

Chamber of Marine Commerce – Statement before the House of Commons Transport Committee on Bill C-86 Amendments to the *Canada Shipping Act and the Marine Liability Act*

Ottawa, 8 September 2018.

BRUCE: Bonjour mesdames et messieurs. Thank you Madam Chair, Clerk, and Members of this committee for the invitation to speak today.

While I am pleased to see so many of you again - just a short while after our Marine Day on the Hill event on the 16th during which I hope many of you learned more about the marine mode and what my members are doing for Canada - I had not anticipated a meeting under today's circumstances.

For those that may not know, I am Bruce Burrows, President of the Chamber of Marine Commerce, or the CMC. I am joined today by Sarah Douglas, the CMC's Senior Director of Government and Stakeholder Relations.

Further my reference to the circumstances behind, and purpose of, today's discussion. I understand that divisions 22 and 23 of Bill C-86 before you today seek to amend the *Canada Shipping Act* (the CSA) and the *Marine Liability Act* (the MLA). However, it wasn't until mid August that Transport Canada was in position to begin a more substantive consultation on these two issues, which are part of the Oceans Protection Plan program.

With that consultation closing on October 26, CMC provided constructive feedback on improving the CSA and MLA, and I hope you are able to read our submission in detail. You can then understand how concerned we are - in the interest of effective consultation - about there being such a rapid turnaround between the end of the consultation period and the sudden tabling of legislation.

I preface my next point by saying that the CMC has a good relationship with Transport Canada, but then note the government has more broadly, in its wisdom, elected to veil important pieces of transport legislation under the cover of an “omnibus” bill – and there is now an accelerated time frame under which these legislative proposals are proceeding. This is inappropriate.

Before turning to my colleague, I would like to make clear that the marine mode in Canada is the safest means of transportation. Every year, more than 230 million metric tons of cargo is transported through the Great Lakes-St. Lawrence River waterway. Moving this cargo safely is the top priority for the marine transportation industry, which works to maximize protection of people, property and the environment. Comprehensive regulatory oversight, investments in advanced navigation technology, and sound safety practices have produced significant safety achievements.

SARAH: In our experience, we believe that a collaborative approach is required to identify priorities that are of concern to

Canadians, when it comes to making new regulations, policies or introducing legislation. At the end of the day, the marine industry operates in a number of geographic areas that are particularly sensitive environments, but the people living there still need marine services.

In the proposed amendments to the CSA, we see three major areas that would change how the marine mode is governed: 1. the introduction of interim orders, 2. expanded regulatory powers for marine environment protection, and 3. the new ability to amend certain regulations by order. We look to each of these sections with concern, as they do greatly increase the scope of powers available to the government.

We recognize the intent for powers to issue interim orders. However, it is important that interim orders are only used in urgent or unforeseen circumstances as intended and that a commitment is made to consult to the extent possible under the circumstances. The process must be governed by robust policies and procedures to ensure interim orders are not used to circumvent the regulatory process or evidence-based decision-making and do not sidestep the collaboration the government has with the marine sector. We have specific recommendations for you in this regard.

Rapid intervention measures could have significant impacts and unintended consequences on voyage planning, safety, shipping schedules, contractual commitments, fleet planning and competitiveness. All of which impact communities, businesses

and jobs that depend on marine shipping to grow.

Notwithstanding the short-term nature of such an order, we believe there is a need for ensuring adequate consultation with the marine industry and other affected industries. The marine industry has much to offer in identifying concrete measures, weighing alternatives and assessing industry impacts to inform decision-making.

BRUCE: In terms of regulation-making powers on marine environment protection, we can't stress enough that science and evidence are essential to the development of any new regulatory measure to ensure they are effective, and also have you note that industry already has a great record of voluntary measures to protect the environment.

In fact, these voluntary measures and guidelines, such as those promoted and implemented through the Green Marine program, have proven to be successful in the past in many areas of ship operations. When supported by evidence and developed in consultation with the industry, voluntary measures are an effective tool and provide more flexibility over regulation.

In sum, we are very cautious about the proposed changes, as it is critical that these kinds of expanded powers be limited with proper safeguards. We also want to ensure that such powers are used in collaboration with industry to improve safety and protect the marine environment.

On the remaining question of amendments to the *Marine Liability Act*, some of the changes are quite extensive and given that this is a very complex regime, we will need more time to consider and provide reasoned comment.

We are happy to take any questions you may have. Thank you.