

## PREPAREDNESS AND RESPONSE ORGANIZATION PLENARY

### **Slide #1 – Title Slide**

### **Slide #2 – Agenda**

### **Slide #3 – PRO beginnings and evolution**

- 2012/13 – Intentions Paper #1 – Technical Working Groups
- General concept:, Industry-led, provincial Preparedness and Response Organization that would be a safety net of response capability providing effective, efficient response anywhere in B.C, no matter the substance
- 2014 -2<sup>nd</sup> Intentions Paper and Technical Working Groups
- Industry submissions received – 1) Canadian Association of Petroleum Producers, 2) consortium of industries that transport or store hazardous materials
- Quote from 1 submission: “there is significant value in an industry driven and self-sustaining Industry Steering Committee (ISC). Suggestion made that ISC could be the starting point for more formal organisational framework to be pursued.

### **Slide #4 – The PRO as a Hub for...**

- December 2015 - 5 industry associations submitted a PRO concept paper (available on the website).
- Canadian Association of Petroleum Producers, Canadian Energy Pipelines Association, Chemical Industry Association of Canada, Railway Association of Canada, Canadian Fuels Association
- Quote: “ the PRO will be most effective if it is designed to be a hub for co-ordination, information and data management, such as location and availability of equipment and response resources, and communication among Industry sectors, government, First Nations and other key stakeholders.”
- Province welcomed the leadership shown by the authors and their perspective on the PRO.
- The new proposed amendments enable such an organisation.
- June 2015 - Province announces new spill regime project with PRO as 1 of 3 elements

### **Slide #5 – 2016 and beyond**

- 3<sup>rd</sup> Intentions Paper is now before us
- EMA amendment – at 2<sup>nd</sup> reading in the legislature
- PRO Working Group planned for coming months

- All engagement responses will be used in Considering Regulations enabled by EMA amendments which will Enable formation of a PRO

### **Slide #6 – Current Spill Response Regime Model**

- Today BC spill management system made up of many separate parts - some linkages, but not a deliberate system
- Has many sectors posing risks, Response Organizations, regulators – federal, provincial, groups experiencing risks - FNs, local governments, other stakeholders (ENGOS, commercial interests, institutions, citizens)
- FNs and local governments also are often 1<sup>st</sup> on scene and many have and employ response capability
- This leads to a variety in preparedness and response practices, standards and rules.
- Having so many un-connected parts makes it difficult to include all who have interests in spill management (especially First Nations and local governments)
- This hinders information access and exchange among public, regulators, between governments, especially in an emergency.
- To summarize, the regime is largely reactive, focused on emergencies, with limited ability to examine and solve systemic issues, or share learnings from spills.

### **Slide #7 – Exploring the benefits of collaboration**

- The Province is stepping back to look at the preparedness and response regime as an entire system, and we want to explore the benefits of collaboration, and build a system through collaboration, based on relationships.
- We are asking : How to facilitate and design an integrated system based on enhanced collaboration, coordination and communication, that is Proactive, co-ordinated, cohesive, & connected, that allows regime wide shared learning and expertise .
- This is to the benefit of all the groups within the system, not just businesses, regulators and responders.
- We need to provide a voice and meaningful roles for First Nations, local governments and their communities, and include increased preparedness aspects especially spill management planning, as well as response where needed.
- We also want to know more about how pre-existing resources can be used to provide the functions that we are looking for.
- Initial research and intuition tells us the answer is largely “Yes”, there is a large role for existing resources within the PRO.
- We need to explore these Questions in more detail.

- We have been told by many that there are no gaps but we need it laid out so we can see what is already in place – then we'll have the best handle on gaps

#### **Slide #8 – Shared responsibility and success**

- What we are after is a system where the whole is greater than the sum of the individual parts.
- We will look at the relationships that already exist in the system and those that can be built or created, leading to the development of an interconnected system.
- We will succeed by sharing responsibility to improve the spills management regime in BC, harnessing our collective efforts and energies, and achieving more together than we can individually.

#### **Slide #9 – How do we get there?**

- So the intention is that PRO development can be a catalyst to create the new system.
- There is no magic bullet to get us there, but, a PRO can move us in the right direction for preparedness and response for sure, and who knows what a PRO could look like years from now.
- Proposed amendments have created planning processes and other requirements to better integrate the system.
- The EMA amendments will help to create new relationships that do not currently exist.
- PRO also presents other opportunities to forge other relationships, both formal and informal, that can connect the system even more than the rules.
- An industry led PRO is the most logical way to create & develop the productive relationships, while harnessing collective efforts in the most efficient and innovative way possible.

