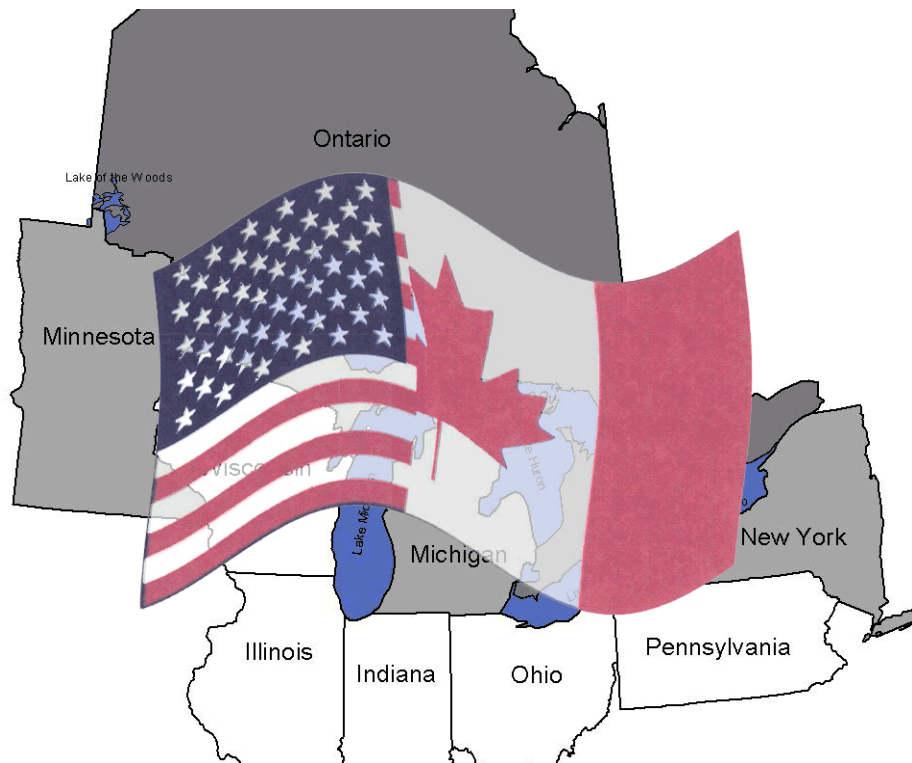
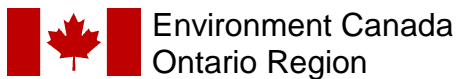


**Canada-United States Joint Inland
Pollution Contingency Plan, Annex III**

CANUSCENT



**A Plan for Response to
Oil and Hazardous Material Spills
Along the Inland Border and Connecting Channels
between Ontario, Canada and
Michigan, Minnesota, and New York, United States**



Environment Canada
Ontario Region

U.S. Environmental Protection Agency
Regions 2 and 5



<http://www.on.ec.gc.ca/CANUSCENT/>

CANUSCENT Notifications

CANADA

Spills originating in Canada near the Ontario/New York, Ontario/Michigan, or Ontario/Minnesota border should be reported immediately to Ontario Ministry of the Environment Spills Action Centre at:

800-268-6060 (24 hour)

Calls placed from within Ontario
Fax: 416-325-3011

416-325-3000 (24 hour)

Calls placed from the U.S., Manitoba or Québec
Fax: 416-325-3011

Environment Canada

Regional Environmental Emergencies Coordinator (REEC) 416-518-3221(24-hour)
Fax: 416-739-4953

Canadian Coast Guard

Regional Operations Centre (Calls placed from within Ontario) 800-265-0237(24-hour)
Fax: 519-337-2498
Regional Operations Centre (Calls placed from outside Ontario) 519-336-6221(24-hour)
Fax: 519-337-2498

Emergency Preparedness Canada 613-991-7000 (24-hour)
Fax: 613-996-0995

International Affairs Canada

Canadian Consulate - Detroit Michigan 313-567-2208, ext. 3250 (8:30-16:30)
Fax: 313-567-2164

Canadian Consulate - Buffalo, New York 716-858-9500 (8:30-16:30)
Fax: 716-852-4340

Canadian Consulate - Minneapolis, Minnesota 612-332-7486, ext. 3200 (8:30-16:30)
Fax: 612-332-4061

Border Crossings:

Ambassador Bridge (Windsor/Detroit)

Canada Customs 519-257-6515 (24-hour)
Fax: 519-257-6493
Citizenship & Immigration Canada (pager) 519-561-7977 (24-hour)
Fax: 519-257-6900

Detroit Windsor Tunnel (Windsor/Detroit)

Canada Customs 519-257-6469 (24-hour)
Fax: 519-257-6596
Citizenship & Immigration Canada (pager) 519-561-7977 (24-hour)
Fax: 519-257-7782

Blue Water Bridge (Sarnia/Port Huron)

Also responsible for the Sombra/Marine City and Walpole Island/City of Algonac Ferry Crossings

Canada Customs 519-336-3097 (24-hour)
Fax: 519-336-4548
Citizenship & Immigration Canada (pager) 519-561-7977 (24-hour)
Fax: 519-464-5003

Sault Ste. Marie International Bridge (Sault Ste. Marie/Sault Ste. Marie)

Canada Customs 705-941-3063 (24-hour)
Fax: 705-941-3068
Citizenship and Immigration Canada 405-941-3115*
Fax: 705-941-3119

* Operates 24 hours June 15th to Sept 1st - operates 7:30-24:00 September 2nd to June 14th (contact Sault Ste. Marie Customs at 705-941-3063 outside of these operating hours)

Peace Bridge (Fort Erie/Buffalo)

Canada Customs 905-994-6333 (24-hour)
Fax: 905-994-6339
Citizenship and Immigration Canada 905-871-5660 (24-hour)
Fax: 905-871-9147

Rainbow Bridge (Niagara Falls/Niagara Falls)

Canada Customs 905-354-4843 (24-hour)
Fax: 905-354-2832
Citizenship and Immigration Canada 905-354-6043 (24-hour)
Fax: 905-354-0044

Whirlpool Bridge (Niagara Falls/Niagara Falls)

Canada Customs 905-354-6323 (24-hour)
Fax: 905-354-4493
Citizenship and Immigration Canada contact Rainbow Bridge 905-354-6043 (24-hour)
Fax: 905-354-0044

Queenston International Bridge (Queenston/Lewiston)

Canada Customs 905-262-4010 (24-hour)
Fax: 905-262-4978
Citizenship and Immigration Canada 905-262-4742*
Fax: 905-262-5622

* Operates 24 hours June 1st to Sept 30th - operates 7:30-24:00 October 1st to May 31st (contact Rainbow Bridge at 905-354-6043 outside of these operating hours)

Lansdowne International Bridge (Ivy Lea/Alexandria Bay)

Canada Customs 613-659-2301 (24-hour)
Fax: 613-659-2331
Citizenship and Immigration Canada 613-659-2319 (24-hour)
Fax: 613-659-2305

Seaway Skyway International Bridge (Prescott/Ogdensburg)

Canada Customs 613-925-4225 (24-hour)
Fax: 613-925-2899
Citizenship and Immigration Canada 613-925-1815 (8:00-24:00)*
Fax: 613-925-1322

* Outside of operating hours contact Lansdowne International Bridge at 613-659-2319

Seaway International Bridge (Cornwall/Massena)

Canada Customs 613-932-3805 (24-hour)
Fax: 613-936-0616
Citizenship and Immigration Canada 613-932-7411 (8:00-24:00)
Fax: 613-932-3151

* Outside of operating hours contact Lansdowne International Bridge at 613-659-2319

Pigeon River International Bridge (Pigeon River/Grand Portage)

Canada Customs 807-964-2093 (24-hour)
Fax: 807-964-2761
Citizenship and Immigration Canada 807-964-2095 (8:00-24:00)*
Fax: 807- 964-2820

* outside of operating hours contact Pigeon River Customs at 807-964-2093 to expedite movement of goods and personnel across the border

Fort Frances International Bridge (Fort Frances/International Falls)

Canada Customs 807-274-3655 ext 241 (24-hour)
Fax: 807-274-8416
Citizenship and Immigration Canada 807-274-9780 (8:00-24:00)*
Fax: 807-274-3310

* outside of operating hours contact Fort Frances Customs at 807-274-3655 ext. 241 expedite movement of goods and personnel across the border

Rainy River International Bridge (Rainy River/Baudette)

Canada Customs 807-852-3341 (24-hour)
Fax: 807-852-3146
Citizenship and Immigration Canada 807-852-3968 (8:00-24:00)*
Fax: 807-852-3859

* outside of operating hours contact Rainy River Customs as 807-852-3341 to expedite movement of goods and personnel across the border

UNITED STATES

Report all spills impacting or having the potential to impact the land, air, and waters
of the U.S. to the National Response Center at:

800-424-8802 (24-hour)

Calls placed from the U.S. or Canada

U.S. Environmental Protection Agency:

Regional Response Center and RRT Co-Chair

Region 2 - New York 732-548-8730 (24-hour)
Fax: 732-906-6865

Region 5 - Michigan/Minnesota 312-353-2318 (24-hour)
Fax: 312-353-9176

U.S. Coast Guard:

9th District Emergency Response 216-902-6117 (24-hour)
Fax: 216-902-6121

MSO Buffalo (Erie, PA - Massena, NY) 716-843-9525 (24-hour)
Fax: 716-843-9594

MSO Detroit (Detroit and Port Huron, MI) 313-568-9524 (24-hour)
Fax: 313-569-9517

MSO Sault Ste. Marie (Sault Ste. Marie, MI) 906-635-3233 (24-hour)
Fax: 906-635-3238

MSO Duluth 218-720-5286 (7:30 am - 4 pm)
Fax: 218-720-5258

Station Duluth 218-720-5412 (24-hour)
Fax: 218-720-5417

National Oceanic and Atmospheric Administration:

Scientific Support Coordinator 216-522-7760
Fax: 216-522-7759

Border Crossings:

Ambassador Bridge (Detroit/Windsor)

U.S. Customs 313-226-3161 (24-hour)
Fax: 313-963-4407

U.S. Immigration 313-963-4408 (24-hour)
Fax: 313-963-4407

Detroit/Windsor Tunnel

U.S. Customs 313-226-3134 (24-hour)
Fax: 313-226-5347

U.S. Immigration 313-568-6020 (24-hour)
Fax: 313-568-6021

Blue Water Bridge (Port Huron/Sarnia)

U.S. Customs 810-985-9541, ext. 0 (24-hour)
Fax: 810-985-6070

U.S. Immigration 810-982-0133 (24-hour)
Fax: 810-982-5473

International Bridge (Sault Ste. Marie/Sault Ste. Marie)

U.S. Customs 906-632-7221 (8 am - 4 pm)
Fax: 906-632-6171
U.S. Immigration 906-632-8822 (24-hour)
Fax: 906-632-8005

Baudette, Minnesota

U.S. Customs 218-634-2803 (24-hour)
Fax: 218-634-9790
U.S. Immigration 218-634-2661 (24-hour)
Fax: 218-634-9823

International Falls, Minnesota

U.S. Customs 218-283-2541 (9 am - 10 pm)
Fax: 218-285-9226
U.S. Immigration 218-283-2121 (24-hour)
Fax: 218-283-9062

Grand Portage, Minnesota

U.S. Customs 218-475-2244 (24-hour)
Fax: 218-475-2651
U.S. Immigration 218-475-2494 (24-hour)
Fax: 218-475-2512

Duluth, Minnesota

U.S. Customs 218-720-5201 (8 am - 4:30 pm)
Fax: 218-720-5216

Ely, Minnesota

U.S. Customs 218-720-5201 (8 am - 4:30 pm)
Fax: 218-720-5216

Alexandria Bay, New York

U.S. Customs 315-482-2261 (24-hour)
Fax: 315-482-5436
U.S. Immigration 315-482-2861 (24-hour)
Fax: 315-482-5422

Peace Bridge (Buffalo/Fort Erie)

U.S. Customs 716-551-4311 (24-hour)
Fax: 716-551-3807
U.S. Immigration 716-885-3367 (24-hour)
Fax: 716-885-3521

Lewiston Bridge (Lewiston/Queenston)

U.S. Customs 716-282-1500 (24-hour)
Fax: 716-282-8174
U.S. Immigration 716-285-1676 (24-hour)
Fax: 716-285-1685

Massena, New York

U.S. Customs 315-769-3091 (24-hour)
Fax: 315-769-3146
U.S. Immigration 315-764-0677 (24-hour)
Fax: 315-764-9206

