



TSB Recommendation M21-01

Risk mitigation measures for passenger vessels operating in Canadian Arctic coastal waters

The Transportation Safety Board of Canada recommends that the Department of Transport, in collaboration with the Department of Fisheries and Oceans, develops and implements mandatory risk mitigation measures for all passenger vessels operating in Canadian Arctic coastal waters.

Marine transportation safety investigation report	M18C0225
Date the recommendation was issued	21 May 2021
Date of the latest response	December 2022
Date of the latest assessment	March 2023
Rating of the latest response	Satisfactory Intent
File status	Active

Summary of the occurrence

On 24 August 2018, the passenger vessel *Akademik Ioffe*, with 163 persons on board, ran aground on an uncharted shoal 78 nautical miles north-northwest of Kugaaruk, Nunavut. The grounding occurred while sailing through narrows in a remote area of the Canadian Arctic that was not surveyed to modern or adequate hydrographic standards, and where none of the vessel crew had ever been. The vessel ran aground at a speed of 7.6 knots before the bridge team could take evasive action; team members were not closely monitoring the echo sounders, and the steady decrease of the under-keel water depth went unnoticed for more than 4 minutes, because the echo sounders' low water depth alarms had been turned off. The bridge team of the *Akademik Ioffe* considered that the narrows were safe to transit, did not expect to encounter any shoal in the area where the vessel ran aground, and consequently did not implement any additional precautions.

Multiple aeronautical search and rescue assets from the Canadian Armed Forces and maritime search and rescue assets from the Canadian Coast Guard were tasked to assist the distressed vessel. The vessel self-refloated with the flooding tide later that day, and its passengers were evacuated and transferred to the passenger vessel *Akademik Sergey Vavilov* the next day. While

no injuries were reported, the *Akademik Ioffe* sustained serious damage to its hull and some of the vessel's fuel oil was released into the environment.

The Board concluded its investigation and released report M18C0225 on 21 May 2021.

Rationale for the recommendation

The gradual retreat of sea ice in the coastal waters surrounding the Canadian Arctic Archipelago has led to a notable increase in the number of passenger-carrying vessels and, particularly, of expedition-type cruises. The decrease in sea ice coverage allows passage into areas outside of the main corridors that are less travelled or where vessels have not been before, and for which there may be limited hydrographic information, increasing the risk of encountering uncharted hazards. By 2019, only 14% of the coastal waters surrounding the Canadian Arctic Archipelago had been surveyed to modern or adequate hydrographic standards, and efforts to augment the surveys have been focused primarily on the main shipping corridors, with no timeline for completion in other areas of the Arctic.

The Canadian Arctic is vast and sparsely populated, which means that response to a marine occurrence may not occur in as timely a manner as it would in more populated areas. Even in summer, near-freezing air temperatures can prevail in some areas of the Canadian Arctic; these conditions make it challenging for survivors of a vessel abandonment.

Since 1996, there have been 3 groundings of passenger vessels and 1 of a chartered yacht in the Canadian Arctic. Although this number seems low, it is high in relation to the number of passenger voyages over this period. TSB investigations into 3 of these occurrences found that deficiencies in voyage planning or execution were significant contributing factors to the occurrences. Moreover, in the groundings of the *Clipper Adventurer* and the *Akademik Ioffe*, there was a lack of appreciation by the masters and bridge teams of the limitations of the hydrographic data on the routes they were following. According to the International Maritime Organization, voyage planning, which includes assessing, planning, executing, and monitoring the voyage, is a key mitigation strategy against the inherent risks of Arctic navigation.

The master has full discretion as to how the bridge team carries out the 4 steps in the making and execution of the vessel's voyage plans, and needs to give bridge teams the latitude to act according to the vessel's actual situation. It is difficult to mitigate against any weaknesses within a plan, given the discretion masters have when deciding where the vessel goes, how an assessment is carried out, and how the watchkeeping is set up. In light of this, it is critical that operators of passenger-carrying vessels operating in the Canadian Arctic adopt additional mitigation strategies to address the risks associated with their itineraries and the potential weaknesses within their voyage plans, such as vetting by a third party or sharing safe itineraries among operators. Given the limitations of current hydrographic surveys in many areas, risks related to navigation in Canadian Arctic waters will remain high for the foreseeable future, and the potential for catastrophic results related to loss of life and irreparable damage to the environment is particularly concerning.

Transport Canada regulates navigation of domestic and foreign vessels within Canada's territorial waters, including the coastal waters surrounding the Canadian Arctic Archipelago. Fisheries and Oceans Canada, through the Canadian Hydrographic Service, is responsible for meeting Canada's international obligation to provide hydrographic services; the Canadian Coast Guard is responsible for the provision of marine search and rescue resources, traffic monitoring, icebreaker assistance and diffusion of navigation safety information, among other services.

