



CANADA – UNITED STATES JOINT MARINE POLLUTION CONTINGENCY PLAN

2022 CANUS JCP

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2022 LETTER OF PROMULGATION



1. The 2022 Canada-United States (CANUS) Joint Marine Pollution Contingency Plan (JCP) supersedes and replaces the 2017 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 CANUS JCP has been updated to address the addition of the new CANUS JCP National Coordination Group, administrative changes within the Canadian Coast Guard and U.S. Coast Guard, and additional language for exercises, JCP/CANUS 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 as outlined in Section 1100, with any significant changes to be made by mutual written consent of the Participants.
6. The 2022 CANUS JCP is signed in duplicate in the French and English languages, both translations being equally valid.

For the Canadian Coast Guard

For the United States Coast Guard

Mr. Mario Pelletier
Commissioner
Canadian Coast Guard

Admiral Linda L. Fagan
Commandant
United States Coast Guard

Signed in Halifax, Nova Scotia on November 19, 2022.

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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, 2013 and 2017 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 2022 revised CANUS Joint Marine Pollution Contingency Plan (hereafter referred to as the JCP) replaces the previous versions of the JCP. This 2022 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 government agencies, scientific organizations, and academic institutions 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 instruments. For the purpose of this JCP, the terms "Polluter" and "Responsible Party" are used interchangeably.

102.1 Activation: Initiation of bi-lateral coordination (between representatives of the applicable CANUS Annex during an actual or potential pollution incident. Activation may include activities (e.g. communication) that are critical to certain coordinated response efforts, but does not necessarily require a fully coordinated response between both Participants.

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

102.3 CANUS Annex: Regional-specific plans 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.

102.4 CCG: Canadian Coast Guard.

102.5 CCG Incident Commander (IC): The CCG representative responsible for ensuring an appropriate response to a marine pollution incident within its mandate (ship-source spills, mystery-source spills, pollution incidents that occur at oil handling facilities as a result of loading or unloading oil to or from ships, and spills from any source originating in foreign waters that impact Canadian waters).

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

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

102.8 Deactivation: Termination of the bi-lateral coordinated response.

102.9 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.

102.10 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.

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

102.12 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 depends upon the regional staffing/capability and the applicability of the role to the respective area. A detailed position description is located in Section 202.7 and Appendix (6).

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

102.14 Joint Information Center (JIC): A JIC is a co-located group of representatives from local, state, federal and private organizations designated to handle public information needs during an incident or event.

102.15 Joint Response Team (JRT): A regional specific advisory team of interagency representatives from the Government of Canada and the U.S. Government who coordinate, plan, and prepare for trans-boundary harmful substance incidents in order to facilitate an effective and coordinated response. Coordination may include, but not be limited to, updating and exercising of CANUS Annexes, actual incident responses, and meetings with federal/state/provincial/territorial, local, tribal, and Indigenous representatives. Coordination may be dependent upon the exercise or incident type and affected area. Each CANUS Annex is managed by a separate JRT.

102.16 JRT Co-Chair: CCG Regional Director of Incident Management or CCG Arctic Regional Director of Arctic Programs and the USCG District Incident Management and Preparedness Advisor serve as the Co-chairs of each regional JRT.

102.17 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 202.8.

102.18 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.

102.19 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.

102.20 National Level Exercise: Engages the senior leadership of each nation in exercising its strategic oversight and support role for a national level harmful substance incident. 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.

102.21 National Coordination Group (NCG): The NCG's functions are described in this document and NCG members should include representatives of CCG and USCG Headquarters. NCG Co-chairs are Director, Environmental Response, CCG and Chief, International and Domestic Preparedness Division, USCG. The NCG may coordinate with other national and regional stakeholders.

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

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

102.24 Participants: The CCG and the USCG.

102.25 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 102.28 Responsible Party for U.S. equivalent.)

102.26 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.

102.27 Public Information Officer: The PIO is responsible for interfacing with the public, the media, and with other jurisdictions/organizations with incident-related information needs

102.28 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 deep water port or the owner or operator of a pipeline within the meaning of the U.S. NCP. (See 102.25 Polluter for Canadian equivalent.)

102.29 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.

102.30 USCG: United States Coast Guard.

102.31 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 incidents and 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 incidents and 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 and events 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.