Rainbow Bridge (Niagara Falls/Niagara Falls)

U.S. Customs 716-284-5174 (24-hour)
Fax: 716-284-6843
U.S. Immigration 716-282-3141 (24-hour)
Fax: 716-282-4602

Whirlpool Bridge (Niagara Falls/Niagara Falls)

U.S. Customs 716-278-0200 (24-hour)
Fax: 716-284-7850
U.S. Immigration 716-282-5920 (24-hour)
Fax: 716-282-5953

Ogdensburg, New York

U.S. Customs 315-393-0660 (24-hour)
Fax: 315-393-7472
U.S. Immigration 315-393-0770 (24-hour)
Fax: 315-393-2099

State Government:

Michigan Pollution Emergency Alert System (PEAS)

Calls placed from inside Michigan 800-292-4706 (24-hour)
Calls placed from outside Michigan 517-373-7660 (24-hour)

Minnesota

Calls placed from inside Minnesota 800-422-0798 (24-hour)
Calls placed from outside Minnesota 651-649-5451 (24-hour)
Fax: 651-296-2300

New York

Calls placed from inside New York 800-457-7362 (24-hour)
Calls placed from outside New York 518-457-7362 (24-hour)
Fax: 518-782-9128

CANUSCENT Activation/Deactivation

CANUSCENT Activation (Form 1)

The Canada-United States Joint Inland Pollution Contingency Plan (CANUSCENT) may be invoked when an accidental or unauthorized release of oil or a hazardous substance presents an imminent or perceived threat to public health or welfare and/or the environment on either side of the shared inland border between the Province of Ontario and the States of New York, Michigan and Minnesota (see **Figure 1** in the plan). The 'shared inland border' is defined for the purposes of CANUSCENT as the area along the international border between the Province of Ontario and the United States where the potential threat exists for cross border impacts from a land-based environmental emergency. CANUSCENT may also be invoked where one country is affected by an environmental emergency, if the incident is of such magnitude as to require assistance from the other country.

Canada CANUSCENT Activation

- Environment Canada (EC) Duty Officer (DO) receives notification of incident.
- EC DO notifies appropriate federal, provincial, state and local authorities and gathers information regarding the incident in question.
- Utilizing their best professional judgment, the EC DO evaluates the severity of, and the current response to the incident and determines if an EC response is warranted.
- Once a decision is made that an EC presence on-scene is required for the incident in question, the EC DO will notify the Regional Environmental Emergencies Coordinator (REEC). The REEC will consult with the Manager of the Emergencies and Enforcement Division (EED) regarding the activation of CANUSCENT.
- If the decision is made to activate CANUSCENT the Manager of EED will contact the respective United States Environmental Protection Agency (EPA) Regional Response Team (RRT) Co-Chair or designee regarding official activation of CANUSCENT.
- If the Manager of EED and the respective EPA RRT Co-Chair or designee mutually agree to activate CANUSCENT, the Joint Environmental Emergency Response Team (JEERT) will be brought together. The EC REEC and the EPA RRT Co-Chair or designee will become Co-Chairs of JEERT. Each will be responsible for the coordination of and managing representation on JEERT for each country.
- The Manager of EED will complete the CANUSCENT Activation Notice and forward the notice to the appropriate parties.

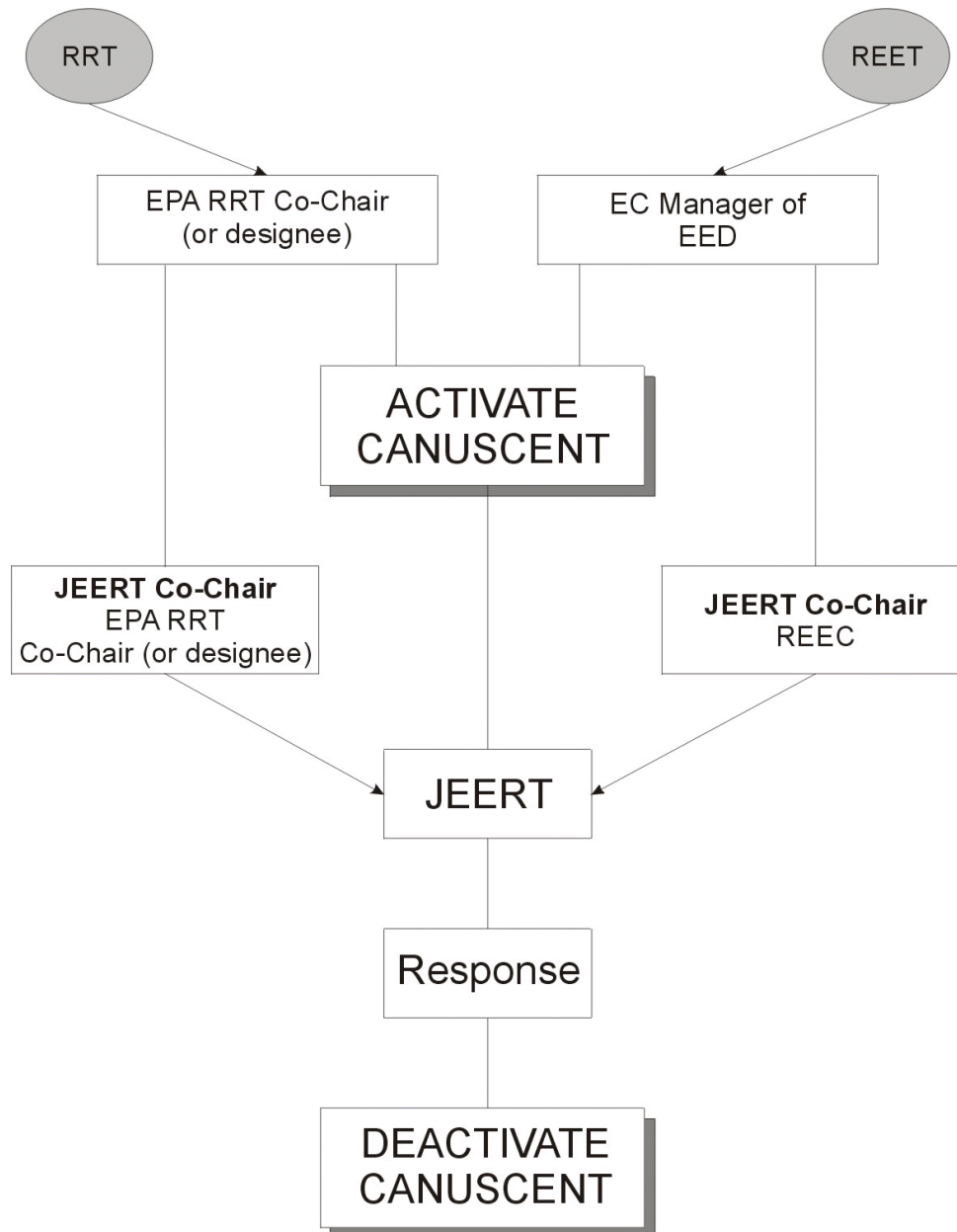
- In addition, the EC JEERT Co-Chair will verbally and in writing (fax/e-mail) notify the International Joint Advisory Team (IJAT) that CANUSCENT has been activated.
- When new information becomes available or conditions deteriorate, the decisions will be reconsidered.

United States CANUSCENT Activation

- EPA DO receives incident report.
- EPA DO notifies the Spills Action Centre (SAC), the state, tribes and other appropriate officials.
- Utilizing their best professional judgment, the EPA DO evaluates the severity of, and the current response to the incident and determines if an EPA response is warranted.
- Once a decision is made that an EPA presence on-scene is required for the incident in question, the EPA DO will notify the RRT Co-Chair or designee. If it is determined that the incident may have potential international impacts, the EPA RRT Co-Chair or designee will make the decision to activate CANUSCENT.
- If the decision is made to activate CANUSCENT the EPA RRT Co-Chair or designee will notify the Manager of EED regarding official activation of CANUSCENT.
- If the EPA RRT Co-Chair or designee and the Manager of EED mutually agree to activate CANUSCENT, the JEERT will be brought together. The EPA RRT Co-Chair or designee and the EC REEC will become Co-Chairs of JEERT. Each will be responsible for the coordination of and managing representation on JEERT for each country.
- The EPA RRT Co-Chair or designee complete the CANUSCENT Activation Notice and forward the notice to the appropriate parties.
- In addition, the EPA JEERT Co-Chair will verbally and in writing (fax/e-mail) notify the IJAT that CANUSCENT has been activated.
- In some cases the local or state responders might request EPA technical support without activation of CANUSCENT. EPA would evaluate each request and, when appropriate, respond on a case-by-case basis.
- When new information becomes available or conditions deteriorate, the decision will be reconsidered.

CANUSCENT Deactivation (Form 2)

Deactivation will occur when the Manager of EED and the respective EPA RRT Co-Chair(s) have consulted with the JEERT and other appropriate agencies/ organizations, the potential for cross-border impact has been mitigated and both parties are in agreement that deactivation should occur. The decision to deactivate CANUSCENT will be a joint consensus decision made by the Manager of EED and the respective EPA RRT Co-Chair(s). The EPA RRT Co-Chair(s) or the Manager of EED will complete the CANUSCENT Deactivation Notice and forward the notice to the appropriate parties.



CANUSCENT Activation/Deactivation Flowchart.



Environment Canada / Environnement Canada



Canada-United States Joint Inland Pollution Contingency Plan ACTIVATION NOTICE

Environment Canada
Manager, Emergencies and Enforcement Division

United States Environmental Protection Agency
Region 2 Regional Response Team Co-Chair
Region 5 Regional Response Team Co-Chair

The above have agreed that the Canada-United States Joint Inland Pollution Contingency Plan Annex III (CANUSCENT) be activated at:

Date: _____, Time: _____

regarding the:

Incident Name: _____

Location: _____

Incident Summary: _____

for the following reasons: _____

Signed by:

Environment Canada, Manager EED

EPA RRT Co-Chair

Date: _____

Date: _____

Distribution List:

- State and Provincial Agencies Involved
Joint Environmental Emergency Response Team
National Environmental Emergencies Centre, Ottawa
Regional Offices of Environment Canada and EPA

Form 1, CANUSCENT Activation Notice.



Environment Canada Environnement Canada



**Canada-United States Joint Inland Pollution Contingency Plan
DEACTIVATION NOTICE**

Environment Canada
Manager, Emergencies and Enforcement Division

United States Environmental Protection Agency
Region 2 Regional Response Team Co-Chair

The above have agreed that the Canada-United States Joint Inland Pollution Contingency Plan Annex III (CANUSCENT) be deactivated at:

Date: _____, Time: _____

regarding the:

Incident Name: _____

Location: _____

Incident Summary: _____

for the following reasons: _____

Signed by:

Environment Canada, Manager EED

EPA RRT Co-Chair

Date: _____

Date: _____

Distribution List:
State and Provincial Agencies Involved
Joint Environmental Emergency Response Team
National Environmental Emergencies Centre, Ottawa
Regional Offices of Environment Canada and EPA

Form 2, CANUSCENT Deactivation Notice



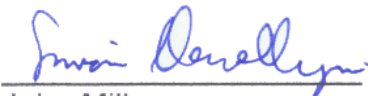
Letter of Promulgation



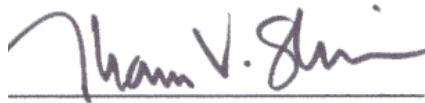
The Canada-United States Joint Inland Pollution Contingency Plan (the Inland Plan) provides for co-operative measures for dealing with accidental and unauthorized releases of pollutants that cause or may cause damage to the environment along the shared inland border and that may constitute a threat to public health, property, or welfare. The Inland Plan, which was signed on July 25, 1994 by the Minister for the Department of Environment for Canada and the Administrator of the Environmental Protection Agency for the United States of America, calls for the development of five geographic annexes, which cover the full international boundary. As provided in Appendix F of the Inland Plan, CANUSCENT is Annex III, which covers the shared inland border between the Province of Ontario and the States of Minnesota, Michigan and New York.

CANUSCENT complements the Canada-United States Joint Marine Pollution Contingency Plan - Annex I - Great Lakes Operational Supplement, which provides for a joint response mechanism among the Canadian Coast Guard and the United States Coast Guard for pollution incidents which occur in the Great Lakes, St. Lawrence Seaway and their connecting channels.


CANUSCENT has been prepared in accordance with section 802 of the Inland Plan and provides for a coordinated response to a cross border pollution incident which threatens public health and/or the environment along the shared inland border between the Province of Ontario and the States of Minnesota, Michigan, and New York.