Transport Canada and Fisheries and Oceans Canada, combined, have the regulatory mandate to implement various risk mitigation measures to reduce the likelihood and consequences of a passenger vessel running aground in Arctic waters. These measures could include, among others:

- systematically requiring more detailed inspections of domestic and foreign-flagged passenger vessels intending to enter the Northern Canada Vessel Traffic Services zone, to confirm adequate navigational practices, procedures, and equipment;
- prohibiting passenger vessels from transiting Canadian Arctic coastal waters that are not surveyed to adequate hydrographic standards, and allowing passages only within the Canadian Hydrographic Service-identified primary and secondary low impact shipping corridors;
- mandatory carriage of additional navigational aids (with suitably qualified crew to operate and maintain them) such as forward-looking sonar;
- a requirement to use a spotting craft to survey the waters ahead of the passenger vessel when transiting;
- mandatory use of supernumerary navigational experts with local knowledge of the passenger vessel's area of operations;
- a requirement for operators to schedule itineraries so that there is always another passenger vessel in proximity to aid in case of an emergency; and
- working with operators to develop a tool or common registry for the sharing of best practices and navigational information about past, current, and proposed itineraries.

This investigation determined that operating in the Canadian Arctic has unique risks that require additional mitigation measures in order to ensure the safety of passenger vessels, and to protect the vulnerable Arctic environment. Until the coastal waters surrounding the Canadian Arctic Archipelago are adequately charted, and if alternate mitigation measures are not put in place, there is a persistent risk that vessels will make unforeseen contact with the sea bottom, putting passengers, crew, and the environment at risk.

The Board therefore recommended that

the Department of Transport, in collaboration with the Department of Fisheries and Oceans, develops and implements mandatory risk mitigation measures for all passenger vessels operating in Canadian Arctic coastal waters.

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Previous responses and assessments

August 2021: response from Transport Canada

Transport Canada (TC) agrees with the recommendation.

As part of TC's work to increase safety oversight for passenger vessels in Canadian Arctic waters, the department is working to implement an enhanced oversight plan for cruise vessels entering Canada's Arctic coastal waters, which will increase the level of monitoring and inspections by 2022. Inspections will focus on voyage/passage planning and bridge resource management. This plan will ensure that that passenger vessels meet the requirements under the International Maritime Organization's (IMO) International Code for Ships Operating in Polar Waters (the Polar Code) as incorporated by reference in the *Arctic Shipping Safety and Pollution Prevention Regulations*.

In addition, under the Paris Memorandum of Understanding (MoU) on Port State Control (PSC) of which Canada is a member, cruise vessels will be inspected for compliance with the Polar Code. This Inspection Campaign is scheduled to take place during the summer of 2022.

As an additional oversight measure and to increase safety awareness for voyage planning in the Arctic, TC will also disseminate a Ship Safety Bulletin (SSB) to remind stakeholders, including cruise operators, of the *Navigation Safety Regulations, 2020* and of the requirement for the annual edition of Notice to Mariners (NOTMAR) to be on board all vessels in Canadian waters. The SSB will also include a notice to the marine industry and cruise operators, advising them of Transport Canada's 2022 enhanced oversight inspection plan for passenger vessels entering Canadian Arctic waters.

The latest NOTMAR's section on "Voyage Planning for Vessels Intending to Navigate in Canada's Northern Waters" publication will be updated by Transport Canada prior to the SSB's dissemination.

The Department of Fisheries and Oceans-Canadian Hydrographic Service (DFO-CHS) and the Canadian Coast Guard's *Northern Canada Vessel Traffic Services Zone Regulations* (CCG-NORDREG) Marine Communication Traffic Services are working with Transport Canada to explore how to effectively monitor and communicate major vessel deviations in Canadian Arctic waters.

DFO-CHS, through its technical expertise in Geographic Information System technologies, will support TC in its ability to define risk levels for planned routes for passenger vessels traveling in Canada's northern waters in order to inform risk mitigation for passenger vessels that deviate from their standard routes in the Canadian Arctic.

In response to a request by the TSB for further information, TC sent the following response in December 2021.

