

One Ocean Oil Spill Prevention and Response Initiative: Application of Gulf of Mexico Key Findings to the Newfoundland and Labrador Region



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ONE OCEAN

In the province of Newfoundland and Labrador, a unique model has been developed to facilitate effective communication between the offshore fishing and petroleum sectors. In 2002, One Ocean was established as a voluntary, inter-industry liaison organization providing a neutral and practical medium for information exchange. The model promotes mutual awareness and understanding of industry operational activities and its proactive approach to address areas of potential concern is enhanced through its commitment to cooperation and transparency.

One Ocean initiates industry specific activities to meet regional challenges and participates in Research and Development projects relating to potential environmental effects of the fishing and petroleum industries to ensure sustainable and safe practices in the marine environment.

The organization consists of a Chairperson, Secretariat, Industry Board and Working Group. The One Ocean Industry Board is a core component of the organization and is comprised of equal, senior-level representation from the two industry sectors. Fishing industry members are represented by the Fish, Food and Allied Workers (FFAW) union and the Association of Seafood Producers (ASP). Petroleum industry members are affiliates of the Canadian Association of Petroleum Producers (CAPP).

One Ocean is an industry driven organization not mandated by government. Members identified the value of having industry regulators represented on the Board in the capacity of Official Observers including the Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB), regulator for the offshore petroleum industry and Fisheries and Oceans Canada (DFO), regulator for the fishing industry. Other Official Observers include the Fisheries and Marine Institute of Memorial University of Newfoundland (Marine Institute) and the Canadian Coast Guard (CCG). Standing Invitees include the Petroleum Industry Liaison at the FFAW-UNIFOR and the Groundfish Enterprise Allocation Council.

To enhance the functioning of One Ocean, the Industry Board appointed a Working Group in 2009 to provide recommendations and working level support. The Working Group consists of Industry Board entity members from the fishing and petroleum industries.

Please see <http://www.oneocean.ca> for more information.

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LIST OF ACRONYMS

| | |
|-------------|---|
| ASP | Association of Seafood Producers |
| CAPP | Canadian Association of Petroleum Producers |
| CCG | Canadian Coast Guard |
| C-NLOPB | Canada-Newfoundland and Labrador Offshore Petroleum Board |
| DFO | Fisheries and Oceans Canada |
| ECRC | Eastern Canada Response Corporation |
| ESRF | Environmental Studies Research Fund |
| FFAW-Unifor | Fish, Food and Allied Workers union-Unifor |
| GEAC | Groundfish Enterprise Allocation Council |
| GoM | Gulf of Mexico |
| MI | Fisheries and Marine Institute of Memorial University of Newfoundland |
| NEBA | Net Environmental Benefit Analysis |
| NL | Newfoundland and Labrador |
| NOAA | National Oceanic and Atmospheric Administration |
| OCI | Ocean Choice International |
| OOOSCP | One Ocean Oil Spill Communication Protocol |
| OSPR | Oil Spill Prevention and Response |
| PRNL | Petroleum Research Newfoundland and Labrador |
| SVSS | Single Vessel Side Sweep |
| VEC | Valued Ecosystems Components |
| VOO | Vessels of Opportunity |
| WG | One Ocean Working Group |

1.0 INTRODUCTION

Identifying and addressing mutual concerns of the Newfoundland and Labrador (NL) fishing and petroleum industries is a major objective of One Ocean. Following the April 2010, *Deepwater Horizon* incident in the Gulf of Mexico, (GoM) the One Ocean Board identified the importance of working together to learn more about oil spill prevention and response (OSPR).

In August 2010, fishing and petroleum members met to discuss concerns regarding the GoM spill and OSPR in NL. Members of the Canadian Association of Petroleum Producers, (CAPP) presented at the FFAW Executive Council meeting in Gander. The presentation highlighted prevention as the most important factor. It outlined processes and procedures undertaken by the petroleum industry and its regulator, the C-NLOPB to prevent an incident in NL and the response measures in place in the event of an incident. (Details of the presentation are outlined in Section 4).

To increase learning opportunities, the One Ocean Board recommended an inter-industry delegation travel to the GoM to meet with regional fishing and petroleum industry representatives involved in and/or affected by the spill. The Study Tour took place in October 2010 and the report, *One Ocean Joint Industry Study Tour Delegation to the Gulf of Mexico*, (2011) provides details of the study tour and identifies five Key Findings based on the experiences and information provided by GoM fishing and petroleum representatives, (Section 2).