John Mills
Regional Director General
Environment Canada
Ontario Region

Date: 10/08/2001


Thomas V. Skinner
Regional Administrator
U.S. EPA Region 5

Date: 9.17.01


William J. Muszynski, P.E.
Acting Regional Administrator
U.S. EPA Region 2

Date: 7/31/01

ANNEX III of the Canada - United States Joint Inland Pollution Contingency Plan (CANUSCENT)

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ANNEX III of the Canada - United States Joint Inland Pollution Contingency Plan (CANUSCENT)

1.0 Background

CANUSCENT has been developed pursuant to the Canada-United States Joint Inland Pollution Contingency Plan (Inland Plan), a cooperative mechanism between the United States and Canada for preparedness and response to spills and releases of oil and hazardous substances. The Letter of Promulgation for the Inland Plan was signed on July 25, 1994 by the Minister of the Department of Environment for Canada and the Administrator of the Environmental Protection Agency for the United States (EPA). The Inland Plan divides the common inland border between the two countries into five regions. The EPA and Environment Canada (EC) regional offices were tasked to develop detailed multilateral plans for each region. The EPA Regions 2 and 5 and EC's Ontario Region were tasked to develop CANUSCENT. The International Joint Advisory Team (IJAT) is the policy and advisory body with representatives for both the United States and Canada at the national level who are tasked with the overall responsibility for the maintenance, promotion, and coordination of the Inland Plan and the inland planning process.

2.0 Purpose, Objectives, and Scope

2.1 Purpose

CANUSCENT applies to the shared inland border between the Province of Ontario and the States of New York, Michigan and Minnesota. CANUSCENT is a regionally specific plan designed to mitigate the effects of an environmental emergency on human health and safety, environment, and property by providing for a coordinated and integrated response to environmental emergency incidents which threaten the shared inland border.

The purpose of CANUSCENT is to specify the process which would be used to activate federal government response on either side of the border and to facilitate effective joint response with state/provincial, local and Tribal/First Nation organizations.

2.2 Objectives

The objective of this plan is:

- To minimize the effects to human health and safety, environment and property from an environmental emergency incident which threatens the inland border.
- To provide an international coordination mechanism between responders in Canada and the United States to ensure an effective coordinated response to an environmental

emergency which threatens the inland border.

- To ensure timely and accurate notification of incidents which threaten the shared inland border.
- To facilitate safe and timely movement of personnel, equipment and supplies across the Canada/United States border.
- To ensure that the applicable health and safety standards of each country are met as part of an international joint response effort.
- To ensure coordinated and timely flow of information to the public and media.

2.3 Scope

CANUSCENT may be invoked when an accidental or unauthorized release of an oil or hazardous substance presents an imminent or perceived threat to public health or welfare and/or the environment on either side of the shared inland border between the Province of Ontario and the States of New York, Michigan and Minnesota (Figure 1). The “shared inland border” is defined for the purposes of CANUSCENT as the area along the international border

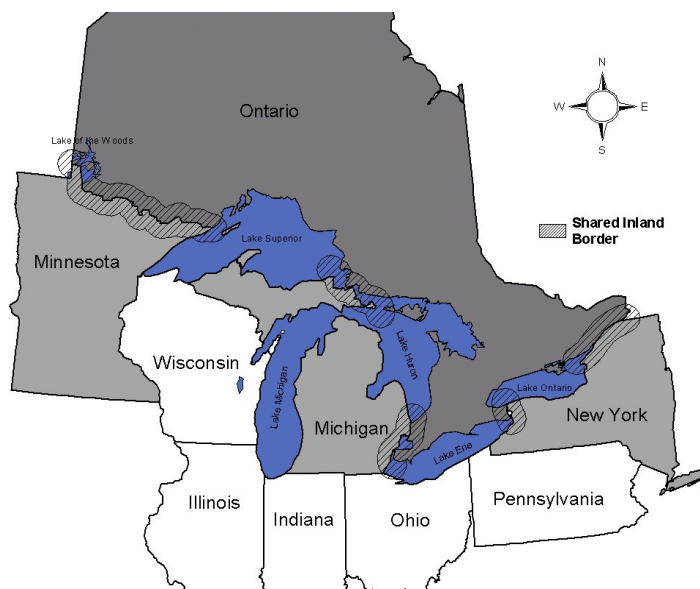


Figure 1, CANUSCENT Area.

between the Province of Ontario and the United States where the potential threat exists for cross-border impacts from a land-based environmental emergency, including releases to the air impacting land on either side of the connecting channels. CANUSCENT may also be invoked where one country is affected by an environmental emergency, if the incident is of such magnitude as to require assistance from the other country.

CANUSCENT does not apply to environmental emergency incidents that are covered by Annex 1 of the Canada-United States Joint Marine Pollution Contingency Plan (CANUSLAK) or

radiological incidents covered by the Canadian Federal Nuclear Emergency Plan (1998) or the United States Federal Radiological Emergency Response Plan (1996).

3.0 Authority

A Joint Environmental Emergency Response Team (JEERT) will be chaired by the EC Regional Environmental Emergencies Coordinator (REEC) and the respective EPA Regional

Response Team (RRT) Co-Chair(s) who will coordinate and manage representation on the JEERT for each country (see Section 5.1 for more information on JEERT).

There are a number of existing joint and country specific plans and agreements which relate to CANUSCENT (see Section 5.25 for more information on these plans and agreements).

3.1 United States Environmental Protection Agency

Responsibilities of the EPA for responding to a spill or release of oil or hazardous substances are set out in the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), as amended, the Oil Pollution Act of 1990 (OPA) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). Under OPA the President is required to direct the response to spills that present a substantial threat to the public health or welfare of the United States. The responsibility for spills in the inland zone has been delegated to the EPA. The NCP states that for spills of hazardous substances the EPA federal On-Scene Coordinator (OSC) directs response efforts and coordinates all other efforts. The EPA federal OSC may designate capable persons from federal, state, tribal or local agencies to act as their on-scene representatives.

3.2 Environment Canada

Responsibilities relating to EC for environmental emergencies are set out in the 1973 Cabinet Decision. The Decision requires EC to develop an environmental emergency program; to coordinate the federal government's response in the event of an environmental emergency; to develop and maintain the capability to provide technical advice in emergency situations; to prepare for and be able to respond to environmental emergencies, and to develop, assess and test new response tools.

This mandate is supported by the Emergency Preparedness Canada Policy Document - Departmental Planning Responsibilities for Emergency Preparedness (1995) which further tasks EC with developing and maintaining civil emergency plans for (a) environmental hazards and their associated risks and (b) providing timely warnings for weather, ice, sea state, and other physical phenomena.

4.0 Response Management Organization

4.1 Guiding Principle

CANUSCENT is based on the *Principle of Escalation*. The initial government response to an environmental emergency will almost always be led by the impacted local/municipal or Tribal/First Nations level government. As the incident grows in significance (be it by the sheer size of the incident, associated impacts, complexity of the response, or cost) state/provincial and federal agencies may become involved on their own accord. If the environmental emergency exceeds the capacity of the local responders a formal request will be made to the

state/provincial or federal agencies responsible for the impacted parties (e.g., for Tribal/First Nations land the United States and Canadian federal governments are the lead for resources and expertise for an environmental emergency).

It is always intended that the Responsible Party will take full responsibility, both operationally and financially, for the response to an environmental emergency. The appropriate level of government will oversee the Responsible Party's response and if the response is inadequate in protecting human health, property and the environment, government authorities can take over management of the response operations in accordance with applicable legislation.

4.2 Response Management Organization

During escalation of the response, the federal OSC will operate within the existing command structure established by state/provincial or local government. The first responders at the scene of the emergency are usually local public safety officials and are the first to assess the situation and take emergency measures such as firefighting, securing the area, evacuation, and traffic control. The initial role of the federal OSC is to support and assist local and state jurisdictions in mitigating the threat to human health and the environment. Public safety authorities rest with local and state officials. The federal OSC is committed to effectively coordinating with local officials in order to minimize disruption to public safety measures.

A multi-national pollution incident may be managed through either a unified bi-national response management organizational structure or coordinated collateral operations. Generally, the specifics of the incident will dictate which structure is used (e.g., proximity of resources, facilities, and population centers; or geographic extent of impact).

4.21 Use of Unified Bi-national Response Management Organizational Structure

In managing a multi-jurisdictional incident, a Unified Command System (UCS) may be established. The UCS generally follows the tenets of the National Interagency Incident Management System (NIIMS) based Incident Command System (ICS), although this is not a requirement. The purpose of a UCS is for all agencies to achieve a common goal, with no agency or organization losing its jurisdictional authority, responsibility, or accountability. The presence of an incident impacting both sides of the International Border does not affect, amend, or alter existing laws, regulations, and authorities regarding response management within each country. It is imperative that all affected governmental officials participate in the decision-making process.

When engaged in a unified bi-national response structure, coordination is achieved through regular incident command briefing meetings which identify issues of concern, available and deployed resources, and the status of current operations. During the initial stages of forming the command function, each participating organization should identify its jurisdictional priorities and objectives and present its jurisdictional limitations and concerns. Subsequent incident command briefing meetings will serve to update the command on issues such as response objectives, priorities, resources, established facilities, and planning for the next operational

period. The responsible party must provide a qualified representative to participate in the unified command.

4.22 Use of Coordinated Collateral Operations

When operating under separate command structures, federal OSCs or their designees, will meet to discuss cross border issues. Meetings may be held at the nearest United States Customs or Canada Customs office or by telephone. Additionally, for major incidents, the federal OSC for each nation may send an Agency representative as liaison officer on a full time basis to the other country's respective command post. The responsible party must provide a separate qualified representative to the response structure in each country. The responsible party may participate in all joint meetings among the federal OSC from each country.

Refer to **Figure 2** for a graphical delineation of a UCS for CANUSCENT cross-border spills.

4.3 CANUSCENT Activation

CANUSCENT may be activated when an accidental or unauthorized release of oil or other hazardous substance presents an imminent or perceived threat to public health or welfare and/or the environment on either side of the shared inland border between the Province of Ontario and the States of New York, Michigan and Minnesota (see **Figure 1**, above). CANUSCENT may also be activated where one country is affected by an environmental emergency, if the incident is of such magnitude as to require assistance from the other country. Deactivation of CANUSCENT will occur when there is no longer an imminent or perceived threat to public health or welfare and/or the environment on either side of the shared inland border or when emergency assistance from the other country is no longer required. Please see the Activation/Deactivation section at the beginning of this report for complete

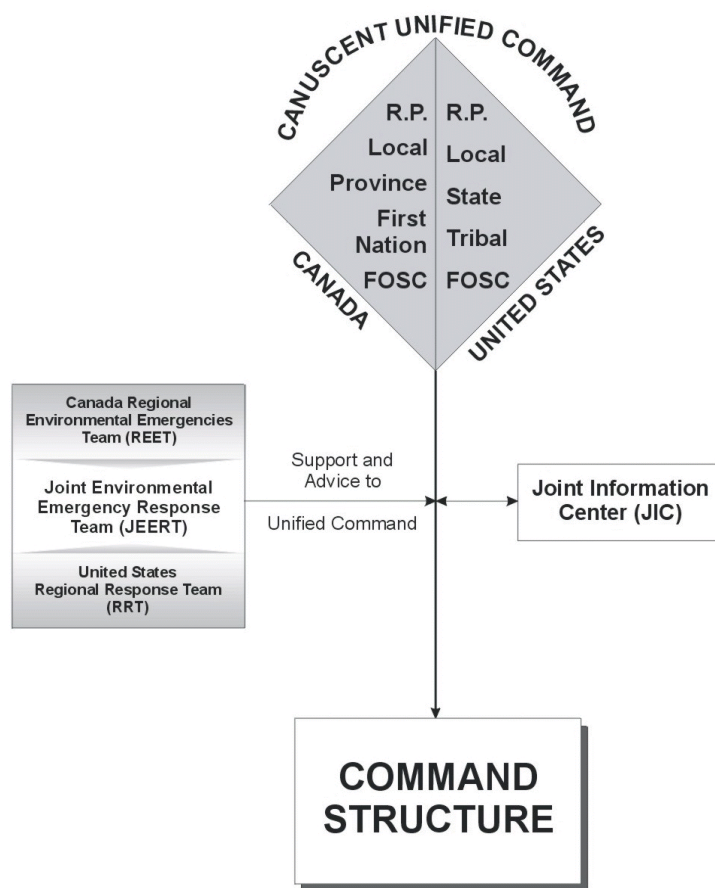


Figure 2, Unified Command for CANUSCENT Cross-border Spills

Activation/Deactivation procedures and forms.