Recommended Mitigation Measure	TC Considerations	Expected Implementation Date
<p>Systematically requiring more detailed inspections of domestic and foreign-flagged passenger vessels intending to enter the Northern Canada Vessel Traffic Services zone, to confirm adequate navigational practices, procedures, and equipment.</p>	<p>Transport Canada is working on the following to address this measure:</p> <ul style="list-style-type: none"> • Transport Canada will review passenger vessel voyage plans. This will be done by: <ul style="list-style-type: none"> ○ Reviewing environmental scans to build a preliminary list of vessels planning voyages for the upcoming season. This is done by: <ul style="list-style-type: none"> ▪ Reviewing open-source information ▪ Checking cruise travel websites ▪ Checking with known cruise operator’s websites to see if they have planned voyages ▪ Contacting Agents that we have dealt with in the past to see what vessels they will/may represent ▪ Contacting vessel operators if there is no known agent to verify with ▪ This information is cross-referenced with MSOC East searches ○ Transport Canada will communicate with the companies we expect to be planning voyages to obtain voyage plans in advance. ○ MCTS receives notifications from MSOC 96 hours in advance <ul style="list-style-type: none"> ▪ We will be able to interact with vessels at the 96-hour mark ○ When not able to obtain in advance, vessels’ voyage plans will be required when they enter the NORDREG Zone (under CSA 2001) <ul style="list-style-type: none"> ▪ They will be reviewed at this point at the latest ○ Transport Canada will work with NORDREG to make sure that we are aware of any major deviations to the original sailing plan (<i>Northern Canada Vessel Traffic Services Zone Regulations</i>) while the vessel is in Canadian Waters. ○ In addition to the mandatory NORDEG sailing plan report, Transport Canada will request and review the voyage plan developed by the vessel for compliance with Chapter 11 of the Polar Code. ○ Transport Canada will work with Other Government Departments to determine 	<p>The inspection campaign will begin when cruise vessels enter Canadian Arctic waters in 2022</p>

	<p>acceptable risk mitigation measures to incorporate in the development of guidelines for Marine Safety Inspectors.</p> <ul style="list-style-type: none"> • There will be an Inspection Campaign (IC) on the implementation of the Polar Code in 2022 sailing season under the Paris MOU. Transport Canada will dedicate resources to conduct compliance inspections and Port State Control (PSC) inspections under the Paris MOU on as many cruise ships as possible and practicable that ply Canadian Arctic waters. These inspections will prioritize the oversight of navigational practices, procedures, and equipment. <ul style="list-style-type: none"> ○ As per the relevant Paris MOU Guidelines ○ TCMSS PNR will coordinate with the Atlantic and Pacific regions to ensure information is shared from Port State Control (PSC) and Coasting Trade inspections done on vessels prior to entering Arctic waters. ○ TCMSS PNR will also coordinate with functional leads in HQ on receiving notifications regarding PSC and <i>Coasting Trading Act</i> inspections. 	
<p>Prohibiting passenger vessels from transiting Canadian Arctic coastal waters that are not surveyed to adequate hydrographic standards, and allowing passages only within the Canadian Hydrographic Service-identified primary and secondary low impact shipping corridors.</p>	<p>Transport Canada is working on the following to address this measure:</p> <ul style="list-style-type: none"> • Transport Canada inspectors, under AWPPA and CSA 2001, have the power to direct the vessel. When inspectors find deficiencies, TC may use a range of enforcement actions, depending on the severity of the infraction such as: requiring corrective measures within a specified period, allowing the vessel to proceed to another port for repairs or ban the vessel from re-entry <ul style="list-style-type: none"> ○ Transport Canada has regulatory powers under <i>Canada Shipping Act 2001</i>, section 211 and under section 15 of the <i>Arctic Waters Pollution Prevention Act</i> ○ Voyage plans for passenger vessels will be requested and reviewed by Transport Canada. Based on the level of charting on the proposed routes, further inspections or oversight may be undertaken using the powers outlined above. • The Northern low impact shipping corridors are not defined by CHS, but rather are developed under Transport Canada leadership. Transport Canada continues to work closely with industry and Arctic stakeholders to develop a governance model for Northern Low-Impact Shipping Corridors that promotes safe shipping while mitigating impacts on 	<p>2022 cruise shipping season and ongoing.</p>

	<p>the environment and identifying sensitive geographic areas.</p> <ul style="list-style-type: none"> ○ Unlike southern shipping corridors, ice conditions are variable year after year and present significant challenges to operators. Masters of vessels, with the assistance of Ice Navigators as the case may be, are required to make navigational decisions based on ice conditions, vessels specific parameters and their expert knowledge. For this reason, it is important that Low-Impact Shipping Corridors are developed in a way that takes these operational challenges into consideration and that they are developed in collaboration with industry experts. 	
<p>Mandatory carriage of additional navigational aids (with suitably qualified crew to operate and maintain them) such as forward-looking sonar.</p>	<ul style="list-style-type: none"> • These are example of best practices in navigation that may help mitigate risk. Transport Canada believes that rather than be prescriptive about best practices in risk mitigation, to foster ideas from industry on innovations and incorporate those into best practices and guidelines. • This is an example of risk mitigation to manage risk in an Arctic voyage plan. <ul style="list-style-type: none"> ○ Link to the best management practices that are laid out in the <i>Guidelines for Passenger Vessels Operating in the Canadian Arctic - TP 13670</i>: http://www.tc.gc.ca/eng/marinesafety/guidelines-passenger-vessels-operating-canadian-arctictp13670e.html 	<p>N/A</p>
<p>A requirement to use a spotting craft to survey the waters ahead of the passenger vessel when transiting.</p>	<ul style="list-style-type: none"> • There are best practices in navigation that may help mitigate risk in certain situations. Transport Canada believes that rather than be prescriptive about best practices in risk mitigation, to foster ideas from industry on innovations and incorporate those into best practices and guidelines. • This is an example of risk mitigation to manage risk in an Arctic voyage plan. <ul style="list-style-type: none"> ○ Link to the best management practices that are laid out in the <i>Guidelines for Passenger Vessels Operating in the Canadian Arctic - TP 13670</i>: http://www.tc.gc.ca/eng/marinesafety/guidelines-passenger-vessels-operating-canadian-arctictp13670e.html 	<p>N/A</p>
<p>Mandatory use of supernumerary navigational</p>	<p>The following is in place to address this measure:</p> <ul style="list-style-type: none"> • The best management practices that are laid out in the <i>Guidelines for Passenger Vessels Operating in the</i> 	<p>N/A</p>