#### **Slide #10 – Connections through integrated planning**

- Now we will shift to discussing ARPs as a key preparedness function of the PRO
- Planning brings people together, creating the necessary connections. It is central to preparedness, saves precious time, demonstrates capacity, ensures efficient and effective response, reduces damage, and builds necessary relationships.
- This last part is key, so I ask you to remember that an emergency is the wrong time to make friends, and the PRO can make it happen at the right time, before incidents occur.

#### **Slide #11 – Area Response Plans in a 3 Tier Planning System**

- The 3 tier planning system includes Area Response Plans (ARPs), Geographic Response Plans (GRPs), and operational contingency plans

- ARPs are linked through legislation to PRO certification
- They are an overarching structure for integrated response
- Optional example:
- A large transportation company has participated in developing ARPs for the areas in which they operate, along with other Regulated Persons who similarly operate in these areas. These companies have pooled their resources to ensure that the provincially approved ARP adequately represents the potential spill hazards, sensitive environments and spill management systems available in the area. This gives everyone, the confidence that in concept, spills in the plan area can be managed effectively.
- There are a few localized areas within the ARP that have been designated as needing GRPs by virtue of their highly sensitive resources, and range of spill hazards. Again, pooled efforts have been used to create the GRPs. Should a spill occur in one of these areas, the company will have the benefit of pre-determined tactics to deal with the spill in the shortest time possible, thereby providing maximum protection to the resources at risk.
- The transportation company has also been required to write its own operational level spill contingency plan for its operating areas, which include at least one ARP, and several GRPs. All of the information available in these two higher level plans will be relevant to the creation and use of the contingency plan. There are two ways to use this information; reference it, or reproduce it in the plan. In general though the operational plan will be organized around the specifics of the company and the locations that it operates in.

#### **Slide #12 – Area Response Plans – Vision**

- ARPs provide an opportunity for interested groups to collaborate at regional and provincial scales  
Plans will provide confidence in spill regime  
Plans will be catalyst for continuous improvement
- They will provide the means to determine and demonstrate response capacity for the plan area,
- A critical link to bring in First Nations, local government and other vital stakeholders into preparedness planning at regional planning scales

#### **Slide #13 – What are Area Response Plans?**

- ARPs are for large geographic areas, designated by the Minister, for a range of hazardous materials and sensitive environments, providing useful information for the other two tiers of planning.

- We recognize that there are lots of contingency plans already in place, but as they evolve, ARP and GRP information will be useful in their revision processes
- They will rely largely on existing information, ex. Response resource inventories
  - They will include a mix of qualitative and quantitative assessments of hazards and consequences, and balance detail and practicality, given the complexities of the area's landscapes, activities within them, and dynamics of spill preparedness and response systems available
- Ultimately ARPs will demonstrate the capacity to respond to any spill in the plan area.
- Alaska Sub Area Plans are analogous to our ARPs –see map of Alaska as an example of setting boundaries – 10 for the state.

#### **Slide #14 – Area Response Plans - Requirements**

- An ARP needs to conform to terms of reference, including response procedures and strategies, form of the plan, its content, and notification and publication provisions.
- Once in play, an ARP must be reviewed, updated, tested and republished periodically

#### **Slide #15 – Area Response Plans – Content**

- ARPs are intended to be somewhat conceptual in nature
- They need to have sufficient detail for the Minister to have the comfort that there is the capacity and capability to effectively and efficiently respond to any spill in the plan area.
- An ARP needs to identify sensitive areas, potential spill hazards, and resources and personnel required to deal with spills
- Once hazards and sensitive areas are inventoried, scenarios can be developed to understand where spills are most likely to occur, and where such spills may cause damage.
- Then estimates of the necessary resources and personnel can be prepared ahead of time, to respond to potential spills across the plan area
- We have yet to work out all the details and want your input through the Technical Working Group
- Success factors and criteria need to be described
  - Example: various response time metrics can be created and measured against performance in responses, drills and exercises
  - Response times may be set as enforceable rules or as guidelines