4.4 CANUSCENT Deactivation

Deactivation will occur when the Manager of EED and the respective EPA RRT Co-Chair(s) have consulted with the JEERT and other appropriate agencies/organizations, the potential for cross-border impact has been mitigated and both parties are in agreement that deactivation should occur. The decision to deactivate CANUSCENT will be a joint consensus decision made by the Manager of EED and the respective EPA RRT Co-Chair(s). The EPA RRT Co-Chair(s) or the Manager of EED will complete the CANUSCENT Deactivation Notice and forward the notice to the appropriate parties.

5.0 Roles and Responsibilities

5.1 Joint Environmental Emergency Response Team

The JEERT will be brought together in conjunction with the formal activation of CANUSCENT. The JEERT will include representatives from the EC Regional Environmental Emergency Teams (REETs) and from the EPA Region 2 and/or Region 5 RRT depending on the location of the environmental emergency. The EC REEC and the respective EPA RRT Co-Chair will become Co-Chairs of JEERT. Each will be responsible for the coordination of and managing representation on JEERT for each country. The JEERT provides advice and operational support to the Unified Command during response operations. The JEERT does not exercise control over the UCS.

During an environmental emergency the advisory and support functions of the JEERT include the following:

- Providing consolidated environmental advice and/or assistance to the Incident Command.
- Monitoring overall response to the incident, monitoring incoming field reports, and assessing potential environmental/health impacts.
- Assisting in multi-agency response coordination and soliciting participation by other agencies.
- Assisting in communicating status/summary reports on the incident to respective impacted/involved parties.
- Ensuring efficient communications and effective information flow.
- Providing an Advisory and Liaison Coordinator (ALC) to apprise the Unified Command of JEERT matters and vice versa.

In addition to responsibilities relating to the activation of CANUSCENT and response operations, the JEERT is responsible for the development, maintenance and effective implementation of CANUSCENT. As such, the JEERT is required to maintain a non-emergency phase component which is tasked with the development and maintenance of CANUSCENT. The JEERT, in its planning phase, will include representatives from the EC REETs and from the EPA Region 2 and/or Region 5 RRT.

During the planning phase the advisory and support functions of the JEERT include the following:

- Maintaining an updated contact list for federal, provincial/state, Tribal/First Nations, municipal and non-governmental agencies.
- Seeking arrangements with other agencies which may be of service during an environmental emergency.
- Developing procedures to promote a coordinated response.
- Reviewing and analyzing post incident reports and providing recommendations.
- Developing a post incident report and forwarding the report to all involved agencies.
- Holding a post-incident JEERT debrief and develop a JEERT debrief report for distribution.
- Planning, implementing, and evaluating CANUSCENT exercises.

5.11 United States Members of the JEERT

The composition of the JEERT will be established in accordance with the needs of a specific incident. The following list identifies the key United States agencies from which the United States would draw to fill needed positions on the JEERT specific to locational needs.

- United States Environmental Protection Agency
- United States Coast Guard (USCG)
- Department of Agriculture
- Department of Commerce
- Department of Defense
- Department of Energy
- Department of Health and Human Services
- Department of the Interior
- Department of Justice
- Department of Labor
- Department of State
- Department of Transportation
- Federal Emergency Management Agency

- Food and Drug Administration
- General Services Administration
- Nuclear Regulatory Commission
- State Regional Response Team Members
 - S Michigan Department of Environmental Quality
 - S Minnesota Pollution Control Agency
 - S New York Department of Environmental Conservation
- Native American Tribe(s)

5.12 Canadian Members of the JEERT

The JEERT will include representatives from the EC REETs. There are a number of Area REETs in place across the Province of Ontario. Depending on the location, significance and associated impacts of the environmental emergency membership in JEERT will vary. As such the list presented here is only partial as incident specifics will determine the actual Canadian component of JEERT.

- Environment Canada (REEC)
- Canada Customs and Revenue Agency
- Conservation Authorities
- Department of Fisheries and Oceans (includes Habitat Protection and the Canadian Coast Guard (CCG))
- Department of National Defence (includes Emergency Preparedness Canada)
- First Nations
- Harbour Commissions
- Health Canada
- Indian and Northern Affairs Canada
- Industry Representatives
- Local Health Units
- Municipal Government(s)
- Ontario Ministry of Environment
- Ontario Ministry of Health
- Ontario Ministry of Natural Resources
- Ontario Ministry of the Solicitor General (includes Emergency Measures Ontario)
- Parks Canada
- Seaway and Bridge Authorities

5.2 Federal On-Scene Coordinator

In the United States for the area covered by CANUSCENT, the federal OSC is the federal official designated by EPA to coordinate and direct responses to releases of oil and/or hazardous substances. The authorities of the federal OSC are very broad and provide for responding and/or directing response to releases of oil and/or hazardous substances which threaten public health/welfare or the environment. These authorities are outlined in the National Oil and Hazardous Substance Pollution Contingency Plan (NCP).

Canada does not have a similar authority in federal or provincial legislation. However, for the purposes of CANUSCENT and international consistency the lead Canadian federal agency's designated representative will be referred to as the federal OSC.

5.21 Support Role

In the support role the federal OSC may provide response oversight, technical assistance, and other support to the Responsible Party, local, state, First Nations/Tribal, or provincial OSC(s). In addition, the federal OSC may provide coordination and liaison to other federal government activities at the scene.

5.22 Lead Role

In the case where the federal OSC assumes the overall lead role, he/she shall be responsible for the overall planning, control and direction of the response and countermeasures operations and is the final authority for all decisions. Also, it is the responsibility of the federal OSC to obtain proper authorization and the necessary permits, in accordance with appropriate national, state/provincial, Tribal/First Nations people and local laws, to call upon and direct the deployment of resources to initiate and continue countermeasures, cleanup, temporary storage and disposal functions.

In all cases the federal OSC shall:

- Determine the pertinent facts about a particular polluting incident; identify the polluter; the nature, amount, and location of pollutant; probable direction and time of travel of the pollutant; resources available and needed; and the potential effects on public health and welfare and on property or the environment.
- Ensure that comprehensive and consolidated environmental advice and technical support information is being provided to address the needs of the response operations. This should be done through a REET for Canada or a Scientific Support Coordinator (SSC) for the United States.
- Maintain an up-to-date and accurate information flow to the JEERT to ensure the maximum effectiveness of the joint effort in protecting the public health and welfare, the environment, and property from pollution damage.
- Submit reports and recommendations to the JEERT following a polluting incident.

5.3 Federal/State/Provincial Agency Roles

5.31 United States Environmental Protection Agency

EPA has the federal responsibility for addressing spills of oil and hazardous substances in the

inland zone. It is EPA's responsibility to assure that all inland spills are responded to in a timely manner and that the response is adequate to ensure appropriate cleanup and protection of public health/welfare, the environment, and property while taking into account natural and cultural resource issues. In all spill situations it is EPA's intent to contribute to the response by working with the local, state, and tribal authorities, the general public, Canadian federal and provincial agencies, First Nation's authority, and other United States federal agencies to ensure the information needed to maximize the effectiveness of the response effort is properly considered.

In conducting response activities on Tribal Lands, EPA will consult with Tribal governments to the greatest extent practicable prior to taking actions that affect a Tribe and its resources. EPA follows a long-standing Tribal policy that EPA will operate under a government-to-government relationship, promote Tribal self-government, and recognize Tribal governments as the primary parties for managing the environment on Reservations (EPA Policy for the Administration of Environmental Program on Indian Reservations, November 8, 1984). EPA will carry out response activities in a manner that is consistent with EPA's Tribal policies, the Region's agreements with the Tribes, and EPA's enforcement policies. By following these procedures, EPA will ensure that the Tribes' rights to self-government are respected, and that EPA response authorities and enforcement discretion are safeguarded.

During a response it is both United States policy and EPA's intent to require the Responsible Party to mitigate and remediate the release or discharge and when EPA is the lead United States response agency, to oversee that the response is conducted properly, in accordance with the NCP and other appropriate response plans, and in a timely manner.

When the Responsible Party is unknown or is incapable of providing a proper and timely response, EPA may assert a greater role in response management. In the case of an oil discharge posing a substantial threat to public health/welfare, EPA is required by law to initiate and direct an appropriate response. EPA has significant contractor and in-house resources available to it which can be brought to bear during a spill incident. It is EPA's intent to allow spills to be addressed at the local and state levels whenever possible.

5.32 Environment Canada

EC has the federal responsibility for developing and maintaining an environmental emergency program, coordinating the federal government's response in the event of an environmental emergency, developing and maintaining the capability to provide technical advice in emergency situations, preparing for and responding to environmental emergencies, and developing, assessing and testing new response tools.

Environment Canada is responsible for providing the above responsibilities relating to environmental emergencies when:

- An environmental emergency originates or impacts federal properties, federal interests or federally managed resources.

- An environmental emergency is of international significance.
- EC participation is requested by a provincial, regional or municipal government.
- Operational leadership is not assigned or the environment is not being adequately protected.

As such EC is the lead Canadian federal coordinating agency for large scale inland cross-border environmental emergencies. In the event of a large scale inland cross-border environmental emergency EC is responsible to ensure that the response is timely and that public health, property and the environment are protected. EC will work with the involved federal, provincial, municipal, First Nation, United States federal/state and non-governmental agencies to ensure a high level of coordination is established between all levels of responders and that the response is undertaken as effectively and efficiently as possible.

In conducting response activities on reserve lands and Aboriginal treaty settlement lands, EC will involve First Nations people as it will other agencies with relevant jurisdiction relating to a pollution incident. EC recognizes the existence of both First Nations and Treaty rights as defined in Section 35 of the Canadian Constitution Act, (1982). In addition, EC supports the Government of Canada's Inherent Right Policy (1995) that established a new government-to-government relationship with First Nations governments within the Canadian constitutional framework.

It is EC's intent that the Responsible Party will take full responsibility, both operational and financial, for the response to an environmental emergency. The federal OSC will oversee the Responsible Party's response and if the response is inadequate in protecting human health, property and the environment, government authorities can assume management of the response operations in accordance with applicable legislation.

EC has significant in-house resources available, which can be activated during a major environmental emergency. Some of the primary functions EC may undertake during an environmental emergency include:

- As Co-Chair (with the Ontario Ministry of the Environment) of the Ontario Area REETs, EC will be responsible for notifying and bringing the appropriate REET members together to form the Canadian basis of the JEERT.
- EC will provide detailed shoreline sensitivity, resource and countermeasure information for the Canadian shoreline and connecting channels.
- EC will also take the lead in the protection of migratory birds and endangered species.
- EC will provide routine and specialized meteorological, ice, sea-state and air quality services.

- EC will provide technical and scientific advice on the properties and behaviour of the respective pollutant(s) involved in the environmental emergency.

5.33 Michigan, Minnesota, and New York

5.331 Michigan

In accordance with the Michigan Emergency Management Act, the Director of the Department of State Police is the Director of Emergency Management. The Director maintains an Emergency Management Division (EMD) within the Department of State Police. The commanding officer of the EMD is designated as the Deputy State Director of Emergency Management. The EMD consists of headquarters staff and field personnel (District Coordinators), each in charge of a specific area of the state. Within this framework, the EMD coordinates the comprehensive emergency management activities of mitigation, preparedness, response, and recovery for state and local government.

Each state department or agency appoints an Emergency Management Coordinator to act as liaison to the EMD and to coordinate the implementation of tasks assigned to the department in the Michigan Emergency Management Plan (MEMP). State department task assignments are primarily oriented toward supporting and supplementing local government efforts to mitigate against, prepare for, respond to, and recover from disasters and emergencies.

The various State of Michigan agency response roles are as follows:

- Michigan Department of Environmental Quality (MDEQ) – MDEQ is the primary environmental emergency response agency in the state for all non-agricultural-related spills. The primary response role for MDEQ is of technical advisor. These personnel are responsible for complaint investigation and emergency spill response and oversee the environmental aspects of spill containment, control, and mitigation.
- Michigan State Police (MSP) – The MSP EMD serves as the designated emergency/disaster response coordination agency for the state and as the primary state contact point in the event of a declared disaster resulting in the activation of the MEMP.
- Michigan Department of Agriculture (MDA) – The MDA is the lead agency in spill responses involving agricultural chemicals and/or fertilizers.
- Michigan Emergency Response Commission (MERC) – The MERC is the primary coordination agency and liaison with the LEPCs throughout the state. The MERC is co-chaired by MSP EMD and MDEQ.
- Michigan Department of Natural Resources (MDNR) – The MDNR is the lead agency for the state in decisions involving fish and wildlife issues during a spill response working cooperatively with the MDEQ OSC.

