

EMERGENCY RESPONSE ACTION

Summary

The Protocol on Environmental Protection to the Antarctic Treaty entered into force on 14 January 1998. As a consequence, the Contracting Parties are now obliged to implement the provisions of the Protocol, including the provisions regarding emergency response action (Article 15 of the Protocol and related articles of Annex IV).

Implementation of the provisions of Article 15 would be facilitated by:

- Preparation of an environmental risk assessment. This would provide the basis for the development of guidelines for preventive measures, contingency plans and response action;
- Development of common guidelines for preventive measures;
- Development of a common set of standards for contingency planning;
- Development of common guidelines for notification procedures;
- Identification of effective response measures

Background

1. Article 15 of the Protocol stipulates that the following actions shall be undertaken by Parties with regard to Emergency Response Action¹:
 - a) *prompt and effective response action* to such emergencies which might arise in the performance of activities in the Antarctic Treaty Area
 - b) *establishment of contingency plans* for response to incidents with potential adverse effects on the Antarctic environment
 - c) *co-operation* in the formulation and implementation of such contingency plans
 - d) establishment of *procedures for immediate notification and co-operative response* to environmental emergencies
 - e) draw upon *advice of appropriate international organisations*

¹ The provisions on Emergency Response Action addressed by this Paper relate to those identified in Article 15 of the Protocol, and the related provisions (Articles 10 and 12) of Annex IV.

2. Working paper ATCM XXI/WP 9 presented by the UK at the Consultative Meeting in Christchurch reviewed implementation of the above, and concluded that, with some exceptions, the ATCM has paid limited attention to the implementation of Article 15 and in related provisions.
3. Using ATCM XXI/WP 9 as the basis for discussion, the ATCM XXI adopted Resolution 1. This states i.a. that ATCM XXII should *review the issue of emergency response action and contingency planning with a view to implementing further the provisions of Article 15, and the related provisions of Annex IV to the Protocol on co-operative response action, and decide on further action.*
4. Subsequent to that, the Protocol has now entered into force, and Parties have an obligation to implement Article 15 and its related provisions.
5. For any human activity there will always be a finite risk of environmental damage, and emergency response action can be hindered by the harsh and isolated Antarctic environment. Issues raised by Article 15 need to be resolved in order to have in place effective provisions in the event of environmental emergencies.
6. The main task of the Committee for Environmental Protection, is to provide advice and formulate recommendations to the Parties in connection with the implementation of the Environmental Protocol. The functions of the Committee are set out in Article 12 of the Protocol. Article 12 (1) (f) specifies that the Committee shall provide advice on “procedures for situations requiring urgent action, including response action in environmental emergencies”.
7. This paper highlights aspects of the actions required by Article 15, as well closely related aspects not covered by Article 15. Proposals for further action are identified.

Risk Assessment

8. Environmental emergencies may occur as a result of e.g.: oil spills (at sea, on ice, on ice-free ground, etc.), chemical spills, accidental release of micro-organisms carrying disease, accidental introduction of flora/fauna, etc. Environmental emergencies can be defined to include all unplanned or accidental events that result in or threaten to result in negative impacts on the environment.
9. It is assumed that the risk of an environmental emergency occurring is likely to increase with an increase of activity in Antarctica. However, no assessment of potential environmental emergencies has been carried out within the ATS.
10. To facilitate implementation of Article 15 of the Protocol, it would be appropriate to develop a common understanding within the ATS of what activities are most likely to give rise to environmental emergencies, and what these environmental emergencies might be.
11. Consequently, the ATCPs should undertake an assessment of environmental emergency risks due to on-going activities in Antarctica. Furthermore, the risks

should be prioritised depending on the likely consequences in terms of environmental impact. A pragmatic approach could be adopted in the process, given the limited range of activities taking place in Antarctica.

12. The ATCM should request COMNAP to provide the CEP with such an evaluation, i.e. a *risk assessment*. The CEP should, using the risk assessment as the basis, identify which areas/activities warrant the development of guidelines for preventive measures (cf. paragraphs 14-19), contingency plans (cf. paragraphs 20-24) and response strategies (cf. paragraphs 28-32).
13. The risk assessment should be reviewed at regular intervals in order to include any new types of activities in the assessment. This would ensure that operators, Parties and the CEP have current up to date information at all times on which to plan for and react to environmental emergencies in a proper manner. The CEP also has need of such information in order to effectively to undertake its functions as set out in Article 12 (1) (f).