As part of One Ocean's initiative on regional OSPR, the Board of Directors tasked the One Ocean Working Group to review the five Key Findings and report back to the Board on:

1. If and how the Key Findings' Observations, Lessons Learned and Recommendations are applicable to the Newfoundland and Labrador fishing and petroleum industries;
2. Identify next steps towards a collaborative and comprehensive approach to regional offshore oil spill prevention and response.

Sections 3 to 10 detail industry presentations and meetings from 2010 to 2015. The information gained during this period provided One Ocean members with a better understanding of OSPR in NL and the opportunity to become more informed on industry perspectives.

Section 11, Application of GoM Key Findings in NL, is a culmination of the knowledge acquired over the 2010 to 2015 timeframe and how it was applied to the five Key Findings. This section also provides applicable updates to the NL application of the Key Findings.

2.0 Gulf Of Mexico Fishing and Petroleum Industries' Five Key Findings

2.1 GoM Key Finding 1: The fishing industry played a vital role in oil spill response

Lesson Learned: Response time, capability, capacity and optimal results would have been more effective if fish harvesters had prior oil spill training

Recommendation: Preparedness Plan should involve the training of fishers in oil spill response including:

- Database of trained responders
- Database of pre-qualified vessels
- Routine on-water exercises and refresher courses
- Ensure that vessels and response equipment are compatible
- Contracts should be developed and include:
 - Pay rates
 - Shift Schedules for each mode of response

2.2 GoM Key Finding 2: The compensation process and procedure was not understood

Observation: Compensation claims are still ongoing. Claimants expressed frustration about understanding formulas and the consequences of making a final claim

Recommendation: Need to develop a comprehensive compensation program detailing:

- Eligibility
- Pay rates
- Future liability

2.3 GoM Key Finding 3: The fishing industry was negatively impacted by the spill

Observation: Restricted fishing areas (closed) due to the spill had a major economic and social impact on fish harvesters **Observation:** Public perception of tainted seafood (oil and dispersants) was difficult to address and rectify and resulted in considerable market damage

Lesson Learned: It is vital to have immediate and reputable scientific seafood testing in place and to have the results promulgated

Lesson Learned: It is imperative to have funding in place to promote and market seafood products during a crisis

Observation: Effects of short and long-term impacts of the spill, including dispersants on the fishery is a major concern

Recommendation: Monitoring programs need to be developed and implemented on various species of fish at different life stages over a long-term period and fishers need to be involved and consulted on the scientific monitoring programs.

2.4 GoM Key Finding 4: The oil and gas industry did not have the infrastructure or equipment on hand for response

Observation: The Gulf of Mexico spill is unprecedented. Response to the incident identified the ability to improve and advance technological and logistical components

Lesson Learned: Preparedness levels will be updated and more infrastructure, equipment and storage will be developed, built and ready

2.5 GoM Key Finding 5: Communication was a major issue

Observation: A consistent issue raised at the meetings was the lack of communication at various levels:

- Within the Fishing industry
- Between the Fishing and petroleum industries
- Within and between local, state and federal governments
- Within the Vessel of Opportunity program
- Compensation claimants and BP
- Between the public and the fishing and petroleum industries

Lesson Learned: Deficient communication protocols led to confusion, mistrust and lack of cohesion

Recommendation: A clear, concise, communication plan at all levels would improve the ability to convey and receive prompt and correct information and facilitate a collaborative approach.

3.0 Addressing the Five Gulf of Mexico Key Findings

As directed by the One Ocean Board, the Working Group began its review of the GoM five Key Findings in February 2011. In reviewing the Lessons Learned, Observations and Recommendations identified by GoM fishing and petroleum representatives, WG members recognized the need to gain a better understanding of OSPR in NL and become more informed on industry perspectives. In 2013 and 2014, a series of industry overviews were presented by WG members and affiliated entities. Details of the presentations are outlined in the following sections.

4.0 August 2010: CAPP Presentation to the FFAW Executive Council

As referenced in the Introduction, prior to the October 2010 GoM delegation Study Tour, fishing and petroleum members met to discuss concerns regarding the GoM spill and OSPR in NL. Petroleum members: Husky Energy; HMDC-ExxonMobil; Suncor Energy and Chevron Canada presented at the August 2010 FFAW Executive Council meeting in Gander.

