

**Statement on the Problem of Sub-Standard Shipping  
Submitted to the International Commission on Shipping  
For The States/British Columbia Oil Spill Task Force  
July 28, 2000**

**Executive Summary**

The States/British Columbia Oil Spill Task Force provides a forum for coordination, cooperation, and collaboration among the oil spill regulatory agencies in California, Oregon, Washington, British Columbia, and Alaska. Our interest in the safety of shipping as fundamental to marine oil spill prevention motivates the submittal of this statement to the International Commission on Shipping.

Our statement focuses on the need for the International Maritime Organization and the International Association of Classification Societies to initiate coordinated campaigns against substandard shipping, campaigns that include both aggressive enforcement and tougher standards. We recommend mechanisms for flag and port state accountability, as well as improvements to current international standards, including incentives for early replacement of single-hull tankers with double-hull tankers; similar incentives for replacement of aging non-tank vessels (cargo, passenger, and fishing vessels); construction standards that would reduce the marine pollution risks associated with both tank and non-tank vessels; pollution response training for crews; addressing problems associated with over-reliance on technology and ever-larger ships; and the need for improvements in rescue and salvage capability.

**The States/British Columbia Oil Spill Task Force**

The States/British Columbia Oil Spill Task Force was established pursuant to a Memorandum of Cooperation signed in 1989 by the West Coast states of Alaska, Washington, Oregon, and California, and the Province of British Columbia. In light of a shared commitment among West Coast citizens of both the US and Canada to protect their unique marine resources, the Premier and Governors assigned their environmental protection agencies to address such concerns as spill risks from coastal vessel traffic, and the need for cooperation across shared borders. The Oil Spill Task Force produced a major report in October of 1990 that included 46 joint recommendations for spill prevention and response, as well as recommendations specific to each member's jurisdiction. Most of these recommendations have since been incorporated into state or provincial statutes, rules, or programs. They are also reflected in the US Federal Oil Pollution Act passed in 1990 (OPA '90), as well as the Canadian Shipping Act Amendments adopted in 1993.

The continuing focus of the Task Force is on fostering regulatory compatibility, sharing information and resources, and coordinating the development and implementation of new policies and programs to improve oil spill prevention, preparedness, and response on the West Coast of the US and Canada. These efforts are guided by our Mission, Goals, and Objectives (see Attachment A). The following projects undertaken by the Task Force may be of particular interest to the Commission:

- We developed recommendations in 1995 regarding training and standards to minimize vessel and bunkering spills caused by human error;
- We completed a review of West Coast pilotage in 1997 and developed recommendations to improve pilotage safety;

- We have adopted a process by which member agencies can access information on the casualty, inspection, and regulatory history of vessels transiting between West Coast jurisdictions;
- We have partnered with the US and Canadian Coast Guards to sponsor a project that involves key stakeholders on the West Coast in an evaluation of the risk of drift groundings from coastal vessel traffic; and
- Resolutions have been adopted by the Task Force Members focused on improved marine salvage and federal delegation of authority to states where appropriate.

The safety of shipping and navigation are key to oil spill prevention, and it is in view of this fact - as well as of our own history of regional and transboundary collaboration - that the States/British Columbia Oil Spill Task Force presents the following statement to the International Commission on Shipping (ICONS):

### **Statement to the International Commission on Shipping (ICONS)**

In response to the list of "issues to be examined" outlined in the Information Paper on International Shipping, we make the following recommendations:

The "New World Order" is an economic one, with no authority other than moral authority to drive compliance with international conventions and agreements. Like its parent body, the United Nations, the authority of the International Maritime Organization (IMO) rests in its credibility, which in turn will have its foundation in its willingness to both adopt high standards and hold its members accountable to those standards. More and more of the world's citizens are demanding accountability from our globalized economy, accountability for impacts to both the environment and to quality of life. With that in mind, those nations with the fortitude to demand an end to sub-standard shipping must unite in their efforts to realize that goal.

