

THE HONOURABLE MOBINA JAFFER, Q.C.  
SENATOR – BRITISH COLUMBIA



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CANADA

L'HONORABLE MOBINA JAFFER, C.R.  
SÉNATRICE – COLOMBIE-BRITANNIQUE

October 24, 2018

Her Worship Lisa Helps  
Mayor of the City of Victoria  
1 Centennial Square  
Victoria BC V8W 1P6

MAYOR'S OFFICE

NOV 16 2018

Dear Madam Mayor,

**Re: C-48, the Oil Tanker Moratorium Act**

For thousands of years, the orca has been a symbol of unspoiled nature and strength for the people of British Columbia. Orcas and whales help make up our unique environment that is uncommon not only in Canada but in the world. It is vital that we do what we can to protect them.

As a Senator and British Columbian, I am proud to sponsor Bill C-48, which seeks to formalize in law a ban on oil tankers in the north coast of British Columbia. The ban extends to the heaviest of oils and those that do not dissipate easily.

Oil spills have long-lasting effects on the environment. The effect of even one spill would be catastrophic to the rich waters that sustain us and millions of salmon, Kermode bears and whales.

Preventing an oil spill rather than responding to a devastation that would result from one is the best way to preserve our coastline, especially if our consideration now means preserving the waters for our children, grandchildren and great-grandchildren.

Please do not hesitate to contact me or my office should you have any questions or concerns. For further information, I have enclosed an appendix and a speech I delivered during second reading in the Senate.

I look forward to working with you on Bill C-48.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mobina S.B. Jaffer'.

The Honourable Mobina S.B. Jaffer, Q.C.  
Senator for British Columbia

## Appendix

### Context:

1. The oil tanker moratorium is consistent with a 1972 federal government policy decision to impose a moratorium on crude oil tanker traffic and provide additional protection for B.C.'s northern coastline around Dixon Entrance, Hecate Strait and Queen Charlotte Sound. The area will extend from the Canada-Alaska border in the north, down to the point on B.C.'s mainland adjacent to the northern tip of Vancouver Island, and will also include Haida Gwaii. The Tanker Moratorium will complement the existing voluntary Tanker Exclusion Zone which has been in place since 1985.
2. Oil tankers carrying more than 12,500 metric tonnes of crude oil or persistent oil as cargo will be prohibited from stopping, loading or unloading any of those oils at ports or marine installations within the affected area.
3. Bill C-48 will apply to the shipment of crude oils as defined by the International Convention for the Prevention of Pollution from ships. It will also apply to a range of persistent oil products that are heavier and, when spilled, break up and dissipate slowly.
4. Many Northern B.C. communities rely on marine transportation for resupply - for the provision of goods, including essential fuels (heating oils and other critical petroleum products), needed by residents. The moratorium will not apply to vessels that carry less than 12,500 metric tonnes of crude oil or persistent oil products. At this threshold or below, shipments will be permitted to allow communities to continue to receive these critical goods.
5. Under the proposed legislation, enforcement officers (such as Transport Canada's marine safety inspectors) will have the authority to board vessels to inspect, sample, and seize cargo as required. The legislation would also include significant penalties of up to \$5 million.



## **Bill C-48, the Oil Tanker Moratorium Act**

**Senator Mobina Jaffer**

### **Second Reading Speech**

Honourable Senators, I am proud to rise today as a Senator of British Columbia and as sponsor of Bill C-48, the *Oil Tanker Moratorium Act*.

Honorables sénateurs, c'est avec fierté que je me lève aujourd'hui en tant que sénatrice de la Colombie-Britannique et marraine du projet de loi C quarante-huit (C-48), Loi sur le moratoire relatif aux pétroliers.

This bill is about our environment. C-48 is an important piece of environmental legislation meant to protect British Columbia's waters. To accomplish this, the bill will enshrine a longstanding crude oil tanker moratorium on the pristine northern coast of my home province, entrench environmental measures that are already long in practice, and implement measures to mitigate the risk and potential scale of oil spills in a very special ecosystem.

On one hand, Bill C-48 is an affirmation of our collective responsibility as stewards of British Columbia's ecologically rich and relatively untouched coastal environment, with its kelp forests, salmon runs, resident orcas and Kermode bears.

On the other hand, Bill C-48 also recognizes the economic imperative of the small communities of coastal British Columbia, many of which have no road access, who depend on the marine shipment of goods, including petroleum products

necessary to heat homes and run businesses. For that reason, the provisions of the bill will also ensure that these communities are able to function after the moratorium is put into place.