The presentation included overviews on:

1. Spill Prevention-Well Design;
2. Facility Design for Prevention and Regulatory Environment - Hibernia GBS

3. Offshore Oil Spill Prevention, Preparedness and Response
4. Chevron Lona Drilling Program Offshore NL

4.1 August 2010 CAPP Presentation Key Points

1. Some practices in NL are different than in the GoM; example: Operators follow a strict “Management of Change” process to ensure any and all changes to a program are analyzed and authorized by a command chain and then implemented. A Blow-Out Preventer (BOP) is used as a last resort;
2. Complete shutdown for the Hibernia GBS would take less than 15 minutes;
3. Every spill is reported to the C-NLOPB and CCG. Public notification would probably depend on the size of a spill and its potential negative impact and relevant stakeholders would be notified;
4. The location and amount of equipment at the East Coast Response Corporation (ECRC) site in Mount Pearl was very effective for NL offshore operators;
5. Inability to stop the flow was a wake-up call to the oil and gas industry. Petroleum representatives informed the FFAW that operators were now working on a billion dollar project to develop and build a BOP cap that would be more effective;
6. FFAW members stated BP was not prepared to respond and it took too long to put a strategy in place because there was nothing in place to fix the problem. “Safety Culture” practiced by BP in the GOM and other regions and incidents was not a good story and highlighted that BP was responsible but acted irresponsibly.

5.0 May 2013: CAPP and East Coast Response Corporation Presentations

At the May 2013 One Ocean Working Group meeting, petroleum members were invited to present industry overviews on OSPR in NL. Presenters included CAPP and the Eastern Canada Response Corporation (ECRC).

5.1 CAPP Presentation

1. OSPR as part of Operator’s Management System
2. Details of mandated offshore Response Plans
3. Tiered oil spill response
4. Dispersants-Oil and Hazardous Material Simulated Environmental Test Tank (OHMSETT)
5. Well Capping
6. Research and Development: Environmental Studies Research Fund (ESRF) and Petroleum Research Newfoundland and Labrador (PRNL)
7. Continuous improvements: research and development; equipment and processes

5.2 ECRC Presentation

1. Response organizations
2. Inventory of equipment
3. Response capability and capacity
4. Responder Training Program
5. Offshore services

5.3 CAPP and ECRC Presentation Key Points

1. There are currently 90 ECRC trained responders; 14 are fish harvesters;
2. There are no provisions for ECRC to use fishing vessels during response however; Vessels of Opportunity (VOO) would be considered if needed and could include fishing vessels
3. Fishing vessels do not have the capacity to carry and deploy boom but ECRC could use them for transfer purposes
4. Since and based on the Gulf of Mexico incident, there have not been changes to Transport Canada legislation therefore no changes to ECRC mandate
5. Status of a Waste Management Plan was not confirmed.

6.0 September 2013: FFAW Presentation

At the September 2013 One Ocean Working Group meeting, fishing industry members were invited to present industry overviews on OSPR based on the GoM Five Key Findings. Presentations included the FFAW; ASP was invited to present but did not.

6.1 FFAW Presentation

1. Training of Fish Harvesters
2. Compensation Program
3. Monitoring Programs
4. Communication Plan

6.2 FFAW Submission on Fishing Industry Perspective on Oil Spill Prevention and Response

1. Training of Fish Harvesters
 - a. Preparedness Plan should involve the training of fishers in oil spill response including database of trained responders and pre-qualified vessels
 - b. Oil and gas industry should be more proactive, knowing how important fish harvesters have been in other jurisdictions where there have been spills.
 - c. We need a Vessels of Opportunity (VOO) list developed

- d. We need to look at compatibility of fishing vessels and response equipment
- e. We need “contracts” developed with pay rates and expectations for harvesters BEFORE an event occurs, including shift schedules
- f. Routine on-water exercises and refresher courses
- g. Trained responders and designated offshore supply vessels participate in “routine” on-water exercises; the fishing industry is often excluded from this
- h. We need the fishing industry engaged in “mock” exercises so that they understand the process and have more confidence in the systems in place
- i. Ensure that vessels and response equipment are compatible

2. Compensation Program

- a. Need to develop a comprehensive compensation program detailing eligibility, pay rates, future liability
- b. The fishing industry is still in the dark as to the details of any such program and how it would work
- c. Is every fish harvester eligible? What about plant workers? Is there a standard pay-out? What is it based on? Will there be a delay in pay-out? Has seafood marketing been considered?

