



Canadian Coast Guard

Environmental Response

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Directive #: **D-3030-2002-01**

**Federal Monitoring Officer**

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May 2003

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## **1 INTRODUCTION**

The policy of the Government of Canada is to place the expectation, to the extent practical, for pollution preparedness and response activities on the polluter. The *Canada Shipping Act* requires designated Oil Handling Facilities (OHFs), oil tankers of one hundred and fifty or more tons gross tonnage and ships of four hundred or more tons gross tonnage, that carry oil as cargo or as fuel, to have an arrangement for spill response with a certified response organization. This also includes two or more ships, each of whose gross tonnage is less than mentioned above, that carry oil as cargo, that are towed or pushed together and whose aggregate tonnage is one hundred and fifty or more tons gross tonnage. For the purposes of this directive, the definition of ship is the same as that used in the *Canada Shipping Act*.

The *Canada Shipping Act* places the onus of response on the polluter and particularly the implementation of the arrangement required with a certified response organization. The Canadian Coast Guard (CCG) will assume the role of the Federal Monitoring Officer (FMO) and monitor / audit the polluter's response to ensure an appropriate response.

### **1.1 Purpose**

This directive is intended to provide a clear and consistent understanding of the roles and responsibilities associated with the monitoring of a marine incident when acting as the FMO.

Furthermore, it is also intended to clearly outline the procedures involved in making the transition from FMO to On-Scene Commander (OSC) if in the judgement of the CCG, intervention is required.

This directive will ensure that the roles and responsibilities of the FMO are fulfilled consistently throughout Canada.

### **1.2 Policy**

In accordance with the National Contingency Chapter of the Marine Spills Contingency Plan and the National Preparedness and Response Policy the CCG will, when the polluter has taken responsibility of ensuring that damage to Canada's marine and freshwater environment, and the Canadian economy, is minimized in the event of an oil spill, assume the role of FMO and monitor the polluter's response activities.

### **1.3 Application**

This directive shall apply to employees of DFO-CCG who are appointed as FMO in marine pollution incidents.

### **1.4 References**

This directive is issued in accordance with the following documents:

- a) National Contingency Chapter of the Marine Spills Contingency Plan
- b) The National Preparedness and Response Policy - DFO/6182
- c) The CCG Arctic Response Strategy

- d) *Canada Shipping Act*
- e) *Marine Liabilities Act*
- f) *Arctic Waters Pollution Prevention Act*
- g) Issuance of Response Orders Directive - D-3010-2001-01
- h) CCG Response Management System Directive - D-3020-2002-01
- i) On-scene Commander Directive - D-3040-2002-01
- j) Cost Recovery of Ship-source and Marine Pollution Response Directive - D-4010-2001-01
- k) Reporting of Marine Pollution Incidents Directive - D-6010-2001-01
- l) Response Management System User's Guide, DFO/6249
- m) Emergency Preparedness Canada *Government Emergency Book*

## **2 ROLES AND RESPONSIBILITIES**

When a pollution incident occurs where the polluter is known, willing and able, the CCG will appoint a FMO. The Regional Superintendent / Supervisor, Environmental Response will either assume the role of FMO or appoint a suitably qualified CCG FMO. This individual will normally be a member of the CCG Regional Environmental Response (ER) Branch. In all cases, the FMO will use the CCG Response Management System when monitoring the polluter's response to the incident.

The FMO and the Response Management Team must have an active role at the response site during the incident and be prepared to advise the polluter as required. Also, the FMO must be prepared to intervene and take over the response if necessary.

### **2.1 The CCG ER Duty Officer is responsible for:**

- ensuring initial assessment and notification of the situation
- ensuring the Manager, Environmental Response and Regional officials are notified of the incident
- conducting on-site assessments for the purpose of gathering and documenting all available information about the incident
- identifying, prioritizing and assessing the impact of the pollution incident and potential for further release of pollutants
- ensuring that environmental sensitivities are identified, assessed and prioritized

### **2.2 The FMO is responsible for:**

- 1) Monitoring the polluter's response by:
  - providing government criteria to the polluter to ensure the public interest is being protected and the response operations are reasonable and effective
  - reviewing the polluter's overall management of response operations including identification of priorities and the development of strategic objectives
  - assessing the nature and the scope of measures taken
  - implementing the CCG Response Management System
  - establishing and managing the FMO Incident Monitoring Team (IMT)

- establishing an Incident Monitoring Centre (IMC) and assign personnel to IMT positions as appropriate in order to maintain the over all command and control of the monitoring effort
- providing situation reports to the Manager, Environmental Response and Regional officials using the CCG Marine Pollution Incident Reporting System
- meeting with the Regional Environmental Emergency Team (REET) to determine the technical, environmental and planning aspects that may be required for the response and relaying this consolidated environmental and scientific advice to the polluter's OSC
- acting as the federal spokesperson, when required