### **Slide #16 – Consultation Provisions**

- The Province will participate in ARP development along with Regulated Persons through the PRO.
- Province also provides oversight through plan approval
- Authors must consult interested persons within the specified area.
  - This would include other governments with regulatory authority for, or interests in spills.
  - Also, First Nations, and commercial interests that may be affected by spills, and citizens groups need to be included
- Plan authors must establish an advisory committee made up of interested persons, and reimburse members of the committee for reasonable expenses
- The Province can set Terms Of Reference for Advisory Committees

### **Slide #17 Functions of the PRO**

- This is a starting point. Government will need to articulate the outcomes it expects from the PRO and how it will evaluate those outcomes. I want to show you some specific options for functions, so you have an idea of the possibilities that we see.
- Our goal is for assurance for a timely and effective response anywhere in BC for chemical and hydrocarbons spills. And that response will require resources, equipment and personnel. How that specific capacity is realized, government anticipates a PRO to propose. We can envisage a number of ways the PRO would likely achieve its capacity.
- It would likely share capacity with some regulated persons, and have contractors, (some on retainer, others not)
- It may use mutual aid agreements or incorporate them
- It may rely to some degree on the first responder capacity of some local governments or some First Nations, and would likely need to build some internal capacity to first coordinate all of those resources and second fill in any gaps

### **Slide #18 – Functions Expanded**

- Examples of resources, equipment and personnel

### **Slide #19 – Functions Expanded**

- Examples of services
- This creates a Safety net. Given that government will have certainty as to the capacity of a PRO, the government would hire the PRO when government needs spill response services.

- The PRO would be available to provide spill response services to other spillers.

### **Slide #20 – Functions Expanded**

- Preparedness - think about training.
- There's a number of options here ranging from a PRO being able to demonstrate that it is capable act as a hub to improve training across the entire system.
- First, we would expect a PRO would be required to ensure that the resources it relies upon to fill its capacity requirements meet any training requirements. That could be through a number of mechanisms including the contracts it holds.
- Examples of this:
  - To coordinate and record the training, exercises and drills of regulated persons.
  - It could be a hub of information relating to training. communicating all the training info
- It could communicate information about training opportunities across the province and beyond.
- It could actually provide the training. You could imagine a PRO being the hub of a number of training services and coordinating all of the services to ensure the training opportunities are provided across the system. It could become the one-stop shop for training resources.
- And it could participate in the development of training standards. A PRO could be the hub where actors across the system -the regulators, first responders and spill response experts, and the trainers - work together to set qualifications for spill responders in BC.
- Of course we do not intend to start over. Where there are standards. We want to acknowledge them.

### **Slide# 21 – Functions Expanded**

- What could the PRO do in terms of communications?
- It could have a reserve of response hardware, such as satellite phones, interoperable radios, repeaters etc.
- It could have a one 800-number for incident specific spill reporting for long-term spills. For larger, longer term spills we often find we need a system for the information to flow in.
- It might have incident command post software to ensure that there's interoperability in the command post. We know there's a number of emergency management software systems that are used. A PRO could have the software that ensures those pieces work together.

- These are just some examples of communication functions a PRO could have, there are likely many more.
- As we all know, good communication is pivotal to success, including spill response. We see communications as an area where a PRO could really help raise the current standard for communication in a spill response.

#### **Slide# 22 – Functions Expanded**

- A PRO could be anticipated to maintain inventories of its own resources -- the equipment and trained personnel that it has, to demonstrate to the province it has capacity.
- It could have an inventory of resources that is available to share, in the event that extra equipment is needed
- A PRO could house and maintain environmental datasets that are necessary for planning.
- The PRO would be expected to maintain contact information for key players across the Province and beyond.

#### **Slide# 23 – Functions Expanded**

- A PRO could be a hub for collective learning. A PRO could share best practises; share the learnings from exercises and drills between sectors and between regulators.
- It could develop expertise and perform post incidents reviews.
- It could conduct technical research. It could work to stay informed in latest spill response technologies and potentially participate directly in that research.

#### **Slide# 24 – Functions Expanded**

- Ian already talked about our expectation that a PRO would coordinate and lead the development of area response plans.
- But the PRO will likely also have a role in geographic response planning; Regulated Persons may have arrangements with a PRO for the development and maintenance of GRPs.
- A PRO may also wish to offer services to regulated persons to help with the development of spill contingency plans or it could potentially maintain a roster of planning professionals that might deliver services for contingency planning.
- The same could be said for contingency planning. You could imagine contingency plans for highways or corridors. Why could those not be shared?