<p>experts with local knowledge of the passenger vessel's area of operations.</p>	<p><i>Canadian Arctic - TP 13670</i> were identified during consultations with representatives of Canadian Arctic communities and other stakeholders and are in addition to the mandatory regulatory requirements.</p> <ul style="list-style-type: none"> ○ Having these included in a passenger vessel's voyage plan would be accepted as a risk mitigation measure for managing risk during an Arctic voyage. ○ Under the best management practices, it is also recommended that vessels interact with communities to have local knowledge. ○ Link to the best management practices that are laid out in the <i>Guidelines for Passenger Vessels Operating in the Canadian Arctic – TP 13670</i>: http://www.tc.gc.ca/eng/marinesafety/guidelines-passenger-vessels-operating-canadian-arctictp13670e.html <ul style="list-style-type: none"> ● Currently, all ships 500 GT and above (SOLAS and non-SOLAS alike) operating in the Canadian Arctic regions must have a Polar Ship Certificate and officers qualified for operations in polar waters. Accordingly, the Master and Mates need to hold the appropriate certificates of proficiency for operating in Polar Waters as per Chapter 12 of the Polar Code and the STCW Convention. Please also refer to SSB No. 01/2018 which explains how masters, deck officers and any other crew member can meet certification and familiarization training requirements for those on certain ships operating in polar waters. <ul style="list-style-type: none"> ○ Link to SSB: https://tc.canada.ca/en/marinetransportation/marine-safety/ship-safetybulletins/how-meet-stcw-requirements-mastersdeck-officers-other-crew-members-certaincanadian-ships-operating-polar-waters-ssb-no-01-2018 	
<p>A requirement for operators to schedule itineraries so that there is always another passenger vessel in proximity to aid in case of an emergency.</p>	<ul style="list-style-type: none"> ● These are best practices in navigation that may help mitigate risk in certain situations. Transport Canada believes that rather than be prescriptive about best practices in risk mitigation, to foster ideas from industry on innovations and incorporate those into best practices and guidelines. ● This is an example of risk mitigation to manage risk in an Arctic voyage plan. <ul style="list-style-type: none"> ○ Link to the best management practices that are laid out in the <i>Guidelines for Passenger Vessels Operating in the Canadian Arctic – TP 13670</i>: 	<p>N/A</p>

	<p>http://www.tc.gc.ca/eng/marinesafety/guidelines-passenger-vessels-operating-canadian-arctictp13670e.html</p>	
<p>Working with operators to develop a tool or common registry for the sharing of best practices and navigational information about past, current, and proposed itineraries.</p>	<p>Transport Canada is working on the following to address this measure:</p> <ul style="list-style-type: none"> • TC will disseminate a Ship Safety Bulletin (SSB) to remind stakeholders, including cruise operators, of the <i>Navigation Safety Regulations, 2020</i> and of the requirement for the annual edition of Notice to Mariners (NOTMAR) to be on board all vessels in Canadian waters. The SSB will also include a notice to the marine industry and cruise operators, advising them of Transport Canada’s 2022 enhanced oversight inspection plan for passenger vessels entering Canadian Arctic waters. <ul style="list-style-type: none"> ○ TCMSS PNR is working with HQ to finalize this • The latest NOTMAR’s section on “Voyage Planning for Vessels Intending to Navigate in Canada’s Northern Waters” publication will be updated by Transport Canada prior to the SSB’s dissemination. <ul style="list-style-type: none"> ○ Annual Notice to Mariners, section 7A- Voyage Planning for Vessels Intending to Navigate in Canada’s Northern Waters which is a required publication to be carried on board the vessels (as per <i>Navigation Safety Regulations</i>), identifies Arctic’s unique conditions, navigational challenges and the fact that most of Canada’s Arctic waters has not been surveyed to modern standards. The publication is to assist mariners, owners and operators of vessels intending on navigating in Canada’s northern waters in preparing for, and executing, a safe voyage. This publication will be updated to better reflect new ASSPPR/Polar Code and voyage planning in the Arctic. • Transport Canada has committed to improving the awareness of cruise ship operators and has developed cruise ship guidelines that are intended to provide information on the requirements of Federal and Territorial government agencies during the planning phase of cruises and during the subsequent Arctic voyages. • Link: https://tc.canada.ca/en/marine-transportation/marine-safety/guidelines-operation-passenger-vessels-canadian-arctic-waters-tp-13670-e • Transport Canada is supporting (as co-chair) the Arctic Council PAME working group Arctic Shipping Best Practice Information Forum. The Forum supports the 	<p>Before the start of the 2022 Cruise shipping season in the Canadian Arctic and ongoing.</p>