3. Monitoring Programs

- a. Monitoring programs need to be developed and implemented on various species of fish at different life stages over a long-term period and fishers need to be involved and consulted on the scientific monitoring programs
- b. To date, the fishing industry has not been consulted about the development of any scientific monitoring program (pre-oil spill or otherwise)
- c. A program would need to encompass various species of fish at different life stages over a long-term period
- d. Fish harvesters should be involved in the development and implementation of such a program

4. Communication Plan

- a. A clear, concise, communication plan at all levels would improve the ability to convey and receive prompt and correct information and facilitate a collaborative approach
- b. We need to know where we fit within existing communication plan(s) such that we can convey and receive prompt and correct information amongst the fishing industry should an oil spill occur

- c. The industry will be more trusting of consistent dissemination of information and representatives from the industry should be a part of the communications process during an oil spill response
5. Dispersants
 - a. What are the effects of dispersants on fish species?
 - b. What are the effects of dispersants on the marine environment?
 - c. What is the long-term fate of dispersed oil?

 6. Oil Spill Response
 - a. 100 boats – are they readily available and equipped to handle a spill at a moment’s notice?
 - b. 90 responders (there were 120 before the GoM oil spill in 2010)
 - c. Are all trained responders readily available in the event of a spill?
 - d. What happens when there is a spill and you need to deploy more than 90 responders?
 - e. Is there a training program ready to go to train additional responders?
 - f. What are the workplace health and safety guidelines that protect responders?
 - g. Are there protective gear/clothing/breathing apparatuses readily available?

 7. Federal Government
 - a. REET no longer – is there talk of any future collaborative venture?
 - b. Depleting budgets within federal government departments: Environment Canada, Transport Canada, DFO-Canadian Coast Guard
 - c. Have there been any changes to departmental mandates since the Gulf of Mexico spill?
 - d. Commissioner of the Environment and Sustainable Development (CESD) Fall 2012 Report:
 - i. the boards and federal entities have not tested or exercised their collective plans or collective capacity
 - ii. C-NLOPB has not yet completed the assessment of the operators’ spill response capabilities that it began in 2008 (Media update-Aug 20th now complete).

6.3 FFAW Presentation Key Points

1. FFAW stated no progress had been made regarding oil spill prevention and response in NL since the BP spill
2. FFAW stated the oil and gas industry relies heavily on ECRC for responders and the number has decreased from 120 to 90 and stated fish harvesters need to be involved in response plans
3. Petroleum members stated fish harvesters would not be involved in offshore spill response and their possible involvement would be at the inshore-near-shore interface

4. Petroleum members stated the number of trained responders mandated by Transport Canada is 40; ECRC tripled that number to 120
5. FFAW stated the fishing industry should be involved in oil spill response planning including a communication plan and said the contact process and role of the FFAW in the event of a spill is unclear
6. FFAW said operator oil spill response plans are not shared with the fishing industry and should be available
7. FFAW stated compensation programs need to be developed detailing eligibility and liability factors for the fishing industry
8. Petroleum members stated there are five compensation programs: C-NLOPB; CAPP (attributable and non-attributable) and the three operator programs.
9. FFAW said these programs were not specific to oil spill; petroleum members clarified the programs applied to all aspects of fishing industry compensation
10. FFAW said they did not have them. One Ocean stated it would provide the FFAW with C-NLOPB and CAPP compensation documents and request operators issue compensation documents
11. FFAW stated monitoring programs need to be developed on various species of fish at different life stages over a long-term period and fishers need to be involved and consulted
12. Petroleum members stated the dispersants proposal is in final draft and out for review and referenced a Biochemical indicator research project now in its second year with PRNL.
13. FFAW stated the project may have merit but details were not communicated to the fishing industry and fish harvesters were never consulted
14. It was agreed One Ocean will organize a presentation on the Biochemical indicator research project for the next Working Group meeting.