- Talked about the functions generally and then I talked about them in a more specific way and you can see that there is a large range within each function. You may have more ideas to add to the list. One of the things we are interested in is: what should the PRO do?

### **Slide #25 – Functions - Summary**

- We have not landed on exactly what a PRO must deliver. We do recognize that a PRO will need time to build the capacity across the functions themselves and then even within them. So we need to create a system that allows for the capability to increase over time.
- What has government done about it? I want to point out the specific aspects of the legislation that gets us there.

### **Slide #26 – Legislative Framework**

- Flexible to accommodate a number of different models.
- We have introduced legislation that allows
  - The Issue of a certificate to a PRO The certificate is one instrument that ties the PRO to the legislation and gives government oversight. It also enables suspension and withdrawal of the certificate.
  - Enables the setting of application requirements.
  - Terms and conditions on certificate
  - Place regulations on a PRO
  - Place regulations on a regulated person (industry), including requirement to have an arrangement with a PRO
  - Area response plans – enables regulations regarding content of the plan, the process to build a plan
  - Sets out (advisory committees) and public comments period, publication of some or all aspects of the plans, which Ian has gone over with you already.
- Government has oversight of the PRO. There are a lot of rules to be set here. It is through engagement processes such as this that government will set those requirements.

### **Slide #27 – The Certified Pro**

- The amendments sets out 4 step process for certifying a PRO. It is an application process. The Ministry will set out a fair, transparent process for receiving and reviewing conditional PRO applications. But other details will need to be worked out first before we can do that.

- This process allows for phasing in an ensuring a dialogue between government and the applicant.

#### **Slide #28 – Building Blocks – Legislative Framework**

- The legislative framework for the PRO has 4 building blocks

#### **Slide #29 – Building Blocks – Legislative Framework**

- The first step will be for organizations to apply to be a conditionally certified PRO
- The organizations must demonstrate their intent to be fully capable to promptly and capably deal with spills and the impacts of spills within the area they apply, including having access to the necessary equipment, personnel and other resources, and perform prescribed duties put on a PRO or a regulated person
- EMA requires that an applicant organization submit
  - a business plan that demonstrates the organization's plan to become fully capable to meet the requirements of a fully certified PRO
  - prescribed information and records, if any, and
  - any other information
- This means that the ministry will define what fully capable to respond to spills means. As well as which requirements a PRO will need to do that are the same as and different to those of a regulated person.
- The Ministry can set qualifications and requirements on an applicant organization

#### **Slide #30 – Building Blocks – Legislative Framework**

- Once certified, a conditional PRO will start building its organization towards becoming a certified PRO. The conditional PRO certificate will have terms and conditions, or prescribed duties, that a conditional PRO must fulfill.
- To be eligible for a PRO certificate, a conditional PRO must develop an Area Response Plan or plans
- An Area Response Plan is meant to be a method for a conditional PRO to demonstrate it has adequate response resources, expertise and a plan for a particular area.
- It must meet terms and conditions. We could envisage placing a deadline on the completion of the ARP. Other steps towards becoming fully certified.

#### **Slide #31 – Building Blocks – Legislative Framework**

- A conditional PRO may apply for full certification or the Minister may certify a PRO on her own initiative. We will request a PRO submit whatever is necessary to determine they are fully capable to be a PRO

- Nonetheless, to be a fully certified PRO, a conditional PRO must provide
  - an ARP or ARPs,
  - prescribed information and records, and
  - any other information the minister requests

### **Slide #32 – Building Blocks – Legislative Framework**

- The Minister of Environment will be responsible for issuing a certificate to an applicant that meets the criteria to become a PRO.
- Full certification will be awarded if a conditional PRO has demonstrated they meet the requirements. Once certified, the legislation prescribes only one duty for a PRO – to maintain ARPs
- All other duties will be established through regulation or the terms and conditions of the PRO certificate.
- One term is that the PRO must have a procedure for dealing with complaints in respect of the fees it charges regulated persons. Should a PRO and regulated person not be able to resolve their issue internally, the legislation allows for complainants to a fee complaint to the minister. The minister is able to hear complaints and, if justified, can order the PRO to adjust or waive the fees.
- I hope this makes clear how the phasing in can be achieved.
- How we have much flexibility in articulating the details of the PRO and shows governments' oversight into specific functions a PRO must demonstrate.
- Government must set the criteria against which the conditional PRO and PRO applicants will be measured in order to be issued a certificate. And it must determine how to evaluate that.
- Government will not be able to investigate the inner workings or day to day business operations of the PRO.
- These criteria include:
  - The qualifications of the conditional PRO or PRO
  - The spill capabilities that the PRO must demonstrate. The capacity to respond to spills of specific magnitude
  - The qualifications of employees or contractors
  - Ability to deliver specific functions
  - The content of area plan
  - Determining the areas for which ARP must be developed.