	<p>implementation of the IMO Polar Code and to facilitate the exchange of information and best practices on a broad arrange of Arctic shipping topics, including but not limited to; hydrography, search and rescue, communications, training, industry guidelines and ship equipment, systems and structure. https://pame.is/arcticshippingforum</p>	
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August 2021: response from Fisheries and Oceans Canada

DFO and CCG agree in principle with this recommendation.

The report highlights that there are still many areas of the Canadian Arctic not yet surveyed and charted to modern hydrographic standards. Given the challenges of surveying in the Arctic, the Canadian Hydrographic Service (CHS) has focused on opportunistically surveying waters in proposed low impact shipping corridors. It will be years before the proposed low impact shipping corridors will be adequately charted to modern standards and the pace at which these gaps can be filled depend on several factors including resources.

DFO and CCG recognize that risks in Canadian Arctic coastal waters will persist even once low impact shipping corridors are fully charted as ships may deviate from the currently proposed low impact shipping corridors.

DFO-CHS and CCG are working with TC to explore a number of risk mitigation measures for passenger vessels, including the formation of a task team on how to effectively monitor and communicate major vessel deviations in Canadian Arctic waters.

DFO-CHS, through its technical expertise and Geographic Information System technologies, will support TC in its ability to define risk levels for planned routes for passenger vessels in Canada’s northern waters in order to inform risk mitigation measures for passenger vessels that deviate from their standard routes in the Canadian Arctic.

In response to a request by the TSB for further information, DFO and CCG sent the following response in December 2021.

Canadian Hydrographic Services (CHS) will continue to work with other Arctic countries to document chart adequacy in the Arctic and raise awareness of risks. On November 10, 2021, Canada, through the CHS, rotated in as Chair of the International Hydrographic Organization’s Arctic Regional Hydrographic Commission (ARHC). The ARHC brings together hydrographic offices from Arctic nations to improve regional coordination of hydrographic work, share best practices, enhance exchange of information and foster training and technical assistance. At the most recent meeting, Canada shared the results of the Transportation Safety Board Investigation Report on the *Akademik Ioffe*. In May 2021, the ARHC partnered with the Arctic Council to publish a Joint Statement on Hydrography in the Arctic Region to highlight the importance of hydrography in the Arctic region to safe and sustainable maritime navigation.

ARHC will be working with the Arctic Council's Protection of the Arctic Marine Environment Working Group to support Arctic maritime safety and the protection of the Arctic marine environment. Of note, there will be efforts to develop and disseminate information along the lines of the Arctic Navigation Risk summary bulletin issued by ARHC in 2017.

The Canadian Coast Guard also continues to expand its commitment to support Arctic maritime safety and the protection of the Arctic marine environment. Coast Guard icebreakers provide safe escorts to ships through ice-covered waters, conducting hydrographic surveys, maintaining navigational aids, and supporting Arctic science programs in addition to search and rescue activities.

With an extended Arctic season that allows for Canadian Coast Guard icebreakers to be in the Arctic earlier and later in the season, it now deploys up to eight Coast Guard icebreakers from June to November to support maritime safety, vessel traffic, and operational and program commitments. In addition to search and rescue, all Coast Guard icebreakers working in the Arctic are equipped and ready to deal with emergency issues such as marine pollution incidents. Preparedness and readiness activities such as contingency planning, personnel training and exercising, as well as liaison with our response partners are ongoing throughout the year.

The Canadian Coast Guard also provides daily updates on ice conditions and icebreaker operations to industry and partners throughout the shipping season. This information is essential to a successful marine shipping season in the Arctic.

The support provided by Marine Communications and Traffic Services (MCTS) Centre in Iqaluit is key to keeping northern waters safe. The Iqaluit MCTS Centre provides communication services in the Arctic including: safety radio-communication services; vessel traffic services and regulation; information that supports marine activities; screening of vessels entering Canadian waters; a 24/7 commercial marine telephone call service; performs Alert and Warning Network (AWN) desk duties; and provides Navigational Warning services.

As part of work supporting the Canadian Hydrographic Service (CHS), five Coast Guard vessels have the capabilities to support seabed mapping. Through state-of-the-art multi-beam systems, hydrographers are increasing the amount of seafloor surveyed in the Arctic. Hydrographic data acquired will allow the CHS to produce and update nautical charts and publications for Arctic waters, contributing directly to safer navigation in the region. A total of 33,650 km² was surveyed in the Arctic in 2021, through the use of Coast Guard vessels, contracted surveys and an autonomous surface vessel.

