



## **New legislation would toughen ocean pollution penalties**

CanWest News Service

Wed 05 May 2004

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Source: CanWest News Services; Ottawa Citizen

OTTAWA - Ocean polluters will face fines of up to \$1 million under a tough new bill to be tabled today in the House of Commons by Environment Minister David Anderson.

The bill drastically increases the penalties for ships that deliberately dump oil at sea, endangering the lives of seabirds and other animals. The maximum fines under the Migratory Birds Convention Act currently stand at \$100,000 for individuals and \$250,000 for corporations.

The bill will also make directors of shipping companies, not just captains and ship owners, liable to prosecution for ships that pollute.

And it will strengthen the powers of Environment Canada enforcement officers, giving them the authority to order polluting ships into port anywhere within Canada's 200-mile (320-kilometre) exclusive economic zone. Environment officers will have the explicit power to lay charges and detain vessels in port until fines are paid.

The bill represents a victory for Environment Canada officers, who have for years been fighting an uphill battle against ships that discharge their oily bilge waters in the North Atlantic. Such discharges kill an estimated 300,000 seabirds every year on the east coast, yet some ships continue the practice because it is cheaper than disposing of the bilge at a proper facility in port.

Under the current law, Environment Canada officers have often butted heads with Transport Canada officials over the issue of marine polluters. While Environment officers wanted to order offending ships into port, Transport officials often preferred not to impede the ship traffic and, instead, trusted foreign ports to undertake investigation of suspected polluters.

But Transport Minister Tony Valeri and Prime Minister Paul Martin, who made his fortune in the shipping industry, are said to be supportive of this bill.

The impetus for a tougher law comes after two recent high-profile cases in which alleged polluters escaped justice.

The Russian fishing trawler FV Olga was targeted by Environment Canada enforcement officers for dumping oily bilge water off the coast of Newfoundland in 2001 and 2002. But the Justice Department decided to drop the Environment Canada charges and instead allow Transport Canada to take the lead in prosecuting the case under the Canada Shipping Act.

Much to the annoyance of the environmental officers, the captain, first mate and ship were allowed to leave Newfoundland. By the time, provincial court judge David Orr convicted the ship in March of this year, there was no one left to pay the \$113,000 fine.

Equally frustrating for Environment Canada officers was the case of the Tecam Sea, a Bahamian-registered bulk carrier that allegedly dumped oil near a Newfoundland bird sanctuary in September 2002.

Environment Canada officers ordered the ship into port and arrested the captain, but the Justice Department dropped all charges in April 2003. Although no official explanation was given, there were questions raised as to whether Environment Canada officers had the legal jurisdiction to prosecute a foreign ship that was within Canada's 200-mile exclusive economic zone, but outside the 12-mile (almost 21-kilometre) limit of Canadian territorial waters.

Although Anderson will table the bill today, there may not be time to pass it into law if Martin calls a spring election. Current speculation holds that the prime minister may dissolve Parliament sometime around the Victoria Day weekend, for a late-June election.