the CANUS Annexes are incorporated into his/her own Regional and District plans and Area plans and should endeavor to coordinate issues among federal, state, provincial, or local agencies as appropriate. Coast Guard Regions and Districts with responsibility under this plan are designated in Appendix (2).

301.4 The individuals designated in Appendix (3) of this JCP are responsible for the development of the CANUS Annexes.

302 Exercise Program

302.1 The National JCP Committee is responsible for determining the national-level exercise cycle for the CCG Regions and USCG Districts. The National JCP Committee should endeavor to execute this exercise cycle with an annual process that facilitates and encourages collaboration across all five CANUS Annexes. This collaboration should increase exercise efficiencies between Canada and the U.S.

302.2 The CANUS Annexes should provide a joint exercise program based on the current risk analysis and resource availability for their respective areas of responsibility.

302.3 Exercise Planning: Five-year National and Regional exercise strategies should be developed, documented cooperatively, and reviewed/updated annually. Exercises may include a notification exercise, tabletop exercise, equipment deployment exercise, national level exercise or other relevant activities. The planning process for each exercise should be jointly determined via a scoping meeting, at least one year in advance of the event, and be implemented through a joint design team.

302.4 Combining with other exercises: Joint exercises may be conducted in conjunction with each Participant's national exercise program in order to leverage opportunities and capabilities. The National JCP Committee should ensure that when a CANUS Annex is exercised as part of another regional exercise, this exercise should include a JCP-specific objective in order to ensure national JCP priorities are maintained. Exercise goals may also be met through actual coordinated pollution responses.

302.5 Exercise Frequency and Scope: Exercises should be conducted based upon national and regional priorities/risks and not just focused on a routine planning/annual cycle. The type, scope and duration of exercises should be based on CCG/USCG capabilities to host, plan, and execute these events.

The Participants intend that, at a minimum, exercise strategies should include periodic discussion-based exercises that can include a tabletop, workshop, and seminar or facilitated discussion for each CANUS Annex. No more than five years should pass between exercises at the national or regional level. However, based upon regional risks and planning capability, exercises can occur annually if jointly agreed upon by the regional JRT. The Participants should endeavor to alternate hosting these exercises.

302.6 Exercise Priorities: National JCP exercise priorities should focus primarily on strategic issues and applicable policies while CANUS Annex exercises priorities should focus on the risks, with areas of operational support and/or tactical response, specific to the geographic scope of each Annex (Section 104). During each JCP annual review cycle, the National JCP Committee will maintain a set of published priorities to help guide Annex exercises and JRT coordination.

302.7 Exercise coordinators should document lessons learned, including actual pollution responses, and share those lessons with all interested parties, which includes representatives from the National JCP Committee, JRTs, and appropriate field personnel. The National JCP Committee should review lessons learned on an annual basis and disseminate to the Districts, Regions, and Headquarters representatives, per Section 1200. Lessons learned should be taken into account in the development of subsequent exercise plans and in future modifications of the JCP, CANUS Annexes, and policy and program development.

303 Training

303.1 Each Participant should endeavor, consistent with its national laws and policies, to promote training for response personnel and senior management to ensure that such personnel are trained for the operational responsibilities of their positions. Participants are encouraged to conduct joint training when possible.

303.2 Shared training opportunities enhance the CCG/USCG partnership as well as increased responder proficiency and capabilities at the regional level. To promote an enhanced training agenda, the National JCP Committee should ensure that all national and regional bi-lateral training opportunities are published annually and shared across all CANUS Annexes. Regional bi-lateral training opportunities, if applicable to other Annexes, should be shared with the National JCP Committee in order to be incorporated into the national training schedule.

303.3 Each Participant should promote occupational health and safety of response personnel consistent with its national laws and policies through training to ensure competence appropriate to the responsibilities of their positions.

304 Joint Response Teams

304.1 The JRT consists of CCG and USCG representatives and functions as a planning and preparedness entity. JRTs exist for each CANUS Annex. Each Regional JRT should be co-chaired by CCG Regional Director of Programs and the USCG District Incident Management and Preparedness Advisor. Stakeholder (other agency or industry) involvement within the JRT is encouraged but is not a requirement.

304.2 During an incident, the JRT may be convened (“Activation” as defined in

Section 102.1) at the request of the CCG Assistant Commissioner, USCG District Commander, CCG IC, or the USCG FOSC. The JRT will typically function in an advisory role for the CCG IC/FOSC during a response. For issues not related to a specific incident, the JRT may be convened by the Co-chair(s). Each Regional JRT should meet at least annually, or more frequently as needed, to address issues pertaining to the applicable CANUS Annex.

