REPUBLIC OF KENYA

THE NATIONAL CONTINGENCY PLAN FOR MARINE SPILLS FROM SHIPPING AND OFFSHORE INSTALLATIONS, 2014

Oil Spills - Draft

September 2014

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ACRONYM

CP	Contingency Plan
EEZ	Exclusive Economic Zone
EG	Environment Group
ELO	Environment Liaison Officer
EARL	East Asia Response Ltd- Singapore
ERP	Emergency Response Plan
ERP	Emergency Response Plan for Oil Companies
ETV	Emergency Towing Vessel
FPSO	Floating Production Storage and Offloading installations
HM	Harbour Master
HNS	Hazardous and Noxious Substances
HNSRT	Hazardous and Noxious Substance Response Team
ICC	Incident Command Center
IMO	International Maritime Organization
IOPC Fund	International Oil Pollution Compensation Fund
IPEACA	International Petroleum Industry Environmental Conservation Association
ISO	International Standards Organization
ITOPF	International Tanker Owners Pollution Federation Ltd
KMA	Kenya Maritime Authority
KMFRI	Kenya Marine and Fisheries Research Institute
KOT	Kipevu Oil Terminal
KPA	Kenya Ports Authority
KPC	Kenya Pipeline Company Ltd.
KPRL	Kenya Petroleum Refineries Ltd.
KRPB	Kenya Radiation Protection Board
KWS	Kenya Wildlife Service
LOKL	Oil Libya (Kenya) Ltd.
LOU	Letter of Undertaking
MCTA	Mombasa Coast Tourist Association
MIRG	Maritime Incident Response Group
MOD	Ministry of Defense
MOEP	Ministry of Energy & Petroleum
MOTI	Ministry of Transport and Infrastructure

MOU	Memorandum of Understanding
MRC	Marine Response Centre
NDOC	National Disaster Operation Centre
NEMA	National Environment Management Authority
NMSRCP	National Marine Spills Response Contingency Plan
NOSC	National On-Scene Commander
NOSRPWG	National Oil Spill Response Contingency Plan Working Group
OC	Oil Companies
OCU	Operation Control Unit
OPRC	Convention Oil Pollution Preparedness, Response and Cooperation Convention 1990
OSMAG	Oil Spill Mutual Aid Group
OSRAT	Oil Spill Response Action Team
OSRL	Oil Spill Response Limited- Southampton UK
P&I Club	Protection and Indemnity Club
PBO	Public Benefit Organization
PCC	Pollution Control Center-KPA
PCO	Pollution Control Officer
RCC	Rescue Co-ordination Centre
RMRCC	Regional Maritime Rescue Coordination Center
SAC	Special Area of Conservation
SAR	Search and Rescue
SCAT	Shoreline Cleanup and Assessment Techniques
SCG	Strategic Coordinating Group
SCOPIC	Special Compensation P&I Club Clause
SCR	Special Casualty Representative
SCU	Salvage Control Unit
SERS	Ship Emergency Response Service
SHELL	Kenya Shell Kenya Ltd.
SOT	Shimanzi Oil Terminal
SPA	Special Protection Area
SRC	Shoreline Response Centre
STOPIA	Small Tanker Owners Indemnification Agreement
TDA	Temporary Danger Area

TEZ	Temporary Exclusion Zone
TKL	Total (Kenya) Ltd
WWF	World Wildlife Fund for Nature

DISTRIBUTION LIST

	Stakeholder	**No. of Copies**
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2.	Kenya Ports Authority	2
3.	Oil Spill Mutual Aid Group	2
4.	The Co-ordinator, Oil Spill Mutual Group	1
5.	Kenya Petroleum Refineries Limited	1
6.	Kenya Pipeline Company Limited	1
7.	National Oil Corporation of Kenya	1
8.	Petroleum Institute of East Africa	1
9.	Energy Regulatory Commission	1
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15.	Survey Department	1
16.	Principal Secretary, Transport Services, Ministry of Transport and Infrastructure	1
17.	Principal Secretary, Ministry of Mining	1
18.	Principal Secretary, Ministry of Petroleum and Energy	1
19.	The Principal Secretary, Ministry of Environment, Water and Natural Resources	1
20.	The Principal Secretary, Fisheries Department,	1
21.	The Principal Secretary, Ministry of Commerce and Tourism	1
22.	The Governor, County Government of Mombasa	1
23.	The Governor, County Government of Kilifi	1
24.	The Governor, County Government of Kwale	1

25.	The Governor, County Government of Lamu	1
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53.	ORYX Energies	1

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55.	Engen Kenya ltd	1
56.	Hashi Energy	1
57.	Gulf Energy LTD	1

AMENDMENTS

The contingency plan will be reviewed every two years and or as necessary after exercise programs. It will be updated through a continuous appraisal process to enhance its effectiveness in dealing with issues related to marine spills.

NO	AMENDMENTS	DESCRIPTION (PAGE & DETAILS)	MADE BY (NAME/ DESIGNATION)

DEFINITIONS AND INTERPRETATION

Baseline of the territorial sea means the low water-line along the coast of Kenya;

Bioremediation means the process of using living organisms to break down the molecular structure of oil into less complex substances that is not hazardous or regulated. This is often undertaken using hydrocarbon-eating microbes introduced to a contaminated site in large numbers. Nutrients are often added to speed up the organisms' digestion of the oil, and reproduction;

Cargo vessel means vessel carrying non-petroleum products which exceed 100 gross registered tonnages (GRT);

Catastrophic spill means a large-scale spill owing to unusual conditions, which is likely to have severe environmental, social and economic consequences;

Chemical dispersant means a chemical formulation containing non-ionic surface active agents that lower the surface tension between oil and water and enable oil film to break up more easily and disperse within the water with natural or mechanical agitation;

Clean up means actions taken to contain the flow of oil in the event of an oil spill, its collection and the protection of the marine environment, wildlife and ecosystems from damage by it, mitigate its effects on the environment, and clean up wildlife and areas contaminated by it;

Continental shelf means the seabed and subsoil of those submarine areas that extend beyond the territorial limits of Kenya, throughout the natural prolongation of the landed territory of Kenya, to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baseline from which the breadth of the territorial sea is measured;

National Contingency Plan for Marine Spills from Shipping and Offshore Installations means this plan for action prepared in preparedness of a marine oil spill incident from ships, shore terminal and facilities and offshore installations, both fixed and floating;

Contingency Plan means this National Contingency Plan for Marine Spills from Shipping and Offshore Installations;

Emergency Response Plan means the various plans for action prepared by the Oil Spill Mutual Aid Group Society, the Kenya Ports Authority and all shore and offshore oil terminals and facilities in preparedness for response to likely oil spill incidents;

Exclusive Economic Zone (EEZ) means all marine waters seaward to a distance of 200 nautical miles from the baseline from which the breadth of the territorial sea is measured;

Port waters: Waters within harbor or port limits;

Harmful Substances means any substance, which if introduced into the sea and marine ecosystems is liable to deleterious effects as harm to living resources and marine life, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of sea water and reduction of amenities;
The Organization means the International Maritime Organization;

Internal waters of Kenya includes any areas of the sea that are on the landward side of the baseline of the territorial sea of Kenya;

Kenyan waters mean Kenya's internal waters, territorial sea, the EEZ and the Continental Shelf of Kenya.

MARPOL 73/78 means the International Convention on Prevention of Pollution from Ships 1973 and its 1978 Protocol as both may be amended from time to time;

Maximum credible spills means the greatest spill that could be expected from the range of hazards (e.g. shipping movements, bunkering, or bulk transfer), which are present at a specific location;

Net environmental benefit means a process of weighing the advantages and disadvantages of taking a particular course of action (such as dispersant spraying), including recognizing the likely outcomes if the course of action is not taken (the impact of doing nothing). The result

will determine if there will be a net (overall) beneficial or detrimental outcome of taking the action;

Offshore Installation means any fixed or floating offshore installation or structure engaged in gas or oil exploration, exploitation or production activities, storage or loading or unloading of oil;

Oil Industry means producers, refiners, oil storage facility operators and marketers of oil, and associated carriers and service contractors;

Oil pollution incident means an occurrence or series of occurrences having the same origin, which results or may result in a discharge of oil and which poses or may pose a threat to the geographical area of coverage or related interests of one or more States, and which requires emergency action or other immediate response;

Oil spill response means actions taken to confirm the presence of an oil spill, stop its flow from the source, contain it, collect it, protect areas from damage by it, mitigate its effects on the environment, and clean up wildlife and areas contaminated by it.

Oil spill means the actual release, discharge, or escape of oil into the Kenyan waters;

Oil transfer site includes any land, site, building, structure, or facility that is used to transfer oil to, at or from which oil is transferred to or from a ship or offshore installation;

Oil means any petroleum in any form including crude oil, condensates, fuel oil, sludge, oil refuses, and refined products;

On-Scene Commander (OSC) means the person responsible for the control and management of the marine oil spill response and OSC shall be construed accordingly;

Persistent oil means oils and petroleum products such as crude oils, fuel oils and lubrication oils that, when spilt, remain after weathering in a residual form in the environment for an appreciable period;

Pollution means the introduction by man, directly or indirectly, of substances or energy into the marine environment, including estuaries, which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities;

Ports and oil handling facilities means those facilities which present a risk of marine oil pollution incident and includes, among other things,, sea ports, harbours, oil terminals, pipelines and other oil handling facilities;

Risk means the probability of an oil spill incident occurring and the impact which the incident would create;

Safe haven means a place where a vessel can safely anchor or berth to enable measures to be taken to forestall or minimize the effects of damage;

Ship means a vessel of any type whatsoever operating in Kenyan waters and includes hydrofoil boats, air-cushion vehicles, submersibles, and floating craft of any type;

Shipboard Oil Pollution Emergency Plan (SOPEP) means a plan required to be carried onboard all ships of 100 gross tonnage and above and every ship other than an oil tanker of 400 gross tonnage under regulation 37 of MARPOL 73/78 and approved by the relevant maritime administration;

Territorial Sea means Coastal marine waters extending to a distance of 12 nautical miles from the baseline from which the breadth of the territorial sea is measured.

Threat means the possible impact or consequences, which a spill of oil could create if allowed to come in contact with a biological, social or economic resource.

Tier 1: Site specific and includes most shore-side industry with oil transfer sites, offshore installations and all vessels required to have a shipboard plan. All Tier 1 sites and vessels are expected to plan for and be able to provide a clearly identifiable first response to pollution incidents for which they are responsible;

Tier 2: Is undertaken where the spills exceed the clean up capability of Tier 1 or for which no responsible party can be identified or where the spill occurs within a marine protected area and environmentally sensitive areas; and

Tier 3: Is undertaken for larger spills that are not within the local capability and regional or international assistance is being sought or where the spill occurs within a marine protected area and environmentally sensitive areas.

1. INTRODUCTION

1.1 As a party to the 1982 United Nations Convention on the Law of the Sea (UNCLOS) the Republic of Kenya has an obligation to adopt measure to prevent, reduce and control pollution of the marine environment from, among other things, ships, offshore installations, sea ports and oil handling facilities. Kenya also has an obligation to take all measures necessary to ensure that activities under its jurisdiction or control are so conducted as not to cause damage by pollution to other States and their environment, and that pollution arising from incidents or activities under its jurisdiction or control does not spread beyond the areas where it exercises sovereign rights in accordance with UNCLOS.

1.2 To this end, Kenya ratified the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC Convention). As a State party to the OPRC Convention, Kenya is required to adopt measures to prepare for and respond to oil spill pollution incidents. The primary measure in this regard is the development and adoption of a national Oil spill contingency plan. The development and adoption of this Plan is Kenya's first step toward the implementation of these obligations.

1.3 The International convention relating to intervention on the high seas in cases of oil pollution casualties, 1969 and its Protocol of 1973 recognizes that Coastal States may under certain exceptional circumstances take measures of an exceptional character are necessary to protect their interests and that of their peoples against the grave consequences of a maritime casualty occurring in the high seas;

Legal Basis

1.4 Article 42 of the Constitution of Kenya grants every person the right to a clean and healthy environment, which includes the right to have the environment protected for the benefit of the present and future generations through legislative and other measures. By analogy, the government of Kenya must put in place measures for the preparedness to respond to any pollution incidents in the event of occurrence with the aim of cleaning the environment and restoration of the same.

1.5 With Specific reference to the marine environment, the government of Kenya established KMA under Section 3 of the Kenya Maritime Authority Act, Cap 370,

Laws of Kenya (KMA Act). Section 5(f) of the KMA Act mandates KMA to, among other things, develop, co-ordinate and manage a national oil spill contingency plan for both coastal and inland waters and to discharge this obligation, KMA has been designated as the 'competent oil spill authority.' It is in performance of this function that KMA spearheaded the development of this Plan.

1.6 Section 180 of the Marine Pollution Bill, 2014 also confers upon KMA the responsibility to oil pollution preparedness and response in Kenya.

Scope and Purpose

Purpose

1.7 The purpose of this Plan is to a provide a framework to the Kenya Maritime Authority (KMA), relevant Kenya Government agencies and the oil industry to respond with oil spill emergencies likely to occur within Kenya's internal waters, territorial sea, the exclusive economic zone (EEZ) and the high seas where a marine spill has a potential to impact on Kenya's interests in the maritime domain.

1.8 The owners and masters of ships and operators of offshore installations bear the primary responsibility for ensuring that they do not pollute the sea. Port authorities and operators are likewise responsible for ensuring that their ports operate in a manner that prevents marine pollution and for responding to incidents within their limits. However, ships, offshore installations and port authorities and operators may face problems that exceed their response capabilities that they can reasonably maintain. Similarly, coastal County Government may face incidents that require equipment or expertise beyond their capabilities therefore KMA may need to use national assets in the response to marine oil spill incidents.

1.9 This plan sets out the circumstances in which KMA deploys the Kenya's national assets to respond to an oil spill incident to protect the overriding public interest. It also describes how KMA manages these resources.

Scope

This Plan incorporates mechanisms to enable a speedy and effective response by the Oil Spill Response Action Teams (OSRAT) within Kenyan waters which include;

A.4.1 Identifying a list of actions which must be undertaken when an oil spill occurs, with an indication of priority;

A.4.2 Indicating assignments for the above actions prior to an oil spill, including appropriate designation of authority; and

A.4.3 Providing communication procedures to ensure coordination of efforts contains a data directory for equipment, contractors, suppliers, experts and maps of sensitive areas.

Providing guidance on the procedure that should be followed when claiming compensation and assist in the recovery of response costs. This Plan provides for combined stakeholder arrangements designed to allow a rapid and cooperative response to oil spills within defined area.

Interfaces with other Plans

1.10 This plan is complemented by emergency response plans and also coordinates the provision of national, regional and international support.

1.11 All oil companies and any other companies which import/export petroleum products into/out of the country shall have a tier 1 marine oil spill emergency response plan (ERP). The ERP shall incorporate a section indicating the relationship between the specific operator's ERP and the NMOSRCP.

1.12 The Kenya Ports Authority and other port operators along the Kenyan coastline shall maintain a tier 2 marine oil spill ERP for responding to oil spills occurring within the ports of Kenya. The oil companies will demonstrate capability to respond to tier 2 oil spill incident either directly or via affiliation to a competent tier 2 response organizations.

Tier The organization experiencing a marine spill incident beyond its tier 1 or tier 2 capabilities will provide a command office at a suitable location.

1.13 If the incident is beyond tier 2, the responsible party/organization will report to KMA who will activate tier 3 resources in accordance with their ERP and KMA will activate the NMOSRCP as appropriate and call for regional and international assistance as necessary.

1.14 The NMOSRCP will subsequently be used to coordinate the field activities related to response strategy. Additional tier 3 industrial resources are available from the international oil companies' cooperatives outside of Kenya. Procedures for engaging the services of such organizations will be documented in individual oil company ERPs. In the event that an organization experiencing a marine spill does not subscribe to one of the above organizations, KMA may call for international assistance and charge the of polluter for the related costs. Effective communication between Government authorities and the polluter will be a key factor in getting the response actions to commence swiftly and accurately.

Risk Assessment

1.15 The risk of an oil spill occurring in the Kenyan waters is high. This is due to:

(a) Busy tanker route from the Middle East being close to these waters;

(b) Frequency with which coastal tankers call into the port of Mombasa;

(c) Operations at dry-docks and shipyards;

(d) Port operations within Kenyan ports;

(e) Operations at the various oil terminals along the Kenyan coastline.

(f) Operations of power generating company along the Kenyan coastline;

(g) The probability of an occurrence of marine accidents (grounding, collisions); and

(h) The emerging offshore oil and gas exploration and drilling.

1.16 It is estimated that (50) ships of various types are in the major shipping lanes off the coast of Kenya at any given time. Of these, approximately 9 are oil tankers with capacities ranging from 50,000 tons to 250,000 tons. Despite most of the coastal tanker traffic passing 250 nautical miles offshore, an oil spill occurring offshore could significantly impact the shoreline depending on prevailing winds and the current. A more significant risk of an oil spill occurring in Kenyan territorial waters comes from coastal tankers en-route to or from the port of Mombasa.

1.17 With the discovery of offshore oil and gas deposits off the coast of Kenya, the risk of marine pollution incidents has significantly increased. As a result there is a need to create national capability to respond to oil spills from offshore installations.

Strategy

1.18 The purposes of the Plan will be met by ensuring that sufficient and well-maintained equipment is available at any given time, that updated procedures are in place and well-trained manpower resources are available when called upon. Through training, KMA will ensure an acceptable level of public awareness with respect to marine oil spills is provided to the relevant stakeholder and the general public.

1.19 Notwithstanding the maintenance of high levels of safety and awareness, oil spills and pollution incidents may still occur. For this reason there is need for KMA to coordinate the development of appropriate capacity for preparedness for response to marine pollution incidents. KMA will ensure that potential polluters have the appropriate capacity to respond to marine oil spill incidents.

1.20 Where an incident may escalate beyond the national response capability, KMA will initiate regional and international assistance. This may be done directly by the oil companies who subscribe to internationally recognized Tier 3 response organizations or by the Government through established international protocols.

1.21 For the purposes of planning, tiers are used to categorize marine oil spills pollution incidents into tier 1, tier 2 and tier 3. The tiered approach to marine pollution contingency planning identifies resources for responding to spills of increasing magnitude and complexity by extending the geographical area over which the response is coordinated.

1.22 Operators handling crude oil and petroleum products shall maintain a tier 1 response within their facilities. The Kenya Ports Authority and other port operators along the Kenyan coastline shall maintain a tier 2 oil spill response capability for responding to oil spills occurring within the ports of Kenya. The oil companies will demonstrate capability to respond to tier 2 oil spill incident or affiliation to a competent tier 2 response organizations.

Establishment of a National Marine Oil Spill Response Contingency Plan Working Group

1.23 The KMA shall coordinate the formation of the National Marine Oil Spill Response Contingency Plan Working Group, which is comprised of a cross-functional team of experts drawn from the relevant government agencies and oil companies. The activities of the National Marine Spill Oil Response Contingency Plan Working Group will be coordinated by the KMA Director General.

Responsibilities of the National Marine Oil Spill Response Contingency Plan Working Group

1.24 This Plan has been produced by a cross functional team of experts under the National Oil Spill Response Contingency Plan Working Group (NOSRPWG) and will be maintained by the Director-General of the KMA. The Director General will be responsible for distributing copies of the Plan to all relevant organizations represented in it and whose names appear in distribution list of this Plan. The NMOSRCPWG shall audit the Plan annually.

1.25 The Director General shall have further duties in maintaining the Plan, which includes but not limited to:

(a) Ensuring that the recipients of the Plan are fully conversant with its contents and are aware of their individual responsibilities within the plan;

(b) Ensuring that contact names and addresses are current;

(c) Ensuring that manpower/equipment inventory is current;

(d) Carry out regular review of scenarios response, strategies and new technologies in conjunction with the responders;

(e) Amend the Plan after each exercise and ensure that any lessons learnt and subsequent amendments to the plan are implemented;

(f) Ensure that the sensitive areas data is updated;

(g) Oversee training within the context of the Plan;

(h) Organize the appropriate resources to accomplish the above tasks; and

(i) Liaising with stakeholders for relevant information.

1.26 The organizations in the distribution list shall, upon receipt of the Plan:

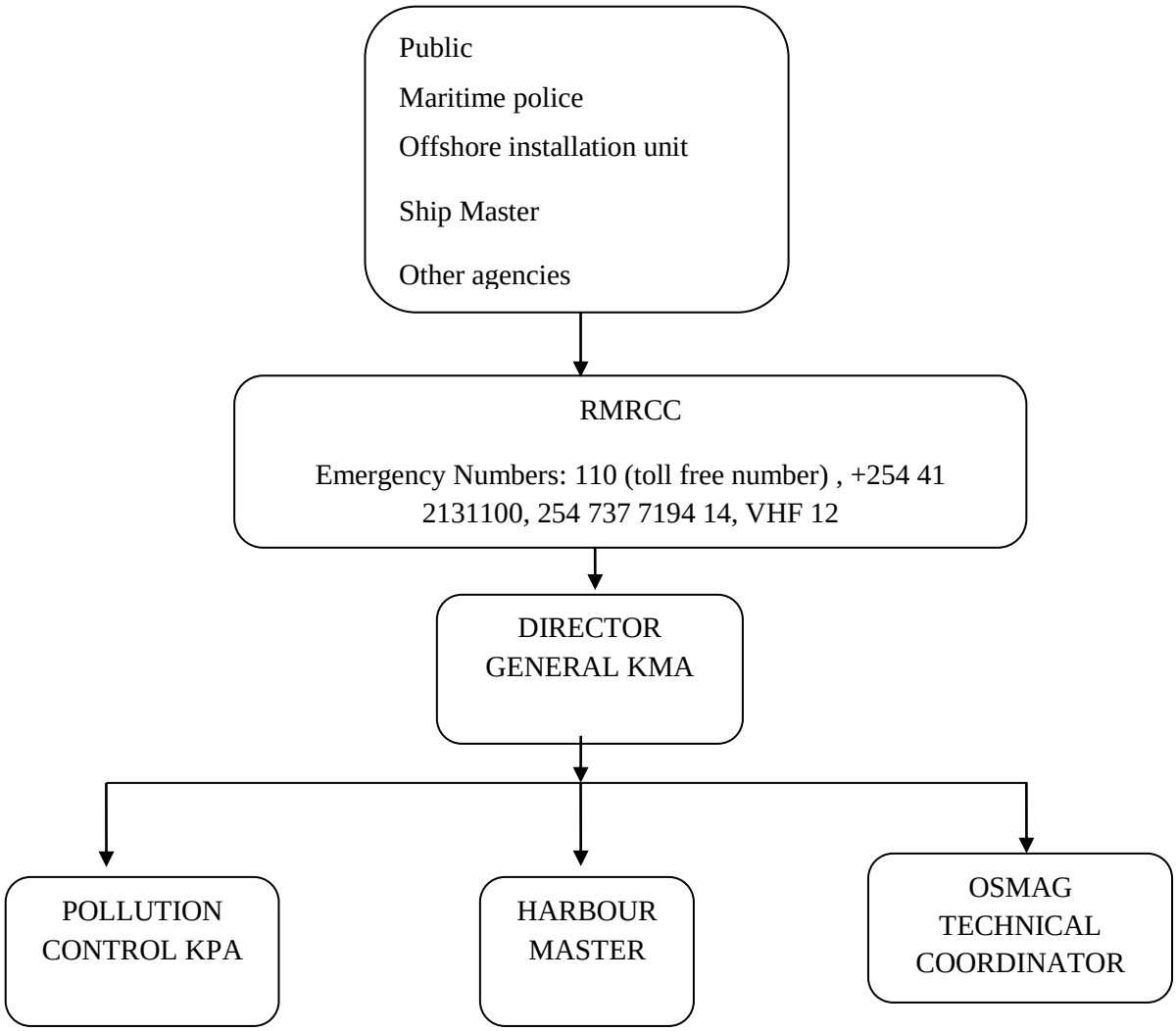
(a) Ensure that the Plan is updated and readily accessible and ensure that all revisions are appropriately filed;

(b) Study all new material issued and incorporate the same in their work practice;

(c) Suggest changes and contribute new material to improve the quality of the Plan; and

(d) Disseminate information contained in revisions to the relevant personnel

2. NOTIFICATION AND THE INITIAL INFORMATION KMA EXPECTS TO RECEIVE



2.1 Where there is an actual or probable spill of oil into the marine environment it is the responsibility of the spiller or the person who spots the spill to notify the KMA Regional Maritime Rescue Coordination Centre (RMRCC) by the quickest means possible. The 24-hour reporting number for marine oil spills are 110, +254 41 2131100, +254 737 7194 14 and VHF radio channel 12.

2.2 Immediately after receiving the above information, the RMRCC will contact the KMA Director General and KMA pollution control officer giving them the information as received.

2.3 After verification of the information the KMA Director General will relay this

information to the following persons; Pollution control officer KPA, the OSMAG Technical Coordinator, maritime police, Kenya Navy and any other relevant agencies.

2.4 Incidents at sea shall be reported urgently by radio or telephone to KMA Regional Maritime Rescue Coordination Centre (RMRCC).

2.5 If an incident occurs in a port, it shall be reported to the harbour master who immediately informs the RMRCC.

2.6 Operators of onshore installations shall immediately inform RMRCC and harbor master of any spill of oil or other pollutants, of any quantity. The information shall include the substance spilt, location, estimated time of occurrence, the spiller if known and the quantity.

2.7 Members of the public or other stakeholders should report to the RMRCC via the contact given above.

2.8 Any other organization (for example, a county government, port authority or environmental organization) receiving a report of marine pollution of any quantity, or a threat of marine pollution, whether from a ship, offshore or onshore installation or unknown source, should send that information immediately to the RMRCC

2.9 Organizations sending information should make every practicable effort to identify, as a basis for decisions:

(a) the nature and quantity of the pollutant involved;

(b) its location;

(c) its source;

(d) the weather, sea state and tidal conditions in the area;

(e) state of incident, and

(f) Events and actions so far.

2.10 The RMRCC contacts the ship or offshore or onshore installation to ascertain, among other things:

(a) the nature of incident (collision, loss of containment, etc.);

(b) the substance, quantity and precise location

(c) the number of people on board;

(d) the type, size and name of the ship or installation;

(e) the identity of the owner or operator;

(f) the precise location, course and speed of the ship, and its proximity to other ships, offshore installations, shallow water and the shore;

(g) information on the ship's cargo, stores or bunkers, and whether any are dangerous;

(h) the structural and mechanical integrity of the ship or installation;

(i) the weather, sea state and tidal conditions;

(j) any assistance available to the casualty and the intentions of the master or offshore installations managers ; and

(k) any measures already taking place.

2.11. (Emergency contacts are given in *Appendix* N)

2.12. Reporting a marine oil spill incident in no way implies an admission of guilt, but failure to report an incidence is clearly an offence.

3. **ESTABLISHING THE LEVEL OF RESPONSE (**Associated With Appendix F (Temporary Exclusion Zones and Temporary Danger Areas)

Tiers Escalation/Transition

3.1 Following the initial notification of an incident, incidents within ports jurisdiction KPA will make initial assessment and report to KMA.

3.2 While incidents outside the ports limits KMA will make initial assessment and take charge for initiating any further action concerning the oil spill response.

3.3 For the purpose of planning, tiers are used to categorize marine pollution incidents. The tiered approach to oil pollution contingency planning identifies resources for responding to spills of increasing magnitude and complexity by extending the geographical area over which the response is coordinated:

Tier 1: Site specific and includes most shore-side industry with oil transfer sites, offshore installations (including rigs &platforms), pipelines and all vessels required to have a shipboard plan. All Tier 1 sites and vessels are expected to plan for and be able to provide a clearly identifiable first response to pollution incidents for which they are responsible

In the case of an actual or probable oil spill from a vessel, the ships master is responsible for notifying authorities and ensuring that containments efforts begin immediately.

Depending on both the circumstances and resources/equipment available the master may also initiate measures to stop further spill.

If the spill is onshore or from an offshore installation, the company, plant, or site manager is responsible for ensuring these actions are commenced without delay.

After notifying KMA of the spill, the person in charge must take immediate steps to control the spill following directions in the Emergency response plan. If that person seeks

support or if KMA considers that the response needed is beyond the capability of the site to provide, the response will be escalated to tier 2.

If the spill is outside the territorial sea (such an offshore installation, vessel in transit, and beyond the capability of the site to respond, control of the response passes directly from Tier 1 to Tier 3.

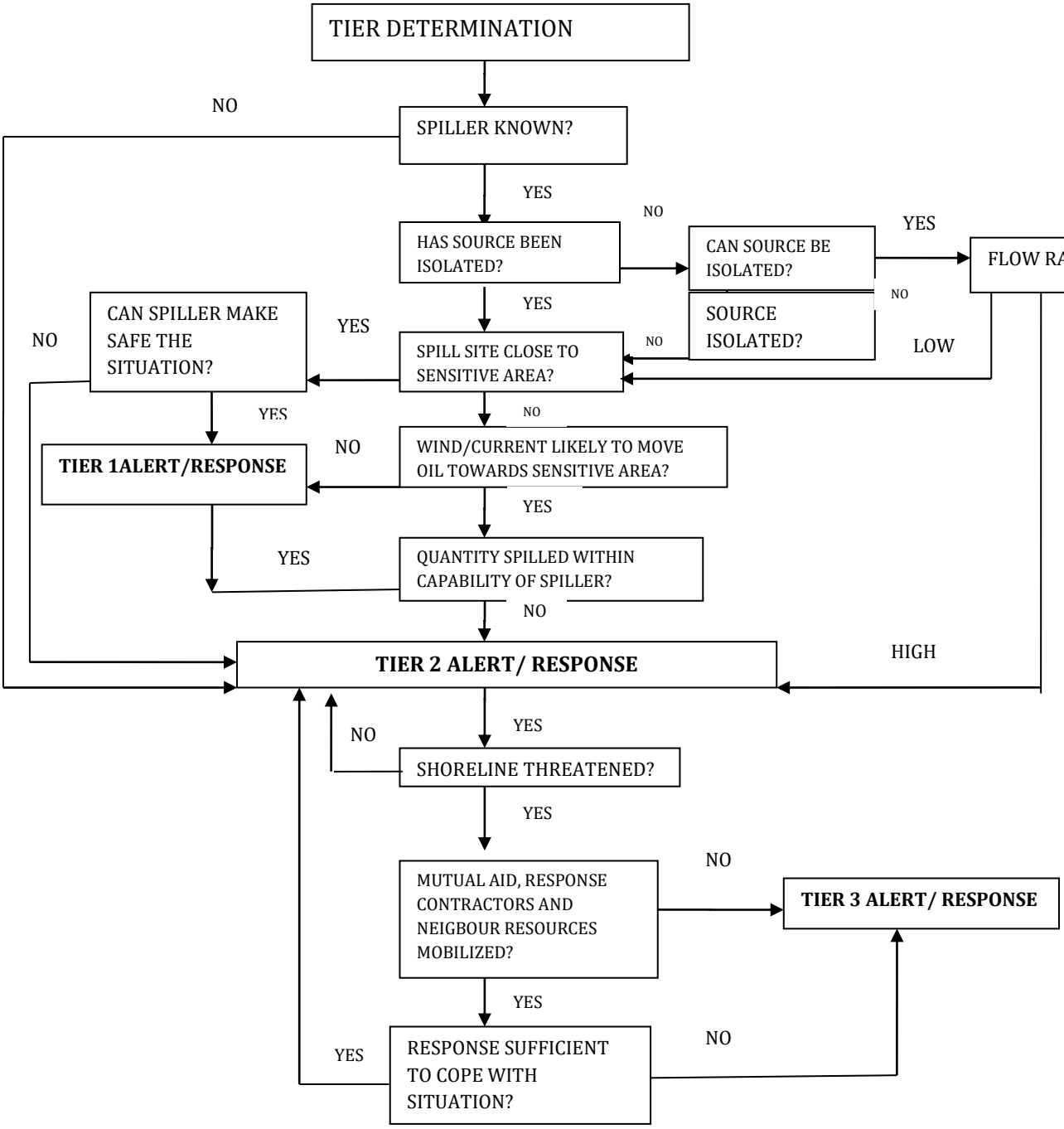
Tier 2: During an incident, if a spill exceed the clean up capability of Tier 1 or for which no responsible party can be identified or where the spill occurs within a marine protected area and environmentally sensitive areas a Tier 2 response will be activated. Other conditions that may prompt a spill to escalate from a Tier 1 to Tier 2 response include high flow rate or strong winds/currents that are likely to move the oil towards sensitive areas.

If the spill is beyond the capability or resources at the disposal of Tier 2 response KMA will escalate the response to Tier 3. The NOSC may also determine at any time that progression from national to international response is appropriate.