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. The U.S. and Canada are also parties to the *Agreement on Cooperation on Marine Oil Pollution Preparedness and Response in the Arctic* (MOSPA). The MOSPA Agreement increases cooperation and coordination among Arctic countries to increase the readiness and response to oil spills in order to protect Arctic marine and coastal environments. 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 et seq.*

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: CANUSARCTIC) — in areas comprising those waters off the Arctic Coast of Canada and the U.S. in the Beaufort Sea. (Formerly CANUSNORTH)
- 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's waters to the outermost extent of their respective Exclusive Economic Zone (EEZ) even if 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, Response, CCG, and the Director, Emergency Management, USCG have overall responsibility of the JCP and executive oversight of the activities of the National Coordination Group as described in Section 202.2.

202.2 National Coordination Group (NCG): The Director, Environmental Response, CCG and the Chief, International and Domestic Preparedness Division, USCG Co-chair the NCG. The general functions of the NCG include planning and preparedness before an incident occurs, as outlined below:

- a. Provide administrative management of JCP activities.
- b. Maintain the CANUS JCP and all appendices.
- c. Maintain/develop all applicable CANUS JCP-related documents (National Strategies Placemat, annual reports, exercise and meeting schedules, etc.)
- d. Endeavor to meet in-person annually or more frequently, as circumstances allow, to document emerging national and regional issues or concerns. Endeavor to meet in a virtual setting at least once a quarter to discuss relevant bilateral issues.
- e. Promote a coordinated response to pollution incidents. This includes measures to implement agreements and arrangements relating to legal, financial, customs, and immigration matters.
- f. Provide 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 incidents and events which exceed the capabilities under any CANUS Annex.
- g. Coordinate the development and implementation of a national-level exercise schedule in accordance with the five CANUS Annexes.
- h. Review post-incident and after action reports from the On-Scene Commander/Coordinator on the handling of pollution incidents for the purpose of analyzing response actions and recommending needed improvements to the Plan. Disseminate lessons learned and best practices from exercises and actual incidents.
- i. Develop an annual report to review activities under the JCP and 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 expected to exercise overall responsibility for the development of CANUS Annexes. They are 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 Appendix (3).

202.4 The Regional JRTs are under the responsibility of the Regional Directors, Incident Management, CCG, and the District Incident Management and Preparedness Advisors, USCG.

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

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

202.7 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 provides cross-border coordination and support through direct engagement with the applicable CCG IC and/or USCG FOSC. . This role may be applied with varying frequency across the five CANUS Regions and not every response requires the activation of the ICO. When needed the ICO may lead a team to accomplish its intended functions. Further guidance on the ICO position can be found in Appendix (6).

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

202.9 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.

202.10 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.

202.11 The JCP is intended to be consistent with the "Polluter pays principle" as defined in Section 102.26.

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

- a. CCG IC: to monitor response operations and/or to take or direct appropriate actions in response to a harmful substance incident within its mandate and proactively intervene if necessary.

- 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 for spills in the coastal zone.
- 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 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 referenced 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 and are the signatories of the CANUS Annexes. Each should endeavor to ensure that the elements of the CANUS Annexes are incorporated by reference into Regional, District 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 NCG is responsible for coordinating the national-level exercise cycle with the respective CCG Regions and USCG Districts. The NCG should endeavor to support this exercise cycle with an annual process that facilitates and encourages collaboration across all five CANUS Annexes. This collaboration should increase exercise efficiencies and coordination 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: National and Regional exercise strategies should be developed, documented cooperatively, and reviewed/updated annually. Exercises may include notification exercises, discussion based exercises, operational exercises, or other relevant activities. The planning process for each exercise should be jointly determined by the JRT.

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 NCG 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 marine pollution responses.

302.5 Exercise Frequency and Scope: Exercises should be conducted based upon national and regional strategies and risks. 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, 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 initiative and planning capability, exercises can occur on a more frequent time-table 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 CANUS Annex (Section 104). During each JCP annual review cycle, the NCG will maintain a set of published priorities or “National Strategies” to help guide CANUS Annex exercises and Regional JRT coordination.

302.7 JRT Co-chairs (and exercise design team) should document lessons learned, including actual pollution responses, and share those lessons with all interested parties, which includes representatives from the NCG, JRTs, and appropriate field personnel. The NCG 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. Examples of training opportunities can include transboundary liability and compensation, health and safety protocols (including pandemic impacts to response), response tactics (including emerging response technology), and others as deemed appropriate by the NCG or offered by JRT Co-chairs.