To illustrate this balance, I would like to generally describe what this bill does:

The Oil Tanker Moratorium Act will prohibit oil tankers carrying more than 12,500 metric tonnes of crude and persistent oils as cargo from stopping, loading or unloading at ports or marine installations in northern British Columbia.

Les navires transportant une cargaison de moins de douze mille cinq cents (12 500) tonnes métriques de pétrole brut ou d'hydrocarbures persistants pourront se rendre dans les collectivités nordiques qui dépendent de ces cargaisons pour obtenir de l'huile à chauffage et d'autres produits.

The moratorium area extends from the Canada/U.S. border in the north to the point on British Columbia's mainland that is across from the northern tip of Vancouver Island. The area also includes the area of Haida Gwaii.

This bill is a key element of the Government of Canada's Oceans Protection Plan, or OPP. The OPP is a Canadian strategy to demonstrate world leadership in ensuring marine safety, protecting coastlines, and ensuring clean water, while providing economic opportunities for Canadians.

Let me repeat that this bill serves to complement the existing voluntary Tanker Exclusion Zone.

La zone d'exclusion volontaire fait en sorte que, depuis mille neuf cent quatre-vingt-cinq (1985) les pétroliers ayant une cale chargée desservant l'oléoduc Trans-Alaska doivent passer à l'ouest de la zone visée par le moratoire, à des centaines de kilomètres à l'ouest de Haida Gwaii, et bien loin de la côte ouest de l'île de Vancouver.

Bill C-48's proposals are also consistent with a 1972 federal government policy decision to impose a moratorium on crude oil tanker traffic and provide additional protection for B.C.'s northern coastline around Dixon Entrance, Hecate Strait and Queen Charlotte Sound.

In other words, Bill C-48 will entrench and unify these older policies in our laws, so that anyone entering our waters can understand them. This is a key element of the Government of Canada's Oceans Protection Plan, Canada's strategy to demonstrate world leadership in ensuring marine safety, protecting coastlines, and ensuring clean water, while providing economic opportunities for Canadians.

In order to ensure compliance with these measures, Bill C-48 also proposes strict penalties for its contravention. Those who violate the moratorium by carrying more than 12,500 metric tonnes of persistent oil or an oil that persists in the environment as cargo within the zone could be fined up to five million dollars.



Honourable Senators, let me now address to some of the specific elements of the bill.

Ces restrictions s'appliquent au pétrole brut ou aux hydrocarbures persistants, qui sont reconnus pour être les plus lourds et, comme leur nom l'indique, être ceux qui persistent le plus longtemps à la suite d'un déversement.

Each of the oils listed in the bill were identified using an internationally-recognized method used by the International Oil Pollution Compensation Funds. This test categorized each oil type according to their boiling point range, an internationally recognized measure which will be familiar to people working in the shipping industry.

These oils which will be banned include: partially upgraded bitumen, synthetic crude oil, slack wax, pitch and bunker C fuel.

Contrairement aux produits pétroliers plus légers, comme l'essence ou le carburant pour avions, qui finissent par s'évaporer ou être décomposés dans la mer par les microbes, les parties les plus lourdes de certains hydrocarbures persistent dans l'environnement pendant de nombreuses années. Ils flottent, se dispersent, coulent au fond de l'eau ou échouent sur le rivage. Les parties les plus lourdes des hydrocarbures ne peuvent ni s'évaporer ni se désintégrer.

With that said, the Moratorium Bill does not represent a total ban. These fuels will be allowed to be shipped in quantities below 12,500 metric tonnes to resupply the coastal communities in the moratorium area that depend upon these shipments.

To better help these coastal communities, several non-persistent oils or oils that dissipate more quickly through evaporation such as gasoline, light diesel oil, and kerosene were also exempted from the ban.

Honourable Senators, there is a very important reason that these particular oils have been chosen for the moratorium.

We all remember the Exxon Valdez oil spill in Alaska in 1989, with its heartbreaking and unforgettable scenes of 1,200 miles of shoreline coated in thick black, persistent, oil.

The damage this spill caused was catastrophic. According to the Exxon Valdez Oil Spill Trustee Council, outright deaths from the spill included approximately 250,000 seabirds,  
2,800 sea otters,  
300 harbour seals,  
250 bald eagles,  
up to 22 orcas,  
and billions of salmon and herring eggs.<sup>1</sup>

Even after a decade, when the oil seemed to have disappeared, tests on ducks and sea otters showed exposure to hydrocarbons, the chemical compounds contained in crude oil. Even today, the estimated amount of remaining crude oil remains in the thousands of gallons of oil.