There are several models for accountability which we recommend. The American Waterways Operators, a professional association of the tug and towing industry in the US, have adopted a Responsible Carrier Program which establishes standards for their industry which are equivalent to those established for shipping under the ISM convention. Moreover, they have held their members accountable and have recently ejected eleven member companies which failed to comply with these standards. A similar approach by IMO and IACS, accompanied by appropriate media attention, would help promote member nation accountability.

Media attention, through an annual progress report, similar to those released by various NGOs on issues of human rights and the environment, would also promote accountability. IMO could designate a standing forum for international judgement on the performance of member flag and port states which would serve as an incentive to compliance. While such a forum may not have enforcement authority, it could serve to both focus and influence public opinion. If IMO cannot take this step, perhaps an NGO like Greenpeace would do so.

A rating of flag states and classification societies, similar to that used by the US Coast Guard in its port state control program, could be used by port states to establish economic incentives for compliance with international shipping standards. A "bad guy" pays more and a "good guy" gets a discount. Such program would have to be adopted regionally so as not to put one port at an economic disadvantage over another, but where the market for imported goods is strong - as it is in most developed nations - the incentive for compliance will be built in. As noted in your Information Paper, flag states which are organized as such strictly for business purposes will act accordingly. The European Union and the UK, the Scandinavian nations, NAFTA nations, Japan, Australia, and New Zealand together can represent a powerful block of trading nations which can demand more from the ships serving them; if the flag states for those ships want their business, they will have to improve their performance. Environmental "tariffs" or in-port delays associated with extensive inspections will communicate directly to the bottom line of the operators and charterers. As will stringent liability for marine pollution. Noting,

however, that some flag and port states may fail to meet high performance standards as a function of lack of resources, we recommend that IMO provide technical assistance as it did with its campaign to provide assistance in the development of national oil spill response systems.

All these efforts would benefit from regional collaboration among IMO member nations. Such collaboration should focus on an exchange of information on risk screening of vessels (IMO could set a standard for such risk screening), coordinated inspections, patrols, and enforcement; and the development of MOUs to facilitate interagency coordination. Where states or provinces of collaborating nations have an interest in protecting their marine environment, member nations should include them in this effort in order to leverage all available resources.

As part of our recommendation that IMO initiate a campaign against substandard shipping which includes both aggressive enforcement and tougher standards, we also recommend the following improvements to current international standards:

- We note that all deck officers are required by STCW '95 to be able to communicate in English. Unfortunately, there is no defined standard for the quality of this communication. IMO should issue enforceable guidelines for English proficiency. For example, all license exams for deck officers could be in English.
- IMO and IACS should develop incentives for early replacement of single-hull tankers with double-hull tankers; this would help address the aging tanker issue. We also recommend that IMO support construction standards for double-hull tankers that facilitate inspection and maintenance of the double hull spaces.
- With regard to construction standards for cargo, fishing, and passenger vessels, similar economic incentives – port tariffs, extended port state inspections, higher insurance rates – can be aimed at aging vessels to promote their removal from the trade. In addition, IMO can establish construction standards which promote double wall fuel tanks, improved ballast and wastewater control, and other technological improvements which make ships safer and cleaner.
- It would also be advisable for IMO to take a stand against the “bigger is always better” concept. Not all new ships are better if they are so large that they risk groundings in ports which rely on dredging (an increasingly controversial environmental issue itself), or tax the response capability of tugs and salvage vessels, or far exceed the capability of their crews to respond to an on-board emergency.
- All crews, both for tankers and nontank vessels, should be trained in oil spill prevention (during cargo loading for tankers or during bunkering operations for nontank vessels) and response. Standards for such training could be added to SOPEP and Oil Transfer Procedures requirements. Such standards should cover advance planning, training, drills, fatigue prevention, and team organization. In addition, international standards should require that all vessels, both tankers and nontank vessels, be covered by spill response contracts in the ports they visit.
- IMO should monitor issues associated with over-reliance on new technology, both with regard to manning standards and such problems as the errors associated with the interface of scanned paper charts with GPS technology.
- Considering the problems associated with sub-standard shipping, IMO should evaluate the collateral problem of a worldwide decrease in salvage capability. Dedicated tugs with both rescue and firefighting capacity

should be stationed at all major ports. Where shipping lanes come close enough to coastlines to present a risk of drift groundings and associated pollution, either dedicated rescue tugs should be stationed along such routes or these routes should be moved further offshore to provide for longer response times. This is another area where regional collaboration among neighboring nations would be appropriate.