303.2 Shared training opportunities enhance the CCG/USCG partnership as well as increase responder proficiency and capabilities at the regional level. To promote an enhanced training agenda, the NCG 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 CANUS Annexes, should be shared with the NCG in order to be made available to all CANUS Annexes.

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 JRTs consist of CCG and USCG representatives and function as planning and preparedness entities. JRTs exist for each CANUS Annex. Each JRT should be co-chaired by the CCG Regional Director, Incident Management 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 JRTs 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.

305 Addressing Emerging Risks

The USCG and CCG should embrace the opportunity to collaborate and build capacity to address emerging risks as they relate to the implementation of this JCP. Emerging risks may include climate change risks, changes in infrastructure and the maritime transportation system and changes in marine fuel types. Building resilience throughout the maritime domain will strengthen preparedness efforts in shared waters and contribute to a more resilient global maritime community.

306 Research and Development

Science and research-based partnerships remain a key area of collaboration between the U.S. and Canada. The USCG and the CCG have a long history of supporting innovation, science and research, specifically as it relates to preparing for and responding to maritime pollution incidents. Through these partnerships, both Parties remain proactive in incorporating innovation into planning, preparedness, and response to natural and man-made disasters. Therefore, the USCG and CCG will endeavor to support joint research and development (R+D) initiatives, specifically as they relate to maritime environmental preparedness and response. Efforts could include, but should not be limited to, expanding R+D coordination, sharing results of current or ongoing projects, exploring new opportunities for collaboration, and leveraging existing R+D bodies to support efforts under this JCP.

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, or from a mystery source 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 NCG should promptly report the information to the Participant’s national contacts listed in Appendix (2). The Participants will endeavor to effect a coordinated response within these areas as appropriate.

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 NCG 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 harmful 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 coordinated response. Exercising key notification and communication protocols contained within this JCP and the CANUS Annexes remains a vital action that must occur on a routine basis to ensure accurate information flow during an actual incident 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.

403.3 Both the CCG and the USCG maintain different response thresholds or nomenclature for “levels of response”, including national-level spill programs (e.g. Spill of National Significance). For the purpose of this JCP, response “levels” and “types” should be coordinated by the respective JRT. In the event of a national-level JCP activation, both the CCG and USCG will implement their respective national spill response programs and/or systems in coordination with the NCG.

404 Issue Resolution

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

500 RESPONSE PHASES

Actions taken to respond to a harmful substance incident, as defined in Section 102.11, 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

501.1 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.

501.2 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.

501.3 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

502.1 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

503.1 Containment and countermeasures should be carried out using mechanical means unless the use of other means has 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 affected. 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 affected. 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 NCG, 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 AND SAFETY PROTOCOLS

601 Movement of Response Resources

601.1 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 NCG and in accordance with international law and respective domestic laws of the countries of the Participants.

601.2 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 NCG and endeavor to promptly initiate the clearance procedures referred to in the CANUS Annexes.

601.3 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 endeavor to facilitate its resolution. Participants should leverage lessons learned from previous CANUS Annex exercises and actual responses to mitigate future challenges to transboundary movement of resources.

602 Safety Protocols

With any coordinated response to a transboundary harmful substance incident, both Participants should endeavor to harmonize the usage and practice of response safety protocols (practices, equipment, reporting, etc.). Participants should leverage lessons learned from previous CANUS Annex exercise and actual responses to mitigate future challenges to implementation of safety protocols during coordinated responses to a transboundary incident.

700 COMMUNICATIONS

700.1 Subject to its national laws and requirements each Participant should endeavor to share information with the other and coordinate press releases, social media posts, information sheets, and other material to be made available to the public or to the media when a 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 and coordination in order to ensure consistent, timely, and accurate information sharing across both countries during a response. Each Participant should become familiar with each other's public information sharing policies and procedures and incorporate this into CANUS Annexes.

700.2 Coordination of public information should be accomplished through the activation of each country's media or external communications protocols. For the USCG, the Public Information Officer (PIO) reports directly to the FOISC during an incident. For the CCG, communications services are provided by CCG's parent department of Fisheries and Oceans Canada (DFO). DFO Communications Officers providing support in an incident report directly to the Regional Director of Communications for Fisheries and Oceans Canada.