- Michigan Department of Community Health (MDCH) – The MDCH provide support in performing laboratory analyses on the material involved in a release.
- Michigan Department of Consumer and Industry Services (MDCIS) – The MDCIS monitors employee exposure to airborne contaminants resulting from a hazardous material release.

5.332 Minnesota

The Minnesota Pollution Control Agency (MPCA) provides the designated member of RRT Region 5 for the State of Minnesota. MPCA is the primary state responder to spills and other emergencies involving hazardous materials (with the exception of incidents involving pesticides and fertilizers, which are under the jurisdiction of the Minnesota Department of Agriculture). All of the following information describing state emergency response therefore assumes MPCA actions for general hazardous materials incidents, but applies to the Department of Agriculture for all pesticide and fertilizer incidents.

MPCA's Emergency Response Team (ERT) includes eight full-time ERT members whose primary duty is to monitor the cleanup of spills and other emergency situations which pollute or threaten to pollute surface or ground water. By default, they also respond to reports of other environmental emergencies (e.g., air releases, illegal hazardous waste disposal, tire dump fires). In addition to receiving release reports, the ERT may perform field inspections at spill sites, provide technical assistance to responsible parties, or carry out enforcement actions for violation of state laws and rules.

If necessary, ERT staff will proceed to the site to provide coordination and assistance in handling the emergency. This may include taking charge of the response if the responsible party is unknown or unavailable. In situations where public safety is the primary consideration, the ERT member does not take charge of the incident, but assists the fire chief or other public safety officials at the scene. This assistance may include emergency waiver or suspension of state laws and rules (e.g., allowing emergency wastewater discharges or the burning of a spilled product in order to minimize overall environmental damage). The assistance may also include activation of contractors using state funds.

Minnesota Statute Chapter 115E requires companies handling oil and hazardous substances to act to prevent releases and to be prepared for releases they may have. Chapter 115E requirements are similar to OPA, but cover protection of the public's safety and the environment, and cover pollution of the land, air, and waters of the state. A facility operator is to notify the Emergency Response Commission when its plan is completed, and must supply a copy upon request. MPCA ERT staff actively inspect the prevention capabilities and preparedness of major facilities, and will assist facility owners if requested. They conduct enforcement if the preparedness of a facility is found to be inadequate, especially if it contributed to a release or poor response.

Other State of Minnesota agency responsibilities and requirements are as follows:

- Department of Public Safety Division of Emergency Management (DEM): DEM operates the 24-hour-per-day Duty Officer System to take incident reports for all state agencies. DEM also coordinates the actions of State agencies, including MPCA, Natural Resources, Transportation, Public Safety, and Health. DEM conducts training for State and Local responders, and reviews County emergency plans. DEM and the State Fire Marshal contract with a number of Local jurisdictions to provide hazardous materials assessment and response teams to the various regions of the State.
- Emergency Response Commission: Conducts the Right-to-Know programs in the State.

5.333 New York

Under Non-Disaster Declarations reportable releases of petroleum and hazardous materials are to be reported 24 hours a day to the Spill Hotline at 1-800-457-7362 or 1-518-457-7362 from outside New York, by anyone with knowledge of the spill. New York State Department of Environmental Conservation (DEC) Spill Responders will evaluate the need for a state response depending on the severity of the incident and any request for assistance from local agencies. The Spill Responders role is to ensure that the release is contained and remediated so that it is protective of human health and the environment. Overall incident command remains on the local level. However, if environmental conditions warrant a more significant role for DEC, this coordination would be achieved through a unified command structure. If the party responsible for the spill can not be identified or is unwilling or unable to perform the cleanup DEC may hire a standby contractor to complete the necessary work.

For certain incidents, NYSDEC may also request response activation from other state agencies, such as the NYS Department of Health (NYSDOH) during an incident involving an air release impacting human populations. NYSDOH is also the lead for incidents involving infectious or radiological substances.

Under Disaster Declarations activation of the NYS Comprehensive Emergency Management Plan (including the Hazmat annex) is initiated by notification to the State Warning Point at (518) 457-2200. In a response initiated from the bottom up this notification is typically made by the county emergency manager. The NYSCEMP designates the Lead State Agencies for the state's response action. In this role, the incident commander remains at the county level and the Lead State Agency renders assistance, with coordination of State resources by the State Emergency Management Office.

Under the NYSCEMP Hazmat annex, the designated Lead Agencies are:

- New York State Department of Health
 - S for emergencies involving radioactive substances; and
 - S for emergencies involving infectious substances.

- New York State Department of Environmental Conservation

- S for emergencies involving hazardous wastes;
 - S for clean up and disposal of spilled materials, including pesticides and petroleum;
 - S for emergencies resulting in air contamination due to spills of hazardous materials; and
 - S for emergencies resulting in surface or groundwater contamination due to spills of hazardous materials (excluding radioactive or infectious substances, as above).

- Office of Fire Prevention and Control

- S when fire or threat of fire is the primary concern.

- Division of State Police

- S when perimeter control or ordinance (explosive) disposal is the primary concern.

5.34 Province of Ontario

5.341 Emergency Measures Ontario

The Emergency Plans Act (1990) provides the authority for the provincial government to prepare for and respond to emergencies (excluding nuclear emergencies) in order to protect public health, safety, welfare and property in Ontario. The Province of Ontario Emergency Plan (hereafter referred to as the Provincial Emergency Plan or PEP) describes the arrangements and measures that may be taken to safeguard the health, safety, welfare and property of the people of Ontario affected by such an emergency.

Provincial emergency management for Ontario (which includes the formulation administration and implementation of the PEP) is coordinated by the Solicitor General via Emergency Measures Ontario (EMO).

The PEP provides a means by which:

- The province can be made aware of the threat or onset of an emergency.
- Provincial resources can be coordinated and directed to assist impacted parties.
- If necessary, the province can declare an emergency and directly control the commitment and application of provincial resources and possibly those of affected communities.

EMO will monitor a potential or actual emergency and the associated response activities. Should an emergency require a coordinated provincial response or emergency declaration as a result of emergency escalation or should a provincial ministry require assistance in fulfilling its role, EMO will implement the necessary provisions from the PEP (e.g. staffing of the Provincial Operations Centre). All implemented provisions of the PEP will focus on enhancing

a coordinated provincial/international response and overcoming the emergency.

5.342 Ontario Ministry of the Environment

The Ontario Ministry of the Environment (MOE) is the lead provincial agency for environmental emergencies. The MOE is responsible for achieving and maintaining environmental quality that will protect human health and the ecosystem, and will contribute to the well-being of the people of Ontario.

In the event that a spill occurs, MOE will give the discharger adequate opportunity to respond, and to deal with the spill. Furthermore, in conjunction with other agencies, MOE will assist in the decision-making process regarding spill-related response actions.

In Ontario, the discharger is required to report the incident forthwith to the MOE and to the municipality in which the spill occurred. The MOE operates the Spills Action Centre (SAC) which provides a province wide, toll free spill reporting system which is staffed year round on a 24 hour basis. The primary role of SAC is to receive reports of spills and other urgent matters and, where required, initiate and coordinate an environmental response. The MOE is expected to notify other agencies, in a timely manner, in accordance with inter-agency, inter-governmental and international agreements and formal contingency plans, and the MOE assists in warning “downstream” users, or potentially affected parties, and other agencies as may be appropriate.

The discharger is also required to contain and clean up the pollutant forthwith, or arrange for these actions to be carried out forthwith, and to restore the spill site to pre-spill conditions where this can be reasonably expected. Specific notification, cleanup and liability provisions for spills of pollutants to the environment are addressed in Part X of The Ontario Environmental Protection Act.

When MOE is notified of a spill by the discharger, or by other agencies as the case may be, MOE will assess the seriousness of the event and the adequacy of the reported response efforts, and determine the type of MOE response required. There are three levels of field response under which the MOE operates. Level I (District Response) is provided by an environmental officer stationed in the District or Area Offices. Level I response involves an initial site assessment and an analysis of the data available to determine what further actions or assistance are required. Level II (Regional Response) is provided through MOE Regional Offices. Level II response involves providing additional support staff, equipment and expertise, providing air or water monitoring, modeling, and analysis, and continuing to provide direct advice on appropriate response and cleanup techniques. Level III (Head Office Response) is provided through the MOE Head Office and other MOE branches. Under a Level III response a Trace Atmospheric Gas Analyzer (TAGA) Unit can be deployed to conduct highly sophisticated air quality surveys for the environmental emergency in question.

In rare cases, the MOE may have to exercise the statutory options available to the MOE for pre-empting an inadequate response.

5.35 Existing Applicable Legislation and Agreements

5.351 United States

The following legislation provide the mandate for the EPA to protect the environment in the event of an environmental emergency:

- National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321-4347: NEPA is the basic national charter for protection of the environment. It establishes policy, sets goals, and provides means for carrying out the policy (<http://es.epa.gov/oeca/ofa/nepa.html>).
- The Clean Water Act (CWA), 33 U.S.C. s/s 121 et seq. (1977) as amended by the Oil Pollution Act of 1990 (OPA), 33 U.S.C. 2702 to 2761: OPA streamlined and strengthened EPA's ability to prevent and respond to catastrophic oil spills and established a trust fund financed by a tax on oil to clean up spills when the responsible party is incapable or unwilling (<http://www4.law.cornell.edu/uscode/33/ch40.html>).
- Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund), 42 U.S.C. s/s 9601 et seq. (1980) as amended by the Superfund Amendments and Reauthorization Act (SARA), 42 U.S.C.9601 et seq. (1986): Superfund created a tax on the chemical and petroleum industries and provided broad federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment (<http://www4.law.cornell.edu/uscode/42/ch103.html>).
- Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. 5121, et seq.: The Federal Emergency Management Agency (FEMA) has been delegated primary responsibility for coordinating federal emergency preparedness, planning, management, and disaster assistance functions. EPA supports these activities under Emergency Support Function (ESF) #10, Hazardous Materials Annex to the Federal Response Plan (FRP) (April 1999). The FRP may be viewed at <http://www.fema.gov/r-n-r/frp/>.

5.352 Canada

The following legislation provides the mandate for Environment Canada to protect the environment in the event of an environmental emergency:

- Canadian Environmental Protection Act, 1999: The Canadian Environmental Protection Act (CEPA 1999) is founded on the concept that preventing pollution is better, both for the environment and the economy, than trying to clean up the pollution once an incident has already occurred. CEPA 1999 contains provisions respecting pollution prevention, environmental emergencies, fuels, international air and water pollution, motor emissions, environmental regulation of government operations (includes federal land and First Nations land), the disposal of wastes and other matter at sea, and the export and import of

wastes.

- Emergencies Act: The Emergencies Act enables the federal government to provide for the safety and security of Canadians during national emergencies.
- Emergency Preparedness Act: This statute authorizes Emergency Preparedness Canada to advance civil preparedness in Canada for emergencies of all types, by facilitating and coordinating, among government institutions and in cooperation with provincial governments, foreign governments and international organizations, the development of civil emergency plans.
- Fisheries Act: The Fisheries Act is a wide ranging statute dealing with fish, fish habitat, their harvest and management in Canadian waters. There are two elements contained in Chapter 36 of the Act which bear directly on environmental emergencies.
 - S Subsection 35(1) prohibits the harmful alteration, disruption or destruction of fish habitat, defined in subsection 34(1) as meaning spawning grounds and nursery, rearing, food supply and migration areas on which fish depend directly or indirectly in order to carry out their life processes.
 - S Subsection 36(3) prohibits among other things the deposit of a deleterious substance in waters frequented by fish.
- Migratory Birds Convention Act: The Migratory Birds Convention Act addresses migratory birds, their habitat, their harvest and management. Subsection 35(1) states that it is an offense to deposit oil, oily waste, or other substances harmful to migratory birds into water inhabited by such birds.

Canadian federal legislation can be accessed via the Internet at:
<http://canada.justice.gc.ca/FTP/EN/Laws/index.html>

5.4 United States Regional Response Teams

The RRT is a Regional advisory group for planning and preparedness activities before response activities occur, as well as for coordination of assistance and advice to the federal OSC during site-specific incidents. The Co-Chairs of the RRTs are appointed by the USCG District and EPA Region. Additional RRT membership includes representatives appointed by the Governor from each state, and the designated regional representatives of the following Federal agencies: Department of Agriculture, Department of Commerce, Department of Defense, Department of Energy, Federal Emergency Management Agency, General Services Administration, Department of Health and Human Services, Department of the Interior, Department of Justice, Department of Labor, Nuclear Regulatory Commission, Department of State, and Department of Transportation. Federal RRT member agencies have duties established by Statute or Executive Order which may apply to federal response actions following or in prevention of a discharge of oil or a release or a threat of release of a

hazardous substance, pollutant, or contaminant. The RRT may also function as the Inland Area Committee under the mandates of OPA.

