

Ministry Review of the Industry PRO Concept Paper-December 23, 2015

Introduction

The December 23, 2015 draft PRO concept paper submitted by a group of industry associations outlined how a PRO might be created, and suggested how it could function. Of note in the industry proposal is an emphasis on the principles outlined in the 2013 and 2014 intentions papers and the suggestion that a phased approach to designing the PRO should be taken. The Province responded to the authors, thanking them for their efforts, and promising to join in discussions on the concepts once an EMA amendment was completed, and more was known regarding intentions for new regulations.

The concept paper was written at a time when the Province's PRO concepts were rapidly evolving, and therefore the authors did not have the opportunity to address this evolution. On the whole, the concept paper presents an excellent basis to discuss how we may proceed with further PRO concept development.

The following is a review of the paper's content in the context of the Province's current intentions. The review outlines where there is alignment with government intent. Those topics with a high degree of alignment are underlined.

Alignment with contemplated legislated requirements

The concept paper was partly in alignment on the following topics:

- Regulated Persons must have an arrangement with a PRO
- ICS is mandated for responsible persons
- Provision for a multi-year scale-up of a PRO to full operations
- Communications systems for use by the PRO
- Equipment and personnel to be sufficient for responses across the province
- PRO would have an education and training mandate
- PRO would have a record keeping, reporting and publication mandate

The concept paper did not address the following topics:

- GRPs must be completed by named regulated persons. The PRO is a logical means to develop GRPs on their behalf.
- Government may elect to use the PRO on a contract basis when necessary
- Area Response Plan(s) will be created by a PRO
- PRO could have a monitoring and assessment function

Alignment with contemplated application criteria

The concept paper was partly or wholly in alignment on the following topics:

- Plan to address fair governance, including fees structure
- Business plan demonstrating fiscal responsibility and efficiency
- Plan to identify and on-board all regulated persons

- How response capacity / capability will be built
- How to engage with First Nations and Local Governments, and how they will be Included in preparedness and response roles and functions
- How to engage with other PRO(s), should more than one emerge
- How communications functions could be built and managed including systems protocols, hardware, software - building communications capability for planning and response related situational awareness and inter-operability.

The concept paper did not address the following topics:

- Plan to address voluntary members (those who do not meet the threshold for being Regulated Persons, but wish to belong to a PRO), and non-members (“one off” contracted services or response)
- Means to develop and maintain ARPs and GRPs
- How a PRO could use ARPs to demonstrate response capacity up to a worst case spill
- How a PRO could include preparedness and response capacity for the range of regulated substances

Proposed roles and functions

Sharing and coordinating preparedness and response resources

The concept paper was partly or wholly in alignment on the following topics:

- Ensuring equipment and trained people are available to respond to spills anywhere in the province, establishing a system for inventorying and sharing resources including personnel (ICS, preparedness & response), equipment and plans. Delivering services through a combination of contracted, internal and members’ resources, including retainers or mutual aid agreements. Building internal response capacity within the PRO to fill gaps as the new spill regime evolves.
- Ensuring the Province has access to response resources in those instances where a spiller is unknown, unwilling, or unable to respond
- Developing and coordinating communications resources, including a 1-800 number for information about spills, website for spills information, media relations, protocols for communications, and database management systems.

The concept paper did not address the following topic:

- Providing templates and contracted resources for operational planning by Regulated Persons, assisting in developing group plans

Coordinating training and certification

The concept paper was partly in alignment on the following topics:

- Coordinating training opportunities for communications, preparedness, planning, public and responder safety, effective response, volunteer management.
- Testing capability of responders through drills and exercises

The concept paper did not address the following topics:

- Assisting in establishing minimum training standards and guidelines aligned with the new regulatory regime, including ICS training for preparedness and response activities

Engaging with all parties to ensure continuous improvement in spill response

The concept paper was partly or wholly in alignment on the following topics:

- Testing and improving response systems
- Leading an annual provincial lessons learned workshop
- Maintaining a sophisticated database on spills, housing information that is public and that is password protected for secure users
- Including First Nations and local governments in workshops and exercises
- Reviewing best practices in other jurisdictions
- Annual performance management and public reporting