7.0 October 2013: ECRC Facility Tour and Presentation

On October 28, 2013, One Ocean members (Board and Working Group) attended a presentation and site tour at the ECRC facility in Mount Pearl. The facility tour provided the opportunity for members to see on-site equipment including the Single Vessel Side Sweep System (SVSS), Transrec (skimming equipment) and the NorLense boom with detailed explanations of when and how the equipment could be used in the event of an offshore spill. The presentation provided a detailed overview of:

1. ECRC geographic area of coverage and response centres
2. Response capacity and equipment inventory
3. Response contractors, responders and training program
4. ECRC clients and services
5. Response scenario and services to the offshore

8.0 December 2013: Bio indicators Presentation

At the December 2013 Working Group meeting, representatives of PRNL and the research team for the “Bio indicators – Diagnostic Tools for Effects Assessment of Specific Marine Life” presented details of the project. Discussion highlights included:

1. An Ocean Choice International (OCI) vessel was used for the field work;
2. The shrimp species used as a sample in the research project is not a commercial species. Fishing industry members stated it would be beneficial if the project could include samples of commercial shrimp. It was agreed this would be discussed as a possibility at the next PRNL meeting;
3. Research team representative stated it was difficult to catch and maintain live species of shrimp and sand lance and asked fishing industry members if they had suggestions; the possibility of using shrimp pots was discussed;
4. Exposing fish samples to oil was explained as using water soluble fraction for sub-acute testing and research team representative stated the process of inducing an affect is challenging and ongoing improvements were part of the project.

9.0 January 2014: CAPP Compensation Presentation

In January 2014, One Ocean convened a special meeting for a CAPP presentation: Overview of Fisheries Damage Compensation Programs.

The presentation included:

1. C-NLOPB Compensation Guidelines Respecting Damages Relating to Offshore Petroleum Activities (March 2002; *Atlantic Accord Implementations Act*)
2. Alternate compensation sources outlined in the Guidelines including Canada’s Ship Source Oil Pollution Fund
3. CAPP Non-Attributable Fisheries Compensation Program
4. Individual Operators’ Attributable Fisheries Damage Compensation Programs
5. Outline of purpose, eligibility, process, conditions and coverage

10.0 July 2014 CAPP: Dispersant Presentation

In July 2014, One Ocean convened a special meeting for CAPP’s presentation of its draft report: *Net Environmental Benefit Analysis of Dispersant Use for Responding to Oil Spills from Oil and Gas Facilities on the Newfoundland Grand Banks* (NEBA).

Presentation included:

1. OSPR as part of Operator’s Management System

2. Focus on prevention
3. OSPR Tier Systems
4. CAPP Task Force
5. Identified inability of dispersant use as a gap in OSPR
6. Viability of dispersant use; Net Environmental Benefit Analysis (NEBA)
7. Bill C-22; authorization for dispersant use based on net environmental benefit
8. Use, reviews and reports on dispersants
9. Response options
10. Overview of dispersants: ingredients, toxicity
11. Subsea Injection of dispersants: Gulf of Mexico incident
12. GoM Commercial fish catch (National Oceanic and Atmospheric Administration; NOAA)
13. GoM Seafood safety
14. Dispersant biodegradation
15. Overview of Net Environmental Benefit Analysis of Dispersant Use for Responding to Oil Spills from Oil and Gas Facilities on the Newfoundland Grand Banks:
 - a. NEBA process
 - b. NEBA methods
 - c. Dispersability of crudes and scenarios
 - d. Vulnerability profiles
 - e. Assessing effects to Valued Ecosystem Components (VEC)
 - f. Net effect of dispersant application on VECs
 - g. Net effect of dispersant application on VECs and reduction in annual yield to commercial fishery
 - h. Grand Banks NEBA demonstrates that there is a net environmental benefit with use of dispersants
 - i. Operators have engaged regulators regarding the inclusion of dispersants in oil spill response plans.

The meeting provided an opportunity for discussion and feedback on the report with the fishing industry. Several participants expressed interest in reviewing the NEBA. CAPP provided a letter to participants stating the draft report is being reviewed by the C-NLOPB and upon completion CAPP will address questions and/or modify the report based on C-NLOPB feedback. When that is completed, CAPP will send the report to meeting participants inviting continued discussion and comments directly from participants or through One Ocean.

11.0 Application of GoM Key Findings in Newfoundland and Labrador (Updated to 2017)

The GoM Study Tour provided One Ocean members with valuable insight on the roles, interaction and challenges of the fishing and petroleum industries in dealing with an oil spill. Since 2010, One Ocean has provided WG members the opportunity to become more informed on OSPR in the NL region and share industry perspectives. Availing of this information, One Ocean provides its assessment of the Key Findings' applicability to the NL region.

11.1 Applicability of GoM Key Finding 1 to Newfoundland and Labrador: The fishing industry played a vital role in oil spill response.