700.3 The public's perception of the danger posed by a harmful substance incident and the effectiveness of the response effort is often based more on media coverage of the incident than on the response itself. It is imperative that agencies involved in the cleanup operation communicate effectively to the public the measures being taken in response to a spill to galvanize public confidence. Communications with the media should stress the response objectives. It is important that messages are consistent with the best data available. It is equally important that these messages accurately reflect the priorities and activities of all agencies participating in the cleanup.

700.4 The U.S. and Canada use different units of measurement. The Joint Information Centers (JICs) in each country needs to ensure that information being released has the correct unit of measure.

701 Role of the International Coordination Officer (ICO)

During certain responses, JRT Co-Chairs may decide to employ or activate the ICO in an effort to maintain accurate flow of information to the respective CCG and USCG leadership during the response.

702 Public Information Officer (PIO)

Each country may assign a PIO who is responsible for developing and releasing information about the incident to the media and public. The PIO may have assistants as necessary which may come from other organizations. The Participants recognize that as it relates to the handling of public information, different organizations, agencies and countries have different policies and procedures in place to manage public information.

703 Joint Information Center (JIC)

During a major response when media interest is expected to last several days, the JRT should recommend the PIO to establish a JIC to coordinate the public affairs activities of participating agencies and parties. The JIC is part of the ICS structure and can be customized to reflect the size of the incident or event, expanding or contracting to meet the needs of the incident. Establishing a JIC is the most effective means of meeting information requirements

703.1 Each CANUS Annex should strive to leverage social media and other communication tools to synchronize messages, and campaigns, in order to boost the effectiveness of communication efforts to the public.

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.

801.5 The NCG, in coordination with JRT Co-chairs and other relevant national organizations (Transport Canada, Global Affairs Canada, National Pollution Funds Center, U.S. Dept of State, etc.), may coordinate to investigate issues of transboundary liability and compensation (TLC), as they arise. In 2017, a TLC work group (WG) was created, separate from the JCP, to create alignment of both the U.S. and Canadian response funding and liability frameworks. The NCG and JRT Co-chairs may participate, as required, in the TLC WG and leverage the work of the TLC WG when appropriate.

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/ AFTER ACTION REPORTING

900.1 Within 180 days after the completion of ICS Type 1 or 2 joint response operations occurring in the adjacent waters, the JRT should endeavor to prepare a joint Post Incident Report. Activations for information sharing only do not require a Post Incident Report.

900.2 The Participant who initiated the coordinated response will 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 NCG for review.

900.4 Within 180 days after the completion of a CANUS Annex level exercise the JRT should prepare a joint After Action Report. Tabletop exercises and all operations based exercises should include a full After Action Report. Smaller notifications, drills and seminars may require a smaller report at the discretion of the JRT.

900.5 The final reports should be used by the Regions and the JRT, in coordination with the NCG, to inform future response activities and to be taken into consideration when reviewing and updating plans, exercise priorities, and operational procedures.

900.6 Nation specific After Action Reports may be shared between Participants for information and lessons learned.

1000 ADMINISTRATION AND NON-BINDING INTENT

The custodians for this JCP, its appendices, and CANUS Annexes are: the Director General, Response, CCG; and the Director, Emergency Management, 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 significant modifications to this JCP and its appendices will be made by mutual written consent. Any recommended modifications to this JCP will be shared with the NCG for the purpose of review, alignment and coordination. The NCG will decide whether to proceed with recommended modifications and decide if these modifications are either administrative in nature or are significant. If the modification is significant, the NCG will decide if this modification requires an immediate update or can be deferred to the next JCP update cycle. Significant modifications to the JCP will require signature by the designated representative for each Participant.

1100.2 The Participants intend that modifications to the CANUS Annexes are made by mutual written consent between the appropriate Assistant Commissioner, CCG and District Commander, USCG. CANUS Annex modifications will be shared with the NCG before they are made to ensure consistency with national policy.

1100.3 Modifications of an administrative nature to the JCP, its appendices, or CANUS Annexes such as updating contact information do not require formal approval of the NCG Co-chairs, nor renewed signature by the Participants. Administrative updates should be shared between Participants (NCG for JCP updates; JRT for CANUS Annex updates) and documented on a record of changes which should be attached to the JCP or CANUS Annex.