Further to the search and rescue capabilities of Coast Guard icebreakers, the Canadian Coast Guard's Inshore Rescue Boat station in Rankin Inlet, Nunavut provides maritime search and rescue services and has completed its fourth season of operation. In addition, in 2017 as part of the Oceans Protection Plan, the Canadian Coast Guard launched the Indigenous Community Boat Volunteer Pilot Program. This program provides Indigenous communities with funding to purchase boats and equipment to build up their on-water search and rescue capacity.

In May 2021, the Minister of Fisheries, Oceans and the Canadian Coast Guard announced the construction of two Polar icebreakers. Both new Polar icebreakers will have capacity and ability beyond that of Canada's current largest icebreaker, the CCGS *Louis S. St-Laurent*. With their enhanced capabilities, these larger, more powerful Polar icebreakers will enable the Coast Guard to conduct year-round operations in Canada's Arctic. Their greater endurance will ensure they can operate at higher latitudes for longer periods, and will allow the fleet to better respond to maritime emergencies in the Arctic.

March 2022: TSB assessment of the response (Satisfactory in Part)

Transport Canada (TC) and Fisheries and Oceans Canada (DFO) indicate that they agree and agree in principle, respectively, with the recommendation. The responses received from TC and DFO indicate that they are working together to address the risks of passenger vessel traffic in the Canadian Arctic.

Transport Canada

Transport Canada states that it will review voyage plans for compliance with the Polar Code and work with NORDREG to monitor any major deviations while these vessels are in Canadian Waters. Additionally, the department will update the latest Notice to Mariners' section on "Voyage Planning for Vessels Intending to Navigate in Canada's Northern Waters" and will publish a Ship Safety Bulletin reminding operators of the requirements and informing them of the enhanced oversight.

TC also mentions it will enhance oversight of Arctic cruise vessels through an Inspection Campaign which will begin in 2022. This Campaign will prioritize the implementation of the Polar Code, including appropriate navigational practices, procedures, and equipment, on cruise ships in the Canadian Arctic. Furthermore, TC indicates that it co-chairs the Arctic Council's Protection of the Arctic Marine Environment (PAME) working group which facilitates the exchange of information and best practices for various Arctic shipping topics. Finally, TC plans to promote development of mitigation measures from within the industry, notably through the PAME forum. Although some of these measures are not new, such as inspections under Port State Control, the Board acknowledges that their enhancement may contribute in reducing the identified safety deficiency.

The Board notes TC's plans to conduct enhanced inspections under the Paris Memorandum of Understanding on Port State Control. Given that the *Akademik Ioffe* was inspected by TC for the purpose of issuing a Coasting Trade Licence prior to the occurrence voyage, it is unclear whether additional inspections, as well as the coordination of prior inspections, will be sufficient to identify weaknesses in vessels' risk assessment processes. Review of voyage plans could provide an opportunity for TC to identify areas of risk, and require mitigation of those risks through the exercising of powers under the *Canada Shipping Act, 2001* and the *Arctic Waters Pollution Prevention Act*. Other risk mitigation measures proposed by TC will be limited to best practices and guidelines, falling short of the mandatory risk mitigation measures that the Board has recommended.

The Board recognizes that TC has planned some initial steps to address the risks posed by passenger vessel travel in the Canadian Arctic. However, many of the measures proposed by TC are voluntary best practices and do not seem to be under consideration for becoming mandatory. The Board is concerned that until some of these risk mitigation measures are made mandatory, it is unclear how the underlying safety deficiency will be successfully mitigated.

The Board considers TC's response to Recommendation M21-01 to be **Satisfactory in Part**.

Fisheries and Oceans Canada

Fisheries and Oceans Canada, including the Canadian Coast Guard, has described the types of actions it will take to support TC in addressing this recommendation. Fisheries and Oceans Canada, through the Canadian Hydrographic Service (CHS), will define risk levels for planned routes in northern waters, to help inform risk mitigation measures. Over time, the expansion of technology to support seabed mapping will improve the reliability of bathymetric data and provide mariners with more accurate information to better plan their voyages. The CHS' work with PAME is also expected to expand awareness of the risks of travel in poorly or uncharted waters, notably with the proposed publication of a document like the Arctic Navigation Risk summary bulletin issued by the International Arctic Regional Hydrographic Commission in 2017.

From the Canadian Coast Guard, the expansion of search and rescue capacity in the Arctic will help to improve response times to Arctic occurrences. Once delivered, the Coast Guard's growing fleet will also be capable of providing year-round operations and a better response to maritime emergencies in the Arctic.

The Board acknowledges the work that Fisheries and Oceans Canada is doing to provide better quality navigation data, as well as the expansion of Coast Guard resources in the Arctic. Given that DFO's role is not regulatory in this area, these measures can be expected to reduce some of the risks posed by operating in the Arctic environment.

Therefore, the Board considers DFO's response to Recommendation M21-01 to show **Satisfactory Intent**.