Tier 3: The Tier 3 is the responsibility of Kenya Maritime Authority. When, due to size, complexity or environmental impact (occurs within a marine protected area and environmentally sensitive areas), containing and cleaning up a marine oil spill exceeds the capacity of the resources available at both Tier 1 and/or Tier 2, KMA will assume responsibility for managing the response under the National Plan. A regional or international assistance will be sought by the KMA Director General to manage the response. KMA will also manage the response to any oil spill within the EEZ, and those beyond the EEZ over the Kenya continental shelf.

In Tier 3 response the NOSC assumes control of and responsibility for the marine oil spill response operations. Response contractors, consultants and relevant agencies where agreements exist will also be part of the Tier 3 response.

The chart below summarizes the process of determining the level of response during a marine spill incident.



3.4 When KMA is notified of an incident, KMA makes an assessment with initial response mobilized. KMA then in consultation with the operator of the installation or ship decides the level of response warranted. This plan lays down no rigid criteria for triggering a tier 1, 2, 3 responses. However, the following may trigger a tier 3 response if:

(a) a shipping casualty gives rise to the risk of significant pollution requiring a salvage

operation;

(b) there is a spill of oil at sea from a ship that requires the deployment of air-borne equipment to contain, disperse or neutralise it;

(c) there is a spill of oil or from an offshore installation that requires the deployment of seaborne, or air-borne to contain, disperse or neutralize it which the operator of the installation does not have the capacity to deploy (after allowing for mutual support arrangements agreed with other operators);

(d) there is a spill of oil within the area of a harbour authority that requires the deployment of national resources under national control to contain, disperse or neutralize it, or other action beyond the capacity of the port authority and county governments or concerned (after allowing for mutual support arrangements with neighbouring harbor authorities or county governments); or

(e) A port authority or county governments requests the deployment of national resources under national control because the action is beyond the capacity of the port authority or the county governments (after allowing for any mutual support arrangements with neighbouring authorities.)

3.5 In a tier 3 response, the DG KMA may deploy KMA equipment and facilities or mobilize the deployment of national equipment to support the port authorities' contracted tier 2 responders, or county governments or Mutual Aid Groups. A local response is appropriate in all other cases. In a local response, KMA have an oversight role.

3.6 The DG KMA considers the following actions – some of which involve the deployment of KMA resources and facilities and/or mobilize national resources and facilities,

(a) ordering aerial surveillance of the ship, if possible with an experienced observer;

(b) arranging for inspection of the ship by KMA surveyor or other qualified person;

(c) putting on stand-by or deploying:

- dispersant spraying aircraft and ships;

- oil recovery equipment;
- cargo transfer equipment;
- booms; or
- ETVs or other tugs.

(d) establishing the availability of salvage and lightening ships; moving the ship to shelter;

(e) using statutory powers of intervention;

(f) obtaining specific weather forecasts;

(g) requesting control of airspace in vicinity of the casualty; and

(h) establishing a temporary exclusion zone (TEZ). (Appendix F contains information on TEZs.)

Action taken after initiating a national or regional response

3.7 In relation to incidents involving ship, KMA takes the lead in providing the relevant Cabinet Secretaries with situation reports. KMA takes the lead in providing policy advice, consulting colleagues in the Ministry of Transport and Infrastructure and the affected county governments as appropriate.

3.8 In relation to incidents involving offshore installations, the KMA takes the lead in providing both operational and policy advice. KMA or the Ministry of Energy, as appropriate, also give situation reports to officials of the relevant county government affected or potentially affected, so that they can similarly advise their Governors.

3.9 In relation to incidents involving onshore installations, the KMA takes the lead in providing both operational and policy advice. KMA or the Ministry of Energy, as

appropriate, also give situation reports to officials of the relevant county government affected or potentially affected, so that they can similarly advise their Governors.

3.10 Thus, when KMA triggers a national or regional response, it arranges for the following to receive situation reports:

(a) the offices of the Cabinet Secretary for Transport and infrastructure ;
(b) the Cabinet Secretary for the Environment, Water and Natural Resources
(c) The Cabinet Secretary Energy and Petroleum
(d) the Parliamentary Committees on transport and environmental issues (by fax or e-mail);
(e) affected Counties;
(f) The Cabinet Secretary Ministry of Health Port Health Office (if there is potential or actual risk to public health); and
(g) those organizations that provide the core members of the Environment Group (see Section 9); and

4. SETTING UP THE NATIONAL RESPONSE UNITS (Associated With Appendix A *(*Roles and Responsibilities of Key Personnel and Organizations))

4.1 In managing the counter pollution response to an incident, the hierarchy of aims is:

(a) first, to prevent pollution occurring;

(b) second, to minimize the extent of any pollution that occurs; and

(c) third, to mitigate the effects of that pollution.

4.2 The oil spill incident team is comprised of the five ICS sections: Command, Operations, and Planning/Administration which are supported by branches and groups. The incident command team is headed by the Incident Commander (IC). Next in rank to the IC is the Operations Section Director, Planning Section Director, Logistics Section Director and the Finance/Administration Section Director.

4.3 The command Staff

The command staff provides advice and assistance to the Incident Commander and Incident Management Team to ensure an effective, coordinated and cooperative response to an oil spill event. The Incident Commander is responsible for management of the incident either as a single or unified command. The latter pertains to joint operations with other responders with functional or jurisdictional responsibilities and with the Responsible Party. The Incident Commander brings the essential personnel and equipment resources together in accordance with this plan and incident management protocols. The command staff is comprised of the Information Officer, Safety Officer and Liaison Officer. They provide support, services, and advice to the Incident Management Team. A deputy Incident Commander may be assigned to assist in carrying out incident command responsibilities.

4.4 The Operation Section

The Operations Section is responsible for the management of all incident tactical activities. The section assists in the formulation of the initial response decisions and undertakes infrastructure, land, water and shore protection/treatment and wildlife rescue

according to work plans and other tactical operations approved by the command section. The section determines the response equipment, contract services and field crews required to fulfill operational objectives. The Operations Section Director reports to the Incident Commander (or unified command), as well as recommends expedient changes to the work plans and other tactical matters based on changing field conditions. This section assists in the development of the incident action plan. The section monitors contractors for compliance with safety requirements. The operations section consists of branches. Each branch can establish groups to address geographically widespread events and to maintain "span-of-control" of field personnel. Within each group there can be specified functional unit. Field response delivery is generally by strike teams or task forces.

4.5 The Planning Section

The Planning Section identifies land, shore and property protection/treatment priorities and methods and liaises with agencies, industry and communities to exchange information. The planning section undertakes the evaluation, maintenance, storage and dissemination of information required for and obtained during the incident. This information is used by the section to prepare an incident action plan and other work plans for land, water, shore and wildlife protection or treatment. The specialized units in this section are the Environmental Unit and the Technical Specialists Unit. Specialist information is used to: 1) understand the current situation; 2) predict probable course of incident events; and 3) prepare alternative strategies for the incident.

4.6 The Logistics Section

The logistics Section is responsible for providing facilities, services and materials in support of an inland oil spill response. The section works in conjunction with other ministries to establish the Incident Command Post for response coordination, as well as other site-level facilities, such as the staging area(s). The Logistics Section Director will assist in the development of the initial response strategy. This section ensures the emergency equipment is delivered and is in operational condition at the response site. The section will expedite equipment and service contracts and formulate contract specifications according to land/shore protection or treatment work plans or other action requirements identified by the Incident Commander (or unified command). The logistics section is comprised of two branches: Support and Services.

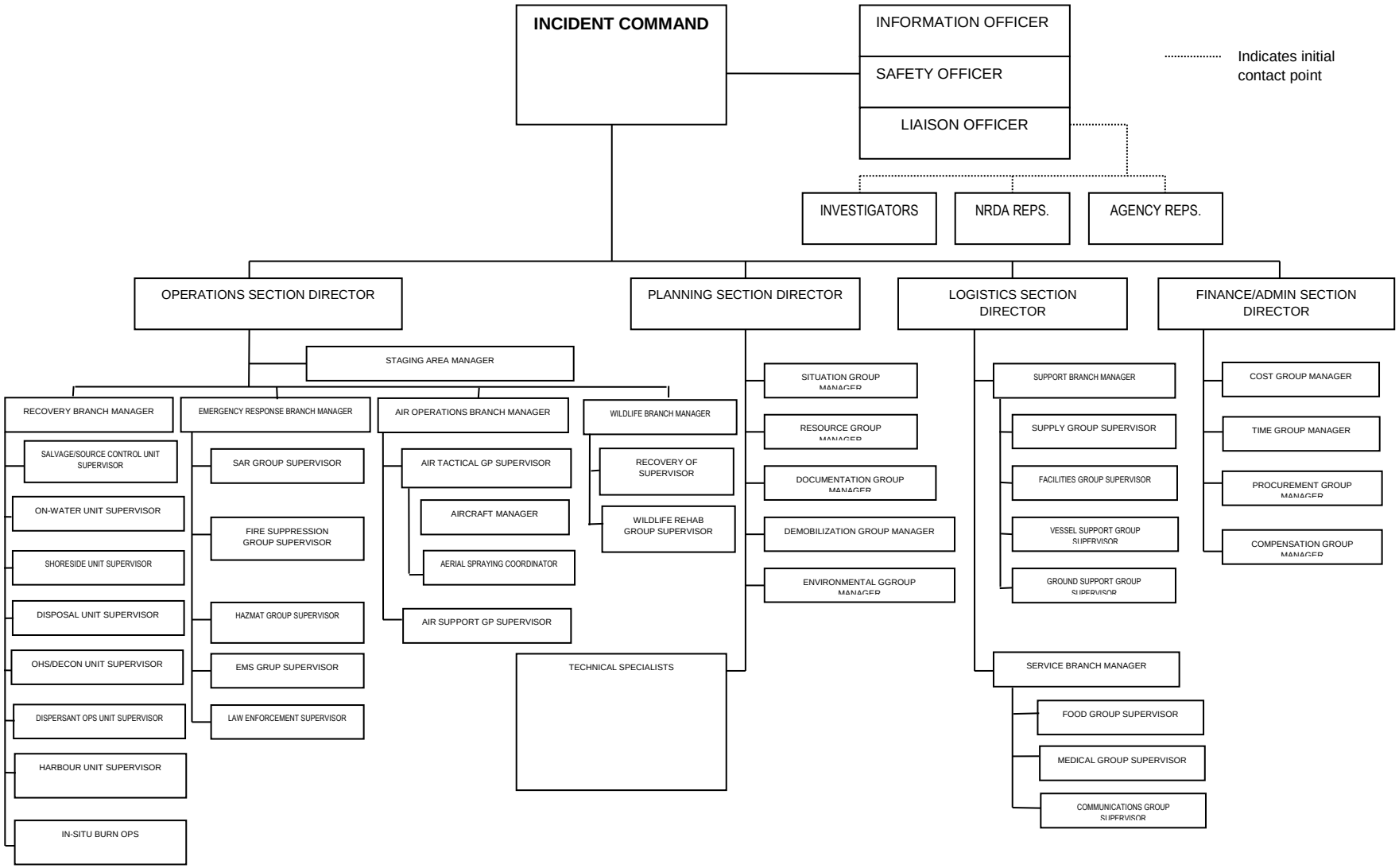
4.7 The Finance and Administration Section

The Finance and Administration is responsible for providing financial and administrative support to the Incident Command Post and the Incident Management Team. It is also responsible for documenting services, contract, and wage expenditures, as well as, equipment losses and depreciation. The section monitors incident-related costs and administers any necessary procurement contracts. It works closely with logistics section to ensure adequate record keeping and transactions

4.8 Separate, but linked, response units direct the operations. There may be units to control salvage operations (the Salvage Control Unit (SCU)) headed salvage/source control unit supervisor, action at sea (the Offshore Response Unit (ORU)) headed by on-water unit supervisor, action in the area of each harbour authority involved (Harbour Response Unit) headed by harbor unit supervisor, and action on shore (the Shoreline Response Unit (SRU)) shore line unit supervisor. An Environment Group provides environmental and public health advice to all of these units. Not all incidents require all these response units. However, the arrangements for managing the incident must allow for the possibility of salvage operations, action at sea and action on shore taking place simultaneously.

4.9 In some cases the SCU may be co-located with the ORC with KMA taking control of the salvage operation, and the at sea counter pollution operations under the control of KMA's Director-General or the KMA Pollution Control Section.

4.10 In the case of an incident involving an offshore installation, an Operations Control Unit (OCU) is established to monitor operations to contain any potential pollution within the installation and its reservoir. The Unit only assumes control, if and when, KMA issues a direction.



Appendix A Provides details on the specific duties and responsibilities of all personnel involved in the Incident Command Team

4.11 The RMRCC shall be designated as the Incident Command Centre (ICC).

4.12 The accommodation for each unit should have sufficient telephone lines to enable full liaison with outside bodies. Photocopier, fax and e-mail facilities are essential, although noisy equipment should be located in a separate room. Fixed VHF equipment would be desirable. Television, DVD and video facilities are extremely useful for playing back recordings from aircraft and helicopters, as well as monitoring local and national coverage of the incident. Wall space to display charts and situation boards is essential.

4.13 Those holding responsibility for keeping the situation boards continuously updated should be aware that their objective is to present a summary of the current situation and response actions being taken. A well-prepared set of situation boards and annotated charts greatly assists the preparation of:

(a) press briefing notes;

(b) briefing for Ministers and elected representatives; and

(c) briefing for incoming relief staff.

4.14 Each of the units need support from an Administration Team responsible for the general management of the unit and providing personnel for:

(a) communication links between the units;
(b) the distribution of messages within the units;
(c) keeping records of messages and expenditure;
(d) taking minutes during meetings to record decisions;
(e) typing services;
(f) updating situation boards and charts; and
(g) providing catering to the units.

4.15 The relevant KMA-RMRCC Officer acts as a communications hub and provides communication support for all response centres.

5. SALVAGE (Associated with Appendix G(Salvage: Details of Operations)

5.1 Following a tier 3 oil spill incident, the shipowner will engage commercial salvor to deal with the casualty and secure the cargo and bunkers. The initial salvage options may include fire fighting, counter-flooding, internal transfers, other actions to stabilise the casualty, and or emergency towing to bring the casualty to calmer waters or a safe haven. The salvage operation shall be coordinated by the salvage control unit. Subsequent salvage actions may involve diving operations, beaching the casualty or grounding it in shallow water and patching or filling holes. If a ship has grounded salvors may attempt to refloat it.

5.2 If the ship owner or the offshore facility operator fails to engage a salvor and the incident commander deems it necessary, KMA will contact a salvor or, if not yet appointed, the master or owner of the ship, and the harbour master, if the incident is in a port or its approaches, and offers assistance. The salvor appointed under section shall be remunerated as provided for in the Merchant Shipping Act, 2009.

5.3 The master or offshore facility operator shall grant the salvor access to the facility or ship and necessary assistance.

5.4 The Incident Commander shall have arrangements in place for emergency chartering of local tugs to be used for salvage.

5.5 Where there is a serious risk of harm to persons or property, or a significant risk of pollution, it may be necessary to initiate emergency towing arrangements. Such arrangements should be unambiguous, agreed by all parties where possible, and activated as swiftly as practicable.

5.6 The Incident Commander may request assistance from any local tug as part of the response to an incident. Some tugs may not be altogether suitable for emergency offshore towing. Weather conditions may restrict their use. Their role may therefore be to provide “first- aid” prior to the arrival of a more suitable vessel.

5.7 Except in the most severe incident, a ship is likely to retain some of its cargo and bunkers. It may be desirable to carry out a cargo and bunker transfer operation from the stricken ship to prevent or minimize further spills. It may help to move the ship to a more sheltered area such as a port or oil terminal.

5.8 It is safer to carry out cargo and bunker transfer operations in sheltered areas. However, the decision to use an area moves the risk of pollution to an area that the incident might otherwise not have affected. The incident commander considers carefully whether to use a sheltered area and, if so, which to select. He must consider that time may be short and the damaged ship may not be in a condition to travel very far.

5.9 The Incident Commander has access to emergency transfer equipment for use in off-loading oil from a damaged or disabled ship. This ensures that there is suitable equipment available in Kenya for cargo and bunker transfer operations.

5.10 The equipment provides a total transfer capability, including pumps, power packs, hoses, fenders, communications equipment, protective clothing, breathing apparatus, and inert gas generators.

The role of the RMRCC and the Salvage Control Unit for shipping casualties

5.11 . Intervention powers may be exercised and instructs those in command of the vessel to give the RMRCC information. This information must include:

(a) whether the owner has appointed a salvor and, if so, its name and contact details;

(b) the broad nature of the contract between owner and salvor;

(c) information on the intentions of the salvor; and

(d) any other important information that has not yet been gathered.

5.12 Simultaneously, as a pollution prevention tactic, the IC may also task the nearest KMA contracted emergency towing vessel (ETV) to proceed to the area.

5.13 It is for the IC to decide whether the salvor has the capability to carry out the necessary salvage actions, in terms of experience, personnel, and material. The IC decides whether it is necessary to set up a SCU. If the size of the incident merits the establishment of a SCU, the IC travels to the scene at an appropriate time.

5.14 The members of the SCU are:

(a) the RMRCC;

(b) the Salvage Manager from the salvage company appointed by the ship owner;

(c) the harbour master, if the incident involves a harbour or its services;

(d) a single representative nominated by agreement between the ship owner and the insurers (for both the physical property and their liabilities);

(e) a counter pollution and salvage/source control unit supervisor;

(f) an Environmental Liaison Officer, nominated by the Chair of the Environment Group; and

(g) if the IC decides to appoint one, the RMRCC's personal salvage adviser.

5.15 In the event that the SCU is co-located with an MRC, the membership of the SCU needs to include the members of the MRC with KMA staff fulfilling more than one role.

5.16 The Operations Section Director controls the salvage operation from the ICC, or other appropriate forward base, and until the SCU is established. The KMA also activates all members of KMA's pollution control section necessary to assist in the response.

5.17 The IC uses all the information available to assess whether the actions proposed are in the public interest. One of these actions could be the consideration of appropriate places of refuge. The IC also considers what should happen if the current salvage plan goes wrong or the incident escalates in severity. The IC is empowered to exercise

intervention powers to whatever extent is required in the public interest and may take control of the salvage operation, by issuing directions. If RMRCC takes control of a salvage operation, all those involved act on directions issued. In other cases, the salvors operate by agreement with, or with the tacit approval of, the RMRCC, without the need to issue further directions.

5.18 Irrespective of any directions issued, KMA arranges for a written record of all decisions made by the IC and sends copies to the other response units as soon as practicable.

Access to the casualty

5.19 If the RMRCC decides that it is necessary for the salvage operation, an On Board Salvage Team in addition to the SCU is established. This team normally comprises of the Salvage Master and crew, RMRCC's own representative and, if the ship owner wishes, a Special Casualty Representative (SCR). The RMRCC strictly monitors and, if necessary, controls access to the casualty, establishing any necessary protocols, through the SCR, with the security plan operated by the casualty in compliance with the International Ship and Port Security Code.

5.20 The RMRCC uses discretion in limiting access. Every additional body increases the potential problem of rescue, and every additional person increases the risk of confusion as to what the Salvage Master and his crew are doing.

5.21 The RMRCC's own representative keeps the RMRCC fully informed of developments on board and monitors compliance with any directions issued to those on board. The SCR may discuss the handling of the casualty with the Salvage Master and reports to his colleague in the SCU. However, none of those on board have any power of direction.

5.22 Additionally, the RMRCC may allow others with a clearly defined and beneficial role access to the casualty. For example, the RMRCC may grant a single special representative of hull insurers or a single special representative of cargo owners and insurers, access to the casualty, i.e. the SCR.

The role of the RMRCC for offshore installations casualties

5.23 Incidents occurring at an offshore or onshore installation fall under the remit of the installation's oil spill response plan. In general, when there is a release of oil from an installation, the tasks of containing and responding to the oil on the water are identical to when a ship spills oil.

5.24 The offshore installation manager is in control of implementing the emergency plan at the installation, while on shore, the company activates its Emergency Response Centre. The role of the Emergency Response Centre is to support the installation manager offshore and the duty MOTI Environmental Inspector attends the Centre if circumstances demand.

5.25 The company has a duty to implement its plan to contain the spill and minimize the environmental damage caused. Nevertheless, in a major spill, or where there is a threat of significant pollution, the duty MOTI Environmental Inspector, or duty KMA PCO, informs the RMRCC who monitors the progress of the incident as it is being managed at the operator's Emergency Response Centre. In consultation with the duty MOTI Environmental Inspector, RMRCC decides whether to establish an Operational Control Unit (OCU). If an OCU is established the duty MOTI Environmental Inspector informs the operator and initiates action to set up the OCU. As set out in Appendix E, the RMRCC is empowered to intervene to whatever extent is required in the public interest and may take control of the incident, by issuing directions. If the RMRCC takes control of an incident, all those involved act on directions issued.

5.26 The approved marine spill contingency plan for the installation must identify the location for the OCU and this need to be in close proximity to the operator's Emergency Control Centre. This OCU requires the same support and structure as an SCU and similar links to other operational units engaged in other tasks including search and rescue, at sea clean up and shoreline clean up, as appropriate. The administrative support required by the OCU will be provided by the MOTI and the KMA.

5.27 In addition to the RMRCC, the members of the OCU are:

(a) the duty MOTI Environmental Inspector;

(b) the Emergency Operations Manager, a role defined in the operator's marine spill contingency plan, acts as a link between RMRCC and the Emergency Response Centre where there is a line to the Offshore Installation Manager;

(c) the Operator's Representative, a role defined in the operator's marine spill contingency plan, represents the interests of the owner, operator, contractors and liability underwriters of the offshore installation;

(d) a PCO supports the RMRCC, and in the absence of the RMRCC, the duty MOTI Environmental Inspector;

(e) an Environmental Liaison Officer, nominated by the Chair of the Environment Group, advises the RMRCC on the environmental implications of any proposed actions;

(f) the MOTI Strategic Adviser provides the RMRCC with advice on the importance of the installation to strategic supplies and other matters of public interest; and

(g) A specialist or technical advisor to the RMRCC, either from the operator, the MOTI or an independent source, provides advice as circumstances require.

5.28 Again, there needs to be timely written records of all the RMRCC's decisions. All response units should receive copies of these as soon as practicable. Also, where the RMRCC and OCU do not accept the advice provided by the Environment Group they should record the reasons in writing and pass this to the Environment Group and any other response units formed.

Offshore Renewable Energy Installations

5.29 This plan also recognizes the likelihood of offshore renewable energy installations (OREI) around the Kenyan coast in the future. It is considered that any major event involving an OREI would most likely be a response to a vessel adrift or one that had collided with the installation. OREIs, and wind farms in particular, could potentially

impede aerial spraying activities and operators need to be aware that the MOTI and/or the KMA has the power to instruct OREIs to shut down in the event of a significant pollution incident using the powers of the RMRCC.

5.30 Offshore renewable energy installations are regulated by the Energy Regulatory Commission and the Ministry of Energy. Their installation in the sea requires various consents or licenses.

6. **AT SEA RESPONSE** (Associated With Appendix H (Counter Pollution Operations at Sea)

Offshore Response Unit

6.1 In all cases involving a national response, whether ship or offshore installation related, KMA establishes an Offshore Response Unit (ORU) near the scene of the incident, or a suitably equipped port operations room. When the ORU is established the Operations Manager takes control of it upon arrival at the scene. The Operations Manager shall be complemented by the following persons;

(a) where a ship is involved, the Harbour Master to manage cargo transfer operations;

(b) a logistics appointed by the Director General, KMA, to organize the deployment of the equipment needed and control all KMA financial commitments;

(c) if the incident involves a port or its services, a representative of the port authority;

(d) an officer of the fisheries department, to advise on the impact on fisheries and to liaise with regional and international fishing organizations.

(e) An officer of the Kenya Wildlife Services, to advise on the impact on marine ecosystems.

(f) a county government officer to act as liaison with the Shoreline Response Unit;

(g) an Environmental Liaison Officer (ELO) nominated by the Director General of the National Environment Management Authority; and

(h) a KMA Public Relations Officer, to liaise with the MOTI public relations officer and the media.

6.2 The Director-General nominates other members of KMA Pollution Control Section staff to assist in the response.

Options for the clean-up operation

6.3 The Incident Commander of the ORU (subject to any instructions from the Mombasa RMRCC in a salvage operation) decides on actions to contain, disperse, or neutralize pollutants, and to remove potential pollutants from the scene. These decisions include the following methods of response:

(a) assess and monitor;

(b) dispersant spraying operations;

(c) mechanical recovery operations; and

(d) cargo transfer operations.

6.4 The aim of any clean-up operation is to minimize the damage (environmental, ecological, amenity or financial) that the spill would cause. The ORU decides between the options for clean up bearing in mind the following:

(a) the limitations on the effectiveness of at sea clean up techniques;

(b) the distance from shore of the casualty;

(c) the type of spill;

(d) the weather conditions, wind, tide and currents; and

(e) the time needed to deploy resources to the scene.

6.5 Appendix H outlines counter pollution procedures.

Dispersant spraying

6.6 The manufacture and use of dispersants and other oil treatment products is subject to regulation.

6.7 Details of the controls are at Appendix I.

Introduction of fishing restrictions

6.8 Agencies with food safety responsibilities can prohibit the taking of fish and edible plants from a designated sea area. They may do this when the consumption of contaminated food from that area could present a health risk to consumers. They may therefore restrict fishing, on a precautionary basis, if resources are, or are likely to become, contaminated.

6.9 Agencies with food safety responsibilities can issue a Temporary Prohibition Order if they are satisfied that the consumption of live bivalve mollusks or other shellfish (echinoderms, tunicates or marine gastropods) taken from a designated shellfish harvesting area (including a relaying area) are likely to cause a public health risk. The Temporary Prohibition Order shall prohibit the placing on the market or the gathering of any such mollusks or other shellfish from the specified area.

6.10 The Agency with food safety responsibilities is the Ministry of Agriculture, Livestock and Fisheries. A Temporary Prohibition Order may be made for a period of 28 days and may not be extended beyond that time unless the Cabinet Secretary for the time being responsible for fisheries gives his consent.

Termination of Temporary Prohibition Orders

6.11 Temporary Prohibition Orders can last until such time as it can be shown that there are no food safety issues. Once it is felt that restrictions can be lifted this is done through a Revocation Order to be issued by the Cabinet Secretary for the time being responsible for fisheries. The revocation order might lift all restrictions or lift only some restrictions depending upon the circumstances.

7. HARBOUR RESPONSE

Powers of the Port Authority

7.1 KPA shall be responsible for oil spill response operations in respect of tier 1 and tier 2 oil spills.

7.2 This Plan shall be operationalized for oil spill response operations in respect of tier 2 and all tier 3 oil spill incidents.

7.3 KMA shall be responsible for overall command in respect of response operations in the event of tier 2 and tier 3 oil spill incidents.

Roles of the harbour master and the RMRCC

7.4 For all incidents occurring within the Port Authority's jurisdiction, the Harbour Master will be in control of the incident response operations from the outset to the time when this Plan is activated. Upon activation of this Plan, the Director General, KMA shall assume command of the response operations.

7.5 The RMRCC will be monitoring the decisions and actions being taken by the Port Authority in the event of any oil spill and ensuring that they are being taken in the light of full knowledge of the relevant environmental sensitivities and an understanding of the effects that might ensue.

7.6 Upon activation of this Plan, the RMRCC shall operate as the ICC.

Responsibility for clean up

7.7 The primary responsibility for the clean up of marine oil spill lies with the polluter. Where the polluter lacks the capacity for response the Government shall bear the sole responsibility for cleanup, subject to reimburses of the expenses by the polluter.

Shore based spill

7.8 Although this National Contingency Plan is for marine pollution from shipping and offshore installations, it should be noted that KMA supports NEMA with appropriate

resources in the event of a large shore-based spill affecting the Kenyan waters.

8. **SHORELINE AND ON-SHORE RESPONSE** (Associated With Appendix J (The Shoreline Response Centre))

Shoreline Response Centre

8.1 In the early stages of an incident, the responder establishes a Tier 1 or Tier 2 response (see paragraph 3.1). When the threat of oil spill to the shoreline exceeds the capability of the responder, KMA shall activate this Plan.

8.2 An SRU needs to have representatives of all the services that may need to participate in the clean-up operation, and representatives of all county and port authorities that may become involved.

8.3 Further advice is at Appendix J.

9. **ENVIRONMENTAL ADVICE AND MONITORING** (Associated With Appendix K (Environment Group)

9.1 The response to any maritime incident in Kenya requiring a national or regional response involves the establishment of an Environment Group. All those involved in operations at sea (including salvage) and shoreline clean up need timely environmental advice. The Environment Group advises on environmental aspects and public health impacts of the incident and associated response operations both real and potential. The Group is a common facility, which provides comprehensive advice to all response units. Most importantly, the Group membership must represent all environmental and public health interests considered being at risk.

9.2 The role of the Environment Group itself is purely advisory but the Departments and Agencies, from which individual members are drawn, continue to exercise their statutory powers. On some occasions these powers operate via the individual present on the Environment Group and on other occasions via other members of that organization. For example, while the formal dispersant approval process is outside the remit of the Environment Group and, in compliance with statute, continues to be made by KMA, after consultation with the appropriate statutory nature conservation body, discussion about the knowledge of continuing dispersant use in any incident could take place within the Group. The statutory nature conservation body (or fishery authority) should consult locally with members of the standing Environment Group. Paragraph 9.7 describes the obligations on the response units to consult with the Environment Group.

9.3 As well as provision of expert advice based on immediately available and pre-prepared data and information, there may also be a need to encourage the collection of real time environmental data by the relevant government agencies. Such environmental data may provide accurate baseline data of vulnerable environmental features immediately before impact of the pollution plume, so that risks can be identified and the damage can be quantified. The Group also needs to track the success of preventive and counter pollution measures throughout the incident, and to begin to assess the overall long-term environmental impact. The Group is therefore dependent on timely provision, from

each response unit, of all relevant information on the fate and behaviour of pollutants, and each unit's forecasts, plans, actions and outcomes.

9.4 It is the responsibility of the KMA to initiate the process for the formation of the Environment Group. The core membership of the Group comes from the relevant statutory institutions KWS, Beach Management Units, Fisheries, NEMA, Kenya Radiation Protection Board, Ministry of Public Health, Energy Regulatory Commission for onshore oil related incidents and in the case of incidents beyond territorial waters, KMA. The Group may also consider that a representative from a relevant county government or any other authority or non Governmental organization with appropriate skills may be beneficial. The Group chair is selected as appropriate.

9.5 In the simplest incidents, the chair acts the environmental liaison officer to the RMRCC and all activated response units. The chair is also free to offer any environmental advice without seeking confirmation by a specialist member of the Group if confident that the advice is sound. That advice does not necessarily represent the view of the chair's parent organization and does not exempt them from any future enforcement activities. The chair also decides when it is necessary to convene the Environment Group at the scene of the incident and appoints an Environment Liaison Officer for each response unit established. The complexity of an incident may require of the chair different skill sets according to the technical and, or managerial, expertise required. It is for the Standing Groups, in their planning process, to determine criteria on what qualities are required of the chair in a range of circumstances, i.e. whether the incident is minor or major, relatively simple to more complex.

9.6 As the incident develops in terms of magnitude and/or complexity, the chair and core members decide whether to expand the Group's membership to include representatives of other relevant bodies, such as public health, animal welfare groups or other public benefit organizations (PBOs) in order to ensure the provision of expert advice appropriate to a specific incident. The role of the Chair in a major and/or complex incident will most likely be more managerial in nature in that case the Chair does not represent their parent organization but the wider environmental good.

9.7 Response units are instructed to make all reasonable efforts to consult the Environment Group, or its chair, about any proposed action that is likely to have lasting impact on the environment. If time does not permit the response unit to consult before acting, it must circulate a written report to the Environment Group and all other response units as soon as possible after the action or decision has been taken. This report must detail the actions taken, the reasons for taking them, and their anticipated outcome.

9.8 The Environment Group should record its advice in writing and circulate it to the response units as soon as practicable. Where a response unit does not follow such advice, it is instructed to record the reasons for not doing so, and to inform the group, as soon as practicable.

9.9 If a marine pollution incident is expected to have a significant impact on the marine environment, or the shoreline, the Environment Group will promptly make arrangements to begin to monitor and assess the impact in the longer term. Standing Environment Groups, as part of their planning process should consider the collection and collation of appropriate baseline data in order to facilitate early implementation of assessment of environmental impacts and agree a formal methodology in how such studies should be organized.

9.10 Appendix K gives further details of how the Environment Group is to be established, its terms of reference, membership and functions.

10. **MEDIA** (Associated With Appendix L (Working With The Media))

Introduction

10.1 A maritime incident is of immediate interest to the media and, depending on the scale and nature of the incident, will result in national and international media attention. It is in the public interest and the interest of all concerned to keep the media informed as fully and as regularly as possible. Failure to consider the media response at an early stage may have serious implications for the management of the whole incident.

