



Document title	Proposed way forward on updating HELCOM Recommendation 31E/6
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Submitted by	Sea Alarm
Reference	

Background

HELCOM Response working Group has started a process in which HELCOM Recommendations are revisited and updated.

HELCOM RESPONSE is requesting EWGOWR, in consultation with SHORE Network, to review HELCOM Recommendation 31E/6 (Annex 1) and provide a proposal for its update.

Proposed way forward

Sea Alarm has reviewed the Recommendation 31E/6 and proposes:

- The Recommendation is still a valid document in its description of intention and objectives for developing plans and preparedness levels at national levels
- Recommendation 31E/6 is best replaced by a new Recommendation by which all parties refresh their commitment to developing plans and preparedness programmes at national levels
- Until this happens, Recommendation 31E/6 can be left unchanged
- Countries who wish to develop planning and preparedness according to the principles of Recommendation 31E/6 are recommended to use the following updated international guidelines for implementation:
 - IPIECA/IOGP Good Practice for Wildlife Response Planning
 - IPIECA/IOGP Key Principles
 - EUROWA guidelines as published on www.oiledwildlife.eu/.....

These references should be updated in Recommendation 31E/6.

Action requested

The Meeting is invited to consider and agree on the proposal and decide on the way forward.

HELCOM RECOMMENDATION 31E/6

Adopted 20 May 2010,
having regard to Article 20,
Paragraph 1 b) of the Helsinki Convention

INTEGRATED WILDLIFE RESPONSE PLANNING IN THE BALTIC SEA AREA

THE COMMISSION,

RECALLING the HELCOM Baltic Sea Action Plan in which the Contracting States agreed to integrate the subject of oiled wildlife response into oil pollution contingency plans either on a national or sub-national/local level, as deemed appropriate by the relevant Contracting State,

RECALLING FURTHER HELCOM Response Manual which provides procedures for mutual wildlife response assistance among the Baltic Sea countries,

RECALLING ALSO the *Guide to Oiled Wildlife Response Planning* by the International Petroleum Industry Environmental Conservation Association as well as recent publications from European projects, such as the *Handbook Oil Impact Assessment*, the *Handbook on Good Practice for the Rehabilitation of Oiled Birds in the Aftermath of an Oil Spill Incident*, and *A European Oiled Wildlife Response Plan*.

BEING AWARE of the increasing risks of pollution accidents related to the increasing maritime traffic, including transportation of oil products in the Baltic Sea,

BEING CONCIOUS of the consequences that a major oil pollution incident may have to vulnerable marine fauna of the Baltic Sea,

STRESSING the need for enhanced international co-operation on wildlife response and planning in the Baltic Sea region, involving governmental agencies, local actors and specialized non-governmental organizations, following the already established and well functioning HELCOM cooperation on response to pollution at sea,

ACKNOWLEDGING that the oiling and stranding of marine fauna such as birds and seals need immediate attention from the response authorities in order to deal with aspects of animal welfare and impact assessment,

RECOGNIZING that integrated wildlife response plans will facilitate mutual assistance between the Contracting States, and that therefore each Contracting State should benefit from having such an integrated plan in place,

NOTING that in some Contracting States wildlife response strategies and related guidelines have already been put in place by the relevant authorities,

MINDFUL that operating according to a pre-spill existing integrated wildlife response plan will also provide a useful basis to justify the costs for wildlife response that are included in eventual claims to P&I Clubs, International Oil Pollution Compensations Funds or other compensation mechanisms,

RECOMMENDS the Contracting States to apply Guidelines for their wildlife response planning attached to this Recommendation,

REQUESTS the Contracting States to develop a wildlife response plan integrated into oil pollution contingency plans either on a national or sub-national/local level and exchange the details about its contents with other Contracting Parties.

Guidelines on wildlife response planning

The Guideline reflects the recommendations from the Guide to Oiled Wildlife Response Planning (IPIECA, 2004, see References) and the practical experience from planning processes and incident responses in different European countries. Many further backgrounds and details can be found in the IPIECA Guide.

1. WILDLIFE RESPONSE PLANNING

The relevance of an integrated wildlife response plan in place is that objectives, preferred strategies and resources are defined and need not to be negotiated during spill response. This guarantees swift mobilization of officers and resources. It also provides the best guarantee for the use of appropriate response, rehabilitation and health and safety protocols, efficient use of resources and likelihood of a successful claim to a P&I Club and/or International Oil Pollution Compensations Funds (IOPC Funds) afterwards.

An agreed and published plan is also of great communication value: the details of the plan can be used to explain ongoing activities to the media and to the general public (e.g. via a website).

In developing a plan it should be considered to include a separate section that explains where, when, why and how a decision would be made to call in assistance from abroad. A published English translation or an executive summary would allow the smooth communication with pre-defined international actors and who could use this information to optimize their contribution to the response.

The smooth integration of wildlife responders from abroad into a national or sub-national/local response is facilitated if the wildlife response plan is based on internationally agreed standards of good practice which are familiar to both the local and international responders.