The actions that TC and DFO have described do not implement mandatory risk assessment measures. Until these risk mitigation measures are made mandatory, it is unclear how the underlying safety deficiency will be successfully mitigated. Therefore, the Board considers the response to Recommendation M21-01 to be **Satisfactory in Part**.

Latest response and assessment

December 2022: response from Canadian Hydrographic Service

The Canadian Hydrographic Service (CHS) is happy to report on our progress, recognizing this is the first year we provide an update since the report on “Risk mitigation measures for passenger vessels operating in Canadian Arctic coastal waters” was published.¹

For 2022, CHS supported Transport Canada (TC) and Canadian Coast Guard (CCG) by ensuring that they had access to the latest charts. We continued to conduct modern surveys and produce charts to improve chart coverage in the Arctic. We were also available to address any questions related to the quality of charts or survey data in a given area of interest.

In addition, CHS, TC and CCG have initiated discussions regarding the use of automated tools to alert passenger/cruise vessels with a view of supplementing TC’s current approach with new tools.

On the international front, Canada hosted the International Hydrographic Organization’s Arctic Regional Hydrographic Commission (ARHC) in 2022 and CHS continues to work with other Arctic countries to document chart adequacy in the Arctic and raise awareness of risks.

December 2022: response from Transport Canada

Transport Canada is taking steps to mitigate the risks inherent in voyage planning and execution in the remote area which comprises the Canadian Arctic. The actions with respect to Voyage Planning, Risk Identification, and Mitigations (detailed below) have been made mandatory for the 2022 season and will continue to be implemented going forward. Passenger vessels must develop and submit a detailed voyage plan for Transport Canada review prior to entering the Canadian Arctic, and update through their journey while in Canadian waters.

Transport Canada met with passenger vessel representatives pre-season on a weekly basis to communicate issues, concerns, forthcoming safety requirements, and to coordinate between Inuit, Territorial governments, and Government of Canada partners. All passenger vessels were required to submit a detailed voyage plan, identify anticipated risks, and to provide mitigating measures for the latter before being allowed entry into Canadian Arctic waters. These plans, reviewed by Regional Duty Officers, were required at each Zone boundary and on any deviation from the plan provided. Transport Canada attended 12 of the 17 passenger vessels this season and carried out inspections primarily targeting passage planning, execution, and Polar Code requirements. Collaboration between Transport Canada and Canadian Coast Guard partners was enhanced to achieve required levels of oversight and monitoring of these vessels.

¹ All responses are those of the stakeholders to the TSB in written communications and are reproduced in full. The TSB corrects typographical errors in the material it reproduces without indication but uses brackets [] to show other changes or to show that part of the response was omitted because it was not pertinent.

Transport Canada issued [a] notice in the Annual Edition of Notices to Mariners 2022 7A-*Voyage Planning for Vessels Intending to Navigate in Canada's Northern Waters*, and Ship Safety Bulletin 18/2022 *Inspecting passenger vessels in Canadian Arctic Waters and Voyage planning* in regard to the TSB recommendation M21-01.

Transport Canada continues to monitor compliance with Polar Code and Navigation Safety Regulations 2020 in the Arctic as part of its risk-based inspection approach.

TC continues to work with industry to ensure they incorporate detailed voyage planning and risk mitigation measures in future years and continue to strictly apply Polar Code requirements. TC will communicate proactively with passenger vessel companies, interacting through regional CMAcs, and continuing a series of regular meetings pre-season to lay out safety expectations and identify areas of concern.

In addition to welcoming voluntary corrective measures from industry, Transport Canada continues to work to ensure that mandatory Voyage Planning, Risk Identification, and Mitigations are applied and that the CSA 2001 is applied for deficiencies. Transport Canada's approach includes an increased awareness of navigation planning and execution that emphasizes the unique operating conditions for passenger vessels in the remoteness of the Canadian Arctic. This approach is coupled with increased monitoring and vessel scrutiny in the Arctic.

The measures detailed above were instituted this season and passenger vessels demonstrated a 100% compliance. Industry accepted the requirements and the 2022 season was incident-free.

TC shares information proactively with Canadian Coast Guard and will continue to work collaboratively to ensure high priority areas are identified and surveyed to modern standards.

Actions taken are pre-emptive collaboration with Industry and government partners, in-depth review of passage planning and risks with mitigating measures, increased monitoring of passenger vessel movements, increased inspections in the Arctic, strict adherence to Polar Code requirements. These actions increased the vessel's awareness of risks, improved planning, supported consideration to reducing those risks, increased the vessels' knowledge of the Arctic, its operating requirements, and its remoteness, increased the monitoring of passenger vessel movements, and demonstrated a greater presence/involvement in ensuring the safety of their operations. Inspections undertaken:

1. 17 passenger ships
2. 31 voyages
3. 12 passenger ships inspected for safety
4. 14 passenger ships inspected for security
5. 0 passenger ships incidents
6. 2 Port State Control inspections

December 2022: response from the Canadian Coast Guard

For 2022, CCG continued its commitment to support Arctic maritime safety and the protection of the Arctic marine environment. Seven (7) Coast Guard icebreakers provided safe escorts to ships through ice-covered waters, conducting hydrographic surveys, maintaining navigational aids, and supporting Arctic science programs in addition to search and rescue activities. Coast Guard icebreakers were in the Arctic earlier and later in the season due to its extended Arctic season from June until well into December 2022. In addition to search and rescue, all Coast Guard icebreakers working in the Arctic were equipped and ready to deal with emergency issues such as marine pollution incidents. Several exercises were conducted with our partners, which was also an important element in our operational readiness and preparedness.