Media team and designated press officer

10.2 From the outset of an incident, KMA ensures that it has an adequate media response team in place, working through a Designated Press Officer. One of the team's roles is to liaise on behalf of KMA and the RMRCC with the press and other Government press offices (for example, MOTI press offices). In particular, it is the task of the Designated Press Officer to advise the KMA and the RMRCC on media relations, to arrange press conferences, and to issue regular news bulletins.

10.3 It is essential that the media team ensure that the media do not interfere with the operational activity of the emergency services or harass casualties.

10.4 Further details of the suggested procedure for dealing with the media from the outset of a major incident are at Appendix L.

Ministerial and VIP visits

10.5 It is inevitable that, in the case of a major or high profile incident, a Cabinet Secretary may wish to visit the scene. A designated KMA senior officer will escort Cabinet Secretaries or other VIPs on such occasions - whether from central Government, a devolved administration or a Government Agency - at all times.

10.6 The media team must consider how to accommodate a Minister and any Ministerial press

conference on site and advise the MOTI Press Office accordingly. The media team may be under resourced and have difficulty in coping with both the media response and the VIP visit. Consideration should be given at an early stage to enlisting the assistance of the nearest news broadcasting agency's office to handle either the visit or to help with the incident media response. See also Appendix L.

Liaison with other government departments and agencies

10.7 The media team must establish and then maintain a line of communication with the MOTI Press Offices to keep them informed of the progress of an operational response. In addition, appropriate officials must stand ready during the course of the response to provide any advice or draft statements requested by Cabinet Secretaries or Press Office.

10.8 In the case of an incident occurring in an area covered by a devolved administration or within a port, the media team must establish and maintain a line of communication with the press office of the devolved administration and port authority to keep them informed of progress. The media team should also look at the possibility of forming a joint press office or media centre.

11. **FINANCE** (Associated With Appendix M (Liability and Compensation For Pollution Damage) And Appendix N (Cost Recovery and Record Keeping))

11.1 Dealing with marine oil spill response can be a protracted and expensive process. Initially the costs of oil spill operations fall on those undertaking them. Under current legislation, those incurring expenses as part of the response operation later seek to recover them from those responsible for paying compensation. Appendix M contains a brief summary of compensation regimes that may assist in the recovery of those costs. Appendix N contains guidance on the procedure that should be followed when claiming compensation.

11.2 It is essential that, from the outset, a Financial Controller is appointed and that all responders keep records of how, when, and why, they respond. These records are needed to support claims for cost recovery in respect of preventive measures and to show that the actions taken were proportionate and reasonable for the threat from pollution and the risks to safety. Appendix N also provides further guidance on the level and type of records that should be retained.

11.3 All response logistics expenses shall be paid by KMA from the Oil Pollution Response Fund.

11.4 The Financial Controller shall be the Head of Finance Department of KMA.

11.5 It is vitally important that financial systems are in place, as part of contingency plans, in advance of an incident.

12. ENFORCEMENT FOLLOW UP / PROSECUTION

12.1 This section refers to procedures in place within the KMA and other regulatory bodies that KMA and such other agencies may choose to carry out their duties, enforce the legal provisions of the laws on which the NCP is based.

Kenya Maritime Authority

12.2 The appointed regulatory body for each piece of legislation has a general duty to carry out enforcement activities when necessary. In carrying out its general duty to enforce the legislation, KMA may wish to secure evidence for possible use in court if it has reason to believe that an offence has been committed. The gathering of such evidence must not interfere with the operational activities of the salvors and other emergency services.

12.3 KMA investigates reports of breaches under the Merchant Shipping Act, 2009 if, for example, one of the following is suspected:

(a) Pollution by oil and its products;
(b) Pollution by HNS
(c) Collision at sea;
(d) Grounding.

12.4 The Merchant Shipping Act, 2009 not only covers at sea activities but also covers estuarial pollution in certain cases

12.5 An investigation by the KMA may lead to one of the following possible outcomes:

(a) No further Action;
(b) Notice of Concern;
(c) Formal Caution;
(d) 'Conditional Caution' (Note: this form of closure is not yet in force); and
(e) Prosecution.

12.6 The decision to open an investigation is determined by a number of factors. The investigation establishes the facts which in turn, inform which of the above actions are taken.

12.7 KMA will liaise with the Office of the Director of Public Prosecutions and other enforcement and prosecuting authorities, including the police, in order to ensure evidence is secured and appropriate offences are considered when determining the outcome of any investigation. They also, in conjunction with those authorities, determine which of them is best placed to be the lead authority.

Ministry of Energy and Petroleum

12.8 Similarly, the Ministry of Energy seeks to ensure that operators/permit holders comply with the legislation relating to offshore installations. Notifications of offshore environmental incidents can relate to, *among others*, oil in produced water discharges, oil and chemical spills and in connection with the use of chemicals. In deciding a proportional response for each notification a number of factors are taken into account, in line with the Ministry of Energy's Investigation Policy. Thereafter, any enforcement action will likewise be in line with the Ministry of Energy's Enforcement Policy.

12.9 An investigation by the Ministry of Energy may lead to one of the following possible outcomes:

(a) No further action;
(b) Warning letter;
(c) Issue of Enforcement or Prohibition Notice;
(d) Prosecution;
(e) Revocation of Production License.

12.10 The Energy Regulatory Commission seeks to ensure that operators/licence holders comply with the legislation relating to onshore downstream oil installations. Notifications of onshore environmental incidents can relate to, *among others*, oil in produced water discharges, oil and chemical spills and in connection with the use of chemicals

APPENDIX A: ROLES AND RESPONSIBILITIES OF KEY PERSONNEL AND ORGANIZATIONS

A.1. The purpose of this Appendix is to clarify the roles and responsibilities of key personnel, lead responders and support organizations during a marine pollution incident.

A.2. INCIDENT COMMAND STAFF

A.2.1 INCIDENT COMMANDER

The Incident Commander‘s responsibility is the overall management of the incident. On any incidents, the command activity is carried out by a single Incident Commander. The Incident Commander is selected based on qualifications and experience. The Incident Commander may have Deputy Incident Commander, who may be from the same agency/ organization or from an assisting agency/organization. The Deputy Incident Commander must have the same qualifications as the person for whom they work, as they must be ready to take over that position at any time. When span of control becomes an issue for the Incident Commander, a Deputy Incident Commander /Director of Staff may be assigned to manage the Command Staff.

A.2.1.1 The major responsibilities of the Incident Commander are:

a) Obtain a briefing from the prior Incident Commander;
b) Determine Incident Objectives and general direction for managing the incident;
c) Establish priorities;
d) Establish an Incident Command Post;
e) Brief Command Staff and Section Directors;
f) Ensure planning meetings are scheduled as required;
g) Approve and authorize the implementation of an Incident Action Plan;
h) Ensure that adequate safety measures are in place;
i) Coordinate activity for all Command and General Staff;
j) Coordinate with key people and officials;
k) Approve requests for additional resources or for the release of resources;
l) Keep agency/organization administrator informed of incident status;
m) Approve the use of trainees, volunteers, and auxiliary personnel;
n) Authorise release of information to the news medi; and
o) Order the demobilization of the incident when appropriate.

A.2.2 PUBLIC INFORMATION OFFICER (PIO)

The Public Information Officer is responsible for developing and releasing information about the incident to the news media, to incident personnel, and to other appropriate agencies and organisations. Only one primary Public Information Officer will be assigned for each incident, including incidents operating under unified command and incidents involving differing regulatory bodies. The Public Information Officer may have assistants as necessary, and the assistants may also represent supporting agencies or regulatory bodies

A.2.2.I The major responsibilities of the Public Information Officer are:

a) Determine from the Incident Command if there are any limits on information release;
b) Develop material for use in media briefings;
c) Obtain IC approval of media releases;
d) Inform media and conduct media briefings;
e) Arrange for tours and other interviews or briefings that may be required;
f) Obtain media information that may be useful to incident planning;
g) Maintain current information summaries and/or displays on the incident and provide information on the status of the incident to assigned personnel;
h) Ensure that all required agency forms, reports and documents are completed prior to demobilization;
i) Brief Command on Public Informattion Officer issues and concerns; and
j) Have debriefing session with the Incident Commander prior to demobilization.

A.2.3 LIAISON OFFICER

Incidents which involve multiple authorities, governmental or otherwise, or have several agencies involved, may require the establishment of the Liaison Officer position on the Command Staff. Only one primary Liaison Officer will be assigned for each incident, including incidents operating under unified command and incidents containing organizations with differing authorities/ Responsibilities.

The Liaison Officer may have assistants as necessary, and the assistants may also represent assisting agencies or regulatory bodies. The Liaison Officer is assigned to the incident to be the contact for assisting and/or cooperating Agency Representatives.

A.2.3.1 The major responsibilities of the Liaison Officer are:

a) Be a contact point for Agency Representatives;
b) Maintain a list of assisting and cooperating agencies /authorities/ regulatory bodies / governmental departments and their Representatives, including name and contact information. Monitor check-in sheets daily to ensure that all Agency Representatives are identified;
c) Assist in establishing and coordinating inter-agency contacts or inter-organizational contacts;
d) Keep agencies supporting the incident aware of incident status;
e) Monitor incident operations to identify current or potential inter-agency or inter-organisational problems;
f) Participate in planning meetings, providing limitations and capability of assisting agency resources;
g) Coordinate response resource needs for incident investigation activities;
h) Coordinate activities of visiting dignitaries;
i) Ensure that all required agency forms, reports and documents are completed prior to demobilization;
j) Brief Command on agency issues and concerns; and
k) Have debriefing session with the Incident Commander prior to demobilization.

A.2.4 AGENCY REPRESENTATIVE

In many multiple-authority/regulatory body incidents, an agency, organization or regulatory body may send an Agency Representative who is not on direct tactical assignment, but is there to assist in coordination efforts. An Agency Representative is an individual assigned to an incident from an assisting or cooperating agency who has been delegated authority to make decisions on matters affecting that agency's participation at the incident. Agency Representatives report to the Liaison Officer or to the Incident Commander in the absence of a Liaison Officer.

A.2.4.1 The major responsibilities of the Agency Representatives are:

a) Ensure that all agency resources are properly checked in at the incident;
b) Obtain briefing from the Liason Officer or Incident Commander;

c) Inform assisting or cooperating agency personnel on the incident that the Agency Representative position for that agency/ organization has been filled;
d) Attend briefings and planning meetings as required;
e) Provide input on the use of agency/organization resources unless resource technical specialists are assigned from the agency;
f) Cooperate fully with the Incident Commander and the General Staff on agency involvement at the incident;
g) Ensure the well-being of agency personnel assigned to the incident;
h) Advise the liaison officer of any special agency needs or requirements;
i) Report to home agency dispatch or headquarters on a prearranged schedule;
j) Ensure that all agency personnel and equipment are properly accounted for and released prior to departure;
k) Ensure that all required agency forms, reports and documents are completed prior to demobilization, and
l) Have a debriefing session with the liaison officer or Incident Commander before demobilization.

A.2.5 SAFETY OFFICER

The Safety Officer's function is to develop and recommend measures for assuring personnel safety and to assess and/or anticipate hazardous and unsafe situations. Only one primary Safety Officer will be assigned for each incident. The Safety Officer Job Aid should be reviewed regarding the organisation and duties of the Safety Officer. The Safety Officer may have assistants, as necessary, and the assistants may also represent assisting agencies or regulatory bodies Safety assistants may have specific responsibilities, such as air operations, hazardous materials, etc.

A.2.5.1 The major responsibilities of the Safety Officer are:

a) Participate in tactics and planning meetings, and other meetings and briefings as required;
b) Identify hazardous situations associated with the incident;
c) Review the Incident Action Plan for safety implications;
d) Provide safety advice in the Incident Action Plan for assigned responders;
e) Exercise emergency authority to stop and prevent unsafe facts;
f) Investigate accidents that have occurred within the incident area;

g) Assign assistants, as needed;
h) Review and approve the Medical Plan;
i) Develop the Site Safety Plan and publish Site Safety Plan Summary as required;
j) Develop the Work Safety Analysis Worksheet as required;
k) Ensure that all required agency forms, reports and documents are completed prior to demobilization;
l) Brief Command on safety issues and concerns; and
m) Have debriefing session with the IC prior to demobilization.

A.2.6 INTELLIGENCE OFFICER

The intelligence function has been determined to best fit as the Intelligence Officer. The responsibility of the Intelligence Officer is to provide command intelligence information that can have a direct impact on the safety of response personnel and influence the disposition of maritime security assets involved in the response.

A.2.6.1 **The major responsibilities of the** Intelligence Officer **are:**

a) Participate in meetings and briefings as required;
b) Collect and analyze incoming intelligence information from all sources;
c) Determine the applicability, significance, and reliability of incoming intelligence information;
d) As requested, provide intelligence briefings to the incident commander/unified command;
e) Provide intelligence briefings in support of the ICS Planning Cycle;
f) Provide Situation Unit with periodic updates of intelligence issues that impact the incident response;
g) Review the IAP for intelligence implications;
h) Answer intelligence questions and advise Command and General Staff as appropriate;
i) Supervise, coordinate, and participate in the collection, analysis, processing, and dissemination of intelligence;
j) Assist in establishing and maintaining systematic, cross referenced intelligence records and files;
k) Establish liaison with all participating law enforcement agencies and regulatory bodies;

l) Conduct first order analysis on all incoming intelligence and fuse all applicable incoming intelligence with current intelligence holdings in preparation for briefings;
m) Prepare all required intelligence reports and plans;
n) As the incident dictates, determine need to implant Intelligence Technical Specialists in the Planning and Operations Sections;
o) Ensure that all required agency forms, reports and documents are completed prior to demobilization; and
p) Have debriefing session with the IC prior to demobilization.

A.3 OPERATIONS SECTION

A.3.1 OPERATIONS SECTION DIRECTROR

The Operations Section Directror is responsible for the management of all tactical operations directly applicable to the primary assignments. The Operations Section Directror activates and supervises organisation elements in accordance with the Incident Action Plan and directs its execution. The Operations Section Directror also directs the preparation of operational plans; requests or releases resources, monitors operational progress, makes expedient changes to the Incident Action Plan, as necessary, and reports such to the Incident Commander. The Operations Section Directror Job Aid, should be reviewed regarding the organisation and duties of the Operations Section Directror. The Operations Section Directror may have Deputy Operations Section Directrors, who may be from the same agency/ organization or from an assisting agency/organization. The Deputy Operations Section Directror must have the same qualifications as the person for whom they work, as they must be ready to take over that position at any time. In complex incidents, the Operations Section Directror may assign a Deputy Operations Section Directror to supervise on-scene operations (major responsibilities (d) through (k) listed below) while the Operations Section Directror participates in the incident planning process (major responsibilities (l) through (w) listed below).

A.3.1.1 The major responsibilities of the Operations Section Director are:

a) Obtain briefing from Incident Commander;

b) Evaluate and request sufficient Section supervisory staffing for both operational and planning activities;
c) Supervise Operations Section field personnel;
d) Implement the Incident Action Plan for the Operations Section;
e) Evaluate on-scene operations and make adjustments to organisation, strategies, tactics, and resources as necessary;
f) Ensure the Resources Unit is advised of changes in the status of resources assigned to the section;
g) Ensure that Operations Section personnel execute work assignments following approved safety practices;
h) Monitor need for and request additional resources to support operations as necessary;
i) Assemble/dissemble task force/strike teams as appropriate;
j) Identify/utilise staging areas;
k) Evaluate and monitor current situation for use in next operational period planning;
l) Convert operational incident objectives into strategic and tactical options. These options may be documented on a Work Analysis Matrix;
m) Coordinate and consult with the Planning Section Director, Safety Officer, technical specialists, modelling scenarios, trajectories, etc., on selection of appropriate strategies and tactics to accomplish objectives;
n) Identify kind and number of resources required to support selected strategies.
o) Subdivide work areas into manageable units;
p) Develop work assignments and allocate tactical resources based on strategic requirements;
q) Coordinate planned activities with the Safety Officer to ensure compliance with safety practices;
r) Participate in the planning process and the development of the tactical portion of the Incident Action Plan;
s) Assist with development of long-range strategic, contingency, and demobilization plans;
t) Develop recommended list of Section resources to be demobilised and initiate recommendation for release when appropriate, and
u) Receive and implement applicable portions of the incident Demobilization Plan.

A.3.2 BRANCH MANAGER

The Branch Managers when activated, are under the direction of the Operations Section Director and are responsible for the implementation of the portion of the Incident Action Plan appropriate to the Branches.

A.3.2.1 The major responsibilities of the Branch Managers are:

a) Obtain briefing from person relieving;
b) Receive briefing from the Operations Section Director;
c) Identify Divisions, Groups, and resources assigned to the Branch;
d) Ensure that Group Supervisors have a copy of the Incident Action Plan;
e) Implement Incident Action Plan for the Branch;
f) Develop with subordinates alternatives for Branch control operations;
g) Review Group Assignment Groups within the Branch. Modify lists based on effectiveness of current operations;
h) Supervise Branch operations;
i) Resolve logistic problems reported by subordinates;
j) Attend planning meetings as requested by the Operations Section Director;
k) Ensure through chain of command that Resources Unit is advised of changes in the status of resources assigned to the Branch;
l) Report to Operations Section Director when: the Incident Action Plan is to be modified; additional resources are needed; surplus resources are available; or hazardous situations or significant events occur;
m) Approve accident and medical reports originating within the Branch;
n) Consider demobilization well in advance, and
o) Debrief with OSD and/or as directed at the end of each shift.

A.3.3 GROUP SUPERVISOR

He reports to the Operations Section Director (or Operarations Branch Manager when activated). The Group Supervisor is responsible for the implementation of the assigned portion of the Incident Action Plan, assignment of resources within the Group, and reporting on the progress of control operations and status of resources within the Group.

A.3.3.1 The major responsibilities of the Group Supervisor are:

a) Obtain briefing from person relieving;
b) Receive briefing from supervisor;
c) Identify resources assigned to the Group;
d) Provide the Incident Action Plan to subordinates, as needed;
e) Review Group assigned tasks and incident activities with subordinates;
f) Implement Incident Action Plan for Group;
g) Supervise Group resources and make changes as appropriate;
h) Ensure through chain of command that Resources Unit is advised of all changes in the status of resources assigned to the Group;
i) Coordinate activities with adjacent Group;
j) Determine need for assistance on assigned tasks;
k) Submit situation and resources status information to the Branch Director or the Operation Section Director as directed;
l) Report hazardous situations, special occurrences, or significant events, e.g., accidents, sickness, discovery of unanticipated sensitive resources, to the immediate supervisor;
m) Ensure that assigned personnel and equipment get to and from assignments in a timely and orderly manner;
n) Resolve logistics problems within the Group;
o) Participate in the development of Branch plans for the next operational period, as requested;
p) Consider demobilization well in advance;
q) Debrief as directed at the end of each shift.

A.3.4 STRIKE TEAM/TASK FORCE LEADER

The Strike Team/Task Force Leader reports to an Operations Branch Manager or Group Supervisor and is responsible for performing tactical assignments. The Leader reports work progress, resources status, and other important information and maintains work records on assigned personnel.

A.3.4.1 The major responsibilities of the Strike Team/Task Force Leader are:

a) Obtain briefing from person you are relieving;
b) Obtain briefing from supervisor;
c) Review assignments with subordinates and assign tasks;
d) Monitor work progress and make changes when necessary;
e) Keep supervisor informed of progress and any changes;
f) Coordinate activities with adjacent Strike Teams, Task Forces and single resources;
g) Travel to and from active assignment area with assigned resources;
h) Retain control of assigned resources while in available or out-of-service status;
i) Submit situation and resource status information through chain of command Group Supervisor/Operations Branch Manager/Operation Section Director as appropriate, and
j) Debrief as directed at the end of each shift.

A.3.5 SINGLE RESOURCE LEADER

The Single Resource Leader is in charge of a single tactical resource.

A.3.5.1 The major responsibilities of the Single Resource Leader are:

a) Review assignments;
b) Obtain briefing from person you are relieving;
c) Obtain necessary equipment and supplies;
d) Review weather/environmental conditions for assignment area;
e) Brief subordinates on safety measures;
f) Monitor work progress;
g) Ensure adequate communications with supervisor and subordinates;
h) Keep supervisor informed of progress and any changes;
i) Inform supervisor of problems with assigned resource;
j) Brief relief personnel, and advise them of any change in conditions;
k) Return equipment and supplies to appropriate unit;
l) Complete and turn in all time and use records on personnel and equipment, and
m) Debrief as directed at the end of each shift.

A.3.6 STAGING AREA MANAGER

The Stsging Area Manager is under the direction of the Operations Section Director and is responsible for managing all activities within a Staging Area.

A.3.6.1 The major responsibilities of the STAM are:

a) Obtain briefing from person you are relieving;
b) Establish Staging Area layout;
c) Determine any support needs for equipment, feeding, sanitation and security;
d) Establish check-in function as appropriate;
e) Ensure security of staged resources;
f) Request maintenance service for equipment at Staging Area as appropriate;
g) Respond to request for resource assignments. (Note: This may be direct from the Operations Section Director or via the Incident Communications Centre.);
h) Obtain and issue receipts for equipment and supplies distributed and received at Staging Area;
i) Determine required resource levels from the Operations Section Director;
j) Advise the Operations Section Director when reserve levels reach minimums;
k) Maintain and provide status to Resource Unit of all resources in Staging Area;
l) Maintain Staging Area in orderly condition;
m) Demobilize Staging Area in accordance with the Incident Demobilization Plan; and
n) Debrief with Operations Section Director or as directed at the end of each shift.

A.3.7 AIR OPERATIONS BRANCH DIRECTOR

The Air Operations Branch Director is ground-based and is primarily responsible for preparing the Air Operations Summary Worksheet, the air operations portion of the Incident Action Plan and for providing logistical support to incident aircraft. The Air Operations Summary Worksheet serves the same purpose as the Work Assignment does for other operational resources, by assigning and managing aviation resources on the incident. The Air Operations Summary Worksheet may or may not be completed depending on the needs of the incident. Individual aircrews retain primary responsibility to ensure their aircraft are operated in accordance with their own organization's

restrictions and directives. It is also the responsibility of individual aircrews to keep the Air Operations Branch Director informed of their organization's restrictions and directives that may affect their ability to execute incident assignments. After the Incident Action Plan is approved, the Operations Branch Director is responsible for overseeing the tactical and logistical assignments of the Air Operations Branch. In coordination with the Logistics Section, the Air Operations Branch Director is responsible for providing logistical support to aircraft operating on the incident.

A.3.7.1 The major responsibilities of the Operations Branch Director are:

a) Organize preliminary air operations;

b) Attend the tactics meeting and planning meeting to obtain information for completing the Air Operations Summary Worksheet, if needed;

c) Participate in preparation of the Incident Action Plan through the Operations Section Director. Ensure that the air operations portion of the Incident Action Plan takes into consideration the Air Traffic Control requirements of assigned aircraft;

d) Coordinate with the communication leader (communication leader) to designate air tactical and support frequencies;

e) Perform operational planning for air operations.;

f) Prepare and provide Air Operations Summary Worksheet, if completed, to the Air Support Group and Fixed-Wing Bases;

g) Supervise all air operations activities associated with the incident.

h) Evaluate helibase and helispot locations;

i) Establish procedures for emergency reassignment of aircraft;

j) Coordinate approved flights of non-incident aircraft in the Temporary Flight Restriction;

(a) Coordinate air assets with the appropriate Command Centre(s) through normal channels on incident air operations activities;

(b) Consider requests for logistical use of incident aircraft;

(c) Report to the Operations Section Department on air operations activities;

(d) Report special incidents/accidents;

(e) Develop Aviation Site Safety Plan in concert with safety officer;

(f) Arrange for an accident investigation team when warranted, and

(g) Debrief with Operations Section Director as directed at the end of each shift.

A.3.8 AIR TACTICAL GROUP SUPERVISOR

The Air Tactical Group Supervisor is primarily responsible for tactical operations of aircraft and aircrews. This includes: 1) providing fuel and other supplies; 2) providing maintenance and repair of aircraft; 3) keeping records of aircraft activity, and 4) providing enforcement of safety regulations. Additional tasks include coordination and scheduling of aircraft operations intended to locate, observe, track, survey, support dispersant applications, or to be used for other deliverable response application techniques, or report on the incident situation when fixed and/or rotary-wing aircraft are airborne at an incident. These coordination activities are normally performed by the Air Tactical Group Supervisor while airborne. The Air Tactical Group Supervisor reports to the Air Operations Branch Director

A.3.8.1 The major responsibilities of the Air Tactical Group Supervisor are to:

a) Obtain a briefing from the Air Operations Branch Director;
b) Obtain a copy of the IAP from the Air Operations Branch Director, including Air Operations Summary Worksheet , if completed;
c) Participate in Air Operations Branch Director planning activities;
d) Inform Air Operations Branch Director of group activities;
e) Identify resources/supplies dispatched for the Air Tactical Group;
f) Request special air tactical items from appropriate sources through Logistics Section;
g) Coordinate activities with Air Operations Branch Director;
h) Obtain assigned ground-to-air frequency for airbase operations from the Communications Unit Leader or Incident Radio Communications Plan;
i) Inform Air Operations Branch Director of capability to provide night flying service;
j) Ensure compliance with each agency’s operations checklist for day and night operations;
k) Coordinate dispersant, in-situ burning, and bioremediation application through the Air Operations Branch Director;
l) Coordinate aerial surveillance mission scheduling and observer assignments with the Situation Unit Leader;

m) Identify remote sensing technology that may enhance surveillance capabilities;
n) Coordinate aerial surveillance observations and provide reports by the most direct methods available;
o) Report on aerial surveillance and operations activities to the Air Operations Branch Director;
p) Coordinate application-monitoring requirements with the Helicopter and Fixed-Wing Coordinators and the Situation Unit;
q) Report on air application activities to the Air Operation Branch Director; and
r) Debrief as directed at the end of each shift;

A.3.9 Air Support Group Supervisor (ASGS)

The Air Support Group Supervisor is primarily responsible for supporting aircraft and aircrews. This includes: 1) providing fuel and other supplies; 2) providing maintenance and repair of aircraft; 3) keeping records of aircraft activity, and 4) providing enforcement of safety regulations. The ASGS reports to the Air Operations Branch Director.

A.3.9.1 The major responsibilities of the Air Support Group Supervisor are to:

a) Obtain a copy of the IAP from the Air Operations Branch Director, including Air Operations Summary Worksheet , if completed;
b) Participate in Air Operations Branch Director planning activities;
c) Inform Air Operations Branch Director of group activities;
d) Identify resources/supplies dispatched for the Air Support Group;
e) Request special air support items from appropriate sources through Logistics Section;
f) Determine need for assignment of personnel and equipment at each airbase;
g) Coordinate activities with Air Operations Branch Director;
h) Obtain assigned ground-to-air frequency for airbase operations from the Communications Unit Leader or Incident Radio Communications Plan;
i) Inform Air Operations Branch Director of capability to provide night flying service;
j) Ensure compliance with each agency's operations checklist for day and night operations;

k) Ensure dust abatement procedures are implemented at helibases and helispots;

l) Provide crash-rescue service for helibases and helispots; and

m) Debrief as directed at the end of each shift.

A.3.10 HELICOPTER COORDINATOR

The Helicopter Coordinator tasks include the coordination and scheduling of helicopter operations intended to locate, observe, track, survey, or report on the incident situation. The Helicopter Coordinator facilitates the application of dispersants, in-situ burning agents and bioremediation agents.

A.3.11 AIR TANKER/FIXED-WING COORDINATOR

The Air Tanker/Fixed-Wing Coordinator tasks include the scheduling of fixed wing operations intended to locate, observe, track, survey, or report on the incident situation. The Air Tanker/Fixed-Wing Coordinator faciltates the aerial application of dispersants, in-situ burning agents and bioremediation agents.

A.3.12 RECOVERY AND PROTECTION BRANCH DIRECTOR

The Recovery and Protection Branch Director is responsible for overseeing and implementing the protection, containment and cleanup activities established in the IAP.

A.3.13 ON WATER RECOVERY UNIT SUPERVISOR

The On Water Recovery Group Supervisor is responsible for managing on water recovery operations in compliance with the IAP. The Unit may be further divided into Teams, Task Forces and Single Resources.

A.3.13.1 The major responsibilities of the On Water Recovery Unit Suoervisor are to;

a) Review Unit Supervisor responsibilities;

b) Implement Recovery Strategies in the IAP;

c) Direct, coordinate, and assess the effectiveness of on water recovery actions; and

d) Modify recovery actions as needed.

A.3.14 DISPERSANT OPERATIONS GROUP SUPERVISOR

The Dispersants Operations Group Supervisor is responsible for coordinating all aspects of a dispersant operation. For aerial applications, the Unit works closely with the Air Tactical Group Supervisor.

A.3.14.1 The major responsibilities of the Dispersants Operations Group Supervisor are to:

a) Review Group Supervisor responsibilities;
b) Determine resource needs;
c) Assist the Planning Section in the development of dispersant operations and monitoring plans;
d) Implement approved dispersant operations and monitoring plans; and
e) Manage dedicated dispersant resources and coordinate required monitoring.

A.3.15 IN-SITU BURN OPERATIONS GROUP SUPERVISOR

The In-Situ Burn Operations Group Supervisor is responsible for coordinating all aspects of an in-situ burn operation. For aerial ignition, the Unit works closely with the Air Tactical Group Supervisor.

A.3.15.1 The major responsibilities of the In-situ Burn Operations Group Supervisor are to:

a) Determine resource needs;
b) Assist the Planning Section in the development of in-situ burn operations and monitoring plans;
c) Implement approved in-situ burn operations and monitoring plans;
d) Manage dedicated in-situ burning resources, and
e) Coordinate required monitoring.

A.3.16 SHORELINE RECOVERY UNIT SUPERVISOR

The Shoreline Recovery Group Supervisor is responsible for managing shoreline cleanup operations in compliance with the Incident Action Plan. The Unit may be further divided into Strike Teams, Task Forces, and Single Resources.

A.3.16.1 The major responsibilities of the Shoreline Recovery Group Supervisor are to:

a) Review Group Supervisor responsibilities;
b) Implement Recovery Strategies in the IAP;
c) Direct, coordinate, and assess effectiveness of shoreline recovery actions, and

d) Modify protective actions, as needed.

A.3.17 DISPOSAL UNIT SUPERVISOR

The Disposal Unit Supervisor is responsible for coordinating the onsite activities of personnel engaged in collecting, storing, transporting, and disposing of waste materials. Depending on the size and location of the spill, the Disposal Unit may be further divided into Teams, Task Forces, and Single Resources.

A.3.17.1 The major responsibilities for the Disposal Unit Supervisor are to:

a) Review Unit Supervisor responsibilities;
b) Implement the Disposal Portion of the IAP;
c) Ensure compliance with all hazardous waste laws and regulations, and
d) Maintain accurate records of recovered material.

A.3.18 OCCUPATIONAL HEALTH SAFETY AND DECONTAMINATION GROUP SUPERVISOR

The Decontamination Unit Supervisor is responsible for decontamination of personnel and response equipment in compliance with approved statutes.

A.3.18.1 The major responsibilities of the Occupational Health Safety and Decontamination Group Supervisor are to:

a) Review Unit Supervisor responsibilities;
b) Implement Decontamination Plan;
c) Determine resource needs;
d) Direct and coordinate decontamination activities; and
e) Brief Site Safety Officer on conditions.

A.3.19 EMERGENCY RESPONSE BRANCH DIRECTOR

The Emergency Response Branch Director is primarily responsible for overseeing and implementing emergency measures to protect life, mitigate further damage to the environment, and stabilize the situation.

A.3.20 SALVAGE/SOURCE CONTROL UNIT SUPERVISOR

Under the direction of the Emergency Response Branch Director, the Salvage/Source Control Unit Supervisor is responsible for coordinating and directing all salvage/source control activities related to the incident.

A.3.20.1 The major responsibilities of the Salvage /Source Control Unit Supervisor are to:

a) Review Unit Supervisor responsibilities;
b) Coordinate the development of Salvage/Source Control Plan;
c) Determine Salvage/Source Control resource needs;
d) Direct and coordinate implementation of the Salvage/ Source Control Plan; and
e) Manage dedicated salvage/Source Control resources.

A.3.21 WILDLIFE BRANCH DIRECTOR

The Wildlife Branch Director is responsible for minimizing wildlife injuries during spill responses; coordinating early aerial and ground reconnaissance of the wildlife at the spill site and reporting results to the SituationUnit Leader; advising on wildlife protection strategies, including diversionary booming placements, in-situ burning, and chemical countermeasures; removing of oiled carcasses, employing wildlife hazing measures as authorized in the Incident Action Plam; and recovering and rehabilitating impacted wildlife. A central Wildlife Processing Centre should be identified and maintained for, evidence tagging, transportation, veterinary services, treatment and rehabilitation storage, and other support needs. The activities of private wildlife care groups, will be overseen and coordinated by the Wildlife Branch Director.