304.3 The Co-chairs of the JRT should jointly solicit for JRT membership from their respective response communities and ensure equitable representation from each country. While equitable bi-national representation is desirable, personnel availability and operational requirements may result in differing levels of representation across each JRT.

304.4 The general functions of the JRT are intended to include:

- a. Providing advice and counsel to facilitate coordinated planning, preparedness and response to a harmful substance incident;
- b. Preparing JRT debriefing reports, After Action Reports, and recommendations concerning amendments to the JCP or its CANUS Annexes; and
- c. Providing advisory support to the CCG IC and the USCG FOSC.

304.5 The Co-chair for each JRT should maintain a current list of JRT members to be appended to the appropriate CANUS Annex.

400 OPERATIONAL CONCEPTS

401 Notification

401.1 Under the JCP, each Participant should endeavor to promptly report, to the other Participant, any harmful substance incidents or potential harmful substance incidents in the waters specified in Section 104.1 of this JCP. The incident may originate from a ship, an offshore unit, a sea port, or an oil handling facility, within the meaning of the OPRC 1990, that occurs in the waters specified in Section 104.1 of this JCP, that are under its jurisdiction. The notification procedures to be used should be developed by the appropriate Region and District and detailed in the relevant CANUS Annex. Appendix (5) provides a sample “Notification/Activation/Deactivation” form that provides examples of critical information that can be shared during an incident.

401.2 In the event that an incident occurs outside a CANUS Annex, but still within the respective Participant’s EEZ, the National JCP Committee should promptly report the information to the Participant’s national contacts listed in Appendix (2). The Participants will endeavor to affect a coordinated response within these areas.

401.3 The CCG IC or the USCG FOSC responding to, or monitoring a response to a harmful substance incident that occurred in the waters that are under the jurisdiction of his or her country, should endeavor to inform, to the extent possible, the other Participant about: (1) the response to the incident and (2) if the harmful substance incident affected, is affecting or is likely to affect the waters of that other Participant. The affected JRT will notify the National JCP Committee of any responses requiring activation of the JRT as soon as possible.

401.4 In the event an oil spill in the waters covered under Section 104.2 or hazardous substance incident threatens the marine environment of the other country, timely notification must be made to that country. After the rapid notification of an incident with trans-boundary implications, notification may be necessary for the activation (and subsequent deactivation) of a coordinated response, which requires the engagement of multiple parties. Each CANUS Annex should include applicable contact information to ensure information remains consistent during a coordinate response.

402 Response

402.1 The CANUS Annexes for each area covered by this JCP describe the resources that may be deployed in response to a harmful substance incident in the adjacent waters. Each Participant should endeavor to take appropriate response actions in accordance with its national laws, the procedures established in its national response system, the provisions of Section 500 of this JCP and the relevant CANUS Annex. In the event of a harmful substance incident, the CCG IC and the USCG FOSC should coordinate their activities, to the extent practicable, to prevent or minimize the spread of the harmful substance to the waters under the jurisdiction of the other Participant.

403 Coordinated Response

403.1 In the event of a harmful substance incident, a coordinated response may be activated or deactivated verbally between the CCG IC and USCG FOSC. Where a

coordinated response is activated or deactivated, it should be followed by written confirmation by the CCG IC or USCG FOSC, as appropriate (see Appendix 5). Where a coordinated response is activated or deactivated, each Participant should endeavor, to the greatest extent possible, to facilitate the trans-boundary movement of response resources, as set out in the relevant CANUS Annex.

403.2 For all matters related to reimbursement and recovery of costs incurred by either Participant, the provisions of Section 800 are intended to be followed from the date and time the coordinated response is activated to the date and time it is deactivated.

404 Issue Resolution

404.1 Issues arising from differences in interpretation or application of this JCP should be resolved by the CCG and the USCG through discussion and consensus. The Participants concur that issues in dispute, excluding cost recovery, should not be referred to courts of law or arbitrators. Any issue in dispute should be referred for resolution, as expeditiously as possible, to the JRT Co-chairs.

404.2 Should the JRT Co-chairs not resolve the issue, it should be referred to the National JCP Committee for resolution.

500 RESPONSE PHASES

500.1 Actions taken to respond to a harmful substance incident, as defined in Section 102.10, generally consist of five phases. Elements of a phase or an entire phase may take place concurrently with one or more of the other phases.

501 Phase I – Discovery and Notification

A harmful substance incident may be discovered through routine surveillance activities, observations by government agencies, by the Polluter/Responsible Party, or by the general public.