1200 DISTRIBUTION

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

Canadian Coast Guard

- Assistant Commissioner, Atlantic Region
- Assistant Commissioner, Central Region
- Assistant Commissioner, Arctic Region
- Assistant Commissioner, Western Region
- Director General, Response
- Senior Director, Incident Management
- Director, Environmental Response
- Regional Director, Incident Management, Atlantic Region
- Regional Director, Incident Management, Central Region
- Regional Director, Incident Management Western Region
- Regional Director, Incident Management, Arctic Region
- Superintendent, Environmental Response, Atlantic Region
- Superintendent, Environmental Response, Central Region
- Superintendent, Environmental Response, Western Region
- Superintendent, Environmental Response, Arctic Region

U.S. Coast Guard

- Director, Emergency Management
- Chief, Office of Marine Environmental Response Policy
- Chief, Office of Emergency Management
- 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, Response Division, Seventeenth Coast Guard District
- Chief, Planning and Force Readiness Division, Seventeenth Coast Guard District
- Director, National Pollution Funds Center
- Director, International Affairs and Foreign Policy

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**2022 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.*
- Treaty Between the United States and Great Britain Relating to the Boundary Waters, and Questions Arising Between the United States and Canada ("Boundary Waters Treaty"), 1909
- 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 [Marine Environmental Response \(CG-MER\) \(uscg.mil\)](http://www.uscg.mil)

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**APPENDIX 2
National Contacts**



Canadian Coast Guard

24-Hour Operational Contacts

National Command Centre

Address: 200 Kent Street, Ottawa, Ontario, K1A 0E6

Telephone: (613) 998-1497 | **Fax:** (613) 991-9000 | **Email:** NCC-CCN@dfo-mpo.gc.ca

Other Contact Points

Government Operations Centre: Public Safety Canada

Address: 269 Laurier Avenue West, Ottawa, Ontario, K1A 0P8

Telephone: (613) 991-7000 | **Fax:** (613) 996-0995 | **Email:** ps.goc-cog.sp@canada.ca

Director, Environmental Response

Address: 222 Nepean Street, Ottawa, Ontario, K2P 0B8

Telephone: (613) 404-6444 | **Fax:** (613) 995-4700



United States Coast Guard

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 | **Email:** NRC@uscg.mil

Other Contact Points

Director, Emergency Management (CG-5RI)

Address: 2703 Martin Luther King Jr. Avenue, Stop 7516, Washington, DC 20593-7516

Telephone: (202) 267-1322

Chief, Office of Marine Environmental Response Policy (CG-MER)

Address: 2703 Martin Luther King Jr. Avenue, Stop 7516, Washington, DC 20593-7516

Telephone: (202) 372-2234

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**APPENDIX 3
Regional Contacts**

CANADIAN COAST GUARD

**Superintendent,
Environmental Response
Atlantic Region**
Donovan's Industrial Park
1 Southern Cross Road Mount Pearl
St. John's, NL
A1C 5X1
Telephone: (709) 330-7163

**Superintendent,
Environmental Response
Central Region**
101 Champlain Boulevard
Québec, QC
G1K 7Y7
Telephone: (418) 558-9269

**Superintendent,
Environmental Response
Western Region**
25 Huron Street
Victoria, BC
V8V 4V9
Telephone: (604) 816-7432

**Superintendent,
Environmental Response
Arctic Region**
301-5204 50th Ave
Yellowknife, NT
X1A 1E2
Telephone: (867) 446-6990

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) 463-2804
Fax: (907) 462-2216

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Appendix 4

Development of CANUS Annexes to the JCP

This Appendix identifies specific elements that may be incorporated into CANUS Annexes 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 CANUS 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 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 NCG. 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 CANUS Annex should be described with potential priorities for protection and response action.
 - D. Health and Safety Plan:** the basic framework by which the CCG and USCG will coordinate and implement health and safety plans and protocols during a coordinated response to a transboundary incident.
 - E. 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.
 - F. Integration of Volunteers:** the assignment of volunteers, additional training requirements, if any, and persons responsible for integrating volunteers.
 - G. 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.
 - H. 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.
 - I. Joint Response Team Contact List:** a list of the current members including their mailing addresses, email and telephone/fax numbers.

- J. 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			
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 CANUS 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 CANUS 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/IC. 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 including transboundary compensation and liability.
- 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 CANUS Annexes, 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.