A.3.22.1 The major responsibilities of the Wildlefe Branch Director are to:

a) Review Branch Director responsibilities;
b) Develop the Wildlife Branch portion of the Incident Action Plan;
c) Supervise Wildlife Branch operations;
d) Determine resource needs;
e) Review the suggested list of resources to be released and initiate recommendation for release of resources;
f) Assemble and disassemble teams/task forces assigned to the Wildlife Branch; and
g) Assist the Volunteer Coordinator in determining training needs of wildlife recovery volunteers.

A.3.22 WILDLIFE RESCUE GROUP SUPERVISOR

The Wildlife Recovery Group Supervisor is responsible for coordinating the search for collection and field tagging of dead and alive impacted wildlife and transporting them to the processing centre(s). This group should coordinate with the Planning Situation Unit in conducting aerial and group surveys of wildlife population in the vicinity of the spill. They should also deploy acoustic and visual wildlife hazing equipment, as needed.

A.3.22.2 The major Major responsibilities of the Wildlife Recovery Group Supervisor are to:

a) Review Group Supervisor responsibilities;
b) Determine resource needs;
c) Establish and implement protocols for collection and logging of impacted wildlife; and
d) Coordinate transportation of wildlife to processing stations(s).

A.3.23 WILDLIFE REHABILITATION CENTRE MANAGER

The Wildlife Rehabilitation Centre Manager is responsible for the oversight of facility operations, including: receiving oiled wildlife at the processing centre, recording essential information, collecting necessary samples, and conducting triage, stabilization, treatment, transport and rehabilitation of oiled wildlife. The Wildlife Rehabilitation Centre Manager is responsible for assuring appropriate transportation to appropriate treatment centres for oiled animals requiring extended care and treatment.

A.3.23.1 The major Major responsibilities of the Wildlife Rehabilitation Centre Manager **are to:**

a) Determine resource needs and establish a processing station for impacted wildlife;
b) Process impacted wildlife and maintain logs;
c) Collect numbers/types/status of impacted wildlife and brief the Wildlife Branch Operations Director;
d) Coordinate the transport of wildlife to other facilities;
e) Coordinate release of recovered wildlife; and
f) Implement Incident Demobilization Plan.

A.3.24 TECHNICAL SPECIALISTS (THSP)

Certain incidents or events may require the use of THSP's who have specialized knowledge and expertise. The Technical Specilaists may function within the Planning Section or be assigned wherever their services are required.

A.4 PLANNING SECTION

A.4.1 PLANNING SECTION DIRECTOR (PSD)

The Planing Section Director is responsible for the collection, evaluation, dissemination and use of incident information and maintaining status of assigned resources. Information is needed to: understand the current situation; predict the probable course of incident events; prepare strategies, and plans for the incident; and submit required incident status reports.The Planing Section Director Job Aid should be reviewed regarding the organization and duties of the Planing Section Director the Planing Section Director may have Deputy Planing Section Directors, who may be from the same agency/ organization or from an assisting agency/organization. The Deputy Planing Section Director must have the same qualifications as the person for whom they work, as they must be ready to take over that position at any time.

A.4.1.i The major responsibilites of the Planing Section Director are to:

a) Collect, process, and display incident information;
b) Assist Operation Section Director in the development of response strategies;
c) Supervise preparation of the Incident Action Plan;
d) Facilitate planning meetings and briefings;
e) Supervise the tracking of incident personnel and resources through the Resources Unit;
f) Assign personnel already on-site to Incident Ccommand Section organizational positions as appropriate;
g) Establish information requirements and reporting schedules for Planning Section Units (e.g., Resources, Situation);
h) Determine the need for any specialized resources in support of the incident;
i) Establish special information collection activities as necessary (e.g., weather, environmental, toxics, product information, etc.);

j) Assemble information on alternative strategies;
k) Provide periodic predictions on incident potential;
l) Compile and display incident status information;
m) Oversee preparation and implementation of the Incident Demobilization Plan;
n) Incorporate plans (e.g., Traffic, Medical, Communications, and Site Safety) into the Incident Action Plan; and
o) Develop other incident supporting plans (e.g., salvage, transition, security, aviation).

A.4. 2 RESOURCE UNIT LEADER (RESL)

The Resource Unit Leader is responsible for maintaining the status of all assigned tactical resources and personnel at an incident. This is achieved by overseeing the check-in of all tactical resources and personnel, maintaining a status-keeping system indicating current location and status of all these resources. The Resource Unit Leader Job Aid, should be reviewed regarding the organization and duties of the Resource Unit Leader.

A.4.2.1 The major responsibilities of the Resource Unit Leader are to:

a) Review Common Responsibilities and Unit Leader Responsibilities;
b) Establish the check-in function at incident locations;
c) Prepare Organization Assignment List and Organization Chart;
d) Prepare appropriate parts of Division Assignment Lists;
e) Maintain and post the current status and location of all tactical resources;
f) Maintain master roster of all tactical resources checked in at the incident;
g) Attend meetings and briefings as required by the Planning Section Director; and
h) Review Resource Unit Leader Job Aid.

A.4. 3 CHECK-IN/STATUS RECORDER

Check-In/Status Recorders are needed at each check-in location to ensure that all resources assigned to an incident are accounted for.

A.4.3.1 The major responsibilities of the Check-In/Status Recorders are to:

a) Review Common Responsibilities;
b) Obtain required work materials, including Check-in Lists, Resource Status Cards and status display boards;

c) Post signs so that arriving resources can easily find incident check-in location(s);

d) Record check-in information on Check-in Lists;

e) Transmit check-in information to the Resource Unit Leader;

f) Receive, record, and maintain resource status information on Resource Status Cards for incident-assigned tactical resources, and overhead personnel; and

g) Maintain files of Check-in Lists.

A.4. 4 SITUATION UNIT LEADER

The Situation Unit Leader is responsible for collecting, processing and organizing incident information relating to the growth, mitigation or intelligence activities taking place on the incident. The Situation Unit Leader may prepare future projections of incident growth, maps and intelligence information. The Situation Unit Leader Job Aid, should be reviewed regarding the organization and duties of the Situation Unit Leader.

A.4.4.1 The major responsibilities of the Situation Unit Leader are to:

a) Review Common Responsibilities and Unit Leader Responsibilities;

b) Begin collection and analysis of incident data as soon as possible;

c) Prepare, post, or disseminate resource and situation status information as required, including special requests;

d) Prepare periodic predictions or as requested by the Planning Section Director;

e) Prepare the Incident Status Summary Form;

f) Provide photographic services and maps if required;

g) Conduct situation briefings at meetings and briefings as required by the Planning Section Director;

h) Develop and maintain master chart(s)/map(s) of the incident; and

i)Maintain chart/map of incident in the common area of the ICP for all responders to view.

A.4. 5 DISPLAY PROCESSOR

The Display Processor is responsible for the display of incident status information obtained from Field Observers, resource status reports, aerial and other photographs, and infrared data.

A.4. 5.1 The major responsibilities of the Display Processor are to:

a) Review Common Responsibilities;
b) Determine location of work assignment; numbers, types and locations of displays required; priorities; mao requirements for the Incident action Plan and the time limits for completion;
c) Obtain necessary equipment and supplies;
d) Assist Situation Unit Leader in analyzing and evaluating field reports; and
e) Develop required displays in accordance with time limits for completion. Examples of displays include, GIS information; Demographic information; Incident projection data and Enlargement of Incident Command Section forms

A.4.6 FIELD OBSERVER

The Field Observer is responsible for collecting situation information from personal observations at the incident and provides this information to the Situation Unit Leader.

A.4.8.1 The major responsibilities of the Field Observer are to:

a) Review Common Responsibilities;
b) Determine Location of assignment, type of information required, priorities, time limits for completion, method of communication and method of transportation;
c) Obtain necessary equipment and supplies;
d) Perform Field Observer responsibilities to include but not limited to the Perimeters of incident, locations of trouble spots, weather conditions, hazards, progress of operations resources;
e) Be prepared to identify all facility locations (e.g.,Helispots, Division and Branch boundaries);
f) Report information to the Situation Unit Leader by established procedure;
g) Report immediately any condition observed that may cause danger and a safety hazard to personnel; and
h) Gather intelligence that will lead to accurate predictions.

A.4.7 DOCUMENTATION UNIT LEADER

The Documentation Unit Leader is responsible for the maintenance of accurate, up-to-date incident files. Examples of incident documentation include: Incident Action Plan(s), incident reports, communication logs, injury claims, situation status reports, etc.

Thorough documentation is critical to post-incident analysis. Some of the documents may originate in other sections. The Documentation Unit Leader will ensure each section is maintaining and providing appropriate documents. The Documentation Unit Leader will provide duplication and copying services for all other sections. The Documentation Unit will store incident files for legal, analytical, and historical purposes. The Documentation Unit Leader Job Aid, should be reviewed regarding the organization and duties of the Documentation Unit Leader.

A.4.7.1 The major responsibilities of the Documentation Unit Leader are to:

a) Review Common Responsibilities and Unit Leader Responsibilities;
b) Set up work area; begin organization of incident files;
c) Establish duplication service; respond to requests;
d) File all official forms and reports;
e) Review records for accuracy and completeness; inform appropriate units of errors or omissions;
f) Provide incident documentation as requested; and
g) Organize files for submitting final incident documentation package.

A.4.8 DEMOBILIZATION UNIT LEADER

The Demobiliztion Unit Leader is responsible for developing the Incident Demobilization Plan. On large incidents, demobilization can be quite complex, requiring a separate planning activity. Note that not all agencies/ organizations require specific demobilization instructions. The Demobiliztion Unit Leader Job Aid should be reviewed regarding the organization and duties of the Demobiliztion Unit Leader.

A.4.8.1 The major responsibilities of the Demobiliztion Unit Leader are to:

a) Review Common Responsibilities and Unit Leader Responsibilities;
b) Review incident resource records to determine the likely size and extent of the demobilization effort and develop are source matrix;
c) Coordinate demobilization with Agency/Organization Representatives;
d) Monitor the on-going Operations Section resource needs;
e) Identify surplus resources and probable release time;
f) Establish communications with off-incident facilities, as necessary;

g) Develop an Incident Demobilization Plan that should include, General information section, Responsibilities section, Release priorities, Release procedures, Demobilization Checkout Form and Directory;

h) Prepare appropriate directories (e.g., maps, instructions, etc.) for inclusion in the demobilization plan;

i) Distribute demobilization plan (on and off-site);

j)Provide status reports to appropriate requestors.

k) Ensure that all Sections/Units understand their specific demobilization responsibilities;

l)Supervise execution of the Incident Demobilization Plan; and

m) Brief the Planning Section Director on demobilization progress.

A.4.9 ENVIRONMENTAL UNIT LEADER

The Enviromental Unit Leader is responsible for environmental matters associated with the response, including strategic assessment, modelling, surveillance, and environmental monitoring and permitting. The Enviromental Unit Leader prepares environmental data for the Situation Unit. Technical Specialists frequently assigned to the Environmental Unit may include the Scientific Support Coordinator and Sampling, Response Technologies, Trajectory Analysis, Weather Forecast, Resources at Risk, Shoreline Cleanup Assessment, Historical/ Cultural Resources, and Disposal/Waste Technical Specialists. The Enviromental Unit Leader Job Aid should be reviewed regarding the organization and duties of the Enviromental Unit Leader.

A.4.9.1 The major responsibilities of the Enviromental Unit Leader are to:

a) Review Common Responsibilities and Unit Leader Responsibilities;

b) Obtain a briefing and special instructions from the Planning Section Director;

c) Identify sensitive areas and recommend response priorities;

d) Following consultation with natural resource trustees, provide input on wildlife protection strategies (e.g., removing oiled carcasses, pre-emptive capture, hazing, and/or capture and treatment);

e) Determine the extent, fate, and effects of contamination;

f) Acquire, distribute, and provide analysis of weather forecasts;

g) Monitor the environmental consequences of response actions;

h) Develop shoreline cleanup and assessment plans

i)Identify the need for, and prepare any special advisories or orders;

j)Identify the need for, and obtain, permits, consultations, and other authorizations;

k) Following consultation with Historical/Cultural Resources Technical Specialist identify and develop plans for protection of affected historical/cultural resources;

l)Evaluate the opportunities to use various response strategies;

m) Develop disposal plans; and

n) Develop a plan for collecting, transporting, and analyzing samples.

A.4.10 TECHNICAL SPECIALISTS

Certain incidents or events may require the use of Technical Specialists who have specialized knowledge and expertise. Technical specialists may function within the Planning Section or be assigned wherever their services are required. The Tec**hnical Specialists** Job Aid, should be reviewed for more detailed information.

A.4.10.1 The major responsibilities of the Technical Specialists are to:

a) Provide technical expertise and advice to Command and General Staff as needed;

b) Attend meetings and briefings as appropriate to clarify and help to resolve technical issues within area of expertise;

c) Other major responsibilities that might apply to the THSP as appropriate;

d) Provide technical expertise during the development of the IAP and other support plans;

e) Work with the Safety Officer to mitigate unsafe practices;

f) Work closely with Liaison Officer to help facilitate understanding among stakeholders and special interest groups;

g) Be available to attend press briefings to clarify technical issues;

h) Research technical issues and provide findings to decision makers;

i)Trouble shoot technical problems and provide advice on resolution;

j)Review specialized plans and clarify meaning; and

k) The following lists examples, but is not limited to, specific Technical Specialists within Planning:

A.4.11 SCIENTIFIC SUPPORT COORDINATOR

The Scientific Support Coordinator is a technical specialist and is defined as the principal advisor to the Incident Commander for scientific issues. The SSC is responsible for providing expertise on chemical hazards, field observations, trajectory analysis, resourcesat risk, environmental tradeoffs of countermeasures and cleanup methods, and information management. The SSC is also charged with gaining consensus on scientific issues affecting the response, but also ensuring that differing opinions within the scientific community are communicated to the incident command. Additionally, the SSC is responsible for providing data on weather, tides, currents, and other applicable environmental conditions. The SSC can serve as the Environmental Unit Leader.

A.4.11.1 The major responsibilities of the Scientific Support Coordinator are to:

a) Review Common Responsibilities;
b) Review Technical Specialist Job Aid;
c) Attend planning meetings;
d) Determine resource needs;
e) Provide over flight maps and trajectory analysis, including the actual location of oil, to the Situation Unit;
f) Provide weather, tidal and current information;
g) Obtain consensus on scientific issues affecting the response;
h) In conjunction with Historical/Cultural Resources Specialist, develop a prioritized list of resources at risk, including threatened and endangered species;
i) Provide information on chemical hazards; and
j) Evaluate environmental tradeoffs of countermeasures; and
k) Cleanup methods, and response endpoints.

A.4.19 SAMPLING TECHNICIAL SPECIALIST

The Sampling Technical Specialist is responsible for providing a sampling plan for the coordinated collection, documentation, storage, transportation, and submittal to appropriate laboratories for analysis or storage.

A.4.12.1 The major responsibilities of the Sampling Technical Specialist are to:

a) Review Common Responsibilities;
b) Review Technical Specialist Job Aid;
c) Determine resource needs;
d) Participate in planning meetings as required;
e) Identify and alert appropriate laboratories;
f) Meet with team to develop an initial sampling plan and strategy, and review sampling and labelling procedures;
g) Set up site map to monitor the location of samples; collected and coordinate with GIS staff;
h) Coordinate sampling activities with the Investigation Team and legaladvisors; and
i)Provide status reports to appropriate requestors.

A.4.13 RESPONSE TECHNOLOGIES SPECIALIST

The Response Technologies Specialist is responsible for evaluating the opportunities to use various response technologies, including mechanical containment and recovery, dispersant or other chemical countermeasures, in-situ burning, and bioremediation. The specialist will conduct the consultation and planning required by deploying a specific response technology, and by articulating the environmental tradeoffs of using or not using a specific response technique.

A.4.13.1 The major responsibilities of the Response Technologies Specialist are to:

a) Review Common Responsibilities;
b) Review Technical Specialist Job Aid;
c) Participate in planning meetings, as required;
d) Determine resource needs;
e) Gather data pertaining to the spill, including spill location, type and amount of material spilled, physical and chemical properties, weather and sea conditions, and resources at risk;
f) Identify the available response technologies (RT) that may be effective on the specific spilled material;

g) Make initial notification to all agencies that have authority over the use of response technologies;

h) Keep the Planning Section Director advised of response technologies issues; and

i)Provide status reports to appropriate requesters.

A.4.14 TRAJECTORY ANALYSIS TECHNICAL SPECIALIST

The Trajectory Analysis Technical Specialist is responsible for providing, projections and estimates of the movement and behaviour of the spill. The specialist will combine visual observations, remote sensing information, and computer modelling, as well as observed and predicted tidal, current, and weather data to form these analyzes. Additionally, the specialist is responsible for interfacing with local experts (weather service, academia, researchers, etc.) in formulating these analyzes. Trajectory maps, over-flight maps, tides and current data, and weather forecasts will be supplied by the specialist to the Situation Unit for dissemination throughout the ICP.

A.4.14.1 The major responsibilities of the Trajectory Analysis Technical Specialist are to:

a) Review Common Responsibilities;

b) Schedule and conduct spill observations/over-flights, as needed;

c) Gather pertinent information on tides, currents and weather from all available sources;

d) Provide a trajectory and over-flight maps, weather forecasts, and tidal and current information;

e) Provide briefing on observations and analyzes to the proper personnel; and

f) Demobilize in accordance with the Incident Demobilization Plan.

A.4.15 WEATHER FORECAST TECHNICAL SPECIALIST

The Weather Forecast Technical Specialist is responsible for acquiring and reporting incident-specific weather forecasts. The specialist will interpret and analyze data from sources available. This person will be available to answer specific weather related response questions and coordinate with the Scientific Support Coordinator and Trajectory Analysis Specialist as needed. The specialist will provide weather forecasts to the Situation Unit.

A.4.15.1 The major responsibilities of the Weather Forecast Technical Specialist are to:

a) Review Common Responsibilities;

b) Gather pertinent weather information from all appropriate sources;

c) Provide incident-specific weather forecasts on an assigned schedule; and

d) Provide briefings on weather observations and forecasts to the proper personnel.

A.4.16 RESOURCES AT RISK (RAR) TECHNICAL SPECIALIST

The Resources at Risk Technical Specialist is responsible for the identification of resources thought to be at risk from exposure to the spilled oil through the analysis of known and anticipated oil movement, and the location of natural, economic resources, and historic properties. The RAR Technical Specialist considers the relative importance of the

resources and the relative risk to develop a priority list for protection.

A.4.16.1 The major responsibilities of the Resources at Risk Technical Specialist are to:

a) Review Common Responsibilities;

b) Review Technical Specialist Job Aid;

c) Participate in planning meetings as required;

d) Determine resource needs;

e) Obtain current and forecasted status information from the Situation Unit;

f) Following consultation with those necessary, identify natural resources at risk, including threatened and endangered species, and their critical habitat;

g) Following consultation with the Historical/Cultural Resources Specialist, identify historic properties at risk;

h) Identify socio-economic resources at risk;

i) In consultation with Land Management Agency Representatives, the Historical/Cultural Resources Specialist, and those necessary, develop a prioritized list of the resources at risk for use by the Planning Section; and

j) Provide status reports to appropriate requestors.

A.4.17 SHORELINE CLEANUP ASSESSMENT TECHNIQUE TECHNICAL SPECIALIST

The Shoreline Cleanup Assessment Technique Technical Specialist is responsible for providing appropriate cleanup recommendations as to the types of the various shorelines

and the degree to which they have been impacted. This technical specialist will recommend the need for, and the numbers of, Shoreline Cleanup Assessment Technique Teams and will be responsible for making cleanup recommendations to the Environmental Unit Leader. Additionally, this specialist will recommend cleanup endpoints that address the question of "How clean is clean?"

A.4.17.1 The major responsibilities of the Shoreline Cleanup Assessment Technique Technical Specialist are to:

a) Review Common Responsibilities;
b) Review Technical Specialist Job Aid;
c) Obtain a briefing and special instructions from the Environmental Unit Leader;
d) Participate in Planning Section meetings;
e) Recommend the need for and number of Shoreline Cleanup Assessment Technique Teams;
f) Describe shoreline types and oiling conditions;
g) Identify sensitive resources (ecological, recreational, historical properties, economic);
h) Recommend the need for cleanup and clean up priorities, in consultation with Land Management Agency Representatives Historical/Cultural Resources Specialist and others as necessary;
i)Monitor cleanup effectiveness; and
j)Recommend shoreline cleanup methods and endpoints

A.4.18 HISTORICAL/CULTURAL RESOURCES TECHNICAL SPECIALIST

The Historical/Cultural Resources Technical Specialist is responsible for identifying and resolving issues related to any historical or cultural sites that are threatened or impacted during an incident. The technical specialist must identify historical/cultural sites and develop strategies for protection and cleanup of those sites in order to minimize damage.

A.4.18.1 The major responsibilities of the Historical/Cultural Resources Technical Specialist are to:

a) Review Common Responsibilities;
b) Review Agency Representative Responsibilities;
c) Review Technical Specialist Job Aid;

d) Consult and reach consensus with the concerned parties on affected historical/cultural sites;
e) Identify and prioritize threatened or impacted historical/ cultural sites;
f) Develop response strategies to protect historical/cultural sites;
g) Participate in the testing and evaluation of cleanup techniques used on historical/cultural sites; and
h. Ensure compliance with applicable authoritative regulations.

A.4.19 DISPOSAL (WASTE MANAGEMENT) TECHNICAL SPECIALIST

The Disposal (Waste Management) Technical Specialist is responsible for providing the OSD with a Disposal Plan that details the collection, sampling, monitoring, temporary storage, transportation, recycling, and disposal of all anticipated response wastes.

A.4.19.1 The major responsibilities of the Historical/Cultural Resources Technical Specialist are to:

a) Review Common Responsibilities;
b) Review Technical Specialist Job Aid;
c) Determine resource needs;
d) Participate in planning meetings as required;
e) Develop a Pre-Cleanup Plan and monitor pre-cleanup operations, if appropriate;
f) Develop a detailed Waste Management Plan;
g) Calculate and verify the volume of materials recovered, including materials collected with sediment/sand; and
h) Provide status reports to appropriate requesters.

A.5 LOGISTIC SECTION

A.5.1 LOGISTICS SECTION DIRECTOR

The Logistics Section Director, a member of the General Staff, is responsible for providing facilities, services, and material in support of the incident. The Logistics Section Director participates in the development and implementation of the Incident Action Plan and activates and supervises the Branches and Units within the Logistics Section. The Logistics Section Director Job Aid should be reviewed regarding the organization and duties of the Logistics Section Director. The Logistics Section Director

may have Deputy Logistics Section Directors, who may be from the same agency/ organization or from an assisting agency/organization. The Deputy Logistics Section Director must have the same qualifications as the person for whom they work, as they must be ready to take over that position at any time.

A.5.1.1 The major responsibilities of the Logistics Section Director are to:

a) Review Common Responsibilities;
b) Plan the organization of the Logistics Section;
c) Assign work locations and preliminary work tasks to Section personnel;
d) Notify the Resources Unit of the Logistics Section Units activated, including names and locations of assigned personnel;
e) Assemble and brief Logistics Branch Directors and Unit Leaders;
f) Determine and supply immediate incident resource and facility needs;
g) In conjunction with Command, develop and advise all Sections on resource approval and requesting process;
h) Review proposed tactics for upcoming operational period for ability to provide resources and logistical support;
i) Identify long-term service and support requirements for planned and expected operations;
j) Advise Command and other Section Directors on resource availability to support incident needs;
k) Provide input to and review the Communications Plan, Medical Plan and Traffic Plan;
l) Identify resource needs for incident contingencies;
m) Coordinate and process requests for additional resources;
n) Track resource effectiveness and make necessary adjustments;
o) Advise on current service and support capabilities;
p) Request and/or set up expanded ordering processes as appropriate to support incident;
q) Develop recommended list of Section resources to be demobilized and initiate recommendation for release when appropriate;
r) Receive and implement applicable portions of the incident Demobilization Plan; and
s) Ensure the general welfare and safety of Logistics Section personnel.

A.5.2 SERVICE BRANCH DIRECTOR

The Service Branch Director, when activated, is under the supervision of the Logistics Section Director and is responsible for the management of all service activities at the incident. The Branch Director supervises the operations of the Communications, Medical and Food Units.

A.5.2.1 The major responsibilities of the Service Branch Director are to:

a) Review Common Responsibilities and Unit Leader Responsibilities;
b) Obtain working materials;
c) Determine the level of service required to support operations;
d) Confirm dispatch of Branch personnel;
e) Participate in planning meetings of Logistics Section personnel;
f) Review the IAP;
g) Organize and prepare assignments for Service Branch personnel;
h) Coordinate activities of Branch Units;
i) Inform the Logistic Section Director of Branch activities; and
j) Resolve Service Branch problems.

A.5.3 COMMUNICATIONS UNIT LEADER

The Communicationa Unit Leader is responsible for developing plans for the effective use of incident communications equipment and facilities; installing and testing of communications equipment; supervision of the Incident Communications Centre; distribution of communications equipment to incident personnel; and the maintenance and repair of communications equipment.

A.5.3.1 The major responsibilities of the Communicationa Unit Leader are to:

a) Review Common Responsibilities and Unit Leader Responsibilities;
b) Determine Unit personnel needs;
c) Prepare and implement the Incident Radio Communications Plan;
d) Ensure the Incident Communications Centre and the Message Centre is established;
e) Establish appropriate communications distribution/ maintenance locations within the Base.
f) Ensure communications systems are installed and tested;

g) Ensure an equipment accountability system is established;

h) Ensure personal portable radio equipment from cache is distributed per Incident Radio Communications Plan;

i) Provide technical information as required on Adequacy of communications systems currently in operation, Geographic limitation on communications systems., Equipment capabilities/limitations, Amount and types of equipment available and Anticipated problems in the use of communications equipment;

j) Supervise Communications Unit activities;

k) Maintain records on all communications equipment as appropriate;

l) Ensure equipment is tested and repaired; and

m) Recover equipment from Units being demobilized.

A.5.4 INCIDENT DISPATCHER

The Incident Dispatcher is responsible for receiving and transmitting radio and telephone messages among and between personnel and to provide dispatch services at the incident.

A.5.4.1 The major responsibilities of the Incident Dispatcher are to:

a) Review Common Responsibilities;

b) Ensure adequate staffing;

c) Obtain and review the Incident Action Plan to determine the incident organization and Incident Radio Communications Plan;

d) Set up Incident Radio Communications Centre; checkout equipment;

e) Request service on any inoperable or marginal equipment;

f) Set-up Message Centre location, as required;

g) Receive and transmit messages within and external to the incident;

h) Maintain files of Status Change and General Messages;

i) Maintain a record of unusual incident occurrences;

j) Provide a briefing to relief personnel on Current activities, Equipment status and any unusual communications situations;

k) Turn in appropriate documents to the Communications Unit Leader; and

l) Demobilize the Communications Centre in accordance with the Incident Demobilization Plan.

A.5.5 MEDICAL UNIT LEADER

The Medical Unit Leader, under the direction of the Service Branch Director or Logistics Section Chief, is primarily responsible for the development of the Medical Plan; providing medical care and overseeing health aspects of response personnel; obtaining medical aid and transportation for injured and ill response personnel; coordinating with other functions to resolve health and safety issues; and preparation of reports and records.

A.5.5.1 The major responsibilities of the Medical Unit Leader are to:

a) Review Common Responsibilities and Unit Leader Responsibilities;
b) Participate in Logistics Section/Service Branch planning activities;
c) Establish the Medical Unit;
d) Prepare the Medical Plan;
e) Provide any relevant medical input into the planning process for strategy development;
f) Coordinate with Safety Officer, Operations and others on proper personnel protection procedures for incident personnel;
g) Prepare procedures for major medical emergency;
h) Develop transportation routes and methods for injured incident personnel; and
i) Ensure incident personnel patients are tracked as they move from site, medical facility and back to incident or home location.
j) Provide continuity of medical care for incident personnel;
k) Declare major medical emergency as appropriate;
l) Provide or oversee medical and rehab care delivered to incident personnel;
m) Monitor health aspects of incident personnel including excessive incident stress;
n) Respond to requests for medical aid, medical transportation and medical supplies;
o) In conjunction with Finance/Admin Section, prepare and submit necessary authorizations, reports and administrative documentation related to injuries, compensation or death of incident personnel;
p) Provide oversight and liaison as necessary for incident victims among emergency medical care, medical examiner and hospital care; and
q) Provide for security and storage/ archiving of incident medical records.

A.5.6 RESPONDER REHABILITATION MANAGER

The Responder Rehabilitation Manager reports to the Medical Unit Leader and is responsible for the rehabilitation of incident personnel who are suffering from the effects of strenuous work and/or extreme conditions.

A.5.6.1 The major responsibilities of the Responder Rehabilitation Manager are to:

a) Review Common Responsibilities;
b) Designate the responder rehabilitation location and have the location announced on the radio with radio designation;
c) Coordinate with Medical Unit Leader to request necessary medical personnel to evaluate the medical condition of personnel being rehabilitated;
d) Request necessary resources for rehabilitation of personnel, e.g., water, juice, personnel;
e) Request food through the Food Unit or LSD, as necessary, for personnel being rehabilitated;
f) Release rehabilitated personnel for reassignment; and
g) Maintain appropriate records and documentation.

A.5.7 FOOD UNIT LEADER

The Food Unit Leader is responsible for supplying the food needs for the entire incident, including all remote locations, e.g., Staging Areas, as well as providing food for personnel unable to leave tactical field assignments.

The major responsibilities of the Food Unit Leader are to:

a) Review Common Responsibilities and Unit Leader Responsibilities;
b) Determine food and water requirements;
c) Determine the method of feeding to best fit each facility or situation;
d) Obtain necessary equipment and supplies;
e) Ensure that well-balanced menus are provided;
f) Order sufficient food and potable water from the Supply Unit;
g) Maintain an inventory of food and water;
h) Maintain food service areas, ensuring that all appropriate health and safety measures are being followed; and

i)Supervise Food Unit personnel as appropriate.

A.5.8 SUPPORT BRANCH DIRECTOR

The Support Branch Director, when activated, is under the direction of the Logistics Section Head, and is responsible for the development and implementation of logistics plans in support of the Incident Action Plan. The Support Branch Director supervises the operations of the Supply, Facilities, Ground Support and Vessel Support Units.

The major responsibilities of the Support Branch Director are to:

a) Review Common Responsibilities and Unit Leader Responsibilities;
b) Obtain work materials;
c) Identify Support Branch personnel dispatched to the incident;
d) Determine initial support operations;
e) Prepare initial organization and assignments for support operations;
f) Assemble and brief Support Branch personnel;
g) Determine if assigned Branch resources are sufficient;
h) Maintain surveillance of assigned Units work progress and inform the Logistic Section Director of their activities; and
i) Resolve problems associated with requests from the Operations Section.

A.5.9. SUPPLY UNIT LEADER

The Supply Unit Leader is primarily responsible for receiving, storing and distributing all supplies for the incident; maintaining an inventory of supplies; and storing, disbursing and servicing non expendable supplies and equipment.

The major responsibilities of the Supply Unit Leader are to:

a) Review Common Responsibilities and Unit Leader Responsibilities;
b) Participate in Logistics Section/Support Branch planning activities;
c) Determine the type and amount of supplies en route;
d) Review the IAP for information on operations of the Supply Unit;
e) Develop and implement safety and security requirements;
f) Order, receive, distribute and store supplies and equipment;
g) Receive and respond to requests for personnel, supplies and equipment;
h) Maintain an inventory of supplies and equipment; and
i) Service reusable equipment.

A.5.10. ORDERING MANAGER

The Ordeting Manager is responsible for placing all orders for supplies and equipment for the incident. The Ordeting Manager reports to the Supply unit leader.

The major responsibilities of the Ordeting Manager are to:

a) Review Common Responsibilities;
b) Obtain necessary agency(s) organizational order forms;
c) Establish ordering procedures;
d) Establish name and telephone numbers of agency(s) personnel receiving orders;
e) Set up filing system;
f) Obtain roster of incident personnel who have ordering authority;
g) Obtain list of previously ordered supplies and equipment;
h) Ensure order forms are filled out correctly;
i) Place orders in a timely manner;
j) Consolidate orders, when possible;
k) Identify times and locations for delivery of supplies and equipment; and
l) Submit all ordering documents to the Documentation Control Unit.

A.5.11. RECEIVING AND DISTRIBUTION MANAGER

The Receiving and Distribution Manager is responsible for receiving and distributing all supplies and equipment (other than primary resources) and the service and repair of tools and equipment. The Receiving and Distribution Manager reports to the Supply unit leader.

The major responsibilities of the Receiving and Distribution Manager are to:

a) Review Common Responsibilities;
b) Order required personnel to operate supply area;
c) Organize the physical layout of the supply area;
d) Establish procedures for operating the supply area;
e) Set up a filing system for receiving and distributing supplies and equipment;
f) Maintain inventory of supplies and equipment;
g) Develop security requirement for supply area;
h) Establish procedures for receiving supplies and equipment;

i)Submit necessary reports to the Supply unit leader;

j)Notify Ordering Manager of supplies and equipment received; and

k) Provide necessary supply records to Supply unit leader.