- The Participant that becomes aware of a harmful substance incident in the adjacent waters should notify the other Participant without delay and in accordance with the appropriate CANUS Annexes and Section 401 of this plan.
- The Participant that becomes aware of a harmful substance incident in the non-adjacent waters covered by this plan should notify the other Participant without delay and in accordance with the appropriate CANUS Annexes and Section 401 of this plan if considering requesting assistance from the other Participant.

502 Phase II – Preliminary Assessment and/or Activation

A CCG IC or USCG FOSC receiving notification of a harmful substance incident in the adjacent waters should endeavor to immediately assess the incident and manage the response operations in accordance with the appropriate national response systems.

503 Phase III – Containment and Countermeasures

Containment and countermeasures should be carried out using mechanical means unless the use of other means have been previously authorized by both CCG IC and USCG FOSC and/or any other appropriate agency or organization, in accordance with the national laws of each Participant. Conditions for use and type of non-mechanical measures should be specified in each CANUS Annex as appropriate. Non-mechanical measures not specified in a CANUS annex may be approved, in writing, between the CCG IC, and USCG FOSC or with concurrence of the appropriate authority of the other participant, as specified in that Participant's national response system.

504 Phase IV – Clean-up, Disposal and Decontamination

504.1 Clean-up, where deemed necessary, and disposal should be carried out/completed as expeditiously as possible.

504.2 Disposal of harmful substances and contaminated materials recovered in clean-up operations should be in accordance with the applicable laws of federal, state, provincial, territorial, and municipal governments of the Participant in whose territory the disposal is effectuated. The CCG IC and USCG FOSC should be responsible for ensuring appropriate disposal measures are taken.

504.3 Decontamination of response resources during the coordinated response operations should be conducted in accordance with the applicable laws of federal, state, provincial, territorial, and municipal governments of the Participant in whose territory

the decontamination is effectuated. The CCG IC and USCG FOSC should be responsible for ensuring appropriate decontamination measures are implemented.

505 Phase V – Deactivation

A recommendation to terminate a coordinated response may be made by the CCG IC and/ or USCG FOSC, in consultation with relevant government authorities. This decision should be coordinated with the JRT in order to develop a coordinated deactivation plan consistent with the applicable laws of each Participant. The JRT Co-chairs should relay the decision to the National JCP Committee, copying all applicable parties initially notified (identified in Section 401). The deactivation message should include pertinent information regarding the deactivation, the date and time of the deactivation, and to whom follow-up questions should be directed.

600 TRANS-BOUNDARY MOVEMENT OF RESPONSE RESOURCES

600 For harmful substance incidents occurring in adjacent waters, clearance procedures for the trans-boundary movement of response resources are detailed in the CANUS Annexes. For harmful substance incidents occurring in non-adjacent waters, clearance procedures for the trans-boundary movement of response resources are maintained by the National JCP Committee and in accordance with international law and respective domestic laws of the countries of the Participants.

601 If a harmful substance incident occurs in the adjacent waters and warrants joint response operations or assistance, each Participant should ensure prompt notification to the National JCP Committee and endeavor to promptly initiate the clearance procedures referred to in the CANUS Annexes.

602 Should an issue related to trans-boundary movement of response resources occur during the course of a coordinated response, the Participant whose country has jurisdiction over the waters where the issue arose should facilitate its resolution.

700 PUBLIC INFORMATION

Subject to its national laws, each Participant should endeavor to share information with the other and coordinate press releases, information sheets, and other material to be made available to the public or to the media when the CANUS Annex is activated. Procedures for coordinating the information should be specified in each of the CANUS Annexes to ensure consistency in the sharing of information. At a minimum, the JRT should endeavor to facilitate communication planning in order to ensure consistent, timely, and accurate information sharing across both countries during a response.

800 FUNDING

801 Funding For Responses to Harmful Substance Incidents

Both Canada and the U.S. are parties to OPRC 1990, and each Participant intends that issues related to the reimbursement of costs of assistance are to be resolved according to OPRC 1990 with additional guidance provided as follows:

801.1 Each Participant should endeavor to fund its own operations for responding to harmful substance incidents in the adjacent waters that fall under its jurisdiction.

801.2 It is intended that the Participant who requested assistance bears the costs for any assistance provided by the assistant Participant in the adjacent waters that fall under the jurisdiction of the requesting Participant.

801.3 Cost documentation is essential during response operations and the providing Participant should ensure appropriate documentation is provided in a timely manner. Participants may address cost documentation in a variety of methods based upon the specific response; however, those arrangements should be agreed upon in writing between both Participants in accordance with their own country's laws, policies, and processes.