The principal components of the RRT are a standing RRT and incident-specific RRT. The standing RRT consists of designated representatives from each participating federal agency listed above and each state. Each incident-specific RRT is formed from the standing team when the RRT is activated for a response, and consists of representatives of appropriate local governments, state agencies, and federal agencies.

Each member agency designates one member and at least one alternate member to the standing RRT. Agencies whose regional subdivisions do not correspond to the standard Federal regions may designate additional representatives to the standing RRT to ensure appropriate coverage of the standard federal region. Federally recognized Native American Tribal governments may arrange for representation on the RRT. Other interested parties may attend and observe RRT meetings. The usual process by which the RRT reaches its decisions is by consensus. However, in instances where a decision is reached by means of a vote, the voting capacity of each federal member agency and other RRT member organizations is limited to one vote per member agency or organization.

The first federal official affiliated with an RRT agency to arrive at the scene of a discharge or release, provided they have the proper training, should coordinate activities under the NCP, applicable Regional Oil and hazardous Substance Contingency Plan (RCP), applicable Area Contingency Plan (ACP), and agency guidance until the predesignated federal OSC is available. That federal official should consult directly with the predesignated federal OSC regarding any necessary initial actions. Fund-financed operations must be authorized by the federal OSC prior to implementation.

5.5 Canadian Regional Environmental Emergencies Teams

REETs are multi-agency, multi-disciplinary advisory groups which provide input into regional planning and preparedness activities and provide direct response advice and technical assistance to the federal OSC during an environmental emergency.

To adequately provide environmental advice and technical assistance to the federal OSC, the REET will be required to:

- Identify protection and restoration priorities
- Assess and monitor environmental impacts
- Undertake pollutant trajectory modeling
- Produce sensitive resource, impact and response maps
- Provide weather data and forecasts
- Evaluate restoration activities
- Undertake damage assessments
- Monitor waste storage and disposal

In the event of CANUSCENT activation the EC REEC and an incident specific MOE representative will Co-Chair REET. The EC REET will draw upon predetermined regional and local REET members to staff the JEERT. Depending on the specifics of the incident membership on the JEERT will vary.

5.6 International Joint Advisory Team

The IJAT is the policy and advisory body, with representatives from both the United States and Canada at the national level, who are tasked with the overall responsibility for the maintenance, promotion, and coordination of the Joint Inland Plan and the inland planning process. The purpose of the IJAT is to respond quickly to interagency and policy problems during environmental emergencies.

During an environmental emergency, the IJAT shall, upon request, facilitate the provision of emergency resources and other support to the JEERT and also activate other related emergency plans. Actions of the IJAT shall not include direct management of the on-scene response.

The IJAT shall also maintain a list of potential assisting agencies of each country and the assistance available from each agency. The IJAT shall also be responsible for notifying the JEERT of any changes to these agencies' response capabilities.

Each IJAT Co-Chair (A member of the Federal Committee for Environmental Emergencies (FCEE) for Canada and a member of the National Response Team (NRT) for the United States) shall ensure that their country is in compliance with the legal requirements for protecting the health and safety of emergency responders.

As outlined in the Inland Plan, it is anticipated the final makeup of the IJAT will be drawn from the following agencies:

Canadian Members

Agriculture and Agri-food Canada
Canada Customs and Revenue Agency
Environment Canada
Fisheries and Oceans Canada
Foreign Affairs and International Trade
Health Canada
Heritage Canada (Canadian Parks)
Indian and Northern Affairs Canada
Justice Canada
National Defence Canada (Emergency Preparedness Canada)

United States Members

Environmental Protection Agency
United States Coast Guard
Department of Agriculture
Department of Commerce
Department of Defense
Department of Energy
Department of Health and Human Services
Department of the Interior
Department of Justice
Department of Labor
Department of State

National Energy Board (Canadian Nuclear Safety Commission)
Natural Resources Canada
Office of the Privy Council
Public Works and Government Services
Transport Canada

Department of Transportation
Federal Emergency Management Agency
Food and Drug Administration
General Services Administration
Nuclear Regulatory Commission

6.0 Customs and Immigrations Procedures

During an environmental emergency the movement of resources (be it personnel or equipment) from Canada to the United States or from the United States to Canada may be required. Typically this movement of resources falls under three general scenarios:

1. Resources which are unavailable in one country are available in the other country. The resources are requested for use and are moved across the border.
2. Resources are available in both countries, however, one country maintains resources geographically closer to the scene of the environmental emergency. The resources are requested for use from the country with the resources located closest to the scene and are moved across the border.
3. Appropriate resources are available in either country, however, the quickest route to the scene of the environmental emergency requires the movement of resources through one country (i.e. the resources are not deployed only transported through the country in question).

6.1 Responding from Canada into the United States

6.11 Customs and Excise Regulations

During an emergency, United States Customs and Immigration Regulations provide for the movement of manpower and equipment from Canada into the United States. Section 1322(b) of Title 19, United States Code, states (in part):

- The Secretary of the Treasury may provide by regulation or instruction for the admission, without entry and without the payment of duty or tax imposed upon or by reason of importation of fire-fighting and rescue and relief equipment and supplies for emergency use in connection with conflagrations.
- Rescue and relief equipment and supplies for emergency use in connection with floods and other disasters.
- Pursuant to this section, United States Customs Regulations allow rescue and relief equipment into the country without payment of duty.

6.12 Customs and Excise Procedures

When federal involvement becomes necessary in a cross-border incident, a EPA official (typically the RRT Co-Chair or the EPA federal OSC) notifies the Port Director of United States Customs that the JEERT has been activated in accordance with Joint Inland Plan, as well as CANUSCENT, to deal with a spill affecting the United States. The telephone notification is confirmed with a facsimile to United States Customs and a hard copy to the EPA federal OSC at the first opportunity following the phone notification. The Port Director's phone number, as well as a list of the applicable ports of entry in the CANUSCENT region, are included in the notification call down list.

It is anticipated the United States Customs port Director may authorize or direct the following activities under the authority of United States Customs and Immigration Regulations, Section 13322(b) of Title 19, U.S.C.:

- Expedited entry/clearance for incident-specific response equipment with no duty or other fees imposed.
- If equipment enters the United States from areas other than a port of entry (e.g., air or water) it must be reported to United States Customs within 10 days.
- Material, equipment, or supplies dispatched from Canada must remain under supervisory control of an appropriate Canadian authority, and must be brought back within 90 days unless an extension is granted or other arrangements were made at the outset of the response.
- Consumables need not be returned.

Activities which would facilitate movement of equipment back to Canada after the incident includes: identifying the ports of entry and projected crossing times; and maintaining dispatches stamped by Canadian Customs which list the equipment in each vehicle, and can be presented to United States Customs Agents upon crossing either back into or out of Canada.

6.13 Employment and Immigration Regulations

The Immigration and Nationality Act provides the United States Immigration and Naturalization Service the responsibility for regulating the movement of people across the international borders of the United States. This includes the ability to expedite the movement of emergency workers from Canada into the United States, upon request from the United States, to assist the United States in responding to emergencies. Section 212(d)(3) of the Immigration and Nationality Act provides the District Director, Immigration and Naturalization Service, the discretion to allow Canadian workers, with special skills, who might not otherwise be allowed into the United States to temporarily enter the United States to assist in the response.

6.14 Employment and Immigration Procedures

When United States federal involvement in a cross border incident becomes necessary, an EPA official (JEERT Co-chair or federal OSC) notifies United States Immigration and Naturalization Service (INS) of an international spill and the need for trained Canadian workers to support the emergency response. The official must specify that the JEERT has been activated and CANUSCENT has been invoked. Initial telephone notification will be followed up with a facsimile to INS and the federal OSC.

- The EPA official certifies to the INS that insufficient trained response workers are available to respond in a timely manner.
- Response organizations must complete INS Form I-94 for each worker.
- Response organizations must provide safe transport for an INS Inspector to inspect response operations.
- All personnel should have proper identification with them. In addition, non-Canadian citizens must have passport or visas with them.
- Provide 24-hour advanced notice, if possible.
- Workers from Canada may only work 90 days in the United States unless other provisions are made.
- Upon departing the United States the Canadian workers must check out through an INS office.

6.2 Responding from the United States into Canada

6.21 Canada Customs

Trade Incentives and Refunds, Customs Branch, administers the Canada Customs and Revenue Agency Memorandum D8-1-1 which provides guidelines and information regarding the temporary importation of goods, including emergency equipment. Where the time or circumstances do not permit an official notice of an emergency (by the responsible federal, provincial or municipal level of government), Customs Officers will assess the situation and attempt to expedite clearance of the emergency equipment in question as quickly as possible. Whenever necessary, a simple blotter record on a Temporary Admission Permit (Form E29B) will be retained by the Customs Officer generally describing the emergency equipment. No security, duty or GST payments are required. In the case of consumables being imported, the duty and GST is waived by virtue of Order-In-Council 73-2529.

Form E29B is canceled whenever there is evidence that the emergency equipment was

consumed or destroyed in the response to the environmental emergency or has been exported from Canada. Evidence should include a completed Canada Customs Coding Form (Form B3) and a signed document from a response agency attesting to the destruction/consumption of emergency equipment which is NOT returning to the United States.

In an emergency situation where emergency equipment is required to be released at a border crossing where a Canada Customs or Royal Canadian Mounted Police (RCMP) Officer is not in attendance, a record kept by a responsible individual (i.e. municipal mayor, police chief, provincial government representative or other individual charged with responsibility of directing the emergency countermeasures) will be accepted for the purpose of completing Form E29B.

To expedite this movement of emergency equipment, the Canadian JEERT Co-chair will notify Customs Border Services at the port of entry as soon as possible that CANUSCENT has been invoked and goods are required to enter Canada to assist in the emergency response. The telephone notification should be confirmed with a fax to Customs Border Services and to the federal OSC. The Canadian JEERT Co-Chair (or designate) will also notify Customs Border Services in writing of the emergency equipment which was consumed or destroyed in the response to the environmental emergency. It is generally assumed that the allowable length of stay will reflect the length of the emergency phase of response operations.

As well, to expedite the movement of emergency equipment, the driver of the vehicle/vessel/aircraft transporting goods to Canada should adhere to the following:

- Carry two copies of a list of the emergency equipment being transported, including the equipment's serial numbers and monetary value.
- Present the equipment list to United States Customs prior to departure to get the equipment list stamped/certified (this will assist when re-importing the goods back into the United States).
- Present the equipment list to Canada Customs for clearance approval.
- Report to Canada Customs when leaving Canada so that the Temporary Admission Permit (Form E29B) can be canceled.

6.22 Citizenship and Immigration Canada

The Immigration Act (1992) and associated regulations (administered by Citizenship and Immigration Canada) exempts emergency services from employment and validation requirements under the Act. As such, emergency response personnel may be granted entry into Canada as visitors. Under this provision the emergency response personnel are not required to obtain employment authorization or validation. The allowable length of stay in Canada can be set by the admitting Citizenship and Immigration Officer, however, it is

generally assumed that the allowable length of stay will reflect the length of the emergency phase of response operations.

Citizenship and Immigration Officers are not always present at Customs Border Crossings. In their absence, Customs Border Services may function on behalf of Citizenship and Immigration and grant temporary authority to work in Canada on an emergency basis.

To expedite this movement of emergency personnel, the Canadian JEERT Co-chair will notify the Citizenship and Immigration office at the respective port of entry as soon as possible that CANUSCENT has been invoked and that emergency personnel are required to enter Canada to assist in the emergency response. The telephone notification should be confirmed with a fax to Customs Border Services and to the federal OSC.

As well, to facilitate the process of gaining temporary authority to work in Canada under an emergency situation, United States citizens should notify the specific Border Crossing of their needs prior to arriving for entry into Canada. It is also advised that emergency response personnel carry a visa or other proof of citizenship while in Canada.

7.0 Worker Training, Health and Safety, and Compensation

Worker safety and health and worker compensation in the event of an injury are important considerations when preparing contingency plans for addressing a hazardous material release or oil spill. It should be noted that workers coming into the United States from Canada to perform work are required to meet the training standards which are set out by the United States Government and the States of Michigan, Minnesota, and New York. In addition there is a requirement that site specific health and safety plans be developed prior to initiation of work. There are no similar requirements for United States workers going into Canada to perform work. If a worker is injured, there are state, provincial, and federal programs which provide compensation to those workers. A more detailed summary of these issues as well as statutory citations can be found in the following sections.