Therefore, the Contracting States are recommended to make available and exchange relevant details on wildlife response plans that would facilitate the converging of aims, strategies and methodologies in the HELCOM area, including:

- When was the wildlife response plan established? Date of last update.
- Who is the owner of the plan?
- How is this plan integrated to the existing plan(s) for oil spill response?
- Is an English version or executive summary available (+downloadable)?
- What is/are the main objective (s) of wildlife response?
- What is the agreed strategy of wildlife response?
- Who are the participants in the response plan? Is their contribution formalized?
- Is a tiered response designed?
- How are health, safety and environment (HSE) issues addressed?
- Which human resources are available for operations?
- Which technical resources are in place?
- How is the plan maintained, trained, exercised and improved?

2. AIMS OF A WILDLIFE RESPONSE

The wildlife response should aim to:

- prevent, minimize and assess impacts on wildlife populations,
- prevent the continued suffering of individual oiled animals,

- ensure the coordinated involvement of responders from government, private sector, NGO's and/or volunteers from general public with due attention to HSE procedures.

3. MINIMUM STANDARDS

A wildlife response plan should always be based on achieving at least the minimum standards of good practice. There are various issues that require attention in this respect, which are briefly discussed below:

1. Health, safety and environment standards
2. Animal welfare standards
3. Rehabilitation protocols
4. Requirements for equipment
5. Wildlife impact assessment and post release survival monitoring

1. Health, safety and environment standards Wildlife response should be carried out according to the same HSE standards that are applicable for oil spill response. This includes issues such as e.g. requirements for personal protection equipment, risk analysis, waste management. On top of this, health and safety requirements must be put in place for working with wild animals. Various publications provide guidance on this topic (see References).

2. Animal welfare standards

Animal welfare standards may differ between countries and different legal requirements for dealing with wild and injured animals may apply. A response plan should refer to national or sub-national/local legislation as appropriate and provide clear guidance as how wildlife responders should deal with animals and their welfare.

3. Rehabilitation protocols

If the rehabilitation of oiled animals is attempted protocols should be used that are known to be successful. A wide range of protocols have been developed by organizations that deal with oiled animals on a regular basis. Organizations that have a record of responding to oiled wildlife incidents internationally and often together, have developed a joint methodology which reflects the crucial elements of the most successful protocols. This methodology must be used as it represents the minimum standards mentioned above as well as the present best practice.

Although rehabilitation protocols are kept by individual organizations and not easily available, increasingly training courses are being provided. A recent European initiative (EMPOWER – European Management Programme for Oiled Wildlife and other marine wildlife Emergency Responses, see www.oiledwildlife.eu) aims to enhance the use and development of best practices and supports the development of expertise in the European coastal countries.

4. Requirements for equipment

A set of basic equipment needs to be readily available as part of the response planning and preparedness. If equipment is not available from permanent response centers, the development of mobile equipment or mobile units should be considered. Alternatively such units may exist in neighboring countries and could be made available in case of an emergency.

5. Wildlife impact assessment and post release survival monitoring

Systematic scientific data gathering during and after a wildlife response is necessary to allow a reliable assessment of impact. Applying internationally agreed guidelines for wildlife impact assessment (Handbook Oil Spill Impact Assessment) will maximize the value of these scientific efforts in an international context, where it is important to monitor the status of vulnerable populations and to explain significant changes in their development and survival.

Also of scientific importance is the systematic study of the survival of cleaned and rehabilitated animals after their release. This requires an intensified and concerted international effort to report on the presence, behaviour and breeding success of these

animals on the breeding colonies. Such studies should be laid down in the wildlife response plan as an inextricable element of oiled wildlife rehabilitation and be designed and coordinated at an international level.

4. RESPONSE OPTIONS

A number of response activities may be considered in order to achieve the aims of a wildlife response (see table).

Aim	Actions that can be considered	What is "best practice"?	Handbooks and Guidelines that provide guidance
Prevent and minimize impacts on wildlife populations	Oil combat at sea	Oil spill response plan Availability of vulnerability maps that include (seasonal) distribution of vulnerable wildlife at sea Pre-identified biologists who could assist in aerial surveillance and the interpretation of real-time field data	Handbook Wildlife Impact Assessment ¹ ; Guide to Oiled Wildlife Response Planning, IPIECA 2004 ²
	Protect sensitive areas (booming off)	Availability of vulnerability maps that include (seasonal) distribution of vulnerable wildlife in coastal areas	Handbook Wildlife Impact Assessment
	Deterrence and hazing	Have predefined plans in place with reference to effective methods per species	North American handbooks
	Pre-emptive capture	Having predefined plans in place, which include directions for the treatment and fate of captured animals	Case studies in literature
Prevent the continued suffering of individual oiled animals	(Live animals) capture, clean, rehabilitate and release	Systematically search beaches Operate rehabilitation facilities Operate internationally approved methodologies/protocols Apply agreed triage criteria Banding of animals that are ready to be released Apply post release monitoring research	Handbook on good practice oiled wildlife rehabilitation ³ ; Guide to oiled wildlife response planning
	(Live animals) capture, euthanize humanely	Systematically search beaches Operate euthanasia facilities Have agreed euthanasia techniques	Handbook on good practice oiled wildlife rehabilitation Guide to oiled wildlife response planning
Assess impacts on wildlife populations	(Dead animals) collect, administrate mortality per species	Systematically search beaches	Handbook Wildlife Impact Assessment
Coordinated involvement of multiple stakeholders, including NGO's and volunteers	Operate a pre-spill defined plan Have formal agreements in place Provide for a clear, integrated command structure	Develop and agree an OWR plan before the incident, involving all responders Have the plan trained and exercised regularly	Guide to oiled wildlife response planning Examples from various countries in Europe, incl. in HELCOM area
Health, Safety and Environment	Health and safety of responders at all times as a matter of highest priority Minimize polluted waste and avoid secondary pollution	No wildlife response if health and safety of the responders cannot be guaranteed Require a minimum level of training from all accredited responders Volunteers being instructed and supervised Provide protective clothing	Guide to oiled wildlife response planning Examples from various countries in Europe, incl. in HELCOM area