801.4 Each Participant is intended to be responsible for preparing the documentation to be used in its territory for the purpose of recovering costs associated with a response to harmful substance incidents.

802 Funding For Non-Incident Related Activities

Each Participant should endeavor to fund its own costs associated with preparedness, planning, training, and exercising not related to a specific harmful substance incident response.

900 POST INCIDENT REPORTS

900.1 Within 180 days after the completion of joint response operations occurring in the adjacent waters, the CCG IC and USCG FOSC should endeavor to prepare a joint Post Incident Report (i.e. After Action Report).

900.2 The Participant who initiated the coordinated response should endeavor to take the lead in preparing the first draft of the joint Post Incident Report. However, the Participants may apply a different arrangement in specific cases. Such arrangements should be described in writing between the Participants.

900.3 A copy of the joint Post Incident Report should be submitted to the JRT Co-chairs, and a copy with the JRT Co-chairs' comments, as applicable, should be submitted to the National JCP Committee for review.

900.4 The final report should be used by the Regions and the JRT, in coordination with the National JCP Committee, to inform future response activities and to be taken into consideration when reviewing and updating plans, exercise priorities, and operational procedures.

1000 ADMINISTRATION AND NON-BINDING INTENT

The custodians for this JCP, its appendices, and annexes are: the Director General, National Strategies, CCG; and the Director, Incident Management and Preparedness Policy, USCG. The Participants intend to review the JCP annually and update the JCP every five years or as deemed necessary by the Participants. The Participants intend this JCP, including its appendices and CANUS Annexes, to be non-legally binding; i.e. does not give rise to any rights or obligations whether under national laws or international law.

1100 MODIFICATIONS

1100.1 The Participants intend that modifications to this JCP and its appendices are made by mutual written understanding between the Director General, National Strategies, CCG and the Director, Incident Management and Preparedness Policy, USCG.

1100.2 The Participants intend that modifications to the CANUS Annexes are made by mutual written understanding between the appropriate Assistant Commissioner, CCG and District Commander, USCG. CANUS Annex modifications should be shared with the National JCP Committee prior to approval of any modifications and/ or updates to ensure consistency with national policy.

1100.3 Modifications to the JCP or CANUS Annexes of an administrative nature, such as updating contact information, do not require formal approval of the National JCP Committee Co-chairs.

1200 DISTRIBUTION

Copies of this JCP should be distributed to the following offices:

Canadian Coast Guard

- Director General, National Strategies
- Director General, Operations
- National Director, Incident Management
- Director, Preparedness and Response
- Regional Director, Coast Guard Programs, Atlantic Region
- Regional Director, Coast Guard Programs, Central and Arctic Region
- Regional Director, Coast Guard Programs, Western Region
- Superintendent, Environmental Response, Atlantic Region
- Superintendent, Environmental Response, Central and Arctic Region
- Superintendent, Environmental Response, Western Region

U.S. Coast Guard

- Director, Incident Management and Preparedness Policy
- Chief, Office of Marine Environmental Response Policy
- Chief, Preparedness Division, Pacific Area
- Chief, Response Division, Atlantic Area
- Chief, Response Division, First Coast Guard District
- Chief, Response Division, Ninth Coast Guard District
- Chief, Response Division, Thirteenth Coast Guard District
- Chief, Planning and Force Readiness Division, Seventeenth Coast Guard District

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**2017 CANADA-UNITED STATES
JOINT MARINE POLLUTION CONTINGENCY PLAN
APPENDICES**

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APPENDIX 1 AUTHORITIES

Authorities (Canada)

The Acts of Parliament and regulations that are relevant to the subject matter of this Joint Contingency Plan include:

- Canada Shipping Act, 2001
- Oceans Act
- Arctic Waters Pollution Prevention Act
- Marine Liability Act
- Emergencies Management Act
- International Boundary Waters Treaty Act
- Great Lakes Water Quality Protocol of 2012
- International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990.

A summary of Canada marine environmental protection and response references and legal authorities can be found at <http://www.dfo-mpo.gc.ca/acts-lois/index-eng.htm>

Authorities (United States)

Instruments, statutes and regulations that are relevant to the subject matter of this Joint Contingency Plan include:

- Federal Water Pollution Control Act (Clean Water Act), 33 U.S.C. §§ 1251 *et seq.* as amended by the Oil Pollution Act of 1990 (OPA 90)
- National Oil and Hazardous Substances Pollution Contingency Plan, 40 C.F.R. Part 300
- Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. §§ 9601 *et seq.*
- International Boundary Waters Treaty Act
- Great Lakes Water Quality Protocol of 2012
- International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990.

