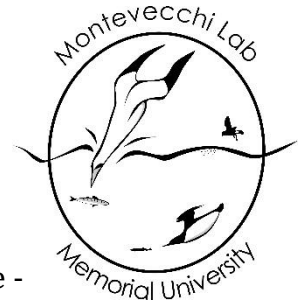




Memorial

University of Newfoundland

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Montevecchi – Briefing Document for the Standing Senate Committee -
on Energy, the Environment and Natural Resources

BIO – Dr. William A, Montevecchi, John Lewis Patton Distinguished University Professor, Psychology, Biology and Ocean Science, Memorial University of Newfoundland; a Member Nature Canada and Nature NL, and I hold a Master Participant Agreement with Canadian Environmental Assessment Agency (CEAA) for reviewing Environmental Assessments.

Thank you Madam Chair and Honorable Senators.

I study seabirds and how they respond to environmental change. Some of my lab's scientific paper about seabird risks at offshore oil platforms have been submitted to the committee.

As a member and former director of Nature Canada (Canadian Nature Federation) and Nature NL, I endorse their submissions with five other environmental organizations from across Canada.

In the next few minutes, I will focus on 3 key issues:

- 1 – transparent science-based decision-making,
- 2 – the need for regulatory strengthening, and
- 3 – precautionary approaches to ocean development.

Seabirds are the primary indicators of the state of the ocean.

In the late 1990s, when oil production came on line on the Grand Banks, we addressed this issue. Canadian and international scientists met with the Canadian Association of Petroleum Producers (CAPP) and submitted a report which proposed comprehensive yet simple protocols for seabird monitoring on offshore platforms (Montevecchi et al. 1999 Chapter III submitted to the committee).

Dedicated trained observers have never been employed on platforms despite acknowledgement, concern and commitments about seabirds at every environmental assessment for ocean oil development.

So after 20 years, there are no scientifically adequate data to evaluate seabird occurrences and mortality at offshore platforms in eastern Canada.

The most abundant breeding seabird in eastern Canada – the tiny Leach's Storm-Petrel is also the most vulnerable. I brought a specimen to show the committee.

Due to their attraction to the flares and brilliant lighting in their formerly opaque ocean habitat, this species is at high risk.

Their global population has essentially halved in the 3 decades that flaring and lighting have been introduced in the Canadian offshore. More than 3,000,000 seabirds are missing.

This population decline is driven by decreases in the species' largest colonies on the east coast of Newfoundland, near where we are meeting.

The Leach's Storm-Petrel is now listed as Vulnerable by the International Union for the Conservation of Nature (IUCN).

Comprehensive arm's length monitoring of seabirds at offshore platforms and on drill rigs must replace the inadequate haphazard self-reporting by oil corporations under the auspices of the Canada-Newfoundland and Labrador Offshore Petroleum Board (C-NLOPB).

Even though nothing of consequence has been done, we can act proactively to minimize the seabird risks associated with flaring, lighting and chemicals.

Aspects of the Act that can help ensure scientific integrity in assessment and regulatory process include:

- Sections 6(1)(h) – public participation, 6(1)(j) – use of scientific information, 6(1)(k) – alternate technologies, 6 (1)(n) follow-up programs though there would be more confidence in the provision if the subsection “ensured” rather than “encouraged” this
- Section 6(3) – scientific objectivity
- Section 50 - should ensure that the roster of potential review panel members be made on the basis of the expert committee established in Section 157

The timing of assessments. Timing is everything

Following the explosion and blowout of the Deep-Water Horizon in 2010 in the Gulf of Mexico, oil spewed from the well head for 87 days, because the blow-out preventer that should have activated in this emergency failed. Then the backup blowout preventer which should have kicked following the initial failure also failed.

Evidence indicated that pressure to get production on line quickly may have compromised engineering due diligence. This is evident in President Obama's initial reaction of a scandalously close relationship between the regulator and industry.

As a result, US regulatory responsibilities for development were partitioned from those for environment and safety to reduce potentially conflicting obligations.

We have had a similar call for an independent safety board in Canada. The C-NLOPB rejected that recommendation, though many thought that they should not have.

During November 2018, the largest platform spill in Canadian waters occurred when Husky Oil decided to resume production in 9 meter (30 foot) storm-seas, while other operators did not.

Again time not caution was the deciding factor. The C-NLOPB supported Husky's decision to resume production in storm-seas.

The oil isn't going anywhere.

We have to reject the "time is money" mantra that threatens our ocean and fuels economic arguments.

Time is our best insurance for truly comprehensive environmental assessments and ocean protection.

A number of sections I Bill C-69 that can be strengthened to ensure ocean protection and to improve regulatory performance.

- Section 37(1) should default timelines to 18 months not 300 days, with discretion to shorten the timeline when practical.
- Section 44(3) – only one person should be appointed to review panels by offshore petroleum boards; this would help maintain balance and transparency of process. Consider appointments from ECCC and DFO
- Amendments 46(1) and 48(1) proposed by Nature Canada and NGOs that the chairperson of the panel not be appointed from the roster to help ensure credibility and public trust
- Section 50 – review panels should be based on expertise as recommended the expert's committee establish un Section 157

Thank you for your consideration.

Sincerely,



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