Coast Guard also provided daily updates on ice conditions and icebreaker operations to industry and partners throughout the shipping season. This information was essential to a successful and safe marine shipping season in the Arctic. Another key element in keeping northern Arctic waters safe was the support provided by Marine Communications and Traffic Services (MCTS) Centre in Iqaluit. The Iqaluit MCTS Centre provided marine communication services in the Arctic including: safety radio-communication services; vessel traffic services and regulation; information that supports marine activities; screening of vessels entering Canadian waters; a 24/7 commercial marine telephone call service; performs Alert and Warning Network (AWN) desk duties; and provides Navigational Warning services.

As part of work supporting the CHS, Coast Guard vessels supported seabed mapping. Through state-of-the-art multi-beam systems on board our icebreakers, hydrographers increased the amount of seafloor surveyed in the Arctic in 2022.

In addition, CCG, TC and CHS have initiated discussions regarding the use of automated tools to alert passenger/cruise vessels with a view of supplementing TC's current approach with new tools.

March 2023: TSB assessment of the response (Satisfactory Intent)

Transport Canada

Transport Canada's (TC) response highlights its voyage planning, risk identification and mitigations that became mandatory following coordination and discussions with various stakeholders. In response to this recommendation, TC published Ship Safety Bulletin (SSB) 18/2022, which was made mandatory for the 2022 season and will continue to be implemented going forward. The SSB requires passenger vessels to submit to TC detailed voyage plans 96 hours before entering Canadian Arctic waters and report any voyage changes via an updated voyage plan at least 24 hours in advance. Additionally, navigable areas of the Arctic have been divided into shipping safety control zones as per the *Arctic Shipping Safety and Pollution Prevention Regulations*, and all passenger vessels are required to provide voyage plans before entering one of them, and to advise TC of any deviations. TC inspectors then review the voyage plan, although the extent of this review is unclear.

TC mentions that it continues to work with industry to ensure that the mandatory provisions are employed and that the *Canada Shipping Act, 2001* is applied for deficiencies. The department also continues to share information with the Canadian Coast Guard (CCG), and they work together in increased monitoring of passenger vessel movements. Finally, TC published a significantly expanded *Voyage Planning for Vessels Intending to Navigate in Canada's Northern Waters* in the annual edition of Notices to Mariners 2022. TC has demonstrated a significant increase in the risk assessment measures required for passenger vessels operating on Arctic voyages. The TSB will continue to observe the implementation of these measures in order to evaluate their effect on passenger vessel operations in the Canadian Arctic. However, the Board is concerned that many of the measures are implemented outside of the regulatory regime, and may not be enforceable.

Canadian Hydrographic Service

The Canadian Hydrographic Service's (CHS) response indicates that it has continued supporting TC and the CCG by ensuring they have the most up-to-date charts and providing support services. CHS also indicates that it has continued to conduct modern surveys and produce charts to improve coverage of the Canadian Arctic. In addition, it continues to work with international counterparts in order to improve chart adequacy and raise awareness of risks.

Canadian Coast Guard

The CCG's response mentions multiple ways in which it is addressing Arctic safety including the department's ice breaking capabilities, its search and rescue activities, and the regional Marine Communications and Traffic Services (MCTS) Centre in Iqaluit which provides marine communication services in the Arctic. The CCG also highlights its joint work with TC and CHS in seabed mapping through multi-beam systems on board its icebreakers and the development of automatic tools to alert passenger/cruise vessel to supplement TC's work.

The Board acknowledges the work that the CCG and CHS, which are both under the Department of Fisheries and Oceans (DFO), are doing to provide better quality navigation data, as well as the expansion of CCG resources in the Arctic. These measures can be expected to reduce some of the risks posed by operating in the Arctic environment.

The Board is encouraged by the numerous initiatives taken by TC regarding this recommendation, and the collaboration taking place between TC and DFO in implementation efforts. However, there are remaining questions about the enforceability of these initiatives in the absence of a regulatory approach. Further evaluation of the implementation of these risk assessment measures and how voyage plans are assessed is required in order to determine if the underlying safety deficiency has been mitigated. The Board considers the response to Recommendation M21-01 to show **Satisfactory Intent**.

File status

The TSB will continue to monitor the progress made by TC and DFO. .

This deficiency file is **Active**.