A summary of United States marine environmental protection and response references and legal authorities can be found at http://www.uscg.mil/doctrine/listing_CGPub.asp.

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**APPENDIX 2
NATIONAL CONTACTS**

	<h1>Canadian Coast Guard</h1>
24 hour Operational Contacts:	
National Command Centre Canadian Coast Guard – Duty Officer	
Address:	200 Kent Street, 7th Floor E-310, Ottawa, Ontario Canada, K1A 0E6
Telephone:	(613) 990-0123
Fax:	(613) 995-4700
Email:	NCC-CCN@dfo-mpo.gc.ca
Other Contact Points:	
Government Operations Centre: Public Safety Canada	
Address:	Ottawa, Ontario, Canada
Telephone:	(613) 991-7000
Fax:	(613) 996-0995
Email:	ps.goc-cog.sp@canada.ca
Director, Preparedness and Response	
Address:	200 Kent Street, Ottawa, Ontario, Canada, K1A 0E6
Telephone:	(613) 990-1091
Fax:	(613) 996-8902
	<h1>United States Coast Guard</h1>
24 hour Operational Contacts:	
National Response Center (NRC)	
Address:	2703 Martin Luther King Jr. Avenue, Stop 7713 Washington, DC 20593-7713
Telephone:	1-800-424-8802 or (202) 267-2675
Fax:	(202) 267-1322
Email:	NRC@uscg.mil
Other Contact Points:	
Director, Incident Management and Preparedness (CG-5RI)	
Address:	2703 Martin Luther King Jr. Avenue, Stop 7516 Washington, DC 20593-7516
Telephone:	(202) 372-2015
Fax:	(202) 372-8384
Chief, Office of Marine Environmental Response Policy (CG-MER)	
Address:	2703 Martin Luther King Jr. Avenue, Stop 7516 Washington, DC 20593-7516
Telephone:	(202) 372-2231
Fax:	(202) 372-8377

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**APPENDIX 3
REGIONAL CONTACTS**

CANADIAN COAST GUARD

**Superintendent,
Environmental Response
Atlantic Region**

P.O. Box 1000
Dartmouth, Nova Scotia
B2Y 3Z8
Telephone: (902) 426-3699
Fax: (902) 425-4828

**Superintendent,
Environmental Response
Central and Arctic Region**

520 Exmouth Street
Sarnia, Ontario
N7T8B1
(519) 383-1954

**Superintendent,
Environmental Response
Western Region**

25 Huron Street
Victoria, British Columbia
V8V4V9
(250) 480-2722

UNITED STATES COAST GUARD

**Incident Management and
Preparedness Advisor,
First Coast Guard District**

408 Atlantic Avenue, Room 738
Boston, MA 02110
Telephone (24 hour): 617-223-8555
Telephone: (617) 223-4813
Fax: (617) 223-8117

**Incident Management and
Preparedness Advisor,
Ninth Coast Guard District**

1240 E. Ninth Street
Cleveland, OH 44199-2060
Telephone: (216) 902-6112
Fax: (216) 902-6021

**Incident Management and
Preparedness Advisor,
Thirteenth Coast Guard District**

915 Second Avenue
Seattle, WA 98174
Telephone: (206) 220-4662
Fax: (206) 220-7342

**Incident Management and
Preparedness Advisor,
Seventeenth Coast Guard District**

P.O. Box 25517
Juneau, AK 99802-5517
Telephone: (907) 463-2226
Fax: (907) 462-2216

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APPENDIX 4

RECOMMENDATIONS FOR THE DEVELOPMENT OF CANUS ANNEX

This Appendix identifies specific elements that may be incorporated into District, Regional, and Area plans for those specific geographic areas identified within Section 104 of the JCP. Specific information needed for an element may be incorporated directly within other appropriate plans provided the appropriate reference is cited within the CANUS Annexes.

