



Transport
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Transports
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Associate Deputy
Minister

Sous-ministre
déléguee

Place de Ville
Ottawa ON K1A 0N5

RECEIVED

FEB 08 2018

CHIEF CORONER

FEB 2 2018

Ms. Lisa Lapointe
Chief Coroner
Province of British Columbia
Office of the Chief Coroner
Ministry of Public Safety and Solicitor General
PO Box 9259, Stn Prov Govt
Victoria BC V8W 9J4

Dear Ms. Lapointe:

I would like to acknowledge receipt of the report you sent to Ms. Helena Borges in relation to the incident involving the *Leviathan II*, which occurred in Tofino, British Columbia, on October 25, 2015. Please be advised that Ms. Borges has retired. As her successor, I am taking this opportunity to extend Transport Canada's appreciation for the work done by your office and to address both recommendations found in your report.

1. Require that lifejackets be worn by all passengers on the outer decks of vessels greater than 15 gross tons (GT) carrying more than 12 passengers

In general, Transport Canada supports the wearing of lifejackets. Transport Canada actively supports efforts to encourage more options for wearable designs of lifejackets and personal flotation devices (PFDs) to assist vessel operators in providing this equipment in operations where it is appropriate. In December 2015, the first Canada-U.S. harmonized standard for PFDs was published by Underwriters Laboratories Inc. (UL), allowing for more innovative designs. PFDs certified to this new standard may now be used on Canadian vessels. Transport Canada is continuing to participate in these efforts. Additional standards for lifejackets are expected to be completed by UL within the next year. Transport Canada will consider a policy to allow these additional options to be made available to vessel operators when these standards are published.

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However, Transport Canada cannot support the broad scope of the recommendation as there are underlying impacts on certain categories of vessel and their operations. As part of the regulatory process, Transport Canada consults with stakeholders through the Canadian Marine Advisory Council (CMAC) regarding the feasibility of lifejacket requirements. A number of factors may have an impact on the applicability of the recommendation, such as vessel size and the operational environment. This recommendation may be feasible for small passenger vessels over 15 GT where passengers spend the entire voyage on the outer deck, but it may not be appropriate for larger vessels (e.g., ferries, larger tour boats) where passengers are free to move inside or outside during the voyages. Wearing a lifejacket when inside a vessel presents serious safety risks and, on some vessels, it is not practicable for passengers to remove and store the lifejacket each time they enter an enclosed area.


In accordance with the *Canada Shipping Act, 2001*, the authorized representative of every vessel is responsible for developing procedures for the safe operation of the vessel and for dealing with emergencies. Following the accident, changes were made by Jamie's Whaling Station to the procedures and practices used on its vessels, such that all passengers are now required to wear a PFD during all vessel activities.

2. Review the regulations regarding emergency position indicating radio beacons (EPIRBs) with consideration for expanding the class of vessels required to carry these devices

Transport Canada is already taking action with respect to EPIRBs. Transport Canada has developed a regulatory proposal regarding the carriage of float-free 406 MHz EPIRBs on board all commercial vessels of more than 15 GT (12 metres in length or more) when operating beyond sheltered waters. For commercial vessels of less than 15 GT operating beyond sheltered waters, Transport Canada has proposed a more flexible approach following consultation with stakeholders. This includes the use of float-free EPIRBs, manually activated EPIRBs or 406 MHz Personal Locator Beacons. These proposed changes to the *Navigation Safety Regulations* should be ready for publication in the *Canada Gazette* in fall 2018.

I would like to again indicate my appreciation for your correspondence and acknowledge the importance of your contribution to improving the safety of transportation in Canadian waters.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Thao Pham', with a stylized, cursive script.

Thao Pham
Associate Deputy Minister
Transport Canada