Preventive Measures

14. There are no provisions relating to precautionary/preventive actions in the Protocol, except for Article 10 in Annex IV which covers design, construction, manning and equipment of ships. The term “preventive measures” is also included in the heading of Article 12 in Annex IV, but is not further elaborated.
15. Preventive measures are, however, very important in the whole discussion of minimising impacts from environmental emergencies/accidents. The best way to reduce risks to the environment is through preventive measures, e.g. by prescribed handling procedures, storage procedures, equipment, etc.
16. SCALOP/COMNAP has developed guidelines for handling and storage of fuel: “Recommended procedures for fuel oil transfer at stations and bases” (1992) and “Recommendations for spill prevention and containment of fuel oil at stations and bases” (1992). These are examples of preventive measures, as is the Polar Shipping Code under discussion by the IMO (cf. paragraph 19).
17. The ATCM should adopt guidelines for preventive measures. The SCALOP/COMNAP 1992 guidelines should be reviewed, modified as necessary and adopted by the ATCM. The ATCPs should also consider the need to formulate further preventive guidelines for environmental risks that are not covered by the existing SCALOP/COMNAP guidelines.
18. COMNAP should be requested to review the SCALOP/COMNAP 1992 preventive guidelines and provide the CEP with guidelines modified as appropriate. The CEP should also, using the risk assessment as basis, identify other areas/activities that warrant the development of such guideline(s). The CEP should furthermore, using COMNAP’s suggestions as basis, provide advise to the ATCM as to the adoption of guideline(s) for preventive measures.
19. The IMO is in the process of developing a “Polar Shipping Code” which covers amongst other things the design, construction, manning and equipment of ships

that will operate in polar waters. The ATCM should encourage Consultative Parties to provide the IMO with appropriate input as to the Antarctic issues that should be addressed by the Polar Code. The ATCM should also encourage the ATCPs that are IMO members to, in due course, approve and adopt the Polar Code.

Contingency plans

20. In order to facilitate contingency planning and thereby preparedness for environmental emergencies, the ATCPs should develop common standard(s) for plans covering preparedness and response to environmental emergencies in Antarctica.
21. SCALOP/COMNAP has developed guidelines to *oil spill contingency planning* (1992). The guidelines specify two types of plans, namely i) Facility Plans which are to be developed for individual stations by national operators, and ii) Multi-Operator Plans to be developed to encompass a geographic area where a co-ordinated and compatible response by two or more national operators is feasible. Many Parties have used the guidelines as the basis for the development of contingency plans in accordance with Article 15.
22. All ships (of a given size) from signatory states to Annex I to MARPOL 73/78 are also required to carry oil spill contingency plans developed in accordance with IMO guidelines - "Guidelines for the development of the shipboard oil pollution emergency plans" (Rule 26 of Annex I to MARPOL 73/78).
23. The ATCM should consider developing common standards for contingency plans for all types of environmental emergencies in Antarctica, i.e. in addition to those already covering oil. In developing standards for oil spill contingency plans, the SCALOP/COMNAP guidelines, as well as the MARPOL guidelines and other relevant international agreements, should be used as the basis.
24. COMNAP should be requested to review the SCALOP/ COMNAP 1992 oil spill contingency plan guidelines and provide the CEP with modified (as appropriate) guidelines for oil spill contingency planning. Reference should also be made to the IMO guidelines. The CEP should also, using the risk assessment as basis, identify additional areas/activities that warrant guidelines for contingency planning. The CEP should furthermore, on the basis of COMNAP's recommendations, provide advice to the ATCM as to the adoption of contingency plan guideline(s).

Notification and Co-operative Response Procedures

25. In the event of environmental emergencies it might be necessary to require assistance from nearby operators. Furthermore, information concerning environmental emergencies should be forwarded to CEP and its members as soon as possible (cf. Annex I, Article 2; Annex III, Article 12; Annex IV, Article 7; and Annex V, Article 11).

