

**Fair Sailing** is an initiative by the James Bay Neighbourhood Association (JBNA) to advocate for responsible cruise tourism practices that prioritize the interests of residents, local businesses and the environment of Victoria, Canada's highest volume port-of-call.

James Bay residents want quality of life, clean air, no foreign garbage and a healthy safe community. The impacts of the cruise industry in our neighbourhood include overtourism, air pollution, the import of foreign garbage and threats to public health.

This section of the **Fair Sailing** initiative provides an overview of jurisdictional responsibilities for the well-being of our oceans with a focus on protecting marine life in Victoria Harbour and along the Pacific North Coast. JBNA chose to focus on the import of foreign waste materials as an activity that occurs in our immediate neighbourhood and has a negative impact on our local environment. This section recognizes the negative environmental and biodiversity impacts of cruise ships beyond our community.

[www.fair-sailing.com](http://www.fair-sailing.com)

## *Cruise Industry and Our Oceans*

The Alaska cruise-run is most profitable for the cruise industry. Cruise ships, as floating resorts, create large amounts of pollution in the form of blackwater (sewage), grey water (from sinks, showers, laundry), solid waste, hazardous waste (including incinerator ash and scrubber waste), oily bilge water, ballast water, and air pollution.

Data provided in 2011, for a smaller or medium sized ship, suggest a cruise ship would create about 210,000 gallons of blackwater and 1 million gallons of grey water in a week. Ballast water, brought on board to regulate the stability, may carry aquatic species including bacteria and other microbes, micro-algae, and various life stages of aquatic plant and animal species (Transport Canada estimates over a hundred invasive species in the Strait of Georgia).

Overlap and gaps of responsibility within federal, provincial, regional, and municipal levels of government make it difficult for citizens to focus on which level bears responsibility.

### *Jurisdictional Responsibilities*

#### **International**

The United Nations' **International Maritime Organization (IMO)** sets international maritime vessel safety and marine pollution standards. The IMO's Maritime Pollution (MARPOL) Convention set out regulations or guidelines to prevent or control pollution by oil, waste products, harmful substances, and air pollution. MARPOL has no

enforcement program; signatory countries are responsible for protecting marine environments.

In 2018, as part of the Paris Accord, the IMO created the 2018 IMO-GHG Strategy with 100 countries signing on to the voluntary initiative.

#### ***Canada and the United States (July 2021)***

Canada and the United States announced a 4-year "Action Plan" under their 2000 *Joint Statement of Cooperation*. The Plan focuses on challenges facing the Salish Sea ecosystem.

#### ***Canada***

In **Canada**, the *Canada Shipping Act* is the main source of law for ships. Other federal Acts which may affect cruise ships include: Fisheries Act, Canadian Environmental Protection Act, Oceans Act and Migratory Birds Convention Act.

The Minister of Transport is responsible for the *Canada Shipping Act* although the Minister of Fisheries & Oceans has responsibilities under specific sections of the Act. The Transport Canada Environmental Protection division is responsible for relevant regulations/guidelines and Canadian participation at the IMO Marine Environmental Protection Committee.

There are regulations through the *Canada Shipping Act*, and "voluntary" guidelines and agreements for discharges. Canada has been criticized for loose controls for greywater, and other marine discharges with pollutants.

## United States

### (Alaska, Washington, and the EPA)

**Alaska:** In 2006, the Ocean Ranger Program in the Alaska Department of Environmental Conservation became law (Note: defunded in 2019). The program, with onboard observers, reported on wastewater treatment practices, pollution control equipment and ship discharges. Of the 243 cruise ship visits to Victoria in 2018, 100 (41%) were by ships which violated Alaskan air or water environmental regulations.

#### 2018 Alaska Violations (reported in 2019)

Ship Name	Air Violation	Water Violation	# of Victoria Visits
Amsterdam	x		18
Emerald Princess	x	x	20
Eurodam	x	x	22
Golden Princess	x	x	1
Nieuw Amsterdam	x	x	1
Regatta		x	9
Ruby Princess		x	23
Seven Seas Mariner		x	4
Star Princess		x	1
Westerdam	x	x	1
		Total	100

**Washington State:** The state has entered into a Memorandum of Understanding (MOU) with the Cruise Lines International Association (CLIA) and the Port of Seattle creating a No Discharge Zone.

**US EPA and the “Magic Pipe”:** In late 2016, we learned of the “magic pipe” used by five of Carnival’s Princess Line ships to circumvent pollution control systems. Four of the five found to be purposely polluting the oceans had been port-of-call ships in Victoria.

In addition to the \$40 million fine for dumping oily waste into the ocean, Carnival’s Princess Cruises pleaded guilty to **seven felony charges**, relating to what US officials called **“a campaign of obstruction in an effort to hide the deliberate pollution”**. A plea agreement filed in federal court also requires Carnival Corp., parent company of the Princess Line, to submit 78 cruise ships across its eight brands to a five-year environmental compliance program overseen by a judge. Despite these convictions both Golden Princess and Star Princess were caught discharging sludge from the exhaust system scrubbers while in port at Ketchikan in 2018.