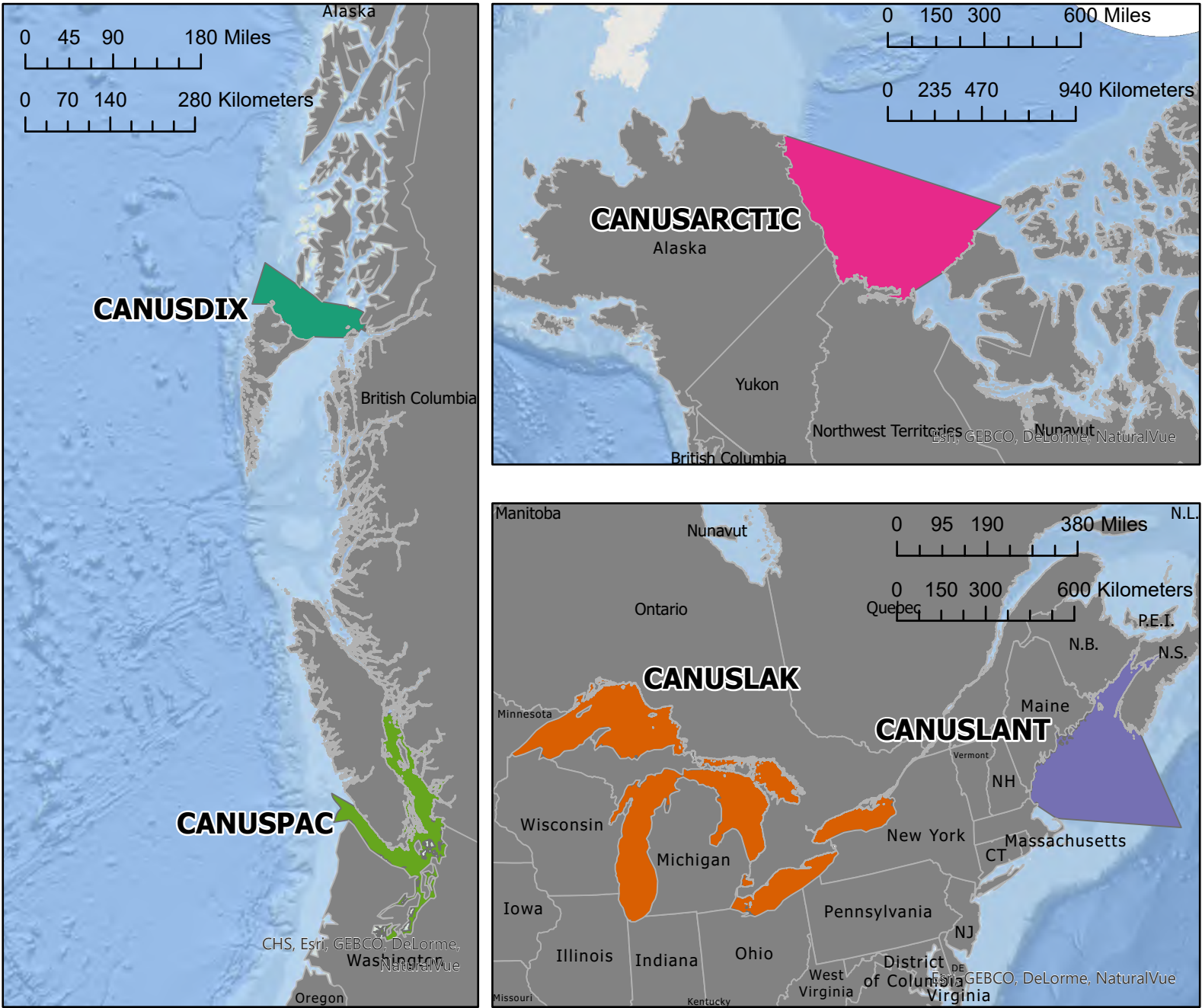
Due to the nature and importance of the ICO role, the qualification recommendations in this guide should be closely followed since the ICO may routinely represent their respective OSC to ensure coordination of effort, tactics and objectives. The position ensures OSCs/ICs remain cognizant of progress, 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.

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Canada/ United States Joint Contingency Plan Annex Boundaries



This map is for illustrative purposes only. It is not intended to be used to define legal boundaries.

Area	Regional Annex	Location	CCG Region	USCG District
1	CANUSLAK	Great Lakes	Central	Nine
2	CANUSLANT	Atlantic	Atlantic	First
3	CANUSPAC	Pacific	Western	Thirteenth
4	CANUSARCTIC	Beaufort Sea	Arctic	Seventeenth
5	CANUSDIX	Dixon Entrance	Western	Seventeenth