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<sup>1</sup> <http://www.evostc.state.ak.us/%3FFA=facts.QA>

This is not surprising when one considers that the industry standard for an oil spill response is only 10% cleanup of the oil. Further, in the case of raw, unrefined bitumen, a diluent is used to help it flow. This diluent evaporates quickly, but poses dangers to first responders to the spill who would be exposed to toxic fumes.

Sheila Malcolmson MP, In the other place, spoke eloquently about the slow response times for oil spills. In her region on the south-eastern coast of Vancouver Island, in the event of an oil spill, the corporate entity responsible has up to 72 hours to get to the spill with booms.

In her remarks Ms. Malcolmson also pointed out many facts to support the need for an oil tanker moratorium.

First, shipping oil is a dangerous thing to do, especially through the rough waters off the coast of British Columbia. There are swift currents and tides. Rough waters contribute to the risk of a spill and makes cleanup of a spill all the more difficult.

Nous ne pouvons pas nous permettre de prendre un tel risque. Le nettoyage d'un déversement de pétrole est une opération complexe et coûteuse qui doit être effectuée rapidement, et nous ne pouvons pas assumer ce risque. Ce type d'activité doit également faire l'objet d'autres études et recherches.

The Royal Society of Canada, Polaris, and the National Academies of Sciences, Engineering, and Medicine all agree that it is not clear with a spill in marine waters how long bitumen will float, especially with rough water and sediment.



Honourable Senators, much is at stake. The damage from oil spills has lasting effects. For example, spilled oil could contaminate shellfish beds and consequently the animals that eat the shellfish.

The damage doesn't stop there. An oil spill affects the First Nations communities whose culture and economy depend on a healthy, pristine ocean.

While preventing oil spills is clearly the best approach to environmental protection, in the event of a spill, quick action is imperative. In the remote north coast of British Columbia, the area to be protected by C-48, there is simply not the capacity to respond quickly in the event of a potential oil spill.

C'est pour cette raison que le projet de loi C- quarante-huit (C-48) est si important. Il atténuerait les risques de déversements dans l'un des écosystèmes et le long des côtes les plus fragiles du Canada en maintenant les pétroliers ayant une cale chargée à distance du rivage (jusqu'à cent-trente (130) kilomètres); cette zone a été déterminée en calculant la pire dérive possible pour un pétrolier désemparé ayant une cale chargée par rapport au temps nécessaire pour l'arrivée des secours.

With C-48, we will always be able to respond to a crisis and save precious heritage.

Honourable Senators, I would like to stress exactly what we are protecting when we put this moratorium into place. In committee proceedings in the other place,

they heard from a variety of witnesses who each spoke at length about the animals and people of this remarkable ecosystem.

For example, Misty MacDuffee, a Biologist and Program Director with the Raincoast Conservation Foundation's Wild Salmon Program, captured the precious natural value of the area. She told the committee the following, and I quote:

*British Columbia's north and central coast, along with Haida Gwaii, comprise a unique environment that is increasingly uncommon not just in Canada but in the world. It is an archipelago where lush forests and granite buttresses greet the sea, where grizzlies dig for clams in sight of the open Pacific, where wolves swim to distant islands in pursuit of seals, where the ethereal calls of killer whales are used to pursue salmon migrating thousands of kilometres to freshwater rivers of a forest, and where the summer sun sets on the blows of feeding humpback whales that are surrounded by thousands of shearwaters, auklets, and gulls, all in pursuit of tiny fish that spawn on a sandy shore or on the giant kelps that buffer the fragile coast shoreline.(End quote)*

This is what C-48 is trying to save when it takes steps to prevent catastrophic oil spills in the area. These spills would severely damage this incredibly productive ecosystem and kill many of the creatures Canadians not only value for their own sake, but also see as iconic emblems of Canada's wilderness and indeed, as part of our national identity.

In addition to safeguarding the food chain, a benefit of the Moratorium bill that may not be immediately obvious is the limit on underwater noise from large ships, which can significantly disturb the lives of marine mammals. These waters

are a fragile ecosystem for some of the most majestic mammals, including the resident killer whale population, an endangered species that is now reduced to under 75 remaining whales in the area. Killer whales have in fact been endangered since the 1980's with no sign of recovery on the horizon and acoustic disturbances from vessel noise is a key threat to their recovery.

The whole social network of whales relies on their ability to communicate back and forth - underwater noise interferes with their ability to hunt, navigate, and call out to one another. It is for this reason that noise, produced by vessels, contributes to their reproduction slow down.