Oil spill prevention and response was identified as a One Ocean priority in 2003. At that time, the focus was the risk of an oil spill in Placentia Bay; transshipment oriented, versus offshore activities. One Ocean's geographic scope is defined by shared offshore areas regulated by DFO and the C-NLOPB. Placentia Bay is not designated in the *Accord Acts* as a NL offshore area therefore it is not regulated by the C-NLOPB and outside the context of One Ocean.

One Ocean petroleum members have a vested interest in tanker spill prevention and ensure the Whiffen Head Transshipment Terminal in Placentia Bay is equipped to respond to a spill from a tanker docked at the site. One Ocean's primary focus in this OSPR initiative is its defined offshore area however; as a liaison organization, the Secretariat will facilitate issues of mutual concern at the direction of its Board.

As outlined by ECRC, the certified Response Organization for NL, many of the issues and concerns identified by GoM representatives in Key Finding 1 and are in place in NL, including a database of trained responders; inclusive of but not exclusive to fish harvesters. The number of trained responders mandated by Transport Canada is 40. There are currently 90 ECRC trained responders; ~14 are fish harvesters; the FFAW contends additional fish harvesters should be engaged in training to better understand oil spill response in the region. Transport Canada has not made legislative changes since the GoM incident; therefore the ECRC mandate remains the same.

Each year, NL petroleum companies with offshore installations conduct an inshore, at-sea oil spill response program called the Synergy Exercise. Participants include ECRC, CCG, C-NLOPB, petroleum companies and in recent years, One Ocean fishing industry members. For the 2016 Synergy Exercise, extra placements were provided for fishing industry participants however; the nature of an in-situ, at-sea exercise limits the number of participants.

To reach a larger audience and provide the best alternative experience to those not participating in Synergy, One Ocean and CAPP had a professional video developed of the 2016 Exercise. The video provides an opportunity to become more informed on the roles of entities involved in an

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incident and view footage of response equipment. The One Ocean-CAPP Synergy Video can be viewed on the One Ocean website: www.oneocean.ca

11.2 Applicability of GoM Key Finding 2 to Newfoundland and Labrador: The compensation process and procedure was not understood

As summarized in the FFAW Presentation Key Points (Section 6.3) at the September 2013 WG meeting, the FFAW identified the need for clarification on existing compensation programs in NL. During the discussion several aspects of existing compensation programs were highlighted and arrangements made to provide copies of the *C-NLOPB Compensation Guidelines* and the *CAPP Non-Attributable Fisheries Compensation Program* to the FFAW. The FFAW also requested copies of *Operator's Fisheries Damage Compensation Programs*.

At the February 2011 Working Group meeting, members were informed the petroleum industry was working on updates to existing compensation programs. In January 2014, CAPP presented (Section 9) an overview to the Working Group on the five NL compensation programs (attributable and non-attributable) outlining purpose, eligibility, process and coverage. The presentation did not highlight updates on compensation programs referenced in 2011.

Since 2014, the fishing industry has continuously demonstrated its understanding and analysis of existing NL compensation programs at One Ocean Board and Working Group meetings. The FFAW highlighted its need for clarification on compensation processes, procedures and timelines in the event of a spill as well as the need to update compensation programs.

In April 2017, the C-NLOPB and the Canada Nova Scotia Offshore Petroleum Board released revisions to the Compensation Guidelines Respecting Damages Relating to Offshore Petroleum Activity (previously released in September 1991 and March 2002). The revised guidelines include aspects of the new financial requirements regulated in both the federal and provincial *Accord Acts*. The Compensation Guidelines are intended to provide claimants and Operators with information and guidance related to the losses and damages resulting from offshore petroleum related work or activities. Public comments on the revised guidelines were open until June 2, 2017.

A key change in the revised guidelines was the removal of assurance to the fishing industry to receive fair and rapid compensation.

CAPP may review its Non-Attributable Fisheries Compensation Program guidelines once the C-NLOPB has concluded its review.

An important element in applying GoM experiences to the NL region is to learn from them. In June 2017, One Ocean members agreed to develop a *Best Practices Document on Compensation*

Processes and Procedures to ensure the challenges regarding compensation programs in the GoM are not repeated in NL. The initiative is a collaborative effort to improve compensation programs, processes and procedures in NL.