2) Termination of the response:

- ensuring the preparation of all documentation supporting the costs and expenses incurred to initiate cost recovery in accordance with the Cost Recovery of Ship-source and Marine Pollution Response Directive # D-4010-2001-01
- convening a debrief session of the IMT

3) Submission of Post-Incident Report:

- preparation and submission of the Post-Incident Report to the Manager, Environmental Response and Regional Director, Marine Programs

**2.3 The Manager, Environmental Response is responsible for:**

- a) ensuring the implementation of this Directive
- b) providing regular review of this directive
- c) submitting the Post-Incident Report to the Director, Safety and Environmental Response Systems

**2.4 The Regional Superintendent / Supervisor, Environmental Response is responsible for:**

- a) ensuring compliance with this Directive
- b) ensuring that an initial response is initiated
- c) ascertaining the polluter's intentions, management and response capabilities with respect to measures taken to repair, remedy, minimize or prevent pollution damage
- d) assuming the role of FMO or appointing a suitably qualified CCG FMO and providing advice / guidance to that FMO when required
- e) ensuring that personnel appointed to fulfill the FMO role have been adequately trained
- f) ensuring that the RMS is activated

### **3 GENERAL**

The FMO will be fully cognizant of all aspects of the polluter's response, but will not approve the polluter's response plan. The FMO should share information and knowledge with the polluter, identify any issues and make recommendations, but in no way should the FMO make decisions in place of the owner of the ship or OHF or be perceived as making such decisions.

#### **3.1 Selection of an appropriate FMO**

To ensure the selection of an appropriate FMO, it is important to identify the skills, knowledge and experience required.

The FMO should possess the same knowledge and skills required of a CCG On-scene Commander.

#### **3.2 Guidelines to assist in the selection of an appropriate FMO**

- knowledge of the strategies and techniques employed in a pollution incident response
- knowledge of shipboard practices and procedures
- knowledge of the procedures to follow if resource capability or capacity is inadequate or insufficient
- an in-depth understanding of the organizational structure used to manage the response, and the roles and responsibilities of each management team member within the structure
- an understanding of characteristics and behavior of various pollutants
- an in-depth understanding of the applicable contingency and response plans
- an in-depth understanding of the applicable policies, procedures, directives, MOU, etc.
- an in-depth understanding of the applicable federal, provincial and municipal laws and regulations
- an understanding of the applicable international agreements and conventions
- an understanding of the roles, responsibilities and authorities of other parties that could be involved during the pollution response
- an understanding of the Department of Fisheries and Oceans and how it conducts itself in cooperative dealings with other government departments, the provinces and territories
- knowledge of the health and safety requirements;
- be able to identify the public interest and priorities
- possess negotiation, facilitation and mediation skills
- the ability to identify the public's interests and priorities
- negotiation, facilitation and mediation skills
- knowledge of the polluter's liability
- competency in emergency management and communication skills
- have successfully completed the minimum training requirements as defined in Section 3.2.

### 3.3 Transition from FMO to OSC

FMO becomes OSC	If, in the opinion of the CCG, the polluter is unwilling or unable to undertake the duties of the OSC, declines to continue the management of the response, or in the opinion of the CCG, the polluter's response is inadequate, the CCG will assume the role of the OSC.
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Transition to OSC	When it has been determined that the CCG will assume the role of the OSC, the FMO shall ensure that preparations are made to ensure an orderly transition.
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Preparations for the transition include:

- Informing the polluter in writing of the CCG's intention to assume the role of the OSC
- Establishing the time at which the CCG becomes the OSC
- Changing the functions of the RMS from monitoring to response

It is important to ensure that all correspondence, decisions, meeting minutes, record of decisions, and other pertinent information relating to the transition from FMO to OSC are documented.

The transition from FMO to OSC will be done on case by case basis and will take into account the best interest of the Canadian public.

### 3.4 Use of Government Resources

There may be circumstances during a polluter led response where government resources may be required. In such cases, the CCG will act in accordance with the National Contingency Chapter of the CCG Marine Spills Contingency Plan and ensure cost recovery.

## 4 TRAINING REQUIREMENTS

Criteria regarding the FMO training requirements will be enhanced to incorporate the guidelines contained in this directive.

## 5 SHIPOWNER'S LIABILITY

The polluter is liable for reasonable costs and expenses incurred by the CCG, on behalf of the Minister, in respect of measures taken to prevent, repair, remedy or minimize oil pollution damage from the ship, as per section 51 (1) of the *Marine Liability Act*, Division 1, Civil Liability for Pollution.

## **6 ENQUIRIES**

Enquiries regarding this directive should be directed to:

Manager, Environmental Response  
Safety & Environmental Response Systems,  
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Ottawa, Ontario, K1A 0E6

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## APPROVAL

This Directive titled **Federal Monitoring Officer** was prepared for the Environmental Response Program and promulgated by:

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