A.5.12. FACILITIES UNIT LEADER

The Facilities Unit Leader is primarily responsible for the set up, maintenance and demobilization of incident facilities, e.g., Base, ICP and Staging Areas, as well as security services required to support incident operations. The F Facilities Unit Leader provides sleeping and sanitation facilities for incident personnel and manages Base operations. Each facility is assigned a manager who reports to the Facilities Unit Leader and is responsible for managing the operation of the facility.

The major responsibilities of the Facilities Unit Leader are:

a) Review Common Responsibilities and Unit Leader Responsibilities;

b) Receive and review a copy of the Incident Action Plan;

c) Participate in Logistics Section/Support Branch planning activities;

d) In conjunction with the Finance/Admin Section, determine locations suitable for incident support facilities and secure permission to use through appropriate means;

e) Inspect facilities prior to occupation and document conditions and pre-existing damage;

f) Determine requirements for each facility, including the ICP;

g) Prepare layouts of incident facilities;

h) Notify Unit Leaders of facility layout;

i)Activate incident facilities;

j)Provide Facility Managers and personnel to operate facilities;

k) Provide sleeping facilities;

l)Provide security services;

m) Provide food and water service;

n) Provide sanitation and shower service, as needed;

o) Provide facility maintenance services, e.g., sanitation, lighting, clean up, litter removal, etc;

p) Inspect all facilities for damage and potential claims;

q) Demobilize incident facilities; and

r) Maintain facility records.

A.5.13.SECURITY MANAGER

The Security Manager is responsible for providing safeguards needed to protect personnel and property from loss or damage.

The major responsibilities of the Security Manager are to:

a) Review Common Responsibilities;
b) Establish contacts with local law enforcement agencies, as required;
c) Contact the Resource Use Specialist for crews or Agency Representatives to discuss any special custodial requirements that may affect operations;
d) Request required personnel support to accomplish work assignments;
e) Ensure security of classified material and/or systems;
f) Ensure that support personnel are qualified to manage security problems;
g) Develop Security Plan for incident facilities;
h) Adjust Security Plan for personnel and equipment changes and releases;
i)Coordinate security activities with appropriate incident personnel;
j)Keep the peace, prevent assaults and settle disputes through coordination with Agency/Organization Representatives;
k) Prevent theft of all government and personal property; and
l)Document all complaints and suspicious occurrences.

A.5.14.BASE MANAGER

The Base Manager is responsible for ensuring that appropriate sanitation, security and facility management services are conducted at the Base.

The major responsibilities of the Base Manager are to:

a) Review Common Responsibilities;
b) Determine personnel support requirements;
c) Obtain necessary equipment and supplies;
d) Ensure that all facilities and equipment are set up and properly functioning;
e) Supervise the establishment of sanitation facilities, including showers, and sleeping facilities;
f) Make sleeping area assignments;

g) Adhere to all applicable health & safety standards and regulations; and

h) Ensure that all facility maintenance services are provided.

A.5.15.GROUND SUPPORT UNIT LEADER

The Ground Support Unit Leader is primarily responsible for ensuring: repair of primary tactical equipment, vehicles, mobile ground support equipment and fuelling services; transportation of personnel, supplies, food and equipment in support of incident operations; recording all ground equipment usage time, including contract equipment assigned to the incident; and implementing the Traffic Plan for the incident.

The major responsibilities of the Ground Support Unit Leader are to:

a) Review Common Responsibilities and Unit Leader Responsibilities;

b) Participate in Support Branch/Logistics Section planning activities;

c) Develop and implement the Traffic Plan;

d) Support out-of-service resources;

e) Notify the Resources Unit of all status changes on support and transportation vehicles;

f) Arrange for and activate fuelling, maintenance and repair of ground resources;

g) Maintain Support Vehicle Inventory and transportation vehicles;

h) Collect use information on rented equipment;

i)Requisition maintenance and repair supplies, e.g., fuel, spare parts; and

j)Maintain incident roads.

A.5.16.EQUIPMENT MANAGER

The Equipment Manager provides service, repair and fuel for all apparatus and equipment; provides transportation and support vehicle services; and maintains records of equipment use and service provided.

The major responsibilities of the Equipment Manager are to:

a) Review Common Responsibilities;

b) Obtain the IAP to determine locations for assigned resources, Staging Area locations as well as fuelling and service requirements for all resources;

c) Obtain necessary equipment and supplies;

d) Provide maintenance and fuelling according to schedule;

e) Prepare schedules to maximize use of available transportation;

f) Provide transportation and support vehicles for incident use;

g) Coordinate with Agency Representatives on service and repair policies, as required;

h) Inspect equipment condition and ensure coverage by equipment agreement;

i) Determine supplies (e.g., vehicle/machinery fuel, oil and parts needed to maintain equipment in an efficient operating condition) and place orders with the Supply Unit;

j) Maintain Support Vehicle Inventory;

k) Maintain equipment rental records;

l) Maintain equipment service and use records; and

m) Check all service repair areas to ensure that all appropriate safety measures are being taken.

A.5.17. VESSEL SUPPORT UNIT LEADER

The Vessel Support Unit Leader is responsible for implementing the Vessel Routing Plan for the incident and coordinating transportation on the water and between shore resources. Since most vessels will be supported by their own infrastructure, the Vessel Support Unit may be requested to arrange fuelling, dockage, maintenance and repair of vessels on a case-by-case basis.

The major responsibilities of the Vessel Support Unit Leader are to:

a) Review Common Responsibilities and Unit Leader Responsibilities;

b) Participate in Support Branch/Logistics Section planning activities;

c) Coordinate development of the Vessel Routing Plan;

d) Coordinate vessel transportation assignments with the Protection and Recovery Branch or other sources of vessel transportation;

e) Coordinate water-to-land transportation with the Ground Support Unit, as necessary;

f) Maintain a prioritized list of transportation requirements that need to be scheduled with the transportation source;

g) Support out-of-service vessel resources, as requested;

h) Arrange for fuelling, dockage, maintenance and repair of vessel resources, as requested; and

i)Maintain inventory of support and transportation vessels.

A.5.18. TECHNICAL SPECIALISTS

Certain incidents - may require the use of Technnical Specialists who have specialized knowledge and expertise. THSP's may function within the Planning Section or be assigned wherever their services are required.

A.6 FINANCE SECTION

A.6.1 FINANCE/ADMINISTRATION SECTION DIRECTOR

The Finance/Administration Section Director , a member of the General Staff, is responsible for all financial, administrative and cost analysis aspects of the incident and for supervising members of the Finance/Admin Section. The Finance/Administration His Job Aid should be reviewed regarding the organization and duties of the Finance/Administration Section Director. The Finance/Administration Section Director may have Deputy Finance/Administration Section Directors who may be from the same agency/ organization or from an assisting agency/organization. The Deputy Finance/Administration Section Director must have the same qualifications as the person for whom they work, as they must be ready to take over that position at any time.

The major responsibilities of the Finance/Administration Section Director are to:

a) Review Common Responsibilities;

b) Participate in incident planning meetings and briefings as required;

c) Review operational plans and provide alternatives where financially appropriate;

d) Manage all financial aspects of an incident;

e) Provide financial and cost analysis information as requested;

f) Gather pertinent information from briefings with responsible agencies;

g) Develop an operating plan for the Finance/ Admin Section; fill supply and support needs;

h) Determine the need to set up and operate an incident commissary;

i)Meet with Assisting and Cooperating Agency/ Organization Representatives, as needed;

j)Maintain daily contact with agency(s) administrative headquarters on Finance/Admin matters;

k) Ensure that all personnel time records are accurately completed and transmitted to home agencies/ organizations, according to policy;

l)Provide financial input to demobilization planning;

m) Ensure that all obligation documents initiated at the incident are properly prepared and completed;

n) Brief agency administrative personnel on all incident related financial issues needing attention or follow-up prior to leaving incident; and

o) Develop recommended list of Section resources to be demobbed and initial recommendation for release when appropriate. Receive and implement applicable portions of the incident Demobilization Plan

A.6.2 TIME UNIT LEADER

The Time Unit Leader is responsible for equipment and personnel time recording and for managing the commissary operations.

The major responsibilities of the Time Unit Leader are:

a) Review Common Responsibilities and Unit Leader Responsibilities;

b) Determine incident requirements for time recording function;

c) Determine resource needs;

d) Contact appropriate agency/organization personnel/ representatives;

e) Ensure that daily personnel time recording documents are prepared and in compliance with agency(s)/ organizational policy;

f) Establish time unit objectives;

g) Maintain separate logs for overtime hours; a

h) Establish commissary operation on larger or long-term incidents, as needed;

i)Submit cost estimate data forms to the Cost Unit, as required;

j)Maintain records security;

k) Ensure that all records are current and complete prior to demobilization;

l)Release time reports from assisting agency personnel to the respective Agency/Organization Representatives prior to demobilization; and

m) Brief the FSD on current problems and recommendations, outstanding issues and follow-up requirements.

A.6.3 EQUIPMENT TIME RECORDER

Under supervision of the Time Unit Leader, the Equipment Time Recorder is responsible for overseeing the recording of time for all equipment assigned to an incident.

The major responsibilities of the Equipment Time Recorder are to:

a) Review Common Responsibilities;
b) Set up the Equipment Time Recorder function in location designated by the Time Unit Leader;
c) Advise Ground Support Unit, Vessel Support Unit, Facilities Unit and Air Support Group of the requirement to establish and maintain a file for maintaining a daily record of equipment time;
d) Assist Units in establishing a system for collecting equipment time reports;
e) Post all equipment time tickets within 4 hours after the end of each operational period;
f) Prepare a use and summary invoice for equipment, as required, within 12 hours after equipment arrival at the incident;
g) Submit data to Time Unit Leader for cost effectiveness analysis;
h) Maintain current posting on all charges or credits for fuel, parts and services;
i) Verify all time data and deductions with owner/ operator of equipment;
j) Complete all forms according to agency/organization specifications;
k) Close out forms prior to demobilization; and
l) Distribute copies per agency/organization and incident policy.

A.6.4 PERSONNEL TIME RECORDER

Under supervision of the Time Unit Leader, the Personnel Time Recorder is responsible for overseeing the recording of time for all personnel assigned to an incident.

The major responsibilities of the Personnel Time Recorder are to:

a) Review Common Responsibilities;
b) Establish and maintain a file for incident personnel time reports within the first operational period;
c) Initiate, gather or update a time report from all applicable personnel assigned to the incident for each operational period;

d) Ensure that all employee identification information is verified to be correct on the time report;

e) Post personnel travel and work hours, transfers, promotions, specific pay provisions and terminations to personnel time documents;

f) Ensure that time reports are signed;

g) Close-out time documents prior to personnel leaving the incident;

h) Distribute all time documents according to agency/ organization policy; and

i)Maintain a log of excessive hours worked and give to the TIME daily.

A.6.5 PROCUREMENT UNIT LEADER

The Procurment Unit Leader is responsible for administering all financial matters pertaining to vendor contracts, leases and fiscal agreements.

The major responsibilities of the Procurment Unit Leader are to:

a) Review Common Responsibilities and Unit Leader Responsibilities;

b) Review incident needs and any special procedures with Unit Leaders, as needed;

c) Coordinate with local authorities on plans and supply sources;

d) Obtain the Incident Procurement Plan;

e) Prepare and authorize contracts, building and land-use agreements;

f) Draft memoranda of understanding as necessary;

g) Establish contracts and agreements with supply vendors;

h) Provide for coordination between all other procurement organizations supporting the incident;

i)Ensure that a system is in place that meets agency/ organization property management requirements. Ensure proper accounting for all new property;

j)Interpret contracts and agreements; resolve disputes within delegated authority;

k) Coordinate with the Compensation/Claims Unit for processing claims;

l)Complete final processing of contracts and send documents for payment;

m) Coordinate cost data in contracts with the Cost Unit Leader***;*** and

n) Brief the Finacnec Section Department on current problems and recommendations, outstanding issues and follow-up requirements.

A.6.6 COMPENSATION/CLAIMS UNIT LEADER

The Compensation/Claims Unit Leader is responsible for the overall management and direction of all administrative matters pertaining to compensation for injury and claims related activities (other than injury) for an incident.

The major responsibilities of the Compensation/Claims Unit Leader are to:

a) Review Common Responsibilities and Unit Leader Responsibilities;
b) Obtain a briefing from the Finance Section Department;
c) Determine the need for Compensation for Injury and Claims Specialists and order personnel as needed;
d) Establish a Compensation for Injury work area within or as close as possible to the Medical Unit.
e) Review Incident Medical Plan;
f) Review and coordinate procedures for handling claims with the Procurement Unit.
g) Ensure that all Compensation for Injury and Claims logs and forms are complete and routed to the appropriate agency for post-incident processing prior to demobilization;
h) Keep the Finance Section Director briefed on Unit status and activity; and
i) Demobilize unit in accordance with the Incident Demobilization Plan.

A.6.7 COMPENSATION FOR INJURY SPECIALIST

Under the supervision of the compensation/claims unit leader, the Compensation for Injury Specialist is responsible for administering financial matters resulting from serious injuries and fatalities occurring on an incident. Close coordination is required with the Medical Unit.

The major responsibilities of the Compensation for Injury Specialist are to:

a) Review Common Responsibilities.
b) Collocate Compensation for Injury Specialist with the Medical Unit when possible.
c) Establish procedure with Medical Unit Leader on prompt notification of injuries or fatalities.
d) Obtain a copy of Incident Medical Plan
e) Provide written authority for persons requiring medical treatment.
f) Ensure that correct agency forms are being used.
g) Provide correct billing forms for transmittal to doctor and/ or hospital.

h) Coordinate with medical unit leader to keep informed on status of injured and/or hospitalized personnel.

i)Obtain all witness statements from safety officer and/or medical unit leader and review for completeness.

j)Maintain a log of all injuries occurring at the incident.

k) Coordinate/handle all administrative paperwork on serious injuries or fatalities.

l)Coordinate with appropriate agency(s)/organization(s) to assume responsibility for injured personnel in local hospitals after demobilization.

A.6.8 CLAIMS SPECIALIST

Under the supervision of the compensation/claims unit leader, the Claims Specialist is responsible for managing all claims-related activities (other than injury) for an incident.

The major responsibilities of the Claims Specialist are to:

a) Review Common Responsibilities;

b) Develop and maintain a log of potential claims;

c) Coordinate a claims prevention plan with applicable incident functions;

d) Initiate an investigation on all claims other than personnel injury;

e) Ensure that site and property involved in an investigation are protected;

f) Coordinate with the investigation team as necessary;

g) Obtain witness statements pertaining to claims other than personnel injury;

h) Document any incomplete investigations;

i)Document follow-up action needs by the local agency/ organization; and

j)Ensure the use of correct agency forms.

A.6.9 COST UNIT LEADER

The Cost Unit Leader is responsible for collecting all cost data, performing cost effectiveness analyzes and providing cost estimates and cost saving recommendations for the incident.

The major responsibilities of the Cost Unit Leader are to:

a) Review Common Responsibilities and Unit Leader Responsibilities;

b) Coordinate with agency/organization headquarters on cost reporting procedures;

c) Collect and record all cost data;

d) Develop incident cost summaries;

e) Prepare resources-use cost estimates for the Planning Section;

f) Make cost-saving recommendations to the Finance Section Director;

g) Ensure all cost documents are accurately prepared;

h) Maintain cumulative incident cost records;

i)Complete all records prior to demobilization;

(a) Provide reports to the Finance Section Director.

A.6.10 **TECHNICAL SPECIALISTS**

Certain incidents or events may require the use of Technical Specialirsts who have specialized knowledge and expertise. Technical Specialists may function within the Planning Section or be assigned wherever their services are required.

GOVERNMENT MINISTRIES AND DEPARTMENTS

A.10 Ministry of Transport and Infrastructure

Major marine pollution incidents require work on a wide range of issues apart from those directly connected with salvage and clean up operations. The Ministry of transport has policy responsibility for several of these issues. In the event of a marine spill requiring the activation of this Plan, the Cabinet Secretary of the Ministry of Transport and Infrastructure shall give necessary policy guidance in a timely manner.

A.11 National Police Service - Maritime police

The Maritime police which falls under the umbrella of the National Police Service shall be responsible for:

- Managing crowds
- Providing security for the cleanup crew and equipment.
- Controlling small vessel traffic so as not to interfere with cleanup
- In case of casualties investigate

A.12 Kenya Maritime Authority

KMA shall be the main leading agency and shall be responsible for:

- Activating this plan

- Financing all activities pertaining to the clean up
- Carry out investigation on the incident
- Providing clean up equipment
- Recruit for manpower for the cleanup
- Source for oil spill response companies
- Provide communication equipment
- Maintaining and keep an up-to-date stock piles of dispersants
- Litigation

A.13 Kenya Ports Authority

Kenya Port Authority is responsible for

- Controlling vessel traffic
- Providing tags to be used during cleanup
- Providing water transport for personal
- Provide storage facilities for response equipment

A.14 Ministry of Energy and Petroleum

The Ministry of Petroleum and Energy is responsible for licensing exploration and regulating development of the Kenya's offshore oil and gas resources, including environmental regulation. The Ministry is also responsible for oil and gas development and production, transportation and pipeline authorization. In this regard, the Ministry shall ensure that all the applicants for licences and permits to undertake exploration, production or transportation by whatever means of oil and LPG to and from offshore facilities have approved pollution contingency plans, duly approved by the Director General of KMA.

A.15 National Disaster Operations Center

Coordinates at the national level all disaster management activities before and after a disaster.

It ensures all key stakeholders and volunteer agencies are informed of activation of disaster contingency plans.

Prepares inventory for resources/assets country wide.

Arranging clearance for aircrafts, ships as well as customs, visa clearance for overseas relief personnel and agencies.

A.16 Kenya Marine and Fisheries Research Institute

KEMFRI shall be responsible for the protection of the marine environment and sea fisheries. KEMFRI tests and approves any oil treatment products manufactured for use in Kenyan waters on behalf of the Fisheries department. KMA approves any use of dispersants in shallow and coastal waters and advises on use of dispersant in deep water. KEMFRI shall assist KMA in the testing of dispersants to facilitate approval by the KMA:

A.3.15.2 Advising on the use of dispersants

A.3.15.3 Analysing the effects of the pollution

A.17 Fisheries department

The Fisheries Department seeks on behalf of the Government to ensure clean, healthy, safe, productive and biologically diverse oceans and seas by addressing issues such as the over-exploitation of commercial fish stocks, the release of pollutants, and the degradation of ecosystems through human activities, invasive species and climate change. It has a broad interest in counter pollution activities.

The Fisheries department is responsible for the management of inshore fisheries in Kenya. They exercise control through the operation of by laws. They can introduce these by-laws both to protect the fisheries to conserve the wider marine environment.

In the event of a marine spill incident the department shall provide a fisheries advisor to the response team.

A.18 National Environment Management Authority (NEMA)

NEMA is responsible for protecting and improving the environment (air, land and water) in Kenya. NEMA regulates:

a) Discharges to controlled waters (from land based sources) including territorial waters up to three miles seaward of the territorial baseline;

b) Management and disposal of waste; major industrial processes;

c) Management of radioactive substances;
d) Flood risk management and flood warning;
e) Fisheries, including some sea fisheries;
f) Navigation on certain waterways, estuaries and harbours.

NEMA shall play an advisory role to KMA where a land-source spill required the actioning of the Plan.

A.19 Ministry of Interior and Coordination of National Government

The Ministry act as a link between local responders and Government, both for planning and responding to emergencies. National Disaster Operations Center (NDOC) has been established under this to co-ordinate this response. The Ministry takes a multi agency and cross departmental view of an event and add value by sharing this wider view with local responders and Government ministries.

A.20 Ministry of Foreign Affairs

The Ministry of Foreign Affairs is responsible for advising on, and dealing with, any international relationship matters that might arise from counter pollution operations. This includes the use of the intervention powers, cross-jurisdictional prosecutions and flag state referrals in respect of foreign ships. KMA keeps the Ministry of Foreign Affairs informed from an early stage where it anticipates that a marine pollution incident in Kenyan waters could affect the Kenya's bilateral relations with another State. The foreign affairs ministry may wish to warn neighboring states of pollution threats and other incidents that might affect them.

A.19 Ministry of Defence (MOD)

The MOD is responsible for dealing with pollution incidents from warships and other ships operated for governemnt non-commercial purposes. In the event of an incident at sea, where the MOD is not directly involved and subject to operational commitments, the MOD may provide assistance on a cost reimbursement basis to KMA. This could only consist of appropriate capabilities available at the time of the incident.

Any request for MOD assistance of any kind should be addressed to the Chief of Defense Staff. Under normal arrangements for giving military aid to the KMA, the MOD may, on

a cost reimbursement basis, and subject to availability, provide equipment and personnel to shoreline local authorities to assist in dealing with shoreline pollution.

A.20 Ministry of Lands - Survey Department

The Survey Department supplies hydrographic, oceanographic and other such information to the Kenya Navy. It offers unclassified charts and publications to the Navy and other users of the sea.

The Survey department also advises on the definition of the extended pollution zone, as well as provides environmental and tidal information.

A.21 Kenya Radiation Protection Board

KRPB is an independent body charged with protecting the health and well being of everyone in Kenya. The role of the KRPB during an oil spill incidents, which could either potentially or actually threaten public health, is to provide authoritative advice to front line responders, public health specialists.

Advice provided will cover:

a) environmental toxicology;
b) clinical toxicology;
c) environmental health/public health;
d) environmental science;
e) environmental risk management, and
f) radiological advice.

A.22 Meteorological department

The Meteorological Department is responsible for the issue of Meteorological maritime Safety Information for Kenya. They provide weather and oceanographic forecast information that enable the calculation of likely wind drift and direction of pollution. On request, they can provide a forecaster at the scene of a major incident to provide up-to-date and accurate weather forecasts to those in control.

A.23 Kenya Wildlife Service

As part of the response to a marine pollution incident, KWS, shall-

a) provide advice on the environmental impacts of a spill to the sensitive areas and any established response centers;
b) provide advice to the KMA's Pollution control office, local authorities, etc;
c) co-ordinate the collation and provision of the best available information on wildlife interests and threats to them (including seabird colony and individual bird counts and working with NGOs on beached bird surveys, collection of oiled birds, and reporting of live casualties);
d) provide nature conservation advice and information to local authority and KMA work with and assist in the co-ordination of shoreline response from Non-Government Organizations;
e) provide coordination of wildlife rescue and rehabilitation efforts in concert with other government departments and non governmental organizations;
f) prepare and implements the action plan pertaining to field reconnaissance, capture and stabilization of oiled birds and mammals; and
g) long-term rehabilitation of oiled birds and mammals, wildlife release and monitoring.

A.24 National Youth Service

Provide manpower to the response team.

A.25 The County government

County governments have no specific statutory duty to plan for, or carry out, shoreline cleans up, but have the power to do so. County government fulfills their responsibilities by working in partnership with other agencies to reduce, control or mitigate the effects of coastal oil or chemical pollution.

KMA supports county government by maintaining stockpiles of beach cleaning equipment; providing training courses on contingency planning and oil spill response; by providing hands-on demonstrations of beach-cleaning equipment and booming exercises; and by participating in local authority training exercises.

INTER-GOVERNENTAL ORGANIZATIONS

A.26 The International Oil Pollution Compensation Fund (IOPC Fund)

The IOPC Fund provides compensation (up to a limit) for pollution damage caused by persistent oil carried by tankers if, and to the extent that, compensation available from the ship owner is inadequate. International Tanker Owners Pollution Federation (ITOPF)

ITOPF has a staff of technical experts to respond to marine oil spills anywhere in the world. Its principal role is to give practical advice on clean up techniques and the mitigation of damage. It normally performs this service at the request of ship owners, P&I Clubs, and the IOPC Fund. ITOPF gives guidance on what counter pollution operations are likely to be considered reasonable and proportionate, bearing in mind the provisions of the relevant treaties and the IOPC Fund's claims admissibility guidelines.

PRIVATE SETOR AGENCIES

A.27 Oil Markets

The major oil companies have resources for oil recovery and other counter pollution operations. The companies may be able to provide tankers and other ships on charter and may be a source of technical information on tankers and tanker operations. They also have contingency plans for dealing with spills in oil terminals operated by them.

All operators are required to have an approved oil spill contingency plan in place for each of their installations operating on the Kenya Continental Shelf. Within these plans their intended actions in the event of an incident involving their installation are detailed, including details of any service providers.

A.27 Kenya Association of Manufacturers

KAM or individual companies may be a source of information on the properties of hazardous substances and advice on pollution response.

RESPONDERS

A.28 KMA

KMA is Kenya's 'oil spill authority'. This designation has since been extended to HNS pollution incidents. As such, KMA is the host of the Pollution Respond Fund and thus shall finance pollution incident response and cleanup operations, subject to re-imbursement of expenses from the polluter.

KMA shall respond to all tier 1 and tier 2 marine spill incidents outside port limits and all tier 3 marine spill incidents.

KMA shall also facilitate the establishmetn of national stock piles for response to marine pollution incidents.

A.29 OSMAG

OSMAG is the trade association that represents the initiative on preparedness for oil spill response by oil markters in Kenya. Its members include equipment manufacturing companies, service contractors, and consultants. They have expertise in oil pollution prevention, control, and clean up at sea, along coastlines and inland.

OSMAG has a service contract with KMA, the terms of which include the maintenance of the national equipment database for use in spill incidents. The KMA pollution control center and OSMAG are responsible for maintaining the Kenya Government's stockpiles of equipment.

A.27 KPA

KPA is the primary government agency responder in Kenya for tier 1 and tier 2 oil spills within the port limits.

APPENDIX B: INTERNATIONAL ASSISTANCE AND CO-OPERATION

Introduction

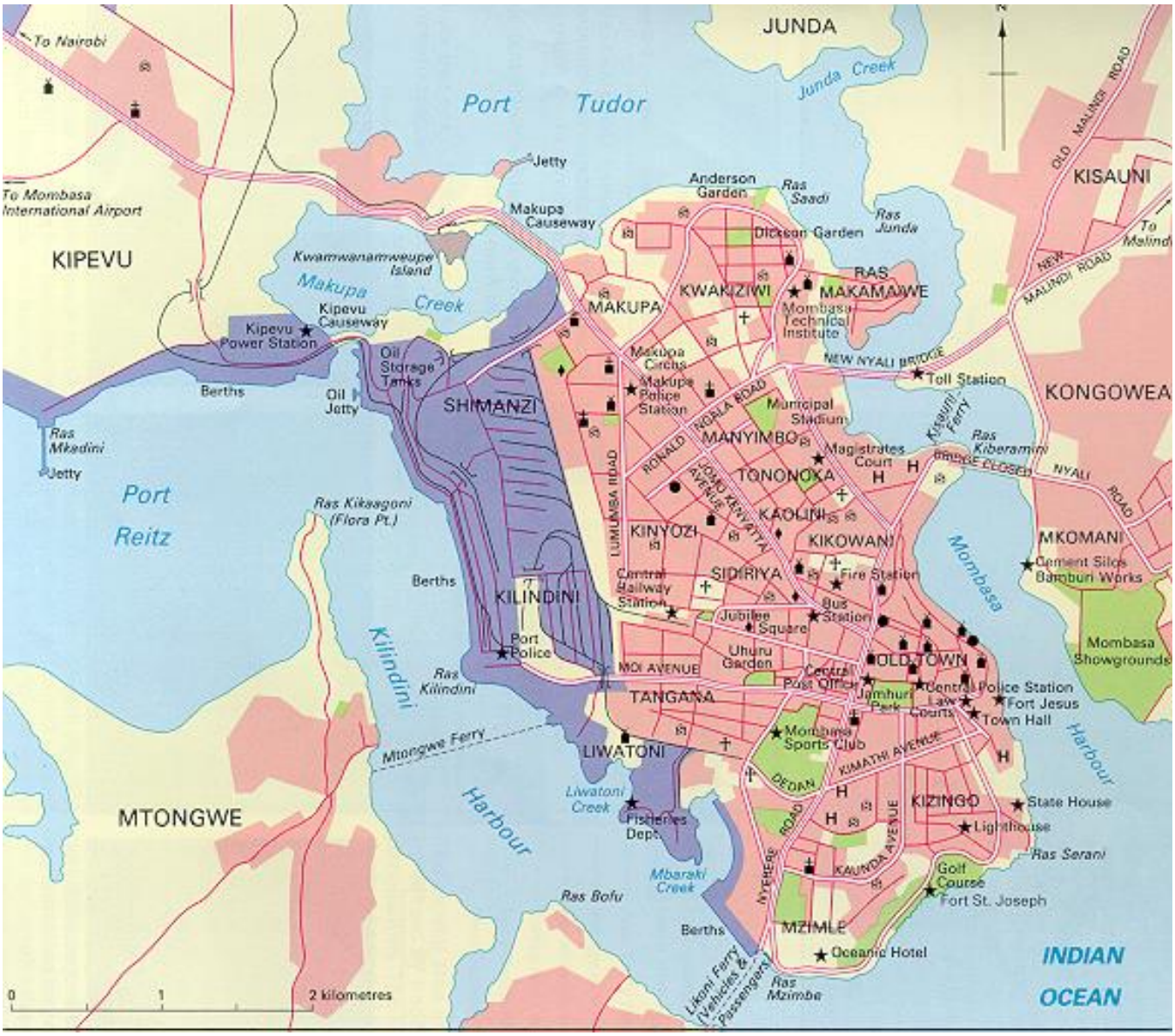
B.1 KMA is a party to several international agreements which provide for co-operation in dealing with major marine pollution incidents. This appendix provides a summary of them.

OPRC Convention

B.2 The OPRC Convention places obligations on States Parties concerning their preparedness for, and response to, oil pollution incidents. It also provides a framework for international co-operation for combating major oil pollution incidents.

B.3 The OPRC–HNS Protocol has been developed to expand the scope of OPRC 1990, to apply, in whole or in part, to pollution incidents by hazardous substances other than oil. Together with the OPRC Convention, the OPRC-HNS Protocol will provide a framework for international co-operation in establishing systems for preparedness and response at the national, regional and global levels. This Protocol is not yet in force in the Kenya.

APPENDIX C: MAP OF ENTRANCE TO MOMBASA PORT



APPENDIX D: INTERVENTION POWERS – SHIPPING

Introduction

D.1 This appendix provides guidance on the intervention powers conferred by Kenya's marine pollution legislation. It describes both the principal intervention powers derived from the International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 and Protocol Relating to Intervention on the High Seas in Cases of Pollution by Substances other than Oil, 1973 (Intervention Convention) as applicable to Kenya and other statutory powers that the Cabinet Secretary responsible for maritime affairs can use to prevent or minimize safety and pollution risks posed by ships and offshore installations.

Shipping Operations (Marine Pollution) Bill

D.2 Section 4 of the Marine Pollution Bill empowers the Cabinet Secretary to give directions and to take such other actions as may be necessary in respect of the ship or its cargo in the event of a marine spill incident. The Cabinet Secretary may use the powers conferred on him under the Act to prevent or minimize pollution, or the threat of pollution, or to remove or reduce safety risks.

Scope of application of the intervention powers

Types of incident

Intervention powers deriving from international treaties

D.3 The Cabinet Secretary may generally exercise the intervention powers deriving from international treaties when an incident satisfies the following three criteria:

(a) First, an accident must have occurred to, or in a ship;

(b) Second, it must be the opinion of the Cabinet Secretary that the accident has created a risk to safety or a risk of significant pollution by a hazardous substance in Kenya's territorial sea or in Kenya's pollution control zone; or

(c) Third, it must be the opinion of the Cabinet Secretary that the direction is necessary to remove or reduce the risk.

D.4 For the purposes of this Appendix and the related parts of the Plan, an 'accident' is a collision of ships, stranding or other incident of navigation, or other occurrence on board a ship or external to it resulting in material damage or imminent threat of material damage to a ship or cargo. The definition follows the wording used in the 1969 Intervention Convention and in UNCLOS.

D.5 The requirement for there to be a threat of significant pollution and an urgent need to use the powers derives from provisions of the Intervention Convention and UNCLOS. These treaties provide that the exercise of the intervention powers must have the aim of preventing pollution, or a threat of pollution, which the coastal State may reasonably expect to result in major harmful consequences.

Types of pollution

D.6 The intervention powers that derive from UNCLOS and the Intervention Convention apply to pollution by oil or by a hazardous and noxious substance.

D.7 In the case of a foreign ship located beyond the pollution control zone, the Cabinet Secretary must be satisfied that there is a need to protect the Kenyan Coast, Kenyan waters or Kenya's interests against grave and imminent danger of pollution. Article II (3) of the 1969 Intervention Convention defines "oil" as crude oil, fuel oil, diesel oil and lubricating oil. However, the 1973 Protocol covers intervention in respect of all types of oil.