11.3 Applicability of GoM Key Finding 3 to Newfoundland and Labrador: The fishing industry was negatively impacted by the spill

Effective information exchange between the fishing and petroleum industries is a fundamental principle of One Ocean. At the September 2013 Working Group meeting, members learned of the PRNL research project *Bioindicators–Diagnostic Tools for Effects Assessment of Specific Marine Life*. Fishing industry members stated the project may have merit but details were not communicated to the fishing industry and fish harvesters were never consulted.

In December 2013, PRNL presented an overview (Section 8) of the project (second year) to One Ocean members. Fishing industry representatives identified the shrimp species used in the research project was not a commercial species and recommended this be reviewed and changed for future sampling. The commercial shrimp species was added to the program in 2014. OCI representatives recommended the inclusion of additional species in the baseline study (Redfish; Yellowtail; Turbot and American plaice). The recommendation was presented to PRNL and it was determined the cost to add additional species to the study was substantial and could not be incorporated into the existing budget however, it is being considered for future sampling.

In August 2017, PRNL stated the final report on *Bioindicators–Diagnostic Tools for Effects Assessment of Specific Marine Life* would be completed in November 2017.

In July of 2014, One Ocean members attended a CAPP presentation (Section 10) on its report, *Net Environmental Benefit Analysis of Dispersant Use for Responding to Oil Spills from Oil and Gas Facilities on the Newfoundland Grand Banks* (NEBA). Several fishing industry participants expressed interest in reviewing the NEBA. Following the meeting, CAPP provided a letter to participants stating the draft report is being reviewed by the C-NLOPB and upon completion CAPP will address questions and/or modify the report based on C-NLOPB feedback. When that is completed, CAPP will send the report to meeting participants inviting continued discussion and comments directly from participants or through One Ocean. As of October 2017, the report has not been sent to participants.

11.4 Applicability of GoM Key Finding 4 to Newfoundland and Labrador: The oil and gas industry did not have the infrastructure or equipment on hand for response

Prior to the GoM spill, Working Group members were informed of identified petroleum industry initiatives regarding OSPR:

- Changes on vessel practices to ensure timely response;

- Changes to equipment;
- New equipment and integration of local capacity with international capacity.

As detailed in the ECRC presentations, (Sections 5 and 7) and on-site tour, the warehouse stores a 3,500 tonne capacity:

- Heavy oil pumps
- Skimmer modification
- Buster systems
- Aluminum boats
- Seatruck
- Barges
- Booms
- Sweep system
- Storage Barge
- Floating storage tanks

National capacity includes:

- ~100 Boats
- Booms for sheltered water 54,000 m
- Booms for unsheltered water 6,000 m
- ~100 Skimmers (various capacities, manufacturers, sizes)
- 34 Solid barges (13,000 m³ capacity)
- 30 Flexible barges (3,000 m³ capacity)

Most equipment is road transportable and found on trailers to allow cascading to other regions for enhanced response capability.

In addition to regional and national capacity mandates, in 2009, Operators (HMDC-ExxonMobil, Husky Energy and Suncor Energy) purchased:

- Framo TransRec 150 with Weir Skimmer
- Norlense 1200-R Self Inflating Boom
- Lamor LLP 200 kW Power Pack

In 2010 Suncor and Husky purchased:

- Framo TransRec 150 with Weir Skimmer and HiVisc Skimmer
- Norlense 1200-R Self Inflating Boom
- Lamor LLP 200 kW Power Pack

Operators also have SVSS oil spill response containers. Hibernia has 2 (one offshore and one onshore), Suncor has one on the Terra Nova FPSO and Husky has one on the Sea Rose FPSO. Suncor and Husky also share another unit that is kept onshore for training purposes or back up when the offshore containers require maintenance.

11.5 Applicability of GoM Key Finding 5 to Newfoundland and Labrador: Communication was a major issue

Working Group members noted One Ocean has created relationships between the fishing and petroleum industries that will better position both industries to effectively communicate in a crisis situation.

The C-NLOPB does not have a notification process with respect to external agencies other than government. Oil spills greater than 1 litre in volume are posted on the C-NLOPB website within 24 hours of notification (this is a C-NLOPB performance target not a regulatory requirement). Spills less than or equal to 1 litre are posted as aggregate numbers (not distinguished by type or source) by operator on a quarterly basis. The 24-hour timeframe between notification of a spill (volume > 1 litre) and posting it to the website allows contact with the Operator and the time required to update the relevant tables.

