



British Columbia Coast Pilots

August 2018

About the British Columbia Coast Pilots

West Coast Pilotage

BC Pilots have been dedicated to keeping 15,000 miles of the province's waters safe since the mid-1800's and have an exceptional safety record and provide independent, un-biased service to every company across the shipping industry. From Alaska to the southern Canadian border, under the Pilotage Act, we are mandated to board and guide any foreign ship coming in or out of B.C.'s ports for safety, efficiency and environmental protection.

British Columbia is home to one of the most pristine and ecologically sensitive marine habitats in North America, and also acts as one of the national commercial gateways for the global economy. The BC Coast Pilots play a critical role in preserving the marine habitat by safely moving large ships - of people and products - that travel to and from major world ports every year.

Shipping Trends

As ships become larger and increasingly challenging to navigate through confined or congested waterways, and as the transportation of petroleum, chemicals or hazardous materials along inland and coastal waters increases, marine safety and the environment need to be priorities.

In BC waterways, for example, vessels have significantly increased in size over the last decade and carry much more product. Economic dynamism is vital to the prosperity of Canada, but market forces should not be the sole driver of pilotage regulations due to it potentially impacting the integrity of BCCP processes and our ability to be accountable stewards of BC's world-class coastline.

The three critical parts of a pilot's job are to:

- 1 Ensure safe marine transportation through expert navigation
- 2 Be an environmental steward and protect the coastline
- 3 Provide independent service to meet the needs of shippers, as required by the *Canadian Transportation Act*, free from commercial pressures. There are over 110 marine pilots who respond to 12,300 pilotage assignments each



About the Pilotage Act Review

**This background information can be found on Transport Canada's website.*

In November 2016, the Government announced the Oceans Protection Plan to improve marine safety and responsible shipping, protect the environment, strengthen partnerships with Indigenous communities, and to make investments in science for evidence-based decision making. As part of this national strategy, the Government promised to review the *Pilotage Act* to support the delivery of safe, efficient and environmentally responsible pilotage services into the future. On May 31, 2017, the Government of Canada announced that Marc Grégoire had been selected to Chair the Review of the *Pilotage Act* and commissioned 13 independent studies on various elements of the *Pilotage Act*. The primary purpose of the current *Pilotage Act* Review is to modernize the legislation to better align with the existing and future realities of the marine transportation system.

Scope and Mandate of the Review

The Review aims to modernize the Pilotage Act while keeping elements that support Canada's excellent pilotage safety record. The Review was led by Mr. Marc Grégoire and supported by Transport Canada. The Review addressed a wide range of topics under six themes:

Governance

One recommendation was to amalgamate the four separate Pilotage Authorities into a single national Pilotage Authority. A second recommendation was to formalize the structure of the boards of directors of the Authorities

Safety

The Review considered changes to training, certification and medical standards including handling of new vessels and technology with an evolving shipping industry.

Labour Models

Pilotages currently operate as four crown corporations to leverage regional expertise and local knowledge.

Tariff Setting Process

Pilotages are mandated to be self-sufficient and are not eligible to receive government funding.

Economic and Public Policy Considerations

The review explored thirteen different Transport Canada sanctioned studies published in 2018

Enforcement and Emerging Issues

The review looked at the effectiveness of enforcing compliance with the *Pilotage Act* and the main challenges and opportunities for pilotage in the next 5, 10 or 20 years.

Pilotage Act Review Final Report

The review was completed in the Spring of 2018 and the Chair provided his final report with 38 recommendations to the Minister of Transport. The report can be found [here](#).

Current Status

Transport Canada has received the report and is currently reviewing the recommendations. Canadian Marine Pilots Association and all regional pilotage groups have formally submitted a response to Transport Canada.

About the BC Coast Pilots' Response to the Pilotage Act Review Report and Recommendations

There are many organizations, groups and communities in BC engaged in marine safety and the protection of the marine environment. The *Pilotage Act* Review is taking place in-step with implementation of the Oceans Protection Plan (OPP), which is not only a major investment, but a catalyst that brings together government, First Nations, experts, communities, and the marine industry to ensure a world-leading marine environment and safety system. Pilots have a critical role to play in this regime and a responsibility to work with others to understand and address the complexities of marine navigation.

As Canada moves towards amending the *Pilotage Act*, we hope to ensure the best possible pilotage rules and system is adopted. To this end, we are recommending the following change to Canada's *Pilotage Act*:

BCCP strongly supports the need to clarify the underlying objective of the *Pilotage Act* through the introduction of a defining Purpose clause to ensure the Canadian public's expectations can and will be met through the *Pilotage Act*. However, we do not believe the Purpose should be "substantially consistent" with the current National Transportation Policy as suggested in Gregoire's recommendations.

A modern Purpose clause must declare the primacy of public and environmental safety at all times, not only when "practical" or simply "adequate" as is stated throughout the National Transportation Policy. All stakeholders and Government understand the need to strengthen the social license for the marine industry. In recent history, we have seen marine projects and existing practices challenged due to the lack of public trust.

There is no value in a strongly worded economic policy if the public and First Nations do not support or trust Government and industry to protect their inheritance, livelihood, habitat and healthy environment. These are the basic principles that all Canadians live by. Pilots, industry, and Government must support and encourage public trust.

As such, BCCP would suggest a Purpose clause be worded as follows:

"Whereas the Government of Canada recognizes that a national marine pilotage system ensuring the highest standards of public safety and environmental responsibility, as efficiently as practicable, is essential to ensuring clean waterways for sustainability of food supply, cultural practices and economic development, while contributing to the competitiveness, growth and prosperity of all Canadians."

We strongly encourage the adoption of this language after which governing policy principles can be developed.

There are also some recommendations contained in the Review that we believe undermine safety and therefore we suggest the following:

- Maintain the single-service provider model for pilotage that encourages focus to be placed on environmentally responsible pilotage and the efficient movement of ships. Although defense of this model could appear self-serving, international experience has shown that introducing multiple service providers in pilotage leads to a deterioration of safety standards.
- Maintain that only licensed Canadian pilots or pilotage certificate holders be eligible to navigate vessels requiring pilotage in local waters. Evidence has shown that local pilots feel a stronger sense of obligation to protect the place they call home, and that non-locals tend to prioritize their responsibility to the vessel owner.
- Resist the amalgamation of regional pilotage authorities. While we recognize that the Review is recommending only that the Great Lakes and Laurentian Pilotage Authorities be amalgamated at this time, the BCCP is concerned about a 'slippery slope' effect where ultimately all authorities are amalgamated into one unit. Qualifications and training vary between pilotage authorities across Canada and are based on regional priorities. Merging could therefore create inconsistencies in training that could jeopardize safety.

Caution must be exercised before introducing any change in a high performing-system like Canadian pilotage where safety has to be the overriding consideration. Even apparently minor changes can have a significant impact on marine pilotage and safety. This is especially the case at a time of great public concern about safe navigation, particularly in the context of the proposal to exponentially increase tanker traffic on the west coast. As Mr. Gregoire himself notes:

“The public grows steadily more risk-averse and the ‘social license’ for marine transportation declines.”

We are confident that pilotage services will continue to be provided in the future in a manner that benefits both the shipping industry and the Canadian public by protecting both the vessel and the coastal environment. We strongly encourage government to exercise caution when considering any changes that would undermine the robust safety system currently in place.

Additional information regarding the BC Coast Pilots Ltd is available by accessing the Company’s website www.bccoastpilots.com