- I. **Purpose:** brief description of implementing the JCP for a specified Region and District.
- II. **Area of Coverage:** define geographic scope, limits, and graphically depict these boundaries if possible.
- III. **Responsibility:** define the roles of individuals, by title, in maintaining and carrying out functions set forth in the JCP and appendices.
- IV. **Plan Review and Updates:** scope and frequency of plan review.
- V. **Pattern of Response:** brief description of the provisions of the JCP regarding response strategies as applied in the Region and District.
- VI. **Organizational Structure:** the means by which the Regions/Districts should organize a response in the area of coverage.
- VII. **Notification, Activation and Deactivation Procedures:** the specific procedures that should be used to ensure trans-boundary notification of incidents and activation and deactivation procedures of the plan. These procedures should include the applicable notification to national entities.
- VIII. **Threat Assessment (or Risk Assessment):** A Threat Assessment is not standard for every location; however, if included in the Annex, it should provide a general identification of the specific risks associated with the transport of oil and hazardous material (types, volumes, and frequency of transport) within the area of responsibility. In addition, likely trajectories in terms of weather patterns and speed/duration of impacts to trans-boundary areas, challenges to the response, seasonal/sensitive environmental resources within the area, etc. If plausible, further identification of mitigation procedures and tactics should be identified to address perceived risks.
- IX. **Procedures for Customs and Immigration Clearances:** those procedures that have been developed in concert with local customs/immigration officials to expedite movement of personnel and equipment across borders in the event of an incident, including titles and telephone numbers, where possible.
- X. **Procedures for Obtaining an Exemption or Clearance under Coasting Trade Laws (Canada) and Other Applicable Laws:** those procedures developed in concert with the relevant authorities to expedite the assistance by foreign ships to be engaged in activities related to a harmful substance incident in waters under the jurisdiction of a Participant's country.

- XI. Exercises:** the scope and frequency of the exercise planning process and objectives/initiatives in accordance with the JCP.
- XII. Training:** the principles the participants should follow to ensure personnel are trained for operational responsibilities. This section should ensure protocols for sharing of training opportunities across the entire area of coverage and through the National JCP Committee. Some focus areas could include, but are not limited to: training requirements that are essential for responders in an international spill environment, Incident Command System, oil spill crisis management, Hazardous Waste Operations and Emergency Response (HAZWOPER), Site Access, etc.
- XIII. DETAILED SECTIONS TO THE CANUS ANNEXES**
- A. Communications Plan:** the means of communication between personnel of either Participant, including communications equipment inventory, frequency assignments, command posts and field communications. This section should include mechanisms for aligning internal and external communications (Section I below – Public Information).
- B. Response Inventory:** resources available for responding to an incident in the areas of coverage; including the process for requesting the sharing of the resource inventory between Participants and the location of online response resource inventories/databases.
- C. Sensitive Environments Plan:** environmental areas of concern to the Participants within a Region or District covered by the Annex should be described with potential priorities for protection and response action.
- D. Logistics Plan:** the identification of locations of remote command posts and the procedures for transferring command to those remote locations. Also, the means by which either country should accommodate additional personnel from the other Participant.
- E. Integration of Volunteers:** the assignment of volunteers, additional training requirements, if any, and persons responsible for integrating volunteers.
- F. Salvage, Refloating, and Recovery Inventory:** the identification of any salvage, refloating, and recovery capabilities and lightering resources that may be deployed during an incident, including estimated time of arrival within the area of coverage. This should include commercial salvage, refloating, and recovery capability that may be located outside an area, but could be used in an incident.
- G. Disposal and Decontamination:** a list of the acceptable and unacceptable methods for disposal and decontamination. As available, include summary/reference to federal, provincial, territorial, state, and municipal laws, policies, and capabilities.
- H. Joint Response Team Contact List:** a list of the current members including their mailing addresses, email and telephone/fax numbers.

- I. **Public Information Coordination:** information regarding procedures for clearing public information prior to release and the procedures for aligning this information between Participants.

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APPENDIX 5
SAMPLE FORM FOR CONFIRMATION OF VERBAL ACTIVATION OR DEACTIVATION

Canada – U.S. JCP					
Spill Notification / Activation / Deactivation Form					
<input type="checkbox"/> Notification Only		<input type="checkbox"/> Activation		<input type="checkbox"/> Deactivation	
Reference Number		Initiating Country			
Incident Name		Number of Pages (including cover)			
1. Contact Information					
2.	Date Submitted:		3.	Time Submitted:	
4 (a).	From (Country / Agency):		5 (a).	To (Country / Agency):	
4 (b).	Name / Position:		5 (b).	Name / Position:	
4 (c).	Fax / Telephone:		5 (c).	Fax / Telephone:	
4 (d).	Email:		5 (d).	Email:	
Incident Specifics					
6. Type of Incident (Primary Cause/ Secondary):					
7. Incident Date/ Time:					
8 (a). Product Type:	8 (b). Source of Pollution:				
9 (a). Volume Released (bbl):	9 (b). Max Potential (bbl):				
10. Is Source Secured?		Yes <input type="checkbox"/>		No <input type="checkbox"/>	
		If Yes -Date/Time/Method Used to Secure:			
		If No – Mitigation Measures Currently in Place:			
11. Geographic Location of Incident (Port/ Body of Water):					
12. Position:		Latitude:		Longitude:	
13. Potential for Trans-boundary Impacts?		Yes <input type="checkbox"/>		No <input type="checkbox"/>	
14. Acknowledgement of Notification Received					
Date/Time Acknowledged		Name/Organization			
Signature:					
Comments (optional):					

Note: The notifying Participant should, at a minimum, send Page 1 of this form when making a notification for informational purposes only, marking the "Notification" box at the top. If trans-boundary implications are present, mark the "Activation" block and provide additional information (in subsequent pages of this form) specific to the applicable Annex and amplifying incident details. Once the Joint Response Team determines that a Deactivation is appropriate, mark the "Deactivation" block. Receiving Participant should ensure to acknowledge receipt and return to Notifying Participant.