26. Common procedures for notification and co-operative response should be developed to ensure effective communication amongst all parties that might be involved in such operations.
27. The ATCM should request COMNAP to provide the CEP with recommendations on procedures for notification and co-operative response. The CEP should use COMNAP's recommendations as the basis to provide advice to the ATCM as to the adoption of such procedures.

Response Measures

29. Response action to an environmental emergency will vary from case to case, and it will be the prerogative of the operator at the time of the emergency as to how to respond to the emergency. However, the operator would benefit from being able to access concrete information regarding effective response action. This would give operators a sound basis on which to plan and prepare for emergencies at all levels.
30. Effective response depends on a variety of factors, e.g.: type of emergency (oil spill/chemical spill, introduction of flora/fauna, disease), dimension/extent of emergency, location (vulnerable/less vulnerable areas), timing (summer/winter).
31. Using the risks identified by the risk assessment as a focus the ATCMs should adopt guidelines for response strategies for the various types of emergencies that have been identified. These guidelines could appropriately be incorporated into the guideline(s) for contingency plans.
32. The ATCMs should also consider identifying the type and amount of equipment that should be available in order to achieve appropriate and effective response to the various types of emergencies. Equipment requirements could be identified in parallel to the development of guidelines for response strategies.
33. COMNAP should be tasked to provide the CEP with suggested guideline(s) on response measures. The CEP should, using the risk assessment as basis, identify areas/activities that warrant the development of such guideline(s). The guidelines should be included as part of the contingency plan guideline(s). The CEP should, using COMNAP's suggestions as the basis provide advice to the ATCM as to the adoption of guidelines for response strategies.

Proposal

To achieve progress on the issues discussed above, it is suggested that the Parties adopt a Resolution (draft attached) which would recommend the following actions:

- ◇ Initiate a review of existing guidelines on preventive measures and contingency plans
- ◇ Initiate the development of a *Risk Assessment* for activities in Antarctica in order to evaluate potential environmental risks
- ◇ Identify areas where guidelines on preventive measures, contingency plans and response strategies still are needed, and initiate process for developing such guidelines
- ◇ Initiate the development of procedures for notification and co-operative response in case of environmental emergencies.

Draft Resolution [] (1998)
EMERGENCY RESPONSE ACTION

The Representatives,

Welcoming the entry into force of the Environmental Protocol;

Noting the provisions of Article 15 of the Environmental Protocol and related provisions of Annex IV on emergency response action and contingency planning;

Recalling also Resolution 1 (1997);

Aware that effective procedures for preventive measures, contingency planning and response strategies are essential in enabling appropriate protection of the Antarctic environment;

Conscious that the existing provisions of Article 15 of the Environmental Protocol and related provisions of Annex IV on emergency response action and contingency planning need to be further developed in order to enable Parties to provide prompt and effective response in case of environmental emergencies in Antarctica;

Recommend that:

1. COMNAP is requested to review and if necessary revise as appropriate, existing measures and guidelines on preventative measures and contingency plans: Recommended Procedures for Fuel Oil Transfer at Stations and Bases, Recommendations for Spill Prevention and Containment of Fuel Oil at Stations and Bases, and Guidelines for Oil Spill Contingency Planning.
2. COMNAP is tasked with developing a risk assessment for environmental emergencies in Antarctica. The risk assessment should be reviewed at regular intervals in order to ensure that the list remains sufficiently inclusive.
3. Based on the risk assessment COMNAP should identify additional areas/activities (ie other than those posing risk of oil pollution) where emergency response planning is necessary, and initiate the following actions:
 - development of guidelines for preventive measures
 - development of contingency plan guidelines
 - development of guidelines for response strategies (including equipment requirements)
4. COMNAP is requested to provide the CEP with recommendations on procedures for notification and co-operative response in case of environmental emergencies.
5. COMNAP should report back on the above commissioned work to the Committee on Environmental Protection at ATCM XXIII for evaluation and advice.

6. The ATCM shall adopt guidelines for preventive measures and contingency plans (including response strategies) for environmental emergencies in Antarctica based on advise from the CEP. Furthermore, the ATCM shall also adopt procedures on notification and co-operative response.