During a Judicial review in June, 2020, as part of the five-year probational period, Judge Seitz expressed concern that consistent problems reflect systemic disregard. At a subsequent hearing in October, 2020, Judge Seitz spoke of ongoing compliance issues including having correct pollution prevention equipment, and discharging of plastics and sewage at sea.

## Protected Areas on the Pacific Coast

**Canada and United States** have three protected areas along the Strait of Juan de Fuca. Canada, the Province of BC, and the Heiltsuk, Kitasoo/Xai’xais, Nuxalk and Wuikinuxv First Nations are undertaking a feasibility study for a national marine conservation area along BC’s central coast.

The **Victoria Harbour Migratory Bird Sanctuary**, Pacific Canada’s first bird sanctuary, was created in 1923. It is near the Ecological Reserves of Trial Islands, Oak Bay Islands and Ten Mile Point. This sanctuary sees 270 species of birds and 30 species of mammals including resident orca whales, transient whales, seals, sea lions and land based animals.

In its waters are salmon, trout, herring, smelt, rockfish and other fish species as well as octopus,

clams, crabs, scallops, and oysters. More than 20 rare plants are found in this Sanctuary.



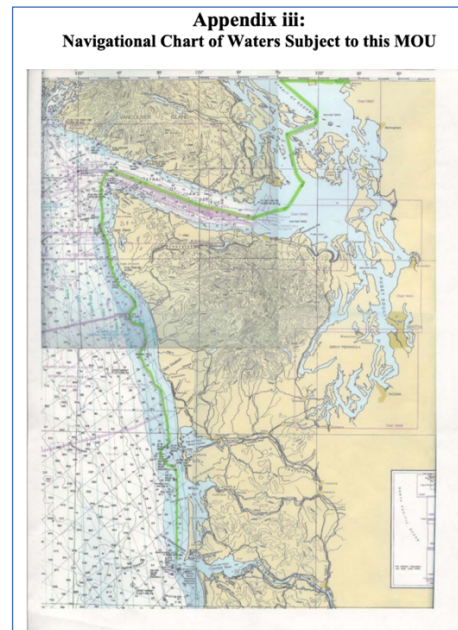
After decades of habitat loss and disturbance, the area is undergoing renewal; Wildlife is thriving, and once lost species returning.

## The Pacific North Coast Integrated

**Management Area (PNCIMA)** extends from the northern tip of Vancouver Island to the Canada-Alaska border. Having a diversity of ecosystems and habitats, 27 types of whales and dolphins and more than 400 species of fish reside and migrate through PNCIMA. In 2017 Federal, Provincial, and First Nations endorsed a Management Plan for the area.



This voluntary agreement helps prevent wastewater discharges from large cruise ships into state waters. First signed in 2004, the MOU has recently been renewed.



The **Puget Sound** and adjoining waters **No Discharge Zone (NDZ)** for vessel blackwater and graywater falls under the Memorandum of Understanding between Department of Ecology, State of Washington, CLIA-NWC and the Port of Seattle. This includes ship monitoring and inspections.

The NDZ includes Puget Sound and the Strait of Juan de Fuca south of the international boundary with Canada along Washington's Pacific Coast and the Olympic Coast National Marine Sanctuary.

The NDZ addresses sources of preventable pollution from impacting shellfish beds, beaches, and water quality in an area of about 2,300 square miles.

## Marine Wildlife Example: Whales

Impacts of cruise ships on marine habitat and life are of concern, particularly ship strikes and noise on whales. Residents became aware of the physical impact of whale ship strikes several years ago when the media carried photos of cruise ships entering ports with whales or dolphins on the bow. Dead fin whales in the Port of Vancouver and dead right whales on our Atlantic waters have been reported.

In 2020, during the Covid-19 pandemic, research institutes have taken the opportunity to study whales without the disturbance of loud ships. Studies utilizing a hydrophone network spanning waters from Prince Rupert to the Gulf Islands will continue through to 2023, assessing whale communication during periods with, and without, cruise ships.

Globally, residents in port communities have requested that cruise lines commit to reducing speed below 12 knots within 25 miles of the coast to prevent whale strikes and minimise sonic disturbance to wildlife.

## What Residents say

*"Climate change and reducing fossil fuels. Covid has diverted us from our preoccupation with the major issue of the 21st century - climate change. The cruise ship industry is a massive contributor to fossil fuel emissions."*

*"More hydrophones put on Salish Sea floor to monitor noise from and around orcas . . . The listening devices from Victoria-based JASCO Applied Sciences attempt to gauge both the whales' own behaviour and the noise pollution from humans' commercial vessels, which disturbs the whales."*