15. Incident Command Information

15 (a). Lead Agency:			
15 (b). Command Post Location:			
15 (c). Request International Coordination Officer Activation?	Yes	<input type="checkbox"/>	No <input type="checkbox"/>

16. Situation Assessment

16 (a). Current Assessment	16 (b). Complicating Factors	
	16 (c). Mitigating Factors	
	16 (d). Additional Factors	

17. Primary Vessel Information

17 (a). Name of Vessel		17 (g). Length of Vessel	
17 (b). Flag		17 (h). Draft of Vessel	
17 (c). Owner/Operator		17 (i). Document/Official Number	
17 (d). Last Port of Call		17 (j). Next Port of Call	
17 (e). Cargo Type/Amount		17 (k). Fuel Type/Amount	
17 (f). Vessel Aground?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Not Applicable <input type="checkbox"/>

Additional vessel(s) involved? If so, attach to end of form.

18. Pollutant Information

18 (a). Type of Pollutant		18 (d). Amount Spilled (bbl)	
18 (b). Potential Amount/Capacity (bbl)		18 (e). Sheen/Slick Length & Width	
18 (c). Direction of Movement		18 (f). Color	

19. On-Scene Weather Conditions

19 (a). Air Temperature		19 (e). Sea State	
19 (b). Wind Direction		19 (f). Wind Speed	
19 (c). Precipitation Type		19 (g). Visibility	
19 (d). Ice Coverage?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Coverage: _____%

20. Response Contractor Information

20 (a). Has the Responsible Party Retained a Contractor?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
	20 (b). Contractor Name:	
	20 (c). Contractor Capabilities/Resources Requested:	

21. Other Information

Additional comments/information (e.g., cause of incident, areas impacted, immediate implications, trajectories, maps, charts, forecast weather conditions, etc.):

22. Secondary Vessel Information (If needed)

22 (a). Name of Vessel		22 (g). Length of Vessel	
22 (b). Flag		22 (h). Draft of Vessel	
22 (c). Owner/Operator		22 (i). Document/Official Number	
22 (d). Last Port of Call		22 (j). Next Port of Call	
22 (e). Cargo Type/Amount		22 (k). Fuel Type/Amount	
22 (f). Vessel Aground?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Not Applicable <input type="checkbox"/>

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APPENDIX 6 INTERNATIONAL COORDINATING OFFICER (ICO) POSITION GUIDANCE



- Ref: (a) Canadian Coast Guard – United States Coast Guard Joint Marine Pollution Contingency Plan (JCP)
(b) U. S. Coast Guard Incident Management Handbook, COMDTPUB P3120.17B
(c) Canadian Coast Guard Incident Management Handbook

Introduction.

To effectively achieve the international coordination or “Coordinated Response” contemplated in reference (a) and section VI, “Organizational Structure,” of each JCP Annex, the Canadian Coast Guard Central and Arctic Region and Ninth Coast Guard District developed the International Coordinating Officer (ICO) role. With some similarities to the Incident Command System (ICS) positions of Liaison Officer (LOFR) and Agency Representative (AREP), the ICO enhances those responsibilities in reference (b) and (c) by employing a qualified senior program officer, for example, the Senior Response Officer (SRO)/Federal On-Scene Coordinator Representative (FOSC-R) to fulfill the ICO role facilitating trans-boundary responses.

Authority.

The ICO’s authority is limited to only those delegated by the respective country’s On-Scene Coordinator (OSC)/Incident Commander (IC). This user guide does not provide the ICO any authorities other than those specifically delegated to them by their respective OSC. An ICO is never authorized to exercise their own nation’s OSC/IC authority over actions taking place in the other nation’s sovereign territory. OSC/IC authority can only be exercised in accordance with the ICO’s own national laws and respective agency regulations through coordination with the other nation’s response actions. The responsibilities, and applicable delegated authorities, of an ICO are limited by the duration and nature of the response, which includes the authority to direct resources across international borders. An example of a delegated authority could be negotiating trans-boundary pollution over flights, which benefits both parties and is conducted in accordance with approved entry procedures specified in applicable treaty, memorandum of understanding, etc.