7.1 Training

7.11 United States

The United States federal requirements [29 CFR 1910.120(q)] for “emergency response workers” applies to workers in the States of Michigan, Minnesota, and New York. The United States federal worker health and safety training requirements [29 CFR 1910.120(e)] for “routine cleanup operations” also apply to workers in Michigan, Minnesota, and New York.

7.111 Emergency Response Workers

- First Responder Awareness Level: Sufficient training or proven experience in competencies specified in the regulation. Annual refresher is required. (e.g., state trooper

who provides discovery and notification)

- Responder Operations Level: A minimum of 8 hours classroom training or proven experience in competencies specified in the regulation. Annual refresher is required. (e.g., responding fire company which provides basic control, containment, and/or confinement operations - defensive tactics)
- Hazardous Materials Technician: A minimum of 24 hours of classroom training and proven experience in competencies specified in the regulation. Annual refresher is required. (e.g., HAZMAT team member who responds for the purpose of stopping a release or for advanced control, containment, and/or confinement operations - offensive tactics)
- Hazardous Materials Specialist: A minimum of 24 hours of classroom training and proven experience in competencies specified in the regulation. Annual refresher is required. (e.g., HAZMAT team member who provides support to the HAZMAT Materials Technicians and whose duties require a more specific knowledge)
- On-Scene Incident Commander: A minimum of 24 hours of classroom training and proven experience in competencies specified in the regulation. Annual refresher is required. (e.g., fire chief or state patrol officer who assumes control of an incident)

7.112 Routine Hazardous Material Spills Cleanup Workers

- Routine Site Cleanup Workers: 40 hours of classroom training and 24 hours of direct on-site field experience under a trained and experienced supervisor. 8-hour annual refresher. Occupational Safety and Health Administration (OSHA) staff may provide exception for low risk oil cleanup activities (e.g., 4 hours of classroom training).
- Supervisors of Routine Site Cleanup Workers: 40 hours of classroom training, 24 hours of direct on-site field experience under a trained and experienced supervisor, and 8 hours of hazardous waste management. 8-hour annual refresher.
- Inspectors and Supervisors not working in the hot or decontaminated zone and specified limited task workers: 24 hours of classroom training, 8 hours of actual field experience under a trained and experienced supervisor, and 8 hours of hazardous waste management. 8-hour annual refresher.

7.12 Canadian: Federal and Provincial

Specific training requirements for hazardous materials emergency response personnel in Canada have not been developed at either the federal or provincial levels (exclusive of local fire departments).

The Canada Labour Code Part II, (CLC II), and the associated Canada Occupational Safety

and Health (COSH) Regulations, describe training requirements for federal government employees in broad terms, primarily in CLC II, Sections 124 to 126. These sections require the employer to provide employees with the appropriate training, tools and protective equipment to allow them to conduct their work in a safe fashion.

There are no specific courses, formal qualifications, or minimum hours of training required for hazardous materials emergency response personnel by the CLC II or COSH regulations, however all training provided to the employee must be documented.

The Ontario Ministry of Labour administers the Ontario Occupational Health and Safety Act (OHSA) which also describes health and safety requirements in broad terms (i.e., employer and employee requirements) primarily in Sections 25 to 27 of the Act. These sections require the employer to provide employees with the appropriate training, tools, and protective equipment to allow them to conduct their work in a safe fashion.

United States hazardous materials emergency response personnel who are trained to their jurisdictional provisions will meet Canadian federal and provincial requirements. United States hazardous materials emergency response personnel working in Ontario should be prepared to provide documentation of their training to Canadian officials.

7.2 Health and Safety Plan Requirements

A written Health and Safety Plan shall be prepared by the appointed Health and Safety Officers representing each country for all cross-border responses. The Health and Safety Plan is designed to ensure that responders are not placed at risk in the course of carrying out their duties/tasks. The plan must be specific to the environmental emergency or any components thereof, the location of the emergency and must address any unique features of the emergency. The Health and Safety Plan should address personnel monitoring, environmental monitoring, hazard identification, pre-entry briefings, site security and decontamination procedures, and so forth.

United States law requires site safety and health plans; federal requirements apply to the States of Michigan, Minnesota, and New York. For more detailed information refer to 29 CFR 1920.120(b).

There are no specific Health and Safety Plan requirements contained within either the CLC II, and the associated COSH Regulations, or the Ontario OHSA. However, contained within each Act are general requirements for the employer to provide employees with the appropriate training, tools and protective equipment to allow them to conduct their work in a safe fashion.

If separate plans have been prepared by Canadian and US responders, the appointed Safety Officers representing each country shall meet to exchange information and resolve any differences.

7.3 Worker Compensation

7.31 United States Government

The United States Government Workers Compensation program is found in the Federal Employee Compensation Act, which is overseen by the Office of Workers Compensation Program in the Department of Labor. In this program federal civil service workers are covered in both Canada and the United States if they are performing work pursuant to their governmental positions. The level and type of coverage is dependent upon the type of injury and its duration. (Because of the complexity of the law, there will be no detailed discussion of the specific provisions.)

For detailed information see the “Federal Workers Compensation Act” at 5 U.S.C. Part 8101.

7.32 Canadian Government

The Canadian federal government provides benefits to all employees of the federal government and most Crown agencies, except members of the regular forces of the Canadian Forces and the RCMP, under the Government Employees Compensation Act, administered by Human Resources Development Canada. Instead of establishing its own system for compensation and treatment, the government uses the services already available through provincial Worker Compensation Boards. As long as employees are engaged in work for their department or agency at the time of the accident, they are covered by the Act, wherever they may be working, in Canada or abroad.

7.33 States: Michigan, Minnesota, and New York

In the State of Michigan, worker’s compensation is administered by the Michigan Department of Consumer and Industry Services, Bureau of Worker’s Disability Compensation (517-322-1884 [business hours], <http://www.cis.state.mi.us/wkrcomp/bwdc/>).

In the State of Minnesota, worker’s compensation is administered by the Minnesota Department of Labor and Industry, Worker’s Compensation Division (800-342-5354) [business hours], <http://www.doli.state.mn.us/workcomp.html>). Generally, state programs cover all employees, however, certain groups may be covered under different laws/regulations. Federal employees are covered by federal laws; interstate railroad workers are covered by the Federal Employers Liability Act; mariners on navigable waters are covered by the Merchant Marine Act of 1920; and those engaged in loading and unloading vessels are covered by the Longshoremen’s and Harbor Workers’ Compensation Act. Certain small employers and farmers may be exempt and some unions may have negotiated different methods for providing some benefits.

In the State of New York, the New York Division of Safety and Health (in Buffalo, 716-847-7141) is responsible for the implementation of Industrial Code Rule 59, which establishes

the Workplace Safety and Loss Prevention Program as required by Section 134 of the Workers' Compensation Law, which became effective on January 8, 1997. Code Rule 59 requires employers whose most recent annual payroll is in excess of eight hundred thousand dollars and whose most recent experience rating exceeds the level of 1.2 to undergo a mandatory workplace safety and loss prevention consultation.

7.34 Province of Ontario

In Ontario, workers compensation is provided through the Workplace Safety and Insurance Act (and associated regulations). The Act applies to a majority of workers and employers in Ontario, and also provides automatic extension of coverage if injured outside of Ontario while employed for a period less than six months. Upon the application of the employer, the Workplace Safety and Insurance Board may declare that the insurance plan applies to a worker whose employment outside of Ontario lasts or is likely to last six months or more. Ontario employees conducting spill response activities in the United States would therefore be covered by the Act.

Non-Ontario employers and workers, who temporarily operate in Ontario (less than 10 days per year) are not covered by the Act. United States workers responding to spills in Ontario should check with their State authorities to determine their coverage.

However, volunteer firefighters working for a municipality, city, town, village, etc. are covered under the Emergency Volunteers Protection Act (1998) as are volunteers registered with, and working under the direction of, the Ontario Provincial Emergency Program. Covered volunteers are provided the same benefits and protection as workers regardless of venue, i.e. inside or outside of Ontario.

7.4 Volunteers

The coordination and training of volunteers will be handled by the agency/organization hiring the volunteers. Volunteers will be hired by the respective agency/organization to ensure appropriate Worker's Compensation coverage in the event of injuries suffered as a result of response operations. Volunteers will be afforded the same level of health and safety precautions and consideration as primary responders. Volunteers should be hired to perform a specific task/duty.

8.0 Disposal

8.1 United States

Pollutants and other associated incident debris that are recovered as a result of cleanup activities within the United States shall be disposed of in accordance with federal, state, provincial, territorial, and local requirement as to minimize the possibility of further or continuing environmental damage.

8.11 State Disposal Requirements

In the State of Michigan, for waste generated as the result of surface pollution response and remediation, call: 800-292-4706 (in-state, 24-hour) or 517-373-9837 (out of state, business hours). In the State of Minnesota call: 800-442-0798 (in-state, 24-hour) or 612-649-5451 (out of state, 24-hour). In New York contact the NYDEC Division of Solid and Hazardous Waste Materials at: 518-457-0532 (business hours).

8.12 Federal Disposal Requirements

8.121 Waste Oil

The used oil management standards (40 CFR Part 279) apply only to “used oil,” defined as any oil that has been refined from crude oil, used, and as a result has been contaminated by physical and chemical impurities. If used oil is destined for disposal, these regulations reference the RCRA hazardous waste management standards. Mixtures of waste oil (e.g., spilled or unused product oils) and used oil are regulated as used oil. Waste oil and oily wastes are subjects to the hazardous waste management regulations (40 CFR Parts 124, 260-266, 268, and 270). Waste oil with no hazardous constituents may be recycled or used for oil blending. Refer to the state’s policy for additional comment and guidelines. It is federal policy to encourage the recycling of waste and used oils where possible.

For additional general information from EPA’s Office of Solid Waste, call the RCRA Hotline at **(800) 424-7672**.

8.122 Hazardous Wastes

In order to ensure proper treatment and disposal of hazardous substances from CERCLA emergency response or removal sites, Section 300.65 of the NCP requires that off-site transport of hazardous substances use only facilities operating under federal or state permits or authorization. Hazardous substances removed from such sites may be transferred only to facilities that are operating in compliance with RCRA, Toxic Substances Control Act (TSCA), and all applicable state requirements. These requirements also preclude the use of disposal units that have releases of hazardous wastes or hazardous constituents, and of disposal facilities that have not been addressed by corrective action.

EPA’s objective for waste is that response decisions show consideration of, and preference for, treatment, recycling, and reuse as alternatives to land disposal. If land disposal is the remaining option, EPA’s Regional Off-Site Contact (ROC), one per Region, maintains current information on the acceptability status of disposal facilities in the Region. The ROC can verify for the federal OSC facility status for receiving wastes under the NCP. The ROC must determine whether the facility is acceptable for hazardous waste disposal or has relevant violations or releases that may preclude its use for off-site transfer of CERCLA wastes. The federal OSC is responsible for contacting the ROC prior to wastes being shipped. Specific

federal OSC roles and responsibilities for implementing the requirements can be found in *Superfund Removal Procedures Special Circumstances* (January 1998).

8.2 Canada

In the Province of Ontario the waste generator is responsible for ensuring that wastes are properly classified, handled, transported, and disposed of in compliance with federal and provincial regulations.

Regulation 347 - General Waste Management, under the Ontario Environmental Protection Act, affects operations in Ontario that generate wastes. Regulation 347 applies anywhere in Ontario where wastes are being moved off-site, a contractor is hired to carry the material in or through Ontario, or the waste is being received at a site in Ontario. Regulation 347 provides a system for generator registration, waste classification, waste manifesting, and standards for waste management systems and waste disposal sites. Regulation 347 requires waste generators to evaluate their wastes and if found to meet the Regulations definitions, to register them with the Ontario MOE. Following a spill, contaminated materials from the clean up should be immediately registered with the MOE which will issue an emergency generator number and recommend a specific disposal site so that the waste from the clean up can be disposed of. Generators of hazardous waste are responsible for ensuring that their hazardous wastes are handled, transported and disposed of in compliance with Regulation 347. Under Regulation 347 it is an offence to store, process, dispose or transport hazardous or liquid industrial waste in Ontario unless the generator has obtained a Generator Registration number issued by the MOE. Registered waste may only be removed off-site by a waste hauler possessing a MOE Certificate of Approval (C of A) entitling them to haul the given Waste Class. Generators of hazardous waste must maintain a record of disposed wastes including the name, waste number, quantity and disposition of the waste. These records have to be kept on file by the generator for two years.