D.8 Any reference to hazardous substance also includes a reference to any other substance that the Cabinet Secretary has prescribed by order. Generally speaking, hazardous and noxious substances are other substances besides oil that are liable to:

(a) to create hazards to human health;

(b) to harm living resources and marine life;

(c) to damage amenities; or

(d) to interfere with other legitimate uses of the sea.

D.9 As a State party to the Intervention Convention Kenya has a duty to notify other interested States, particularly the flag State. This duty arises if Kenya exercises the intervention powers in respect of a foreign ship located beyond Kenya's territorial sea. Where time permits, Kenya must also consult these States before taking any measures. However, the Cabinet Secretary may exercise the powers to make a direction in respect of a foreign ship that in his opinion is exercising neither the right of innocent passage through Kenya's territorial sea.

Who exercises the powers?

KMA Staff

D.10 The Director General of the Kenya Maritime Authority (KMA) normally exercise the Cabinet Secretary's powers, and may designate the following to perform his functions when need arise.

D.11 The Director General may authorize the Pollution Control Officer (PCO) or the Head of the KMA Pollution Control Section or to use the powers in the response to a specific incident. The Cabinet Secretary has prescribed such substances in the Marine Pollution Bill. For the purposes of this part the "right of innocent passage", is to be construed in accordance with UNCLOS.

D.12 The KMA Director - General would not normally have an operational role in managing maritime incidents. The Director-General's role is to continue to manage KMA as a whole.

D.13 During the salvage phase of the response to a marine pollution incident, the normal operational arrangement is for the RMRCC to exercise all incident management powers. The Government has appointed the RMRCC to provide overall direction for all major marine pollution incidents involving the salvage of ships and offshore

installations. Ultimate accountability for the RMRCC's decisions lies with the KMA Director-General and the Cabinet Secretary responsible for transport.

Other persons

D.14 The Director-General may authorize other persons to exercise the intervention powers. This would enable the Director General or his representative in a case of force majeure, to authorize a salvor to take a ship out to sea and sink it.

D.15 Directions may require a person to take, or refrain from taking, any action or omission of any kind whatsoever. These powers are very wide and can include a direction in relation to:

(a) the ship;

(b) anything which is or was in the ship;

(c) anything that forms or formed part of the ship;

(d) anything which is or was being towed by the ship;

(e) a person on the ship;

(f) move the ship or other thing, not to move it, to move it to a specified place, or to remove it from a specified area or locality over a specified route;

(g) unload or discharge any cargo, or not to do so;

(h) take specified salvage measures, or not to do so; or

(i) that a person is put ashore or on a ship.

D.16 The Director General may give directions to the owner of the ship, any person in possession of it, or the master. Directions may require any of the following:

(a) that the ship is to be moved, or removed, from a specified area or locality in, or from anywhere in, Kenya's territorial sea:

(b) that the ship is not to be moved to a specified area or place, or over a specified route, within the Kenya's territorial sea;

(c) that the ship is moved or not moved over a specified route in Kenya's waters; or

(d) that the ship is removed from Kenyan waters.

D.17 If in the opinion of the Director General, giving directions is inadequate, the Director General may take, or authorize, direct action, including sinking the ship.

D.18 A direction requiring a ship to be removed from the Kenyan territorial sea would need to be reasonable in view of the risk. No such direction may be given to a Kenyan ship.

Guaranteeing compliance

D.19 Non-compliance with a direction is an offence, punishable by a fine. So is the intentional obstruction of any person acting on the behalf of the Director-General or according to his direction.

D.20 The Director General may direct salvors to remain on scene. Furthermore, the use of the intervention powers does not prejudice a salvor's ability to receive compensation from the ship's hull and cargo insurers and from the ship owner's third party liability insurer.

D.21 The Director-General may be liable to pay compensation if any action taken were not reasonably necessary for the purpose for which the direction was given, or caused loss or damage which could not be justified by reference to that purpose.

D.22 Where the Director General or his representative directs a vessel to enter a Kenyan port and pollution results causing the port authority to respond under the terms of its responsibilities, the port authority shall be entitled to:

(a) in the first instance, recover the cost of compliance with the direction from the owner of the ship; or

(b) before sinking a ship, however, the person exercising the intervention powers would need to arrange for the issue of a license from KEMFRI and KMA for the placement of the ship on the seabed.

D.23 Salvage law in Kenya derives from the 1989 Salvage Convention. If salvors are successful in saving a ship and her cargo, they will receive a proportion of the value of the salved property in reward (paid by the ship's hull and cargo insurers). However, the 1989 Convention also ensures that salvors get, and stay, involved in salvage operations where there is a threat of damage to the environment by introducing entitlement to "special compensation". Special compensation is equal to the salvor's expenses (the ship owner's liability insurer pays the difference between the amount of special compensation awarded and the value of the salved property). The 1979 Salvage Convention entitles salvor's to a reward even if they are complying with a direction given using the intervention powers.

D.24 Ship owners, salvors and harbour authorities are most likely to bring claims for compensation. The Land and Environment Court would hear and determine such claims. If the KMA use the intervention powers to take reasonable and proportionate measures, it would generally be entitled to recover compensation. This entitlement would cover costs incurred as a consequence of taking measures and any resulting loss or damage.

D.25 It would generally be possible to recover compensation from the ship owner, the ship owner's liability insurer or an international compensation fund. Under both the Merchant Shipping Act, 2009 and the Marine Pollution Bill, ship owners are strictly liable for any damage caused in the Kenya by measures reasonably taken to prevent or minimize pollution by persistent oil. If the ship were a tanker, additional compensation would be available, if necessary, from the International Oil Pollution Compensation (IOPC) Fund. Once the International Convention on Liability and Compensation in connection with the Carriage by Sea of Hazardous and Noxious Substances 1996 (the

"HNS Convention") is in force, compensation will similarly be available from the ship owner and the HNS Fund. Compensation would be available for reasonable measures taken to prevent or minimize other types of damage caused by dangerous and polluting cargoes carried on ships.

APPENDIX E: INTERVENTION POWERS − OFFSHORE INSTALLATIONS

Statutory Basis

E.1 Section 19 of the Marine Pollution Bill, 2014 provides for powers to prevent and reduce pollution and the risk of pollution following an accident involving an offshore installation. The powers enable the Cabinet Secretary in consultation with the Director General to give directions and to take such other actions as may be necessary in respect of an offshore installation. The Cabinet Secretary may use the powers to prevent or minimize pollution or the threat of pollution.

Application of Statutory Powers

E.2 Upon the commencement of the Marine Pollution Bill into legislation, the KMA should develop regulations or guidelines on salvage and intervention and their Command and Control in relation to oil and gas activities carried out wholly or partly on the Kenyan Shelf.

E.3 Under the said regulations, the power to give directions and take other necessary action is exercisable should be conferred on the Director-General.

E.4 Where an accident occurs and in the opinion of the Director-General the accident will or may cause significant pollution in Kenya, Kenyan waters or in any designated area within the meaning of the Maritime Zones Act, the use of the powers of the Director General is urgently needed.

E.5 Directions given by Director-General may require the person to whom they are given to take or refrain from taking any action and may require that person to move or not to move the offshore installation, or any part of it, to or from a specified place or area, or over a specified route.

E.6 An "accident" in reference to offshore installations means any occurrence causing material damage or threat of material damage to an offshore installation and which may require the operator to:

(a) unload or discharge, or not to unload or discharge, any oil or other substance; or

(b) take or not to take remedial measures

E.7 In addition, such Regulations shall confer intervention powers in respect of pollution. Pollution includes pollution by oil or pollution by any other substance liable:

(a) to create hazards to human health;

(b) to harm living resources and marine life;

(c) to damage amenities; or

(d) to interfere with other legitimate uses of the sea, or pollution by any other substances

Who exercises the powers?

E.8 The Director-General in consultation with the Cabinet Secretary or his appointed representatives.

E.9 During the response to an accident, the normal operational arrangement powers shall be exercised by the RMRCC under the directions of the Director-General. Ultimate accountability for the RMRCC's decisions rests with the Cabinet Secretary.

How can KMA use the powers?

Directions

E.10 Powers conferred by said offshore installations salvage and intervention regulations shall be exercised by the Director-General on behalf of the Cabinet Secretary. In this regard, the Director-General may give directions as respects any offshore installation to the operator or manager of the offshore installation or any servant or agent of the operator of the offshore installation.

E.11 An “operator” in relation to an offshore installation means any person who operates the offshore installation and includes any person who owns it at the time any powers conferred by these regulations are exercised in relation to the offshore installation.

E.12 If in the opinion of the Cabinet-Secretary the Director-General’s directions are, or have proved to be, inadequate for the purpose the Cabinet Secretary may, for the purpose of preventing or reducing pollution, or the risk of pollution, take, as respects the offshore installation or its contents, any action of any kind whatsoever, and this may include:

(a) such action as the Cabinet Secretary has power to require to be taken by a direction;

(b) operations for the sinking or destruction of the installation, or any part of it, of a kind which is not within the means of any person to whom the Cabinet Secretary can give directions; or

(c) operations which involve the taking over of control of the offshore installation (whether by boarding the offshore installation or entering and using any premises which appear to her to be premises from which the operations of the offshore installation may be controlled).

Service of Directions

E.13 For the purposes of giving a direction to or serving a direction on a person, the Director-General/Cabinet Secretary or a person acting on behalf of the Director General/ Cabinet Secretary shall have the right to go onboard the offshore installation.

Non-compliance

E.14 Any person who fails to comply with or contravenes any requirement of a direction commits an offence and shall be liable to a fine set out in the said offshore installations and intervention regulations. In addition, it shall be an offence to intentionally obstruct any person acting on behalf of the Director-General or Cabinet Secretary or who is acting in compliance with a direction.

Compensation for Unreasonable Loss or Damage

E.15 With the introduction of Government powers of intervention, it is necessary to ensure that any person(s) should have the right to claim compensation from the Ministry of Transport and Infrastructure where it can be established there was unreasonable loss or damage caused by a direction given by the RMRCC. Any award of compensation will be a matter for the Environment and Land Court to decide. Before sinking an installation, however, the person exercising the intervention powers would need to arrange for the issue of a license for the placement of the installation on the seabed.

APPENDIX F: TEMPORARY EXCLUSION ZONES AND TEMPORARY DANGER AREAS

Introduction

F.1 This appendix contains information on the establishment and effect of temporary exclusion zones and temporary danger areas.

Purpose

F.2 The Cabinet secretary to declare a Temporary Exclusion Zone (TEZ) to promote maritime safety or protecting the marine environment

When can we designate a TEZ?

F.3 When relevant casualty must be wrecked, damaged or in distress provides power for the Cabinet secretary to designate a TEZ around a "ship, structure or other thing". The powers to designate a TEZ can only be exercised if the relevant casualty is "wrecked, damaged or in distress."

F.4 Legal advice suggests that we could consider a casualty to be "in distress" if there were an imminent risk of it being wrecked or damaged. However, the casualty must actually be in distress. There is no power to anticipate.

F.5 Whether or not a casualty is in danger is an objective matter. The decision is for the Cabinet secretary to make. It is not sufficient for the master or owner of the casualty to declare that the casualty is in danger. The TEZ must prevent or reduce a threat of significant harm that the cabinet secretary must also be satisfied that the incident meets two further criteria.

F.6 First, it must appear that "significant harm" will or may occur as a (direct or indirect) result of the relevant casualty being wrecked, damaged or in distress. Second, it must appear that restricting access to the area around the casualty by way of a TEZ would prevent or reduce significant harm or the risk of such harm.

Size, location and duration of TEZ

F.7 A TEZ can only be designated if the relevant casualty is within the Kenya's territorial sea or pollution control zone. TEZ must not be larger than is necessary to prevent or reduce significant harm or the risk of such harm. The cabinet Secretary must vary the zone accordingly if it appears that this is the case; and the cabinet Secretary must revoke a TEZ should it appear that there is no longer a need for it to prevent significant harm or the risk of significant harm.

Establishment of a TEZ

F.8 The Cabinet secretary establishes a TEZ by giving a direction. As soon as practicable, the cabinet Secretary should promulgate the direction via a RMCC or in such a manner as to bring it to the attention of persons it is likely to affect. Within 24 hours of giving the direction, the Cabinet secretary must send a copy to the International Maritime Organization.

Which ships may we exclude from a TEZ?

F.9 A ship may enter or remain within a TEZ if: the direction establishing the zone permits it to do so; the cabinet Secretary gives his consent; or this is in accordance with regulations made by the cabinet Secretary.

F.10 The question whether the harm is significant should be a subjective decision based on the circumstances of the incident. If the direction does not contain such a statement, no ship may enter or remain in any parts of a TEZ that are within the Kenya's territorial sea. Kenyan ships may not enter or remain in any part of the zone.

F.11 However, foreign ships may enter part of a TEZ within the Kenya's territorial sea if they are exercising the right of transit passage through straits used for. The KMA is the only authority which may grant permission for aircraft to be flown within the notified airspace. Subject to overriding considerations of safety, flights by aircraft

directly associated with the emergency are invariably given priority over those seeking to overfly for any other reason.

F.12 In accordance with the law of the sea, if a TEZ is not established to prevent or reduce pollution, foreign ships may not be excluded from any part of the zone that lies outside territorial waters.

APPENDIX G: SALVAGE: DETAILS OF OPERATIONS

Introduction

G.1 Following almost all serious incidents, and all prevention tactics having failed, the ship owner engages commercial salvors to deal with the casualty and secure the cargo, and bunkers and any other pollutants. At an early stage, the RMRCC instructs the salvor or as appropriate, the master or owner of the vessel, or a harbor master requiring them to give detailed information on their intentions.

G.2 The RMRCC needs to assess whether the salvor has the capability in terms of experience, personnel and equipment to carry out the salvage operation. If the RMRCC is satisfied that the appointed salvor is capable, the salvor is regarded as being in command of the salvage operations. If the RMRCC is not satisfied that the salvor is capable then the RMRCC persuades, or directs, the owner or master of the casualty to engage alternative or additional salvors. The initial salvage options may include firefighting, counter-flooding, internal transfers, other actions to stabilize the ship, and perhaps emergency towing to bring the casualty to calmer waters or a place of refuge.

G.3 Subsequent salvage actions may involve cargo and bunker transfer operations, diving operations, beaching the casualty or grounding it in shallow water and patching or filling holes. If a ship has grounded salvors may attempt to refloat it, using tugs and perhaps by pressurizing flooded tanks or compartments with air to increase buoyancy. In exceptional cases when the salvage of the ship is not practicable, an appropriate course of action – which minimizes the risk of harm to persons or property and the risk of pollution – is taken.

Emergency towing arrangements

G.4 Where there is a serious risk of harm to persons or property, or a significant risk of pollution, it may be necessary to initiate emergency towing arrangements. Such arrangements should be unambiguous, agreed by all parties where possible, and activated as swiftly as practicable. Standard operational procedures should apply

irrespective of whether an Emergency Towing Vessel (ETV) is under charter to KMA, tasked from appropriate local harbor resources, is a salvage tug of opportunity.

Emergency towing requirement – considerations

G.5 It is difficult to establish strict or prescriptive criteria for when to use an ETV. Individual circumstances must dictate the appropriate response.

Present emergency towing arrangements

G.6 Each RMCC holds comprehensive databases of harbor tugs available locally and contact details. Modern harbor tugs are often capable of providing an effective emergency service in all but the worst weather conditions, and to the largest vessels. Where weather conditions or size of casualty restrict their use, such tugs can also perform a useful role in providing "first aid" prior to the arrival of an ETV or other more suitable vessel.

Financial policy for ETVs

G.7 KMA funds the contract ETVs. However, as part of the charter agreement, and at the discretion of KMA, any ETV may undertake such commercial towage as a ship owner and the ETV operator may agree. Any such 'hire' agreement benefits both the ETV operator and KMA. Equally, any local harbor tug tasked initially by the RMCC is the factor under contract. KMA must therefore fund it. Where necessary and appropriate, KMA will seek to recoup its costs places of refuge except in the most severe incident; a ship is likely to retain some of its cargo, bunkers and other pollutants. It may be desirable to carry out a cargo and bunker transfer operation from the stricken ship to prevent or minimize further spills. It may help to move the ship to a more sheltered area, such as a port or oil terminal.

G.8 Kenya has compiled a partial inventory of possible places of refuge using different criteria for anchorages and ports/ harbors. The inventory is not, and does not set out to be, exhaustive, but provides a clear reference point for Pollution control officers tasked with providing a place of refuge for a ship in danger. The inventory is used in

conjunction with parameters determined on the day. A case by case assessment is made as to the suitability of the location for a place of refuge to accommodate a ship in need of assistance.

G.9 It is safer to carry out cargo and bunker transfer operations in sheltered areas. However, the decision to use an area moves the risk of pollution to an area that the incident might otherwise not have affected. The salvage considers carefully whether to use a sheltered area as a place of refuge and, if so, which to select. The salvage has in mind that time may be short and the damaged ship may not be in a condition to travel very far.

Emergency cargo and bunker transfer operations (STS operations)

G.10 KMA has a substantial holding of emergency transfer equipment for use in off-loading oil or hazardous substances from a damaged or disabled ship. This ensures that there is suitable equipment available in the Kenya for emergency cargo and bunker transfer operations. These resources are used in conjunction with commercial STS cargo transfer operators. In the future there will be controlling legislation for routine STS transfer operations in Kenyan waters.

G.11 The equipment includes pumps, power packs, hoses, fenders, communications equipment, protective clothing, breathing apparatus, and inert gas generators.

G.12 Contractors maintain the equipment in a state of readiness. They stow first reaction packages for transfer operations and dispatch them by road within two hours of call out. Only KMA pollution control officer have the authority to call out the equipment. Before making any call out, they check that the salvors cannot readily obtain suitable and sufficient equipment from commercial sources.

Firefighting at sea

G.13 These teams are trained and equipped to assist vessels in Kenya waters, boarding them via boats or helicopters. They provide a rapid emergency response to fires and other incidents, including those involving hazardous and noxious substances.

G.14 In addition, firefighting may be available afloat, whether from ETVs or from firefighting harbour tugs whose details are included in databases maintained by the RMCC.

G.15 KMA has a substantial holding of emergency transfer equipment for use in off-loading oil or hazardous substances from a damaged or disabled ship. This ensures that there is suitable equipment available in the Kenya for emergency cargo and bunker transfer operations. These resources are used in conjunction with commercial STS cargo transfer operators. In the future there will be controlling legislation for routine STS transfer operations in Kenyan waters.

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G.18 Only KMA pollution control officer has the authority to call out the equipment. Before making any call out, they check that the salvors cannot readily obtain suitable and sufficient equipment from commercial sources.

APPENDIX H: COUNTER POLLUTION OPERATIONS AT SEA

Introduction

H.1 All ships carry oil as fuel. Some carry oil as cargo. So all shipping accidents create a risk of oil spill. Offshore oil and gas operations also create a risk of oil spill.

H.2 Many ships carry hazardous substances other than oil as cargo. Some carry just one hazardous substance. Others carry many hazardous substances in separate tanks or containers. A single incident may therefore require a response to more than one form of pollution.

H.3 The KMA forms an Incident Command Center (ICC) at the scene of the incident to manage at sea and aerial activities, as outlined in Section 6 of this Plan. This response Centre has three operational cells; aerial, at sea and on shore. The ICC is headed by the KMA Director General. If activities are centered on a port area, it is likely that the ICC will merge with the Port authority Tier 2 responders.

H.4 This appendix summarizes the response options for different forms of marine pollution.

Oil

Minor oil spills

H.5 KMA receives many reports of sightings of pollution at sea. Often the sightings are of oil spills with no identified source. The oil may have entered the sea during an operational discharge or because a storm disturbed a wreck. When a small amount of oil is involved, counter pollution operation are neither practical nor necessary. Instead, KMA allows the oil to disperse naturally. Where there is a minor oil spill beyond the port limits and there is a need for response, KMA will mobilize resources to respond to the incident at its own cost. Where KMA engages the services of an oil responder, it will refund the expenses of such a responder. Where there is minor oil within the port limits, the port operator will respond to the incident at its own cost.

Major oil spills

H.6 KMA responds to a major oil spill at sea in several different ways. The aim of any response is always to minimize the damage that the oil could cause. KMA tailors its response to each incident, consulting others as set out elsewhere in this plan.

H.7 KMA‘s response to a major oil spill may be:

a) to assess and to monitor, allowing the oil to evaporate and degrade naturally;

b) to initiate dispersant spraying operations; and/or

c) to initiate mechanical oil recovery operations

H.8 All techniques for cleaning up oil spills at sea have limitations. The distance of the casualty from shore, the type of oil, weather conditions, currents, and the time taken for resources to reach the scene can significantly affect the effectiveness of different techniques. KMA therefore carefully evaluates the circumstances of each incident before mobilizing equipment or other resources.

H.9 The most desirable option is to recover the oil from the surface of the sea. This prevents it from reaching the shoreline, reduces the possibility of damage to biological and other resources at sea and in the coastal zone, and avoids the high cost of removing oily material from the shore. In practice, however, oil recovery at sea is never fully effective.

H.10 Fluid oils spilt at sea spread rapidly to cover large areas. Evaporation causes a reduction in total volume, accompanied by an increase in viscosity. Some oils may form water-in-oil emulsions. This increases the viscosity and volume of the oily material, preventing effective treatment with dispersants and increasing the difficulty of mechanical recovery. With some oils, natural dispersion reduces the amount of oil on the sea surface. The rate at which these processes occur depends on oil type and weather conditions.

Monitoring oil movement

H.11 Wind and currents cause any oil remaining on the surface of the sea to drift. Computer models can predict its movement. KMA, operating from the ICC, uses these models, advice from the Environment Group, and environmental sensitivity maps to assess the risk to resources threatened by an oil spill.

H.12 If the oil is drifting, away from sensitive resources, there may be no need to initiate active response measures. However, KMA continues to monitor the movement of the spill, because the wind direction can change rapidly. It initiates active response measures if the oil starts to move towards a sensitive resource.

H.13 During incidents, surveillance aircraft monitor the movement of oil and use remote sensing equipment to estimate the location of the greatest concentration of surface oil. Fixed-wing aircraft or helicopters survey the shoreline to assess the degree of oiling. Where possible, their crews take photographs and make recordings.

Dispersant spraying operations

H.14 While many oil recovery systems are available, all suffer limitations in the sea conditions often prevalent around the Kenya shoreline. It may take days to move them to the scene of an incident. The use of dispersants is often a more effective response to oil spills in the turbulent seas along the Kenya coastline.

H.15 It is a statutory requirement to obtain specific approval from KMA for any use of oil treatment products in water depths of less than 20 meters, or within one nautical mile of any such area. If the use of such products is to take place in deeper waters, KMA will be consulted beforehand except under *force majeure* conditions (for example, if human life is at risk). KMA normally initiates dispersant spraying only if this policy requirement is satisfied, dispersant spraying is likely to be effective and either; the Environment Group advises that there is a significant threat of damage to birds, marine life, ecologically sensitive areas, or amenity beaches; or an offshore operator considers it necessary for safety reasons.

H.16 Should the ICC decide not to follow the advice of the Environment Group, it must record the reasons for this, and circulate the record to all other response units as soon as is practicable.

H.17 KMA balances the likelihood of dispersant spraying being effective against its environmental consequences and cost. While dispersant spraying removes the problem of disposing of waste oil recovered on shore, dispersed oil may remain in the marine environment for a considerable time.

H.18 Dispersant spraying is most effective if carried out as soon as possible after an oil spill. Research findings provide important guidance on the likely effectiveness of dispersants. They show that the time available for spraying oils that are amenable to dispersants is limited and depends on the type of oil and the weather conditions.

H.19 Aerial spraying resources should therefore be alerted quickly when spraying missions are anticipated and an early decision should be made on whether and where to spray.

H.20 KMA uses information gained from aerial surveys to assess the effectiveness of the response operation, including aerial spraying, and to inform future operational decisions. Monitoring sub-surface oil concentrations from a suitably equipped ship is a more definitive indicator of dispersant performance than visual observation. KMA mobilizes such equipment wherever possible.

Aerial spraying operations

H.21 KMA may charter for dispersant spraying aircraft with spray- monitoring systems. They should deliver dispersant under the direct control of surveillance aircraft to ensure the strict observation of geographical or other limits on spraying.

H.22 KPA and OSMAG maintain stocks of dispersant sites and shall avail the same to responders in the event of an oil spill incident response operations.

Ship-borne spraying operations

H.23 Ships can provide support for operations in port or coastal waters or in waters at the limit of the operating range of aerial spraying aircraft. Such ships are particularly useful in maintaining a permanent response if there is an imminent threat of a spill or a continuous release of oil.

Oil recovery operations

H.24 The recovery of spilt oil from the surface of the sea causes the least damage to the environment. There is a wide range of systems available. These generally consist of a boom to collect or contain the spilt oil and a skimmer to pick up the oil.

H.25 When deploying oil recovery equipment KMA considers the following issues:

a) As the equipment is ship-borne, it takes time to arrive at the scene of the spill. Therefore, when the weather and other circumstances of a spill indicate that recovery of oil at sea will be effective, KMA mobilizes and deploys equipment as quickly as possible. This minimizes the weathering and spread of the oil.

b) Wind strength, wave height and currents greatly affect the effectiveness of booms. Most systems are unable to operate effectively if the sea is more than moderately rough. The nature of the oil and the extent to which it has weathered or formed a mousse can also impede oil recovery.

c) KMA selects the booming system to suit the prevailing conditions. It selects the recovery equipment that is most effective on the type and condition of oil encountered. It also identifies suitably trained and experienced operators familiar with the various recovery techniques and the safe handling and disposal of recovered oil.

d) Locating the skimmer in the thickest part of the slick maximizes the rate of oil recovery. In a continuous spill, therefore, the skimming device should be close to the release point, as this is where the oil is thickest.

e) The need to plan carefully for the final transfer and shore disposal of recovered oil. The Waste Managements procedures are outlines in Appendix K.

H.26 Taking these factors into account, KMA uses mechanical recovery equipment from:

a) KPA stockpiles;

b) OSMAG stockpiles;

c) the commercial sector; and / or

d) neighbouring States, understanding international agreements.

In situ burning

H.27 The purpose of in situ burning is to remove oil from the surface of the sea through combustion. If successful, only a small fraction of the original volume of oil remains as a residue. The rest of the oil enters the air column in the form of particulates and gases contained within a discharge plume.

Cleaning of oil recovery equipment

H.28 It may be appropriate to establish a centralized cleaning station to deal with equipment used in oil recovery operations at sea and on the shoreline. KMA discusses the design, location, and operation of such a cleaning station with the responders. These discussions include consideration of location, capacity, health and safety, waste disposal and support facilities.

H.29 The bodies who may be represented at both Tactical and Strategic level include:

a) National Police Service;

b) Fire and Rescue Services;

c) Emergency Response Services;

d) Kenya Ports Authority;

e) OSMAG;

f) Kenya Maritime Authority;

g) NEMA;

h) Ministry of Health and Sanitation;

i) County Government;

j) Military liaison; and

k) Other services as appropriate

H.30 Where such management structures are put in place for a maritime incident, then effective liaison with the ICC is essential. Plans should include arrangements to provide liaison officers in each location. Consideration should also be given to co-location where appropriate.

APPENDIX I: PROCEDURE FOR APPROVAL AND TESTING OF OIL TREATMENT PRODUCTS

Product approval and testing

I.1 KEMFRI acts on behalf of KMA for the testing and approval of dispersants intended for use in Kenyan waters. Products must pass tests for toxic effects on marine species using standard protocols developed by KEMFRI.

I.2 These tests ensure that approved products are safe for use at sea and on the shoreline. A product will pass the "Sea Test" if the relative toxicity of a mix of oil and dispersant product is no greater than the toxicity of the oil alone. A product will pass the "Rocky Shore" test if the toxicity of the sample oil is greater than the toxicity of the dispersant.

I.3 Periodic re-testing of stocks must take place. If stocks remain sealed in the original packaging, this must take place after ten years to ensure that they remain effective. For all other stocks, such as those poured into ships' tanks, a re-test must take place after five years. Further efficacy tests must take place at five-year intervals.

Approval for Use

I.4 It is also a statutory requirement to obtain specific approval from the KMA for any use of oil treatment products in water depths of less than 20 meters, or within one nautical mile of any such area. If the use of such products is to take place in deeper waters, KMA shall be consulted beforehand except under *force majeure* conditions (for example, if human life is at risk).

I.5 KMA will approve any appropriate use in shallow waters on a case-by-case basis after seeking advice from the NEMA and KEMFRI. Advice from these organizations will also inform any response to consultations over dispersant use in deep water.

I.6 KPA and OSMAG have been issued with a "standing approval" to enable immediate use of a limited amount of dispersant according to terms specified in the approval and the procedures described in their approved OPRC oil pollution contingency plan. Any use not prescribed by the "standing approval" (such as using more dispersant than approved, using dispersants on types of oil specifically excluded from the "standing approval" or using dispersants in a sea area not specified) requires approval by KMA on a case-by-case basis.

APPENDIX J: SHORELINE RESPONSE CENTRE

General

J.1 The purpose of an SRC is to provide an organization through which county governments can discharge their responsibilities for preventing and mitigating pollution of the shoreline. The SRC should bear in mind that under international conventions, response measures and their associated costs need to be reasonable. The responsibilities of an SRC are likely to include:

a) determining the extent of the problem;
b) devising a strategy for dealing with it;
c) coordinating actions within that strategy (including the recovery and reuse or final disposal of waste arising from any operation);
d) monitoring progress and effectiveness; and
e) liaising with the other response units involved in the same incident and briefing the media and the public.

J.2 The coastal pollution response plan of each county should therefore contain provision for setting up an SRC. The plans for the establishment of an SRC should contain arrangements:

a) to enable them to act, where necessary, on behalf of more than one local authority; and
b) to enable the SRC to benefit from co-operation with the KMA, KEMFRI,NEMA,KPA, non-governmental organizations and any other relevant organizations.

J.3 The first county government to receive the pollution normally establishes an SRC. It may subsequently be preferable to re-locate the SRC to another local authority as the extent or emphasis of the pollution moves to that other authority's area.

J.4 The SRC needs clear arrangements for adopting a strategy, deciding on the specific actions, establishing priorities between actions, and authorizing the contracts and expenditure needed to give effect to those decisions. Each county government plan should therefore include:

a) provisions for appointing the officer or officers authorized to take decisions on behalf of the authority, and laying down the framework within which they are to operate;
b) provisions for enabling the relevant officers of another authority which is taking the lead on behalf of a group of authorities to act on behalf of it; and
c) arrangements for determining how to divide the costs of joint local authority action among the relevant authorities.

J.5 It is helpful to organize a SRC on the basis of five functional teams:
a) a management team;
b) a technical team;
c) a procurement team;
d) a media and public relations team; and
e) an information and administration team.

J.6 The county government normally chairs and provides administrative support to each functional team.

J.7 The SRC seeks advice from the Environment Group established for the incident.

Management Team

J.8 The role of the Management Team is:
a) to quickly determine priorities for action in protecting sensitive areas and dealing with pollution at the various polluted sites. These decisions should be disseminated as soon as possible to those inside and outside the SRC;
b) to exercise strategic management of financial expenditure;
c) to maintain a log of the policy decisions taken and ensure that all other teams keep records of policy and financial decisions.
d) to prepare regular situation reports on the conduct of operations for circulation to all interested parties (based on briefings supplied by the Technical Team);
e) to interact with elected representatives, central government, the public and the media; and

f) To make appropriate arrangements to keep affected landowners informed and, where practical, consult significant landowners. Consideration should be given to the inclusion of significant landowners in the Management Team.

J.9 There should be one sub group of the Management Team – the strategy sub-group. The objective of this sub group is to provide the Management Team with an overview of short, medium and long-term issues to be addressed as the response evolves. The group identifies the short, medium and longer-term issues for each of the functional teams to consider. They draw up a matrix identifying significant and potentially significant issues for the SRC response strategy as a whole, but especially for the Management Team to consider. Time frames for the issues could be: next one to three days; three two day days and beyond ten days.

Technical Team

J.10 Reporting to the Management Team, the Technical Team is responsible for dealing with the conduct of operations by:

a) determining a reasonable strategy for dealing with pollution at the various locations (to achieve this, close liaison with the Environment Group is essential);
b) allocating resources on a priority basis determined by the Management Team;
c) informing the Management Team of any resource shortfalls;
d) allocating contractors to specific tasks as determined by the Management Team;
e) transmitting decisions to local forward control centres;
f) monitoring the progress of operations; and
g) to inform or consult affected landowners in accordance with the Management Team's policy.