Humans have allowed this majestic species to become endangered. I, however, truly believe humans and whales can share the Ocean. It is our job to protect this species for one reason alone. Because we cherish them. Simply put, the ocean is full of life and is our sustenance. Thus it is our duty to protect species that humans have endangered.

In British Columbia, wild salmon are an iconic species. The waters off British Columbia's north coast are a significant salmon migration route, with millions of salmon coming from the more than 650 streams and rivers along the coast. The impacts of a single oil spill would be devastating.

We enjoy eating this delicious and nutritious salmon. Salmon have helped make and sustain the temperate rainforest. Salmon support First Nations communities, coastal communities, and are an integral part of our west coast economy. Salmon is British Columbian food.



Salmon also supports a booming fishing industry in British Columbia.

Commercial fishery on the north coast catches over \$100 million worth of fish annually. Over 2,500 residents along B.C.'s north coast work in the fishery and the processing industry employs thousands more.

In addition to their economic importance, salmon is integral to the cultures of native peoples of the Pacific Northwest. For the indigenous peoples of this area, salmon is both an essential food and a strong spiritual symbol that is central to their traditions and culture.

Sin nous pouvons mesurer la contribution économique de ces activités pour les collectivités du Nord-Ouest du Pacifique, mais la valeur que représente le saumon pour les communautés autochtones et leur culture, elle, est incalculable.

The west coast wilderness tourism industry is now estimated to be worth over \$782 million annually, employing some 26,000 people full-time and roughly 40,000 people in total.

The beauty of this coastal region and the abundance of salmon have made it a world-renowned destination for ecotourism, creating jobs and opportunities for economic growth. The shoreline is dotted with sports fishing lodges, as enthusiasts flock to experience the natural marine environment and take part in the world famous fishery.

This legislated crude oil tanker ban will help protect the temperate rain forest and Gwaii Haanas marine conservation parks. These two protected areas have incredible biological diversity and it should be protected. They contain many

species of concern like iconic killer whales, grizzly bears, bald eagles, and Pacific salmon. We simply cannot afford to lose them.

Le projet de loi C-quarante-huit (C-48) protégera et préservera la richesse environnementale de la région de la côte Nord de la Colombie-Britannique.

Bill C-48 protects these ecosystems in a way that will not interfere with resupply activities that are so important for communities and industry along this coast.

Once in force, the moratorium will prohibit oil tankers from entering or departing ports and marine installations in northern BC. It will also prohibit transfers to ensure large tankers don't offload products to smaller fuel barges making multiple trips to ports.

By finding the right balance between environmental protection and community and industry resupply, the government will ensure that shipping companies continue to employ workers from these communities. These jobs are important to the individuals working on these ships and the economies of their communities and beyond.

However, while community and industry resupply would be allowed to continue, tanker activity would be strictly limited. Large tankers carrying crude oil or persistent oils in quantities over 12,500 metric tonnes would not be allowed to do business in the moratorium's area.

These strong measures reflect the views of many Indigenous people who helped shape Bill C-48, and who continue to act as the stewards of the lands and waters of BC's northern coasts, and of the wildlife that relies on these generous and sensitive habitats for survival. In addition to acting as stewards of this natural world, many Indigenous individuals and communities rely on the waterways covered by the proposed moratorium for their livelihood, food security, transportation and cultural lives.

The proposed moratorium demonstrates that a clean environment and strong economy are mutually compatible. It is an example of sustainable development at its best.

Honourable Senators, I would again emphasize the special value of my provinces northern coast. This factor should be at the heart of our deliberations on C-48. Those persons most passionate and eloquent on the topic are those who live sustainably as part of this environment, and I would again quote committee proceedings in the other place. Mr. Modestus Nobels, Interim Chair of Friends of Wild Salmon, said the following:

For those of us who live on the north coast, it is an extremely important place. We rely heavily on the resources within that region for economic, recreational, and personal use. We have for years feared an oil spill and the repercussions of that in terms of how our lives would fold out. I don't know how to equate for you the value that exists there for us. We have lived on that piece of land for a long time. Many of my neighbours are from first nations who have been there for centuries. We all rely upon the ocean there. We all rely upon the resources. Those resources



are, to us, more important than the other industries that have been brought to us as economies. The economy we wish to see in the region is that of fish, of forestry, and of an ocean that we can rely upon for tourism for generations to come.

Le projet de loi C-quarante-huit (C-48) est une étape importante qui nous permettra de conserver l'un des plus extraordinaires écosystèmes du Canada pour les générations à venir. Je vous remercie de votre attention.