- IMO should also recommend a standard for towing packages on nontank vessels similar to that required for tankers. The number of oil spills associated with nontank vessels is increasing worldwide; these vessels need rescuing for environmental protection as much as tankers do.

Near the end of the list of "issues to be examined" in the ICONS Information Paper is this question: *Should a holistic approach, which embraces consideration of economic, ecological, and environmental issues posed by sub-standard shipping in addition to human issues, be considered? If so, how would this be done?* In reply, we would ask How could you NOT do so? Environmental and ecological issues are one in the same; we cannot protect one area of our vast ocean planet and not protect another, since our oceanic systems are connected. Likewise, in our global economy, any market signal from the Pacific Rim or the European Union will be felt by its trading partners.

Moreover, environmental quality should not be considered as a trade-off with economic quality; environmental quality is essential to economic stability. Pollution and waste carry associated costs which impact national economies, costs which must be born by someone. For instance, it was reported in the 6/29/2000 issue of the *Oil Spill Intelligence Report* that "Northern European coastal communities are collectively spending approximately US \$2 billion annually to clean up oil spills and marine garbage." The citizens of these nations would support an aggressive regional effort to track down these polluters and hit them with stiff fines equivalent to or greater than these cleanup costs.

Aggressive enforcement of stringent environmental standards is the answer to sub-standard shipping, at least for those nations willing to set the bar higher than the lowest common denominator. The States/British Columbia Oil Spill Task Force believes that most informed citizens will not only support, but also demand such an effort by the responsible member nations of IMO.

Submitted 7/28/2000 by  
Jean Cameron  
Executive Coordinator  
States/British Columbia Oil Spill Task Force  
811 SW Sixth Ave.  
Portland, OR 97204-1390  
503-229-5720 (phone)  
503-229-6954 (fax)  
cameron.jean@deq.state.or.us (email)  
<http://www.env.gov.bc.ca/eeeb/taskforc/tfhome.htm>

## OUR MISSION

The mission of the States/British Columbia Oil Spill Task Force is to strengthen member agency efforts to prevent, prepare for, and respond to oil spills on the West Coast by exchanging information, sharing resources, promoting a consistent approach to regulatory standards, collaborating with key stakeholders to address shared concerns, reviewing current legislative authorizations and making recommendations for necessary changes, and advocating for our common interest on national and international issues.

## OUR GOALS

**To prevent** oil spills on the West Coast, both large spills that occur rarely but cause catastrophic impacts, and small spills that occur daily and have an equally devastating cumulative effect.

**To coordinate** communication, policy development, response capabilities, prevention and preparedness initiatives, and education in order to maximize efficiency of effort; to learn from one another and share ideas and "products."

**To clarify** the roles and responsibilities of state and provincial agencies and federal agencies in order to reduce regulatory gaps, overlaps, and conflicts.

**To advocate** in national and international arenas on selected issues of common concern, earning respect through credibility, clarity of purpose, and collaboration.

**To work** cooperatively with federal agencies, vessel operators, the oil industry, response contractors, interest groups, and all concerned citizens to create opportunities for political and technological breakthroughs by serving as a catalyst for progressive change.

**To educate** the public on the impacts of oil spills and issues relating to spill prevention, response, and remediation.

**To serve** as a model of cooperation and coordination for the rest of North America.

## OUR OBJECTIVES

**Spill Prevention:** Define and implement either regulatory or public/private partnership programs which effectively prevent oil spills and water pollution from vessels, facilities, recreational boating activities, and pipelines.

**Spill Preparedness and Response:** Enhance response capabilities on the West Coast.

**Communications:** Improve communications within the Task Force and with the general public as well as with key stakeholders, and maintain a high level of public and stakeholder involvement in Task Force activities.