Temporary waste storage areas have to fulfill the requirements of a permanent site, as such, the criteria set by the National Fire Code of Canada (NFC) and National Building Code of Canada (NBC) should be followed. A number of prefabricated hazardous waste storage buildings are available and follow the design requirements set by the NFC and NBC.

It is an offence under the Transportation of Dangerous Goods Regulations (TDGR) for any person to handle or offer for transport dangerous goods unless certain safety requirements are met. All new packages and small containers (those with a capacity of less than 454 L or 400 kg) used to transport dangerous goods in Canada must be in compliance with the requirements of National Standards of Canada CAN/CGSB 43.150-M89, Performance Packaging for Transportation of Dangerous Goods. For bulk shipments via tanker truck or vacuum truck, CSA Standard B620, "Highway Tanks and Portable Tanks for the Transportation of Dangerous Goods" must be complied with.

Under the TDGR, containers that are used to transport hazardous waste must be clearly

labeled in order to ensure public safety, as well as to ensure that incompatible wastes do not mix. It is the waste generator's responsibility to properly classify the dangerous goods in accordance with the TDGR schedule of substances. Temporary storage areas should also be clearly labeled.

In the event that there is a requirement to transport hazardous waste into or out of Canada the "Export and Import of Hazardous Waste Regulations" apply. Prior notification (usually 30 days) is required prior to shipments of hazardous waste entering or leaving Canada. Carriers must carry acceptable liability insurance and evidence of signed contracts between parties committed to dealing with the cross-border hazardous waste.

9.0 Telecommunications

During a major response action telecommunication needs may be addressed through two-way radios and/or cell phones, which may be commercially acquired through short term lease by either the responsible party or the federal OSC. Additionally, programmable two-way radios maintained by any response organization may also be used.

In addition, for regularly scheduled or special circumstance teleconference communication among response organizations, the federal OSC may use the teleconferencing bridge of the National Response Center (accessed through 800-424-8802) or through the EPA Headquarters Emergency Operations Center teleconferencing bridge (accessed through 202-690-4529).

Where logistical support for additional radio frequencies in the United States may need to be established, the federal OSC may contact the Federal Communications Commission (FCC), the National Telecommunications & Information Administration (NTIA), and the Interdepartment Radio Advisory Committee (IRAC). Each of these offices plays an important role in the licensing, management and allocation of radio frequencies. The FCC regulates non-governmental interstate and international communications by radio, television, wire, satellite and cable. NTIA (Office of Spectrum Management - OSM) is responsible for managing the Federal Government's use of the radio frequency spectrum. To achieve this, OSM receives assistance and advice from the IRAC. If additional radio frequencies are required for a cross border spill, an application must be made to NTIA (or the FCC for non-government organizations).

In Canada, telecommunications issues are regulated by Industry Canada. Specifically, the Spectrum Management - Radio Licensing & Investigations Division of Industry Canada is responsible for the licensing and allocation of radio frequencies within Canada. If additional radio frequencies are required for a cross-border spill, an application must be made to Industry Canada.

10.0 Information Management

10.1 Public and Media

When an environmental emergency occurs, the public and media must be provided with timely and accurate information on the nature of the incident, the steps being taken to address the problem and what citizens should do to protect themselves. This information is intended to protect human lives, to encourage understanding among the public, to ensure cooperation from all interested parties, and to reduce the possibility of the spread of concern or alarm through misinformation.

Generally, public and media communication practices during an incident should provide efficient information flow to meet the information expectations of the public at large, gain and maintain public trust and confidence, and monitor/measure public perception to the incident. All public and media releases are to be undertaken through the respective communication function of the incident command structure. Key responsibilities of this function include:

- Operating an information center to serve the general public, the print and broadcast media and other governmental agencies.
- Consolidating and providing summary information from agency and incident contacts.
- Assisting in scheduling media conferences, briefings, tours, and other public affairs events.
- Maintaining current information on the incident and identifying additional sources for such information.
- Obtaining public and media information that may be useful to incident planning.

10.2 Joint Environmental Emergency Response Team

It is equally important to ensure that timely and accurate information is provided to JEERT members and other involved agencies/organizations throughout the response to the environmental emergency. The Co-Chairs of JEERT will, as soon as is practicable, assign the internal/binational JEERT communication duties and their management to an on-scene Information Coordination Officer (ICO). The ICO will be responsible for ensuring timely and accurate information dissemination to JERRT member organizations in their respective country, as well as maintaining a liaison with the information center.

JEERT member agencies/organizations are responsible for communication procedures within their own agency/organization.

11.0 Demobilization

Unified Command will develop a demobilization plan to identify both short term and long term objectives and specific phase down procedures. It is possible that resource availability, applicable laws or regulations or other factors may require one federal agency to cease further action at an incident. Such a decision by one federal agency will not preclude further action by the remaining agency. Note, it is also possible that federal agencies may demobilize from the site while state, provincial and local response continues. When demobilization decisions are made, all relevant responding organizations must be notified of the decision prior to the actual demobilization in accordance with the demobilization plan.

12.0 Post Incident Review and Termination Process

The lead agency for the CANUSCENT incident will coordinate and conduct a Post Incident Debrief (PID) which documents the response to the environmental emergency and any concerns/successes with the overall response (see **Figure 3**, Generic Post Incident Debriefing Format, below). It is essential that all of the agencies involved in the response to the environmental emergency are also involved in the PID. The JEERT can assist in contacting various agencies through its established international network to ensure full participation in the PID. In addition a report should be produced which summarizes the PID and it should be distributed to interested agencies.

The report should be reviewed by the JEERT and any recommendations which relate to CANUSCENT and/or its operation should be implemented to address any deficiencies.

The debrief should be held as soon as is practicable after incident demobilization. A dedicated scribe should be appointed for the debrief.

CANUSCENT Generic Post Incident Debrief (PID) Format

Objective:

1. Review history of the environmental emergency (the facts).
2. Review strengths (what went well).
3. Review lessons learned.
4. Review improvements required for future.
5. Implementation of recommended improvements.

History:

A brief chronology of events from the initial report of the environmental emergency itself to the final demobilization of personnel and equipment.

What Went Well:

All agencies will be requested to identify the things which went well during response operations. These comments can be recorded in point form on a flip chart. Debate and discussion at this point in time is discouraged.

What Did We Learn:

All agencies will be requested to identify what they learned which could change the way they will do their job during the next incident. The comments can be recorded in point form on a flip chart.

What Improvements Are Required:

In relation to identified successes and 'lessons learned', all agencies will be requested to identify areas where improvements should be made in terms of Management, Safety, Operations, Planning, Logistics, Media/Public Information and any other areas important to the response operations. Brainstorming or thought webs may be useful tools to encourage results. These comments can be recorded in point form on a flip chart.

Implementation:

The group will rank the suggested areas for improvement identified above as HIGH, MEDIUM or LOW and identify the appropriate agency for follow-up and implementation. Action items and completion dates will be allocated to individuals/agencies or the item will be deferred for further study.

Figure 3, Generic Post Incident Debriefing Format

13.0 Plan Distribution, Amendments, and Exercising

13.1 Distribution

Copies of CANUSCENT have been distributed to federal, state, provincial, local and non-government organizations located within the CANUSCENT planning area. A list of the organizations/contacts who have received copies of CANUSCENT are maintained by the respective CANUSCENT custodian departments.

CANUSCENT will be housed at the EC National Environmental Emergencies Web-Site, <http://www.on.ec.gc.ca/CANUSCENT/>.

13.2 Meetings

CANUSCENT planning meetings will be held at least once every 18 months to discuss the status of the plan, policy changes, outcomes following exercises/incidents and any amendments that may be required to CANUSCENT.

13.3 Amendments

Amendments to CANUSCENT will be made when there is mutual agreement between the Co-Chairs of JEERT (EC REEC and the EPA RRT Co-Chair(s)). The JEERT will be involved in all discussions relating to significant CANUSCENT amendments. It is anticipated these amendments may arise from lessons learned from emergency responses, exercises, or stakeholder input. The IJAT and all holders of CANUSCENT will be notified by the respective JEERT Co-Chairs of any significant amendments to CANUSCENT.

JEERT is responsible for maintaining accurate contact names, addresses and contact numbers for all agencies/organizations contained within CANUSCENT. Each year the United States and Canadian contact names, addresses and contact numbers will be confirmed by the respective United States and Canadian JEERT Co-Chairs. The IJAT and all holders of CANUSCENT will be notified by the respective JEERT Co-Chairs of amendments to CANUSCENT contact information.

13.4 Exercising

A CANUSCENT exercise will be held once every three years, to be led alternately by the United States and Canada. CANUSCENT exercises can be held in concurrence with CANUSCENT meetings, as appropriate.

CANUSCENT exercises should be held in years alternate to the CANUSLAK exercises.

14.0 Acronyms and Definitions

ALC	Advisory and Liaison Coordinator
CANUSCENT	Joint Inland Plan for Ontario, New York, Michigan, and Minnesota
CANUSLAK	Joint Marine Plan for the Great Lakes
CCG	Canadian Coast Guard
CEPA 1999	Canadian Environmental Protection Act, 1999
CERCLA	Comprehensive Environmental Response Compensation and Liability Act
CLC	Canadian Labour Code
CLC II	Canadian Labour Code Part II
connecting channels	St. Marys, St. Clair, Detroit and Niagara Rivers
COSH	Canada Occupational Safety and Health
CWA	Clean Water Act (United States)
DEM	Minnesota Dept. of Public Safety, Div. Of Emergency Management
DO	Duty Officer
EC	Environment Canada
EED	Emergencies and Enforcement Division (Canada)
EMD	Michigan State Police, Emergency Management Division
EMO	Emergency Measures Ontario
EPA	United States Environmental Protection Agency
ERT	Emergency Response Team (United States)
FCC	Federal Communications Commission (United States)
FCEE	Federal Committee for Environmental Emergencies (Canada)
FEMA	Federal Emergency Management Agency (United States)
federal OSC	Federal On-Scene Coordinator (United States) Federal On-Scene Commander (Canada)
HAZMAT	Hazardous Material
IC	Incident Commander
ICO	Information Coordination Officer
ICS	Incident Command System
IJAT	International Joint Advisory Team
INS	Immigration and Naturalization Service (United States)
IO	Information Officer
IRAC	Interdepartment Radio Advisory Committee (United States)
JEERT	Joint Environmental Emergency Response Team
JIC	Joint Information Center
MDA	Michigan Department of Agriculture
MDCH	Michigan Department of Community Health
MDCIS	Michigan Dept. of Consumer and Industry Services
MDEQ	Michigan Department of Environmental Quality
MDNR	Michigan Department of Natural Resources
MEMP	Michigan Emergency Management Plan
MERC	Michigan Emergency Response Commission
MOE	Ontario Ministry of the Environment

MPCA	Minnesota Pollution Control Agency
MSP	Michigan State Police
NBC	National Building Code (Canada)
NEPA	National Environmental Protection Act (United States)
NFC	National Fire Code (Canada)
NIIMS	National Interagency Incident Management System
NRC	National Response Center (United States)
NRT	National Response Team (United States)
NTIA	National Telecommunications & Information Administration (United States)
NYSDEC	New York State Department of Environmental Conservation
OHSA	Ontario Occupational Health and Safety Act
OPA	Oil Pollution Act of 1990 (United States)
OSHA	Occupational Safety and Health Administration (United States)
NCP	National Oil and Hazardous Substance Pollution Contingency Plan (United States)
OSM	Office of Spectrum Analysis (United States)
PEP	Provincial Emergency Plan
PIAT	Public Information Assist Team (United States)
PID	Post Incident Debrief
RCMP	Royal Canadian Mounted Police
REEC	Regional Environmental Emergencies Coordinator (Canada)
REET	Regional Environmental Emergencies Team (Canada)
Region 2	EPA federal Region including New York
Region 5	EPA federal Region including Michigan and Minnesota
RP	Responsible Party
ROC	EPA's Regional Off-site Contact
RRT	Regional Response Team (United States)
SAC	Spills Action Centre (Ontario)
SARA	Superfund Amendments and Reauthorization Act (United States)
SSC	Scientific Support Coordinator (United States)
TAGA	Trace Atmospheric Gas Analyzer
TDGR	Transportation of Dangerous Goods Regulations (Canada)
UCS	Unified Command Structure
USCG	United States Coast Guard