Role.

Bi-national, regional experience has shown that during spill responses with international (across shared maritime borders) impacts, the establishment of co-located Canadian and U.S. command structures and response organizations is highly unlikely due to funding, legal, logistical, political and geographical constraints. Therefore, the creation of the ICO role mitigates some of the coordination issues that may arise with separate command structures during a response across a shared maritime border. However, not every OSC/IC, to which this JCP applies, will find the deployment of an ICO applicable to their area of responsibility due to the varying geographical differences between the U.S. and Canada. Especially when the probability of oil spills impacting each nation’s waters remains considerably low. Therefore, the deployment of an ICO is not a requirement for every OSC/IC whose area of responsibility falls under the jurisdiction of this JCP.

In general, the following scenarios may warrant the employment of an ICO:

Scenario #1: Spill occurs solely in the waters of one nation with no threat to the foreign nation. An ICO is most likely not required to deploy to the response site due to single nation response efforts. However, the foreign nation OSC/IC could consider designating an ICO to monitor the situation, from their home country, and anticipate any international coordination issues, which may include the potential deployment of the ICO, cross border impacts, and any offers of assistance.

Scenario #2: Initially, the spill occurs solely in the waters of one nation yet, threatens or migrates to the other nation's waters/ shorelines after response operations commenced. Deployment of an ICO to the respective response location could afford a better understanding of response operations and allow the ICO to relay information to their home nation OSC/IC.

Scenario #3: Spill occurs at or near the shared maritime border and immediately affects both nations' waters. An ICO from both nations may be needed to assist both OSCs/ICs in executing a coordinated response.

Responsibilities.

General responsibilities (objectives) of the ICO role to coordinate, facilitate, or enhance:

- Situational awareness and information management for own country's OSC/IC.
- Cooperation and situational awareness between OSCs/ICs of both countries.
- Understanding of both U.S. and Canadian laws, policy, guidance, and coordination protocols.
- Coordination on tactical matters to achieve unity of effort.
- Coordination when requesting other agency support.

Qualification/Designation Criteria.

To perform these functions effectively, personnel assigned should possess the requisite pollution response expertise specific to their area of responsibility. The ICO is expected to integrate / communicate effectively within the Incident Command structure of one country to transmit resource needs, concerns and recommendations to the OSC/IC of the other country. Therefore, the position requires sound and proven interpersonal / communication skills and specialize in pollution response coordination with all participating international representatives / agencies.

The following is a list of recommended qualifications / expertise:

- Thorough knowledge of the JCP, applicable Annexes to the JCP, and Area Contingency Plans.
- Familiarity with available industry and government owned equipment.
- General knowledge of ICS and potential differences between the U.S. and Canadian frameworks.
- Familiarity and experience with U.S. and Canadian customs (including applicable laws and treaties) and health and safety policies.

- For U.S. Coast Guard members, the following qualifications / competencies:
 - Captain of the Port (COTP) designation as a certified Federal On-Scene Coordinator's Representative (FOSC-R);
 - ICS certifications / experience within the Planning / Operations Section Chief and Liaison Officer roles;
 - In-depth knowledge of applicable Geographic Response Strategies within the response area.

- For Canadian Coast Guard Members:
 - Senior Response Officer qualified, which provides in-depth knowledge of:
 - ICS;
 - Respective National response system, plans, and Geographic Response Plans / Area Contingency Plans.
 - Applicable Area Plans, response techniques, and capabilities of regional Fleet and surveillance assets.

Due to the nature and importance of the ICO role, the qualification recommendations in this guide should be closely followed since the ICO may routinely represent their respective OSC to ensure coordination of effort, tactics and objectives. The position ensures OSCs/ICs remain cognizant of progress, issues and constraints regarding the incident and overall trans-boundary response progress. The activities of the ICO are intended to augment the OSC's/IC's ability to coordinate and focus on response operations.

ICO vs. Liaison Officer/Agency Representative.

LOFRs and AREPs, as identified in references (b) and (c), are conduits of information that serve as a critical part of the command and general staff within the ICS structure. While the LOFR /AREP are normally not delegated decision making authority, the respective OSC/IC has the discretion to delegate authority to an ICO on an incident-by-incident basis. The LOFR and the ICO report directly to the Incident Commander. In addition, the ICO is also a representative of their home nation's OSC/IC who solely supports international initiatives and objectives. An ICO is a knowledgeable senior representative who may have some decision-making authority and ability to request resources and coordinate additional necessary support.