Several years ago, an Operator took the initiative to notify One Ocean of an offshore oil spill incident. The Operator provided details of the incident and requested fishing industry members be contacted and briefed. One Ocean contacted and briefed fishing industry members before the incident became public. The proactive and transparent approach of the Operator reinforced the cooperative relationships established under One Ocean.

In 2015, One Ocean members identified the importance of having an agreed process in place to notify the fishing industry, through One Ocean, of a significant petroleum, hydrocarbon spill event directly, versus notification through the media. This was the premise for the development of the *One Ocean Oil Spill Communication Protocol*, (OOOSCP). Direct communication will enable senior fishing industry representatives to inform their organizations that direct and ongoing communication has been made with the Operator and ensure factual information is disseminated within their organizations.

In February 2017, the OOOSCP was approved by the One Ocean Board and distributed to relevant petroleum industry Points of Contact and incorporated into their communication plan. The protocol will be activated in the event of an oil spill incident that triggers the activation of the Operator's onshore emergency response center. It is understood the criteria for activation of the onshore emergency response centre may differ among Operators. The One Ocean model enables the

existence of this protocol to facilitate direct communication between its members; however, it is important to note our effort to by-pass monologic media broadcasts is limited by social media dialogic transmissions.

The OOOSCP includes a contact list and process that will be updated annually, or as necessary, and sent to Operators:

Contact List Process:

1. Petroleum operator representative will contact:

- One Ocean Primary designate: Managing Director, One Ocean

In the event the primary contact cannot be reached; contact Secondary designate:

- One Ocean Secondary contact: Chairman, One Ocean Board

2. The One Ocean representative will confirm to the Operator that it will contact identified fishing industry members.

3. If the petroleum operator cannot reach the One Ocean managing director or chairperson, they will contact the fishing industry contacts directly.

4. Fish, Food and Allied Workers (FFAW) union-Unifor, Primary contact: President, FFAW

- FFAW Secondary contact: Secretary-Treasurer

5. Association of Seafood Producers (ASP) Primary contact: Executive Director

6. Ocean Choice International (OCI) Primary contact: General Manager-NL

7. Groundfish Enterprise Allocation Council (GEAC)

Other Fishing Industry Contacts: Non-One Ocean Members:

These contacts are provided as a source of information for Operators on an as needed basis.

- Canadian Association of Prawn Producers
- Northwest Atlantic Fisheries Organization

Protocol Process:

1. At initial contact, (telephone/email), the Operator's representative, possibly the Emergency Response Liaison, will confirm name of Operator directing the emergency response and provide preliminary details of the oil spill, which may include: time, nature and location of spill. This information will be verified in an email to One Ocean.

2. The Operator representative will provide a contact number to One Ocean.

3. The One Ocean representative will contact fishing industry contacts via telephone and relay preliminary details. Upon receipt, One Ocean will forward the Operator email confirming the information to fishing industry contacts.
4. Depending on the nature and severity of the incident, the Operator's contact will provide incident updates to One Ocean and those updates will be communicated to fishing industry contacts immediately.
5. Operators may establish a social media medium (website) for information dissemination.
6. One Ocean may be asked to arrange meetings between Operator representatives and fishing industry designates.
7. Communication between the Operator, One Ocean and fishing industry contacts will continue throughout the emergency response status. Depending on the oil spill incident, communication measures may be modified to best address stages of the situation.

For very large incidents, petroleum operators may conduct a Post Oil Spill Environmental Effects Monitoring program including potential oil-spill related impacts on fish. Data from the PRNL Bio-Indicator project may be used to provide baseline information for the purpose of assessing potential impacts on the marine environment.

12.0 One Ocean Secretariat Remarks 2017

Oil spill prevention and response has been a priority for One Ocean since 2003. Our initial efforts to become more informed on local prevention and response measures created awareness and understanding of industry perspectives. The One Ocean GoM Study Tour and the analysis undertaken to apply the GoM Key Findings regionally provided an opportunity for the fishing and petroleum industries to collaborate on a comprehensive approach to offshore oil spill prevention and response in Newfoundland and Labrador.

As identified in this report, there are several components of the Key Findings' application that require further work. This is the nature of One Ocean's OSPR initiative; it is an ongoing process that will lead to continual updating and progress. The One Ocean OSPR Workshop planned for November 2018, is an example of our ongoing OSPR efforts and will be an opportunity to receive feedback on the report and highlight local initiatives such as the Synergy Video and the Oil Spill Communication Protocol.