J.11 The Technical Team comprises representatives of:

a) KMA (scientific/technical officer);

b) County government expertise in:
   i. technical and engineering services,
   ii. waste management
   iii. health and safety

iv. administrative support, particularly minute taking;

c) county government liaison officers;

d) Environment Group (Environment Liaison Officer (ELO)) (most likely the same individual as the ELO on Management Team);

e) police (to assist in route planning, traffic control, possible road closure, etc);

f) Marine police to provide local knowledge (for example, access to beaches, knowledge of local tides); and

g) representatives of other (statutory) organizations as appropriate

J.12 To enable the Technical Team to manage its many tasks, there should be three sub-groups:

a) a waste management sub-group: to prepare a plan for temporary storage of collected waste and manage the final disposal options

b) a health and safety sub-group: to ensure that proper health and safety procedures are in place and that Beach Masters are properly briefed in these matters; and

c) a booming / equipment sub group

J.13 The Technical Team must obtain a daily progress report from all Beach Masters. They should then review their plan and submit any revisions to the Management Team.

Procurement Team

J.14 Reporting to the Technical Team, and working to them on allocated tasks, this team is responsible for:

a) procuring, marshaling and routing equipment to designated areas. However, where KMA is to pay for resources, its prior agreement is necessary;

b) monitoring expenditure made on behalf of county, unitary, and district councils during the incident;

c) collating invoices with expenditure;

d) supporting claims for compensation;

e) providing the Management Team with a summary of expenditure on request;

f) monitoring the levels of deployed resources at the various locations;

g) recovering or re-deploying resources as they become surplus to requirements at the various sites; and

h) informing the Technical Team of any resource shortfalls.

Media and Public Relations Team

J.15 The team should consist of KMA and KPA information/public relations officer together with other relevant stakeholders.

J.16 The Media and Public Relations Team (MAPRT) are responsible for:

a) preparing media briefings in consultation with the Management Team;

b) arranging media interviews in consultation with the members of the Management Team;

c) managing the media briefing room, established outside the confines of the SRC; and

d) ensuring that the briefing room supplies regular media briefing notices.

J.17 A public help-line may be established, depending on the circumstances and scale of the incident, to handle calls from the public. The decision to set up a help-line will be taken by the Management Team and responsibility for putting it in place will rest with the MAPRT. It is unlikely that the MAPRT will have the resources to staff such a help-line and it is recommended that appropriately trained call-handlers be provided from a separate source. Consideration should be given as to whether local members of the voluntary sector could be utilized for this task.

J.18 Call-handlers operating the help-line should refer offers of assistance, including equipment and products, to the KMA MRCC

Information and Administration Team

J.19 The information and administration team consists of local authority staffs that are responsible for the general day-to-day running of the SRC and the provision of administrative support to all functional teams.

J.20 The team is responsible for:

a) the dissemination of message traffic and information into, within and out of the SRC;

b) log keeping of message traffic and information into, within and out of the SRC;
c) providing and maintaining communication links within the SRC;
d) arranging appropriate IT support and resources for all functional teams;
e) detailed minute taking during the Management and Technical Team discussions
f) filing messages, minutes and records for future reference and compensation claims;
g) logging and updating of information boards and operational maps; and
h) providing catering and security to the SRC.

The involvement of other county governments

J.21 Where pollution affects more than one local authority, each should be represented in the SRC by an identified liaison officer. They should participate in meetings of the Management Team as necessary.

J.22 The specific tasks of the liaison officers should be:

a) to maintain links with their county government;
b) to provide information to the Technical Team concerning individual locations within their authorities (in particular, information which would affect the formulation of strategy);
c) to collaborate with the Technical Team, to agree the strategy for dealing with pollution at the affected sites and the level of resources to be allocated to the various locations;
d) to collaborate with the Procurement Team in procuring, marshaling and dispatching resources to the affected sites;
e) to inform authorities of the agreed strategy and the resources allocated to the various affected sites;
f) to arrange reception of these resources at the point of use in collaboration with the Procurement Team; and
g) to monitor progress of operations within their individual authorities.

J.23 Affected ports should also provide liaison officers. The specific tasks of the liaison officers should be:

a) to maintain links with their port authority;
b) to provide information to the Technical Team concerning individual

c) locations within their port (in particular, information relevant to the strategy);

d) to collaborate with the Technical Team, to agree the strategy at the affected sites and the level of resources to be allocated to the various locations;

e) to collaborate with the Procurement Team in procuring, marshalling and

f) dispatching resources to the affected sites;

g) to inform their ports of the agreed strategy and the resources allocated to the various affected sites;

h) to arrange reception of these resources at the point of use in the collaboration within the Procurement Team; and

i) to monitor progress of operations within their individual ports

APPENDIX K: ENVIRONMENT GROUP AND WASTE MANAGEMENT PROCEDURES AND GUIDELINES.

Introduction

K.1 This appendix provides an outline operational guidance to section 9 of the NCP on how to address the environmental and public health aspects of the response to a maritime incident. It describes the among others-

a) likely composition of the Environment Group;

b) the procedures for establishing such a Group;

c) the key tasks that the Group would carry out during and after an incident; and

d) Waste management procedures and guidelines.

Terms of reference

K.2 The Environment Group has a vital role in the response to any maritime incident, particularly where there might be a threat of land, air or sea pollution involving oil and/or hazardous and noxious substances. The purpose of advice from the Group is to minimize the impact of the incident on the environment and public health in the widest sense.

K.3 Public health issues are addressed initially by the Environment Group. However, should a threat to public health be deemed significant and specialist knowledge and advice be needed then a public health officer shall be available to determine the appropriate level of response.

K.4 The main function of the Group is to provide advice and guidance to the On Scene Commander, the Salvage Control Unit (SCU), the Marine Response Centre (MRC), the Shoreline Response Centre (SRC), and the command and control centre for response in a port (when established) and to the Operations Control Unit (OCU) (if and when established by the RMRCC) for incidents involving the offshore oil and gas industry, on all environmental and public health aspects of a pollution incident. This includes the

assessment of environmental risks and potential impacts arising from an incident, as well as the implications of any clean up or salvage operations. It achieves this through:

a) the appointment of an Environment Liaison Officer (ELO) for each of the response units established to deal with the incident;

b) providing advice and guidance to minimize the impact of the incident and clean up response on the environment and public health, informed by local knowledge and specific information collected;

c) using all relevant environmental information and local knowledge available;

d) monitoring the environment and assessing the impact of the incident and clean up response in both the short and long terms (that is, by fulfilling the role of an impact assessment group unless the extent or complexity of an incident results in a separate group being formed specifically with this task); and

e) facilitating the welfare, rehabilitation or human disposal of impacted wildlife or other agreed recognized animal welfare organizations. In the case of significant wildlife casualties there is a requirement to set up a dedicated wildlife treatment centre staffed by suitably qualified personnel. All aspects of wildlife welfare and rehabilitation from search and collection to release should follow established guidelines and procedures under the management of the recognized animal welfare body.

The mechanism for advice provision by the Environment Group

K.5 Due to the need for prompt provision of environmental advice, it is recognized that much or most of the advice stemming from the Environment Group is given to the response centers verbally or by telephone. The Group provides its advice to response units through ELOs. The Group should provide its advice in a timely manner record its advice and the rationale for it in writing. Where the response units do not accept the advice given by the Environment Group they should similarly record the reasons in writing and pass this to the Group and the heads of all other response units formed.

Key tasks

The Environment Group

K.6 The key tasks of the environment group are,

a) provides operational advice, including:

i. advising on potential and real impacts on public health;

ii. advising on the relative importance of environmental features and wildlife at risk and their sensitivity/vulnerability to oil or other hazardous substances and related clean-up activities;

iii. agreeing and prioritizing environmentally sensitive sites and wildlife in need of protection;

iv. ensuring that priorities of clean-up adequately reflect environmental concerns;

v. advising on the environmental implications of operational response measures and their effectiveness when implemented;

vi. taking account of and seeking to resolve conflicting environmental issues and priorities within the group's remit; and

vii. Contributing EG-appointed members to the SRC-controlled Shoreline Clean-up Assessment Teams (SCAT).

b) requires a range of data, information and operational advice including:

i. human population at risk;

ii. information on the distribution and seasonal status of all wildlife;

iii. information on fishing grounds, spawning and nursery areas, shellfish beds and mariculture generally;

iv. information on abstractions from, discharges to and uses of all waters likely to be affected;

v. real time information on wildlife, fishing activity and ecosystems in affected areas;

vi. collated records of all wildlife affected by pollution (including wildlife welfare co-ordination); and details of the progress and success of clean-up operations.

c) advises on monitoring, including:

i. risks and acute effects to public health;

ii. preparation or identification of environmental baselines against which later environmental evaluations can be compared;

iii. monitoring the environmental effects of clean up operations in sensitive areas, ensuring that such activities match the strategy of the Environment Group as agreed in the relevant response centre; and baseline monitoring of impact on wildlife, fisheries and sensitive sites/habitats threatened by pollution.

d) initiates long-term impact assessment, including:

i. impact on human health;

ii. impact on fisheries (including shell fish beds and salmon farms etc.);and

iii. impact on all aspects of the natural environment.

K.7 If a situation develops where there is potential for conflict for resources between members of the SRC and the Environment Group, then efforts should be made to co-ordinate requirements thereby avoiding duplication. The Environment Group should

bear in mind that under international conventions, response measures and their associated costs need to be reasonable.

Establishing the Environment Group

K.8 Establishing an effective Environment Group for an incident will be best facilitated by sound contingency planning. As a minimum, the Chair and the potential pool of ELOs should be nominated in advance, and suitable accommodation and support facilities identified.

Environmental Liaison Officers

K.9 The chair nominates an Environment Liaison Officer for each of the established response centers. The chair establishes lines of communication to allow the provision of timely advice to these units. It is important that the individual ELOs appointed are fit for the task in hand. The expertise required varies with each incident and a pool of suitable nominees with a range of relevant experience, knowledge and specialism should be identified. In all incidents, the common requirement for ELOs is broad familiarity and understanding of the responsibilities and issues relating to the response centre to which they may be appointed. To ensure clarity for communication between response units and the Group, only one ELO is appointed to each response unit, though the ELOs may require relief or support by one or more deputies.

Membership of the Environment Group

Core membership

K.10 The composition of the Environment Group depends on the nature (magnitude and complexity) and location of the incident. The core membership may include representatives of the following:

a) the relevant statutory nature conservation bodies;

b) the relevant government department with respect to fisheries and other wider maritime environmental interests;

c) the relevant environmental regulator;

d) the local public or port health body (public health interests are represented by specialists from either the Health Protection Agency may contribute to the process either directly or in partnership with other agencies as appropriate;

e) the affected, or threatened, local authorities; and

f) KMA may join the core group if deemed necessary by the Chair.

K.11 KMA in any case, maintains close liaison with the Group in the context of overall incident management and continuity.

K.12 In addition, the core membership of the Enviromental Group may include Fisheries Department, and Kenya Wildlife Society with coastlines as appropriate.

K.13 The Chair and core members of thhe Environmental Group shall decide whether to expand the Group's membership to include representatives of other organizations. The Chair and core members shall also decide when it is necessary to convene the Environment Group close to the scene of the incident.

Animal welfare bodies

K.14 The Environment Group may draw members from the Kenya Society for the Prevention of Cruelty to Animals *(*KSPCA). They take the lead in wildlife welfare and rehabilitation and co-ordinate that work thereby avoiding any possible duplication of effort and unreasonable actions. The statutory nature conservation body alerts these bodies when live wildlife casualties are involved.

Other bodies

K.15 Depending on how the incident develops, the members may recommend that further environmental organizations become involved. Representatives of Non-Governmental Organizations (NGOs) may also have relevant expertise to offer the group.

Assessment of Long Term Environmental Impact

K.16 If a marine pollution incident is expected to have a significant environmental or public health impact, arrangements should be made to begin to monitor and assess the long-term impact, as well as the short to medium-term environmental impact. Therefore, in addition to providing operational advice to the response centers, the Group needs to initiate and encourage provision for the collection and evaluation of data on the environmental effects of the incident. One of the roles of the Standing Environment Groups is to record data on the pre-existing baseline conditions within their area, for use as reference points during an incident. The Environment Group needs to include a public health risk assessment.

K.17 It is recognized that some incidents result in extensive pollution of the sea and coastlines. Other incidents may result in the loss of a chemical into the sea that may not have an immediate impact but might be significantly bio-accumulated over the years, or maybe in an irrecoverable package which has the potential for bursting open. Either type of incident may require a significant monitoring and assessment programme or a long term monitoring commitment. The Environment Group membership plays an important part in monitoring and assessment work but the process overall may be managed by an independent body set up specifically for that task at that time.

K.18 In such major or long-term incidents impact assessment projects may need to be commissioned. The appropriate Government Department responsible for environmental issues for the waters where the incident occurs take the lead in coordinating the commissioning of such work.

K.19 It is necessary to link such new work with the monitoring and assessment activities, particularly so that any monitoring data required for the impact assessment projects is

collected as early as possible rather than waiting for two or three months for contractors to be appointed. This data collected in the early phases of an incident, and the manner in which it was collected, is crucial to any subsequent medium and long term evaluation reports.

K.20 Therefore it may be necessary to transfer the responsibility for coordinating, monitoring and assessment work from the Environment Group to a new separate group concentrating on coordinating Environmental Impact Assessment at an early stage.

K.21 The Environmental Impact Assessment group is charged with obtaining funding for the impact assessment, including public health, and long-term monitoring programmes. They also consider whether any existing research and development projects or monitoring work should be delayed to release scientific expertise to the impact assessment project. In a major oil cargo spill incident there is a need to involve the IOPC Fund at an early stage if any costs for this work are to be reimbursed.

K.22 The Environment Group links with the MRC, SCU, OCU and the SRU.

K.23 The relative length of time that individual response centres are operational varies according to the nature and scale of the incident. A major incident could involve the establishment of response centers for several months.

K.24 The Environment Group and ELOs expertise requirements vary with each incident and a pool of suitable nominees with a range of relevant experience, knowledge and specialism are identified. Appendix G describes the role of the ON Scene Commander and the SCU for maritime casualties from shipping and offshore installations operations.

K.25 Appendix H describes the at-sea response and the MRC.

K.26 Appendix J describes the establishment and operation of an SRU. It is important to co-locate the Environment Group and the SRU, where established. This enables the Environment Group to provide timely, appropriate advice to the SRU in consideration of the complexity of the situation and length of operation. To facilitate effective liaison

between the Environment Group and teams within the SRU, the ELO appointed to the SRU is a member of the SRU Management Team.

K.27 The specific tasks for the Environment Group in a protracted SRU are likely to includes among others:

a) an evaluation of the relative importance of nature conservation and other environmental features at risk during a marine oil/HNS incident. This includes their sensitivity/vulnerability to oil or HNS and clean up.

b) the establishment of agreed priorities for protection and clean up;

c) provision of advice and appointment of Environment Group-appointed members to the SRu controlled multi-disciplinary Shoreline Clean-up Assessment Teams (SCAT), as required;

d) provision of advice on the suitability of pre-identified locations for the natural degradation of oil;

e) provision of advice on whether proposed clean-up techniques are likely to cause more damage than leaving the pollution to degrade naturally. This may involve the preparation of advice for use or non-use of dispersants in specific scenarios to pass on to KMA or other responders before they formally request approval from KEMFRI others for the required statutory approval. The formal dispersant approval process is outside the Group's ambit, those decisions are made centrally by KMA/KEMFRI after consultation with the appropriate statutory nature conservation body; and

f) monitoring clean up operations in sensitive areas to ensure that clean-up operations match the strategy agreed in the SRU, and ensuring the thorough documentation of all decisions and actions taken by, or on behalf of, the Environment Group.

K.28 The following waste management practices must be followed in the management of wastes generated in a spill response effort:

a) Dispose or manage wastes and recoverable materials in permitted or otherwise authorized locations and facilities only. Unauthorized disposal or management will not be tolerated.

b) Reduce waste generation whenever practical. This is known as waste minimization or pollution prevention.

c) Reuse or recycle materials whenever practical. This not only lowers consumption of raw materials, it also eliminates the need for waste disposal. Recycling and reuse of recovered oil and oily water is the preferred option.

d) Maintain good housekeeping practices. Employees and contractors should maintain neat, clean work areas to reduce the need for additional clean up and the wastes it would generate.

e) Properly store wastes, especially hazardous wastes, to avoid releases to soil, water, or air, until they can be appropriately managed.

f) Clearly identify waste containers. Use a label or other means to clearly identify the contents of containers of hazardous, non-hazardous and inert wastes.

g) Document quantities and disposition of all hazardous and non-hazardous wastes as instructed in this plan. Waste tracking can help to manage costs, and is required for all hazardous wastes. This information will be included in the final report developed at the conclusion of response activities.

h) Recovered liquids (oil, water, sludge) should be collected and stored in as large a container as possible (drum, tote tank, frac tank, or barge) to maximize decanting potential, facilitate uninterrupted recovery, and to minimize equipment decontamination requirements.

i)

j) Communicate your ideas for waste minimization or waste management improvements to supervisors and fellow employees in different areas

Waste Management Guidelines

The waste hierarch

K.29 A useful model when dealing with a waste stream originating from any source is the 'waste hierarchy'. This concept uses principles of waste reduction, reuse and recycling to minimize the amount of waste produced, thus reducing environmental and economic costs and ensuring that legislative requirements are met. It provides a tool for structuring a waste management strategy and can be used as a model for all operations

Segregation

K.30 In the event of a spill and the subsequent clean-up operation, oil and oiled debris collected becomes a waste that should be segregated, stored, treated, recycled or disposed of. Assuming segregated disposal routes are available, an important process in the first stages of an oil spill response is to classify and segregate waste streams at source. Waste should be channelled into separate storage dependent upon type, taking into consideration the most suitable containment for that material.

Waste generated by different oil recovery methods

Clean-up technique	**Effect on waste stream**	**Type of waste generated**
Dispersant application Dispersant chemicals are used to break down the oil slick into small droplets so that the diluting effect of the ocean is better able to reduce hydrocarbon concentrations. This strategy will not work with all oils and is not appropriate for use in certain environments	Waste concentrations are minimal as the oil is suspended in the water column and allowed to biodegrade naturally	• No hydrocarbon waste is generated. • PPE • Empty dispersant drums/considerations
At sea response operations Recovery devices, e.g. booms and skimmers, are	Recovery operations will potentially give rise to a large quantity of waste oil	● Oiled equipment/vessels ● Oiled PPE and workforce ● Recovered oil

deployed from ships or small craft to recover oil from the sea surface. Suitably sized storage systems may be needed which, in the case of highly viscous or waxy oils, will require heating elements. Transfer systems and reception facilities will also be needed to sustain operations over the long term.	and water for treatment. The volume of the storage systems available must be consistent with the recovery capacity of the skimmers. The type of oil spilled will have an effect on the resultant waste; viscous and waxy oils in particular will entrain debris and can create large volumes of waste. They can also present severe handling difficulties.	● Oily water ● Oiled vegetation ● Oiled sorbent materials ● Oiled flotsam and jetsam ● Animal carcasses
Shoreline clean up Oils are recovered from shorelines either using mechanical or manual means. Manual recovery is the preferred method because it has the effect of minimizing the amount of waste generated. Machines can be used to transport the waste from the shoreline to the primary storage site. Portable tanks or lined pits can be used to consolidate recovered oil at the operating site. The shoreline type, and degree of access to it, will dictate the types of strategies used which, in turn, will	The type of spilled oil will often have a profound effect on the amount of oily waste generated. Waste segregation and minimization techniques are critical to ensure an efficient operation. These should be established at the initial recovery site and maintained right through to the final disposal site otherwise waste volumes will spiral out of control. Waste sites should be managed in such a way as to prevent secondary pollution.	● Oiled equipment/vessels ● Oiled PPE and workforce ● Recovered oil ● Oiled vegetation ● Oily water ● Oiled sorbent materials ● Oiled beach material: • sand • shingle • cobbles ● Oiled flotsam and jetsam ● Animal carcasses ● Oiled transport

determine the amount of waste recovered.		
In-situ burning This involves a strategy of burning spilled oil using fire booms to thicken the oil layer to sustain combustion. Weathering and emulsification of oil will inhibit the process. The strategy cannot be used on all oil types or in all environments. The resultant air pollution and the production of viscous residues can limit the application of the strategy	In-situ burning can reduce the amount of oil in the environment. However, the remaining material may be more persistent.	● Burnt oil residues ● Oiled/fire damaged boom ● Oiled vessel ● Oiled PPE

K.31 The nature of the environments in which spills occur and the clean-up techniques used all determine the waste type and quantity generated. The key is to ensure that each waste type is segregated at source and the amount of waste kept to a minimum. This will facilitate recycling as well as the environmental and economic efficiency of disposal.

K.32 Wastes must always be stored on site in suitable containment taking into account the local environment. It is good practice, and often compulsory by law, those quantities are noted and each type labeled. Monitoring of the waste will also be needed to support claims.

K.33 It is important to establish arrangements for the intermediate storage, transfer and final disposal of the waste at an early stage. Without this, it will remain on site preventing further clean-up operations. These arrangements should be agreed at the contingency planning stage to prevent hasty and uninformed decisions being made.

Onsite/ near site temporary storage

K.34 Location of the storage site should be carefully planned and should, ideally, be above high-water, spring tide and storm wave limits to avoid being washed away. In regions subjected to extreme heat certain storage containers, especially plastic bags, should be protected from prolonged exposure to direct sunlight as this can cause breakdown of their material. Storage containers should be labeled with the contents, quantities and relevant hazard labels before transportation, and relevant documentation passed to the driver or waste manager.

Storage type	Considerations
At sea-in-built vessel tanks, inflatable barges/ bladders and headed tanks	●Local legal regulations must be adhered to. ● Wastes must be segregated. ● Use of vessel-tanks can incur high costs and be difficult to empty and clean after the operation. ● Deck-storage must be secured tightly. ● Lids are required to prevent spillage with vessel movement. ● Heated vessel tanks are strongly recommended.
Shoreline-skips, portable tanks, sacks, barrels and lined pits	● Local legal regulations must be adhered to. ● Wastes should be segregated. ● Storage tanks must be located on firm, level ground. ● Facilities should be within close proximity of the recovery equipment to limit secondary contamination. ● Adequate access is required for heavy vehicles to remove the waste from site. ● Storage facilities should be above the mean high-water spring tide limit. ● Water-tight covering is required to prevent

	rainwater infiltration. ● Pits must be lined to prevent ground contamination. ● Storage areas should be marked clearly and cordoned off. ● Security may be required to prevent unauthorized dumping.

Intermediate / long term storage

Waste transfer

K.35 During clean-up operations both onshore and at sea, waste will have to be transported. The transportation of waste within any operational site will require the use of small vehicles such as dump trucks, front-end loaders and all-terrain vehicles; in inaccessible areas landing craft, or in extreme cases helicopters, may be required.

K.36 The transfer of waste from recovery sites to storage sites should also be carried out by suitable vehicles, e.g. tankers for liquid waste and sealed trucks for solid waste. In an emergency a variety of vehicles not normally used for oil transport may be utilized. This may include vacuum trucks, tipper trucks, skips or refuse trucks. Sources of transport should, ideally, be identified in the contingency plan, and agreements made in advance.

K.37 It is advisable that these vehicles do not leak and are carefully decontaminated before leaving the site in order to reduce secondary contamination of roads and access routes. Local legislative requirements should be given due consideration, and it should be noted that transport licenses will often be required for the movement of hazardous wastes.

Intermediate and long-term storage

K.38 After the waste has been segregated and stored in appropriate containers on site it will be transported to storage sites where it remains pending final disposal. Efficient transfer and storage of recovered waste is an essential part of waste management. If waste is not removed from the recovery site then further operations could be hampered, both

upstream and downstream. Table below explains the criteria associated with intermediate and long-term storage if options for immediate disposal are not available.

Criteria	**Intermediate Storage**	**Long-Term Storage**
purpose	●Permits efficient oil recovery, i.e. if oil is not removed from site then this can hinder further recovery. ● Prevents bottlenecking i.e. many vehicles from a large area trying to access one site. ● Gives responders time to organize final storage whilst continuing to recover oil. ● Allows efficient transfer of waste, combining small loads so that fewer journeys are made to the final destination, thus reducing fuel consumption, economic costs and the number of contaminated vehicles.	●Allows time for final disposal options to be identified. ● Allows segregation of mixed wastes to be carried out. ● Allows preparation for final disposal, negotiating contracts and time-scales, etc

Management considerations

a) All waste handlers should have proof of competence.
b) Batches of waste should be marked according to the type of waste and source.
c) All documentation should be retained.
d) All legal requirements must be met.
e) Sites should be well set up in areas with good access routes.
f) Containers should be compatible with the types of waste.
g) Where feasible, waste should be compressed to reduce transport volume.
h) Containers should be leak proof to avoid secondary contamination.

i) All contaminated water produced on site should be dealt with in a way that prevent environmental damage.

Treatment, recycling and final disposal of oiled waste

K.39 The objective of any oil spill clean-up operation is ultimately to treat, recycle or dispose of the oily waste in the most efficient and environmentally sound manner. The disposal option chosen will depend upon the amount and type of oil and contaminated debris, the location of the spill, environmental and legal considerations and the likely costs involved. Table below identifies the different options available for the disposal of waste with regard to the different categories of collected waste.

Waste type	Treatment methods								
	Re-processing	Oil water separation	Emulsion breaking	stabilization	Bio-remediation	Sediment washing	landfill	Thermal treatment	Heavy fuel use
Pure oil	✓	x	x	x	x	x	x	x	✓
Oil and water	✓	✓	✓	x	x	x	x	x	✓
Oil and sediment	✓	x	x	✓	✓	✓	✓	✓	x
Oil and organic debris	x	x	x	✓	✓	x	✓	✓	x
Oil and PPE/ equipment	x	x	x	x	x	x	✓	✓	x

K.40 There are a number of possible disposal options for waste generated during a spill response (summarized in Table below). Each waste will require a different treatment method.This will be determined by a number of factors including cost, local resources, legislation and environmental considerations.

K.41 There may be conflict between the quickest, cheapest disposal option and sustainable waste management. This problem is now being recognized internationally and is being addressed by industry and governments through education and contingency planning.

Disposal option and relevant considerations

Treatment method	Techniques	Considerations
Re-processing	● Oil is recovered with a low water and debris content and is then reprocessed through an oil refinery or recycling plant. ● Oil can then be reused—the preferred option as identified in the waste hierarchy.	● Refineries cannot accept oil with a high salt content because it can cause irreversible corrosion damage to the pipe-work. ● Oil that is heavily contaminated with water, sediment and debris is also unacceptable.
Oil/ water separation	● Separation generally occurs by gravity i.e. oily water is put into a lined pit and allowed to separate out. A skimmer is then used to remove the oil from the surface. ● Special separation equipment, found at oil processing installations, is also often used.	● Oily water residue from separation techniques may then have to undergo further treatment through a system of weir separators, as the hydrocarbon Content will still be too high for release into the environment.
Emulsion breaking	Heating of emulsions can be used to break them down to oil and water phases.	● Any chemicals used will remain in the water after separation so care will be needed when disposing of

	● In some cases specialized emulsion breaking chemicals will have to be used. ● Once separated the recovered oil can be blended into refinery feedstock or reprocessed.	the water.
Stabilization	● The oil can be stabilized using inorganic substances such as quicklime (calcium oxide), fly ash or cement. ● Stabilization forms an inert mixture that reduces the risk of the oil leaching out and thus can be sent to landfill with fewer restrictions than free oil.	● Contact with quicklime can cause irritation to eyes, skin, respiratory system, and gastrointestinal tract. ● The material reacts with water, releasing sufficient heat to ignite combustible materials.
bioremediation	Bio-remediation is used to accelerate the natural, microbial break-down of oil.	Bio-remediated material may need mixing at intervals to encourage aeration; fertilizer may be added if necessary and consideration should be given to the suitability of location e.g. adequate distance from ground water supplies. Landforms suitable for bioremediations are becoming difficult to find.
Beach washing	● Involves the cleaning of pebbles and cobbles, either in-situ or at a separate treatment site. ● For boulders and rocks coated in oil, cleaning may be carried out through washing on a grill allowing the oily water to drain off for	This technique should only be considered when the sediments hold a large quantity of oil because it is time consuming, costly, produces a lot of oily water waste requiring treatment, and there is often difficulty

	treatment. ● For light oiling, boulders and pebbles can be moved into the surf zone for natural cleaning. The wave energy will move them back into their original position over time.	in defining when material is oil free and can be returned to the beach.
Sand washing	● For sandy sediments, specialist sand cleaning equipment can be used. ● A suitable solvent may also be added to aid the process.	This method is time consuming; costly; produces a lot of oily water waste requiring treatment; and it is often difficult to define when sediment is oil- or solvent-free and so can be returned to the beach.
Landfill	● Oily waste typically containing less than approximately 5 per cent oil can be co-disposed with non-hazardous, domestic waste and taken to designated landfill sites. ● Established landfill sites are usually lined which suits oily waste as it prevents the oil leaching out into surface water and aquifers. ● They are also usually covered daily which prevents infiltration of rainwater thus reducing the potential for an increase in contaminated water.	● The sites will need special permission from the local regulatory authority to receive this type of waste and volumes are often limited. ● Chemical testing should be conducted to determine the hazardous content of the oil at this stage. ● Facilities able to receive this waste are becoming more difficult to find.
Incineration	● A treatment technology involving the destruction of waste by controlled burning at high temperatures. In the instance of oiled waste, the hydrocarbons are broken down by the high temperatures which also reduce the remaining solids to a safe,	● The use of portable incinerators is often prohibited by legislation which stipulates that the location must be licensed and an environmental impact assessment carried out because of atmospheric pollution.

	non burnable ash. ● Cement factories and kilns are an effective method and will keep costs down, as treated waste can sometimes be used as a raw material or for power generation.	● Permanent incinerators used for the disposal of domestic waste can be considered, although the highly corrosive nature of the salt in the oil may render these unsuitable. ● High temperature industrial incinerators are able to deal with the waste, although they are limited in supply, making them unable to deal with large quantities, and are often costly
Pyrolysis and thermal description	● Pyrolysis is an example of high temperature thermal treatment. The method converts organic oily waste into gas and solid residues through indirect heating without oxygen. The process historically was used for distilling coal but is now used for dealing with industrial oil-polluted waste materials. ● Thermal desorption aims to separate contaminants from sediments. This is achieved by heating the waste to vaporize the contaminants, without oxidizing them. ● It can be carried out either as high temperature thermal desorption (320–560 ˚C) or low temperature thermal desorption (90–320 ˚C). The latter is most often used for remediating soils containing hydrocarbons as it enables treated	● Due to the specialized nature and sophistication of the plant, high costs may be incurred. ● High organic or moisture content may increase cost and increases the difficulty of treating the gas emissions. ● High sediment content can potentially damage the processor unit. Anything greater than 60 mm in diameter typically must be removed prior to processing.

	soil to retain the ability to support biological activity	

APPENDIX L: WORKING WITH THE MEDIA

Introduction

L.1 Good public communication is vital to the successful handling of any incident and should be incorporated in all contingency planning. When an incident occurs the key communications objective is to deliver accurate, clear, timely information and advice to the public.

L.2 The news media (broadcasting, print and text services, and social media) remain the primary means of communication with the public in these circumstances although websites are increasingly used to provide a further source of more detailed information and advice for the public. Advances in technology mean that live interviews and reports can be sent directly from the scene of an incident as the event unfolds. These developments mean there is a constant requirement from the media for accurate, up to date information.

L.3 It is essential that the media team:

a) identifies the agencies who are responsible for handling various aspects of the situation;

b) ensures that media activity does not interfere with the operational activity of the emergency services; and

c) ensures that the media do not harass human casualties.

L.4 A mechanism needs to be established early for responding to media enquiries (by telephone, e-mail and fax) and the logistics of arranging the daily press conferences, individual briefings. Media officers, from all responding bodies and organizations, have to take responsibility for these tasks, while others concentrate on the management of the information given to the media which can then be monitored or updated as the situation develops.

Initial phase

L.5 In the first few minutes of the incident, possibly within an hour, KMA needs to establish a local spokesperson to give the briefest confirmation of the incident. The KMA act allows only the Director General to talk to the media, its imperative that this be the case in the case of oil and HNS spill response

L.6 If it is clear that the situation is a very serious one and is likely to continue for some time, but KMA has not had sufficient time to assess the situation, any statements should be brief and factual. They should deal only within the areas of responsibility of the person making them. It is the responsibility of the Director/Deputy Director of Operations, or the RMRCC in a salvage incident, to agree the release of further information.

L.7 In order to minimize the risk of issuing conflicting or misleading information to the media, and bearing in mind the necessity for fast but accurate information and that press officers are likely to be based at the same location, all agencies should adopt the following approach:

a) to inform the lead agency press officer before giving verbal statements to the media and to restrict comments to matters concerning the agency that they represent;(KMA is the designated lead agency);

b) before issuing news releases, to consult with the lead agency press officer. If it proves impossible to contact the lead agency in advance (for example, due to communications difficulties) inform the lead agency as soon as possible afterwards;

c) to contact those persons within their own organization whom the media may contact, or who may wish to make statements, and to brief them on the requirement for co-ordination with the KMA press officer;

d) if and when the incident develops to a different phase (for example, coastline clean up operations) to consider KMA the relevant local authority; an

e) When arriving on scene, to liaise urgently with other press officers and to make contact with the KMA press officer to ensure that their contact details are quickly available.