### **Slide #33 – Functions – Summary**

- PRO capability will evolve over time

### **Slide #34 – Visualizing a PRO**

- In visualizing what a PRO would look like, let's start with questions such as:
  - How many people will it take to make it work?
  - What functions will need in-house resources?
  - What functions can be contracted?
  - Will it be housed in 1 place or many?
  - These are just a sample of the Qs we'll need to answer

### **Slide #35 – Possible PRO Response Functions**

- We see a lot of opportunities to promote efficiency and effectiveness among the menu of possible functions,
- We realise that it must be built over time, and so
- We have set up legislation to be flexible, and to accommodate a number of different models.
- What we do know, is that there are many opportunities for the PRO in response
- Response – talk about the 6 images:
- Haz mat expertise, clean-up, protection, keeper of ICS , wildlife response, monitoring and impact assessment
- Again, these are just examples.

### **Slide #36 – Possible PRO Preparedness Functions**

- Preparedness – talk through 6 images representing:
- Training, drills, exercises, equipment and personnel, planning, communications
- These are just examples.
- Also, underpinning these types of roles is the use of a continuous improvement ethic,
- Using cooperation and collaboration to keep up with innovations in the spills world

### **Slide #37 – How would you engage with the PRO?**

- We need to include all parties with interests in the PRO concept

### **Slide #38 – What could a successful PRO look like?**

- PRO needs to be inclusive –describe the slices in graphic
- Roles are yet to be determined, and will be tackled in the coming months

- We are interested in exploring PRO models that meet the previously stated goals
- Many questions to be answered regarding:
- Membership – what types beyond regulated persons
  - WCMRC example – 2000 required members, 200 subscribers and numerous “one off” contract arrangements.
- HUB? – How could the system connections work?
- Umbrella? - What mix of existing and new organizations would have relationships with a PRO?
- Interested parties may be affected in multiple ways by PRO operations. An example might be that the Province would use the PRO as its primary RO, as well as having an oversight role, and also use it as a means to have public accountability for planning and through advisory processes.
- Another example might be that a federal regulator such as the NEB might choose to use the PRO as its response safety net, and may ask the PRO to harmonize with its rules.

#### **Slide #39 – PRO as part of an integrated system**

- Now, back to the fundamental nature of a PRO and the concept of a PRO as part of an integrated system
- We wish to build a spills regime that is interconnected and Design a system whereby “the whole is greater than the sum of the individual parts”, with the PRO as connector for preparedness and response
- We have heard the PRO described as the connective tissue for the regime, and a hub for collaboration.
- Ultimately the PRO is the assurance the Province needs by demonstrating preparedness and response capability and capacity, and can better include the range of interested groups.
- This is the short answer to the question “why the new regime?”
- We need to Stop focussing so much on individual parts of a system, and start a more proactive approach to organising the system to facilitate continuous learning, opportunities for collaboration and find efficiencies across the system.
- – the goal being to save time, money and resources in meeting old and new regulatory requirements wherever possible.
- This will ultimately motivate better spill prevention through better understanding of the limits of preparedness and response.
- We will look at the relationships that already exist in the system and those that can be built or created.

- All of this will be based on shared responsibility to improve the spills management regime in BC, and a willingness to harness our collective efforts and energies, ultimately achieving more together than we can individually.
- We will achieve success through optimizing our efforts in collective action
- I will leave you with a key question: What contribution can each of us and our various organizations make to succeed in elevating the system to a new functionality?

#### **Slide #40 – Next Steps**

- We will publish feedback from the workshop, the 3<sup>rd</sup> Intentions Paper and the PRO Technical Working Group
  - – this will take us into the fall and likely into 2017
- Then it's up to MOE to finalize policy, and draft regulations.
- While this is occurring, we will need to consider how and when to create and activate an application process for those aspiring to become a PRO.
- It will need to be a fair and transparent process, allowing the private sector an opportunity innovate, while allowing a voice for other interested groups.

#### **Slide #41 – Questions**

#### **Slide #42 – Methods of Feedback**