

Adopted Sept. 11, 2012

## Resolution: Emergency Preparedness and Response Priorities for the Great Lakes and St. Lawrence River

**Whereas**, the Great Lakes and St. Lawrence River are international treasures and an environmental and economic assets of vital importance to the Great Lakes-St. Lawrence River states and provinces as well as the countries of the United States and Canada as a whole; and

**Whereas**, 36 million Americans and Canadians depend on and use the Great Lakes-St. Lawrence River for drinking water, recreation, manufacturing of products, power generation and commercial navigation, among other benefits; and

**Whereas**, the economic, recreational and commercial activities and associated services that support the multiple needs of the region also create the potential for spills of oil and hazardous materials to occur; and

**Whereas**, the Great Lakes-St. Lawrence River region produces, refines and transports substantial quantities of oil and natural gas and produces, transports and disposes of many different types of hazardous materials; and

**Whereas**, the Great Lakes-St. Lawrence River basin is a fragile, highly sensitive ecosystem (especially along the shorelines and in nearshore areas) that includes a valuable sport fishery and some of the most productive freshwater wetlands in the world; and

**Whereas**, because of the value and fragility of these freshwater ecosystems, an oil or hazardous material spill of any magnitude has the potential to create significant environmental, human health and economic harm; and

**Whereas**, in 2010, there were several spills that occurred both inside and outside the Great Lakes-St. Lawrence River region, including the April 2010 Deepwater Horizon Spill (Gulf of Mexico) and the July 2010 Talmadge Creek Pipeline Spill (Marshall, Michigan), which together heightened the awareness of the importance of spill preparedness and response with public officials and the general public; and

**Whereas**, the Great Lakes Commission, reacting to these disasters, took action at its 2010 Annual Meeting to form a Great Lakes-St. Lawrence River Emergency Preparedness Task Force; and

**Whereas**, the charge to the task force was to: 1) review the status of state and provincial emergency preparedness response programs; 2) review the relationship between federal, state and provincial preparedness and response programs; 3) review previous Great Lakes Commission policy in the area of emergency preparedness and response; 4) prepare a report to the Commission with recommendations for improving and enhancing the region's preparedness and response capabilities; and 5) prepare a resolution transmitting the report to the Commission; and

**Whereas**, the Task Force has completed its report titled, *Emergency Preparedness and Response Programs for Oil and Hazardous Materials Spills: Challenges and Priorities for the Great Lakes-St. Lawrence River* which provides findings and recommendations for spill preparedness and response priorities related to pipelines, vessels, shore-based facilities and cold weather response; and

**Whereas**, the task force finds that federal, state and provincial laws and programs established in the late 1990s have advanced the state of preparedness and response in the region, largely due to the investment in and focus on spill prevention planning and a strengthening of relationships between regulatory agencies and industry; and

**Whereas**, the task force finds that there has been a steady downward trend in the number and volume of spills in the region with the exception of 2010; and

**Whereas**, the task force finds that there are areas of preparedness and response that need strengthening including addressing communication and planning gaps between agencies (especially those between the pipeline regulatory agencies and those responsible for facilities and vessels), improving spill data collection, reporting and analysis, and increasing agency budgets to ensure the availability of equipment, personnel and other resources in the event of a spill.

**Therefore, Be It Resolved**, the Great Lakes Commission formally receives the report from the Great Lakes-St. Lawrence River Emergency Preparedness Task Force and extends its appreciation to the members of the Task Force for their work and accomplishments to help protect the Great Lakes-St. Lawrence River land and water resources; and

**Be It Further Resolved**, the Great Lakes Commission will carefully consider the suite of 27 recommendations included in the report and, where appropriate, will act on them directly and communicate them to state, provincial and federal agency directors and decisionmakers; and

**Be It Further Resolved**, the Great Lakes Commission recognizes the importance of the following recommendations from the report and will carefully consider them for early action:

- Reliable, consistent and adequate long-term funding is needed at the federal, state and provincial levels for implementing and maintaining preparedness and response programs in all four spill categories in the report. Specific priorities include support for training and exercising; inspection and enforcement; research; data collection and reporting; and conducting risk assessments. To address this need, a comprehensive study of federal, state and provincial funding of programs for emergency preparedness and response is called for to document funding history and trends at all levels of government and identify specific funding priorities to ensure that the region continues to be well protected from the threat of spills to the land and water of the Great Lakes-St. Lawrence River basin.
- Programmatic authorities for funding spills cleanup must be reviewed and modified as necessary to address the gaps in the use of current programs for cleaning up spills/sites containing a mixture of oil and other substances. For instance, neither the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) nor the Oil Spill Liability Trust Fund (OSLTF) funding provisions currently allow for cleanup of spills at certain sites that contain a mixture of oil and other substances.
- Communication between pipeline companies, the pipeline regulatory agencies (U.S. DOT's Pipeline and Hazardous Materials Safety Administration (PHMSA) and Canada's National Energy Board (NEB)) and response agencies (federal, state and provincial) needs to be improved. Specifically in the United States, pipeline contingency plans required by PHMSA need to be coordinated with other federal agencies doing contingency planning for vessels and facilities (e.g., U.S. EPA and U.S. Coast Guard) under the Oil Pollution Act and communicated directly with the Federal On-Scene Coordinators (FOSCs) assigned to the geographic area in question.

- Uniform, consistent and seamless protocols for pipeline inspection should be established at the state and provincial level and coordinated with PHMSA and the NEB and other federal response agencies. These protocols should be established through existing authorities where applicable. New legislative authorities should be pursued if the current authorities are deemed to be inadequate to provide maximum safety and protection of the public and the environment.
- The lead federal and state/provincial response agencies in both countries should continue to develop and conduct exercises for the four spill categories identified in the report (vessel-based spills, facility-based spills, cold weather spills and pipeline spills) to ensure coordination, effective communication, identification of research needs, and identification of personnel, technical assistance and overall resource needs. Larger exercises involving multiple states or both U.S. and Canadian participants should include invitations to other response entities not directly involved in the exercise, which will help improve coordination and fill planning gaps in order to improve preparedness and response.
- There is a need to develop a response strategy for heavily polluted waterways in the Great Lakes-St. Lawrence River basin, due to the unique challenges associated with spill reporting and response in these areas.

**Be It Finally Resolved**, the Great Lakes Commission calls for the states and provinces to be in continued dialogue and collaboration with each other and with regulatory and response agencies of the federal governments, especially PHMSA and the NEB, to improve communication and coordination on pipeline related preparedness, response and safety issues.