Crisis media team

L.8 The crisis media team shall consist of KMA, County Government local authority, police, port authority, and any other relevant organizations. The KMA may also consider alerting and using Government Press from the local area to supplement the KMA press office response. KMA can put such an arrangement into place at short notice and this facility is free of charge for the first 24 hours.

Managing the crisis

L.9 Once the lead agency has been agreed it is necessary to establish certain procedures:

a) the initial focus of attention for the media will be the area of operations, and journalists will be searching immediately for information and briefings. During this initial period, when the build up of emergency services resources is taking place, the exercise of control is imperative, as a means of assisting the media;

b) all interested parties need to agree joint statements. Press officers from each agency need to consult closely to ensure a coordinated approach to the media;

c) it is essential that the lead press officer attends and participates in the senior management arrangements for the incident. By attending such meetings, the press officer can be fully in the picture and plan the media response. The lead press officer oversees all aspects of the media response, including:

i. activities at the media liaison point or centre;

ii. arrangements for the media to visit the site, possibly including transport;

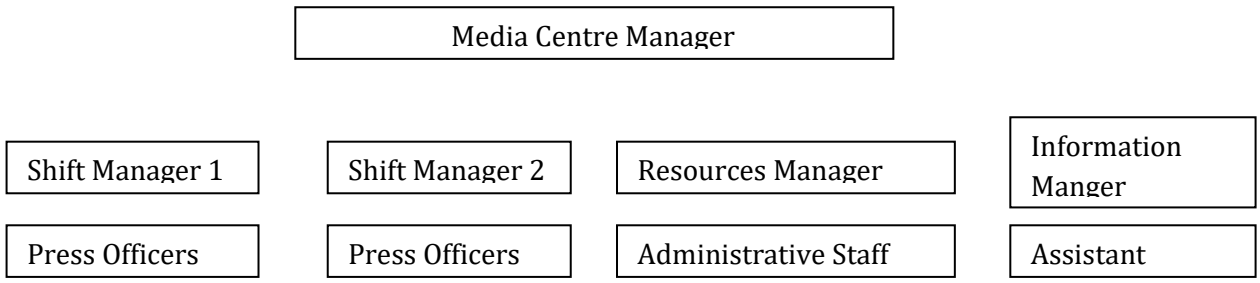
iii. accreditation of bona fide journalists; and

iv. Arrangements for overall monitoring of media output.

L.10 Initially the media may need a reminder that, in the period immediately following a major incident, nobody can know precisely what has happened. Initial statements should focus on what is happening, what the limitations of knowledge are at the time, and what is being done to arrive at a fuller appreciation of the situation. If such statements include a commitment to provide accurate information as soon as it is available, media personnel are more likely to attend briefings and thus accept a measure of control, particularly if the briefings take place at regular intervals.

Establishing a media liaison point and centre

L.11 To cope with shift changes – and media pressure the following will comprise the media liaison point and centre.



L.12 This pre-supposes a long-running event that requires substantial resources. The suggested personnel for these positions are the Heads of Public Relations from all the agencies involved. While the emergency remains mainly at sea, KMA is the lead agency. When the emergency becomes mainly shore side, the lead switches to the relevant local authority. All managers should meet regularly and approve plans for the next, say, 12-hour basis. Each of these Managers would have a specific area of responsibility within the Media Office.

Media Centre Manager

L.13 The Media Centre Manager controls and co-ordinates the media centre. KMA is the lead agency provides the Media Centre Manager.

Shift Managers

L.14 On the assumption that the event would be long running, it would be necessary to appoint two shift managers to run the office 24 hours a day. Responsibilities to include the preparation, approval, and distribution of press releases; management of press conferences; and briefing participants.

Resources Manager

L.15 It is not essential that this person is a Press Officer. The Resources Manager should be someone with knowledge and understanding of communications and systems and with the ability to deliver the support services required by a major operation of the type envisaged. The Resources Manager's responsibilities would include the logistics of press conferences.

Information Manager

L.16 This role is crucial for managing the flow of information between the MRC, SCU, SRC and the Media Office. The Media Centre Manager may fulfill this role, but it requires the services of reliable assistants to cover shift working and periods when the Manager is involved in other meetings.

Separating delivery from content

L.17 Monitoring and analysis of media reporting needs to take place. This should take place elsewhere; for example, by the Government media monitoring unit, or a specifically contracted commercial company. Monitoring and analysis enables the identification of any trends reported that begin to appear misleading or overly biased. Examples include unbalanced reporting that gives too much emphasis to special interest groups or environmental concerns; undue criticism of county or national government policy; an inaccurate assessment of the situation; exaggeration. The media team can then take corrective action and disseminates transcripts to specialists.

VIP visits

L.18 Visits by VIPs, coordinated by the police, can lift the morale of those affected, as well as those who are involved with the response. A government Cabinet Secretary may make an early visit to the scene or areas affected, not only to mark public concern but also to be able to report to Parliament on the response. The Cabinet Secretary visiting the scene may also be accompanied by local Representatives. If foreign nationals have been involved, their country's Ambassador, High Commissioner or other dignitaries may also want to visit key locations.

L.19 Visits to the scene of an emergency need to take account of the local situation and the immediate effects on the local community. It may be inappropriate for VIP visitors to go to a disaster site itself whilst rescue operations are still in progress.

L.20 VIP visits should not interrupt rescue and life saving work, and the police must be consulted regarding the timing of visits.

APPENDIX M: LIABILITY & COMPENSATION FOR POLLUTION DAMAGE

Introduction

M.1 Dealing with marine pollution, whether at sea or on the shore, can be a protracted and expensive business. Initially, the costs of clean up operations fall on the bodies incurring them. This appendix gives a brief description of the ways that those involved in clean up operations can later recover their costs. However, its purpose is not to provide definitive legal advice.

M.2 The ease with which responders can obtain compensation depends upon the type and source of pollutant involved. Currently, there are five distinct cases;

a) where persistent oil carried by a tanker causes pollution, compensation is available under an international compensation regime;

b) where persistent oil carried by any other type of ship causes pollution, there are special rules in Kenyan legislation designed to make it easier for claimants to obtain compensation;

c) where a substance carried by a ship other than persistent oil causes pollution, claims are subject to the normal rules;

d) where there is no identified source for the pollution, claimants can obtain no compensation unless they can prove that the source of the pollution was a tanker or offshore installation or pipeline.

M.3 This appendix describes each case in more detail below. If they are uncertain about the rules on liability and compensation that apply in a specific case, claimants should seek their own legal advice.

Pollution caused by persistent oil carried in tankers

M.4 Three international conventions establish the international compensation regime for oil pollution damage from tankers:

a) the International Convention on Civil Liability for Oil Pollution Damage 1992 (the "1992 Civil Liability Convention");

b) and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage 1992 (the "1992 Fund Convention"); and

c) The Protocol of 2003 to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (the Supplementary Fund Protocol).

M.5 The former convention deals with the liability of tanker owners. The second convention establishes the IOPC Fund and the protocol establishes the Supplementary Fund. The Marine Pollution Bill implements the Civil Liability and IOPC Fund Conventions in the Kenya.

M.6 Under the regime, the tanker owner is strictly liable for the costs of reasonable clean up operations. Strict liability means that the claimant need not prove fault to obtain compensation. The tanker owner may escape liability only if they can prove that one of a limited number of exceptional circumstances (for example, an act of war or act of government) caused the damage.

Amount of compensation currently available

M.7 Tanker owners generally have the right to limit liability to an amount determined by the gross tonnage of the tanker. This amount varies from Special Drawing Rights for a small tanker (gross tonnage less than 5,000) to Special Drawing Rights for a very large tanker (gross tonnage over 140,000). Owners must maintain insurance cover for any tanker carrying more than 2,000 tons of oil as cargo to cover their potential liabilities. Tankers must carry a State-issued certificate on board to confirm that such insurance is in place. Most tanker owners obtain this insurance through a P&I Club. The Civil Liability Convention enables claimants to make their claims directly against the insurer.

M.8 The IOPC Fund is an intergovernmental organization. It generally pays compensation to supplement that available from the tanker owner. In some rare cases, however, the Fund may meet all claims (for example, if the claimant cannot identify the tanker owner, or if the tanker owner has no insurance cover and is insolvent).

M.9 Oil pollution incidents do not only result in claims for clean up costs. There are also claims for economic losses (for example, those sustained by the fishing industry). If the total of all valid claims exceeds the total amount of compensation available, all claimants receive an equal percentage of their claims. Concerns in the early stages of an incident that this situation might arise can result in the IOPC Fund making initial payments at less than 100% of eligible claims. The Fund makes top up adjustments as the claims position becomes clearer. However, this situation is only likely to arise following major oil spills.

Types of clean up and emergency response claims covered

M.10 Following an oil spill, the tanker owner and the IOPC Fund generally pay compensation for the cost of reasonable response measures. These might include measures taken to clean up the oil at sea, to protect sensitive resources, to clean shorelines and coastal installations and to dispose of any recovered oily debris. Claims for any consequential loss or damage caused by such measures should also be eligible for compensation. For example, if clean up measures result in damage to a road, pier or embankment, the cost of any work carried out to repair the damage should be an admissible claim.

M.11 Admissible claims for clean up operations include the cost of personnel and the hire or purchase of equipment and materials. The cost of cleaning and repairing clean up equipment and of replacing materials consumed during the operation is also admissible. However, if the responders bought the equipment used for a particular spill, insurers and the IOPC Fund make deductions for the residual value.

M.12 Special rules apply where public authorities clean up an oil spill using permanently employed personnel, or ships, vehicles and equipment that they own. In these circumstances, only the additional costs incurred by those authorities would normally

be an admissible claim. Additional costs means expenses that arise solely because of the response to the incident and that the responders would not have incurred had the incident and related operations not taken place.

M.13 An area of potential dispute is the extent to which authorities may also claim for fixed costs (that is, costs which would have arisen even if the incident had not occurred). These may include normal salaries for permanently employed personnel, capital costs of ships and other equipment, and the costs of maintaining specialized clean up resources on permanent standby under contract. Insurers and the IOPC Fund normally pay compensation for a reasonable proportion of such fixed costs. However, the costs must correspond closely to the clean up period in question and not include remote overhead charges.

M.14 Compensation may be available for the costs of environmental advice. If the aim of the advice is to assist the clean up operation (for example, by helping to identify the most appropriate response techniques in given circumstances), its costs in general qualify for compensation. However, the costs of general environmental monitoring or longer-term studies to determine the impact of a spill do not normally qualify for compensation. The only exception is when such studies concern damage that clearly falls within the definition of pollution damage" used in the Civil Liability and Fund Conventions. Because of this distinction, it is important that those involved in the environmental aspects of a spill keep careful records that distinguish between operational activities and scientific studies. Anybody contemplating undertaking a scientific study should seek advice on the admissibility of a claim for its costs at an early stage.

M.15 Compensation is also available in cases where there is no oil spill, if there is a grave and imminent threat that pollution damage might occur. For example, the costs of mobilizing clean up resources to the site of a tanker aground on a rocky coastline in bad weather would normally be admissible, even if a successful salvage operation subsequently prevents any oil spilling.

Operation of the international oil pollution compensation fund (IOPC Fund)

M.16 Any person in a State Party to the Fund Convention who receives an annual quantity of more than 150,000 tonnes of crude oil and heavy fuel oil following carriage by sea is liable to contribute to the IOPC Fund. These contributions finance compensation payments and administrative expenses. The Fund's Director issues invoices to contributors. The size of each contribution is proportional to the annual quantity of oil received. The Fund's Assembly sets a levy per tonne for each incident, based on estimates of the total amount of claims. The Assembly consists of all States Parties to the Fund Convention.

M.17 States Parties meeting within the Assembly or Executive Committee approve the settlements of claims against the IOPC Fund. Where claims do not give rise to new points of principle and relatively small amounts are involved, however, the Director can settle claims entirely without prior approval. The secretariat of the IOPC Fund co-operates closely with the P&I club involved in an incident in handling claims and, for example, in appointing joint experts.

M.18 IOPC Fund has developed a series of criteria for establishing whether claims are eligible for compensation. In relation to clean up operations, the fact that a government or other public body decides to take certain measures does not automatically mean that the Fund will reimburse the cost of those measures. The essential criterion is the reasonableness of the measures, based on an assessment of the facts available at the time of the decision to take them. The Fund does not accept claims if the claimant could have foreseen that the measures taken would be ineffective in the particular circumstances of the incident. On the other hand, the fact that the measures prove to be ineffective is not in itself a reason to reject a claim for the costs incurred.

M.19 More generally, the following criteria would apply:

a) the cost of the measures should be reasonable;

b) the cost of the measures should not be disproportionate to the results

c) achieved or the results which one could reasonably; and

d) the measures should be appropriate and offer a reasonable prospect of success.

Supplementary Fund Protocol

M.20 The Supplementary Fund Protocol was adopted at the IMO in May 2003 and establishes the Supplementary Fund. The Supplementary Fund provides an optional third tier of compensation on top of that available through the ship owner and the IOPC Fund. The Supplementary Fund provides further compensation, bringing the total amount available under the international regime to 750 million Special Drawing Rights. The Supplementary Fund Protocol provides compensation when the total damage arising from an incident in a State Party exceeds or is expected to exceed the limit of compensation available under the 1992 Conventions.

M.21 Kenya acceded to the Supplementary Fund Protocol. The Protocol will therefore apply to persistent oil spills from tankers.

Small Tanker Owners Indemnification Agreement

M.22 Small Tanker Owners Indemnification Agreement (STOPIA) and Tanker Oil Pollution Indemnification Agreement (TOPIA) are special arrangements between certain tanker owners and the IOPC Fund and the Supplementary Fund to provide for a greater contribution to compensation by the ship owner. These agreements do not affect claimants or alter the amount compensation payable.

Pollution caused by persistent oil carried in ships other than tankers

M.23 In 2001 a diplomatic conference convened by the International Maritime Organization adopted the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (the Bunkers Convention). Under this instrument, ship owners are strictly liable for damage arising from ships' bunker fuel and must maintain insurance to meet their liability which is calculated in accordance with the Convention on Limitation of Liability for Maritime Claims 1976 as amended by its Protocol of 1996. The Bunkers Convention is not yet in force. Kenya is yet to ratify the Bunkers

Convention. However, the same has been domesticated as part of Kenya's national law under the Marine Pollution Bill and the provisions thereof will be applicable form the commencement of the Bill upon its enactment.

M.24 Kenya has national legislation to make owners of ships other than those to which the Civil Liability Convention applies strictly liable for pollution damage caused by persistent oil. Claimants do not have to prove that the ship owner was at fault.

M.25 Unlike tanker owners, other ship owners may limit their liability to amounts determined in accordance with the Convention on Limitation of Liability for Maritime Claims 1976 as amended by its Protocol of 1996.

Pollution caused by pollutants other than persistent oil

M.26 There is currently no statute dealing with liability and compensation for pollution damage caused by substances other than persistent oil. However, the Marine Pollution Bill container provisions for civil liability and compensation for HNS damage.

M.27 When in force the relevant provisions of the Bill will mirror the HNS Convention which mirrors the oil pollution compensation regime with strict liability for ship owners backed up by compulsory insurance to a given limit depending on the tonnage of the vessels in question. The Convention also establishes the HNS Fund which will provide additional compensation, paid for by receivers of hazardous and noxious substances in States Parties, when the total costs exceed the ship owner's limit of liability. The total amount of compensation available through the HNS Convention will be around 250 million Special Drawing Rights.

Pollution caused by offshore installations

M.28 The Marine Pollution Bill imposes requirements on operators of offshore oil and gas installations/pipelines as part of its license approval procedures, and consequently all operators must become members must comply with Part IX of the Bill and any regulations made pursuant thereto.

Pollution from an unidentified source

M.29 Generally, claimants can only obtain compensation if they know its precise source. However, there is one exception to this. The IOPC Fund pays compensation for pollution damage if the claimant can prove (for example, by sophisticated chemical analysis) that the pollution resulted from a spill of persistent oil from a tanker.

APPENDIX N: COST RECOVERY AND RECORD KEEPING

Introduction

N.1 This appendix contains information on how those who respond to, or are affected by, marine pollution incidents should best go about recovering the costs that they incur.

N.2 It is essential that during any counter pollution or salvage operation all those involved keep records of what they did, when and why they did it and what resources they used. There is pressure, frequently severe, to deal with new issues and problems and to relegate record keeping to a lesser priority. However, the importance of contemporary records cannot be over emphasized. It is simply not realistic to rely on memory to reconstruct events in a fast moving and possibly lengthy incident. Responders must therefore arrange to keep adequate contemporary records. These records extend from minutes of decision-making for beach master records of the number of personnel, plant and materials used on a particular beach on a particular day and who provided them. The compilation of a photographic library, with all photographs date and time stamped would be of great assistance as proof of activities. It is also important to log all messages which might serve to change the pre-arranged response.

N.3 The KMA experience in dealing with ship owners' solicitors and/or the IOPC Fund suggests the following items of best practice:

a) any expense must actually have been incurred and third party invoices provided;

b) response measures must be deemed reasonable, proportionate and justifiable;

c) There needs to be a summary of events – a description and justification of the work carried out at sea, in coastal waters and on shore – together with an explanation of why the various working methods were selected;

d) KMA has decided not to attempt recovery of costs for Press Office staff and their activities as they do not directly respond to the incident, but will deflect press attention from the decision making teams;

e) for chartered vessels, investigate the rates quoted and look at the SCOPIC tariff rates;

f) apply the industry standard of 100% of hire rate for in-use and 50% rate for stand-by;

g) ensure KMA contractors, or local authorities acting on behalf of the Authority , apply the KMA policy for equipment hire charges when acting on behalf of KMA in response to an incident;

h) keep a record of the dates on which work was carried out at each site; in this context, date and time stamped photographs are extremely useful;

i) keep a record of the number and categories of response personnel, regular or overtime rates of pay and who is paying them;

j) keep a record of the travel, accommodation and living costs for response personnel;

k) keep a record of the equipment costs for each site: types of equipment used, rate of hire or costs of purchase (bearing in mind residual values to be deducted), quantity used, period of use (in use or standby);

l) ensure that any damaged equipment is photographed and assessed by an independent body prior to repair or replacement;

m) during cleaning or restoration of equipment or vessels, they should not be brought to a state better than at the commencement of the hire/charter;

n) keep a record of the consumable materials; and keep a record of the cost of temporary storage.

Record keeping

N.4 For the purpose of financial record keeping, it is essential to appoint a financial controller at a very early stage in the incident to keep adequate records and control expenditure. Responders should not discard any paper document (including status boards and maps used by the SCU, MRC and SRC). They should back up and catalogue information held on computer.

N.5 It is not possible to specify the precise form of records, this varies with the circumstances. However, there are two principal points to keep in mind:

a) the records serve a variety of purposes and are the source material for much information drawn; and

b) since responders cannot know the particular purpose that records will serve in advance, record keeping should err on the side of too much rather than too little detail.

N.6 The record should clearly show information received, decisions taken, orders given, and action taken. For example, responders may use aircraft for reconnaissance. In this case, there should be a record not only of when they called the aircraft out but of take-off times, landing times, details of any oil found, the area searched, who was on board the aircraft, who received the information and when. Records should distinguish between activities undertaken to assist the cleanup operation and any general environmental monitoring or longer-term impact studies. For dispersant spraying operations, records should specify the area of operations and indicate the duration of spraying, the amount, type, age, and efficacy of dispersant used, and the results obtained.

N.7 As a further indication of the level of records required for the hiring-in of an item of equipment, the KMA would seek to clarify the following items:

a) member of KMA staff that authorized and placed the order;

b) date and time item actually hired;

c) organization hired from;

d) proof that costs have been researched and that the price is not unrealistic for that item;

e) quantity of each item actually hired;

f) for larger pieces of equipment (particularly chartered in vessels) it would be useful to take photographs of the condition of the item prior to using for response activities;

g) if more than one item of any type, devise a system for unique identification;

h) how it was delivered / transported;

i) where it was actually delivered to;

j) who took delivery;

k) a daily activity record of what the item was used for;

l) if item is damaged – photograph damage;

m) brief description of how the damage occurred;

n) do not repair until approval or advice has been reached with an insurance representative on site (i.e. the SCR, a surveyor appointed by the insurers or ITOPF);

o) dates actually used for the response;
p) dates item on standby at the scene of the incident;
q) date off-hired;
r) Was the item returned in the same condition it was hired in? And no betterment of equipment on return to owners.

N.8 Local authorities inevitably find that this level of record keeping requires a heavy commitment in terms of minute clerks, message takers, procurement clerks and financial record keepers. There are specialist firms that offer tracking and recording services for clean up operations. The appointment of such a firm may be justifiable following a major spill from an oil tanker. In such a case it might be possible to recover the cost of using such firms, or temporary agency staff, from the P&I Club and the IOPC Fund. However, this depends on the particular circumstances, and it is prudent to check before employing the services of such a firm.

N.9 Where the decisions involve or affect others, it is important to record their reaction at the time. It is important to record every party's reaction and the conversation covered by all parties in addition to what was agreed or points of disagreement. This applies equally to ITOPF. They report to ship owners, P&I Clubs and the IOPC Fund and are likely to offer advice to all parties involved in the response on counter pollution operations likely to be considered reasonable. It applies also to others such as cargo owners, local authorities and the Environment Group. The records should show whether they agree or express no opinion. If they disagree, the records should identify the reasons, if possible. Records should distinguish criticism made at the time of an incident from criticism made with the benefit of hindsight.

N.10 Like any operation involving the expenditure of large sums of money, the usual rules of proprietary, accountability and the need for an audit trail apply.

Time limits for claims arising from pollution from tankers

N.11 Claimants should be aware that there are time limits for claims under the 1992 Civil Liability Convention and the Fund Convention. The conventions provide that claimants must secure their claims by taking legal action against the ship owners within three years of the date on which loss or damage occurred and in any case within six years of the date of the incident.

N.12 Wherever possible, claimants should seek to have their claims settled by negotiation within these periods. If this is not possible, claimants may protect their claims by taking

legal action against the tanker owner, the owner's insurer and the IOPC Fund. Should this be necessary, claimants should seek legal advice.

N.13 Formal legal action to enforce a claim is usually the last resort. In most cases, informal negotiations result in a settlement. Given the time limits for legal enforcement of claims, it is in everybody's interest for claimants to submit claims as soon as possible after the incident. Often, considerable time is required to compile a claim and all the substantiating evidence. If claimants anticipate delays, they should notify the tanker owner's insurers and the IOPC Fund at an early date of the intention to submit a claim at a later stage.

Claims arising from pollution from tankers

Submitting a claim to a P&I Club

N.14 Claimants should initially submit claims for clean-up costs under the Civil Liability Convention to the tanker owner and/or to the relevant P&I club. The tanker owner's local agent should inform claimants of the identity of the P&I club and contact details.

N.15 The P&I Clubs do not publish formal guidance on their requirements for submitting claims, but the guidance in this appendix and the IOPC Fund's claims manual should generally be appropriate.

Submitting a claim to the IOPC Fund

N.16 To obtain compensation under the terms of the Fund Convention, claimants should submit their claims directly to the IOPC Fund.

N.17 The IOPC Fund co-operates closely with the relevant P&I Club in investigating incidents, and in assessing and settling claims. Claimants should submit full supporting documentation to the tanker owner, the P&I Club or the IOPC Fund. Claimants who do not submit their claims to the Fund should notify it of any claim submitted to the tanker owner or P&I Club.

N.18 In some cases, claimants should submit claims through the office of a designated local surveyor, for forwarding to the P&I Club and the IOPC Fund for decision.

Occasionally, when an incident gives rise to a large number of claims, the P&I Club and the IOPC Fund may jointly set up a local claims office to process claims more easily. Claimants should then submit their claims to that office. The local press should carry details of how to submit claims. In all cases, the designated surveyor and the joint claims office refer claims to the P&I Club and to the IOPC Fund for decisions on their admissibility.

N.19 Claims should be in writing and must contain the following particulars:

a) the name and address of the claimant, and of any representative;
b) the identity of the tanker involved in the incident;
c) the date, place and specific details of the incident if known, unless the P&I club or IOPC Fund already know this information;
d) the type of pollution damage sustained the nature of the cleanup operations, or response measures, for which the claimant is seeking compensation; and
e) the amount of compensation sought.

N.20 Supporting documentation must link the expenses for cleanup operations (including disposal) to the actions taken at specific sites. The IOPC Fund produces a claims manual that provides helpful guidance on how such claims should be itemized. This guidance is just as relevant for claims submitted to a P&I Club under the 1992 Civil Liability Convention.

N.21 The following extract comes from the edition of the claims manual dated April 2005. Claimants should check whether a later edition is available.

Presentation of Claims

N.22 It is essential that claims for the cost of clean up are submitted with supporting documentation showing how the expenses for the operations are linked with the actions taken. The key to the successful recovery of costs is good record keeping. A claim should clearly set out what was done and why, where and when it was done, by whom, with what resources and for how much. Invoices, receipts, worksheets and wage records, whilst providing useful confirmation of expenditure, are insufficient by

themselves. A brief report describing the response activities and linking these with expenses will greatly facilitate the assessment of claims.

N.23 Spreadsheets offer a particularly useful way of summarizing some of the key information required in support of a claim. Each response organization or contractor should maintain a daily log of activities, including details of the number of personnel involved, the type and quantity of equipment and materials used and the type and length of shoreline cleaned. If response vessels are used to combat oil at sea, extracts from their deck logs covering their period of deployment provide a useful source of information. Specific information should be itemized as follows:

a) Delineation of the area affected, describing the extent of the pollution and identifying those areas most heavily contaminated (for example using maps or nautical charts, supported by photographs, video tapes or other recording media);

b) Analytical and/or other evidence linking the oil pollution with the ship involved in the incident (such as chemical analysis of oil samples, relevant wind, tide and current data, observation and plotting of floating oil movements);

c) Summary of events, including a description and justification of the work carried out at sea, in coastal waters and on shore, together with an explanation of why the various working methods were selected;

d) Dates on which work was carried out at each site;

e) Labor costs at each site (number and categories of response personnel, the name of their employer, hours or days worked, regular or overtime rates of pay, method of calculation or basis of rates of pay and other costs);

f) Travel, accommodation and living costs for response personnel;

g) Equipment costs at each site (types of equipment used, by whom supplied, rate of hire or cost of purchase, method of calculation of hire rates, quantity used, period of use);

h) Cost of replacing equipment damaged beyond reasonable repair (type and age of equipment, by whom supplied, original purchase cost and circumstances of damage supported by photographs, video or other recording material);

i) Consumable materials (description, by whom supplied, quantity, unit cost and where used);

j) Any remaining value at the end of the operations of equipment and materials purchased specifically for use in the incident in question;

k) Age of equipment not purchased specifically for use in the incident in question, but used in the incident;

l) Transport costs (number and types of vehicles, vessels or aircraft used, number of hours or days operated, rate of hire or operating cost, method of calculating rates claimed); and

m) Cost of temporary storage (if applicable) and of final disposal of recovered oil and oily material" including quantities, unit cost and method of calculating the claimed rate.

N.24 Claims for the costs of treatment of oiled wildlife should essentially follow a similar pattern to that set out above for clean up costs. Details of the number of animals treated and the number successfully released back into the wild should be provided. If the specialist groups undertaking the work mounted campaigns to raise public funds for the purpose of maintaining field operations for a specific incident, details should be provided, including the costs of the campaigns, the amounts raised and how the money was used.

Procedure in other cases – non tankers

N.25 Much of the above guidance is relevant to claims for compensation arising from types of marine pollution other than persistent oil carried in a tanker. However, as the liability and compensation arrangements in such cases are different, time limits, requirements for evidence and claims procedures are likely to vary. Claimants should therefore seek early guidance from the polluter or the relevant insurer, as well as from their own legal advisers.

Financial Security

N.26 When an incident occurs, notice of the accident, reporting all details available, is given promptly to the insurers and owners of the casualty. From experience, this is generally achieved verbally by telephone from the scene of an incident. The KMA Logistics and Finance Manager informs the insurer at this early stage that the KMA's intention is to make a claim and requests financial security for the money that the KMA is committing.

N.27 This financial security can take several forms but in most cases is a Protection and Indemnity (P&I) insurer's Letter of Undertaking (LOU). The wording of this Letter needs to be amended according to the type of charter / ownership of the vessel and legal advice should be sought if necessary. This document makes the KMA's position clear to the insurers and ship owner. If the KMA are not provided with financial security during the incident further legal action is taken to underwrite the financial exposure by arrest of the casualty or freezing of the hull assets, but these actions are a last resort.

N.28 Both a Letter of Undertaking and a Bank Draft require an amount of money to be included in the document. The KMA Financial Controller estimates a figure based on experienced gained in previous incidents, estimated length of response and a figure for refurbishment and return of the equipment to the appropriate storage site. Generally, at this stage up uplift is included in the level of financial security requested from the P&I for unforeseen costs. Most P&I representatives are experienced personnel and are well aware that the estimation of costs at this stage is not an exact science but it helps later

negotiations on the claim if the figure given here is as close as possible to the quantum of the final claim.

N.29 This procedure is followed as a matter of routine for KMA personnel for incidents not involving oil tankers as they are adequately covered by International Conventions (see Appendix M). The KMA are only prepared to accept this type of security from P&I insurers that are members of the International Club.

N.30 International Group. For smaller, not so well known organizations, the preferred form of security would be a bank draft.

N.31 The LOU also clarifies the legal jurisdiction for any subsequent legal action to recover costs, and the KMA preference for any such action would be the Kenya.

N.32 When the Logistics and Finance Team return to KMA headquarters it is necessary, to back up the financial security provided, by forwarding a letter to the owners of the casualty, with a copy to the P&I, informing them that a claim under the Merchant Shipping Act will follow in due course.

N.33 Claims arising from Oil Pollution from Offshore Installations and Pipeline

APPENDIX N: EMERGENCY CONTACTS

Kenya Navy Operation centre……041 2317407 Exchange…….2317550 SAR officer I/C…….0724333226	**Mrcc Dar es salaam** **MMSI no.** 674010026 Fleet 77 00870 764 886 295 0713 412875 +255 784 221228 +255 222114174 +255 744490800 **Lighthouse** **+255 744 220026** **+255 767 220026**	**Canadian Coast Guard** Tel: **1 613 990 3119** Tel: **+1-418-648-3599** Tel: **1 613 996 1504**
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Kenya Police **OCPD Port Police** 2312211 2224143 EXT 220	**MRCC Angola** Tel: **244 2 2239 1399**	**MRCC Chile** Tel: **56 32 2208637** Tel: **+56 2 253 05941**

Kenya Ports Authority **Harbour Master** 2312211 **2311481** **EXT 2118** **Lighthouse 2312895** **0725252068** **Kipevu Signal Station** **0725252068** **EXT 2421** **Control Tower** **0412223541** **EXT 3541, 3421** **Pollution control office** **0412113583** **0723673594** **EXT 2983/3583**	**Argentine Navy** Tel: **54 2932 487 162**	**MRCC China** Tel: **86 755 8379 7011** Tel: **86 20 3429 8277** Tel: **86 10 6529 3298** Tel: **86 10 6529 2218**
OSMAG **Technical coordinator**	**RCC Australia (AMSA)** Tel: **61(0)2 6230 6811**	**RCC Navy-Congo** Tel: **242 294 1344**

0412493541-3 **0722832661** **Chairman 0413433511-19** **0722841532** **EXT 233**		
Kenya Civil Aviation Authority Landline 020827470-5 020827026	**RCC Bahamas** Tel: **1 242 3258864**	**Harbour Master's Office-Croatia** Tel: **385 51 214 031**
Moi Airport Rescue Centre 3432069	**RCC Bahrain** Tel: **973 17 719 404** **MRCC Dhaka-Bangladesh** Tel: **880 2 407643**	**MRCC Cuba** Tel: **53 7 330364** Tel: **53 7 8816607**
Meteorological Department Nairobi 203867880 203876957 203873682 Mombasa 413433440	**MRCC Brazil** Tel: **55 21 2104 6056**	**RCC Cyprus** Tel: **357 252 76854** Tel: **357 2464 3005** Tel: **357 25 848100** Tel: **357 25848100**

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MRCC Georgia Tel: **+995 422 273913** Tel: **+995 422 274925** Tel: **+995 222 73913**	**German Sea Rescue Service** Tel: **49(0)421 53 6870** Tel: **49(0)421 53 6870** Tel: **49 40 236550**	**Ghana (National Disaster Management Organization)** Tel: **233 30 2781941** **RCC Accra** Tel: **233 30 2773283** **Ghana Maritime Authority** Tel: **233 30 2662122**
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RCC Malta Tel: **356 21 257267** Tel: **356 22 914 650**	**Marshal Islands** Tel: **1 703 620 4880**	**MRCC Rabat** Tel: **212 5 37 625877**
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