¹ www.oiledwildlife.eu

² www.ipieca.org

³ www.oiledwildlife.eu

5. STRATEGY

The strategy of a plan specifies how the described aims will be achieved under various scenarios.

In certain cases the agreed aims and principles of a wildlife response plan may require a strategic area-specific and/or season-specific elaboration, in order to deal with the variable conditions and circumstances in different parts of the country, such as the delegated responsibilities of sub-national administrations, relative remoteness (lack of resources) of some parts of the country, area complexity, season-dependent distribution patterns of vulnerable wildlife or seasonal variations in sea and weather conditions.

6. INTEGRATED PLANNING AND COMMAND STRUCTURE

A wildlife response plan should be integrated with an existing appropriate oil spill response plan. The structure and contents of existing contingency plans may differ strongly from country to country or even within a single country and it needs to be considered how this integration is best structured. For example, in a standard oil industry set up, wildlife response comes in under “Operations” (see figure 1).

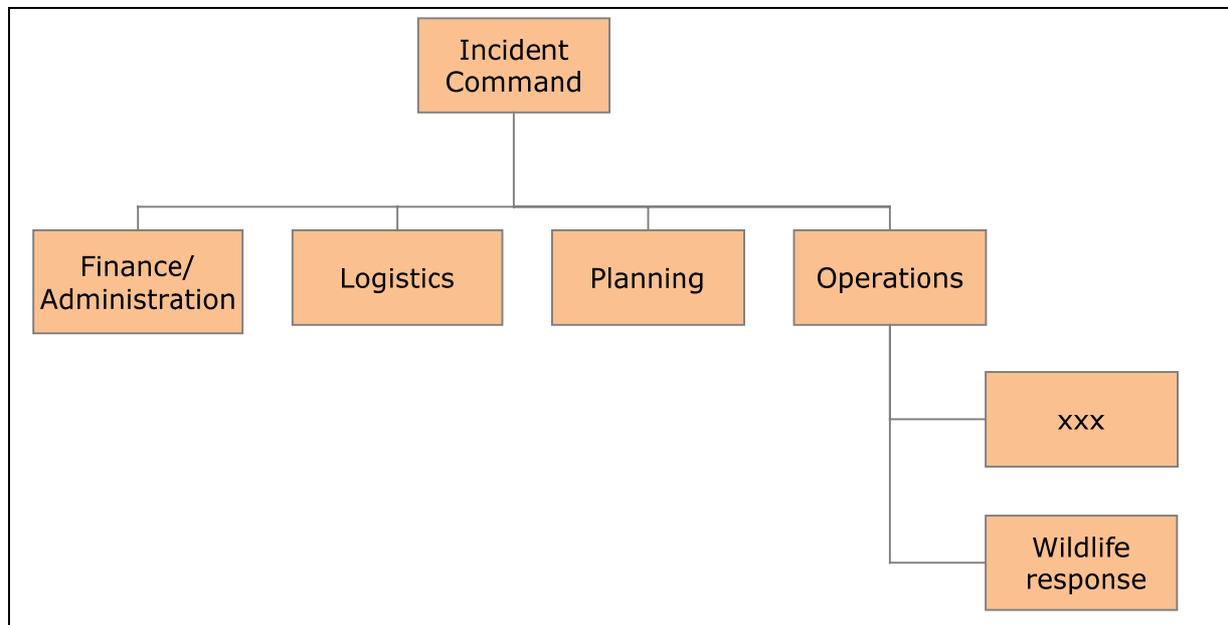


Figure 1: Wildlife response is often integrated into the overall incident command system as part of “Operations”, but the actual organization structure will differ from country to country.

Also the wildlife response command chain can be structured in different ways. A useful approach that could be considered is to identify a wildlife coordinator who oversees all different aspects of the wildlife response, each of which could be coordinated by a separate officer (see figure 2) in case of a larger incident. In such a case, the wildlife coordinator and his team are best based in a Wildlife Response Centre, where all real time information comes together and from where decisions are taken.

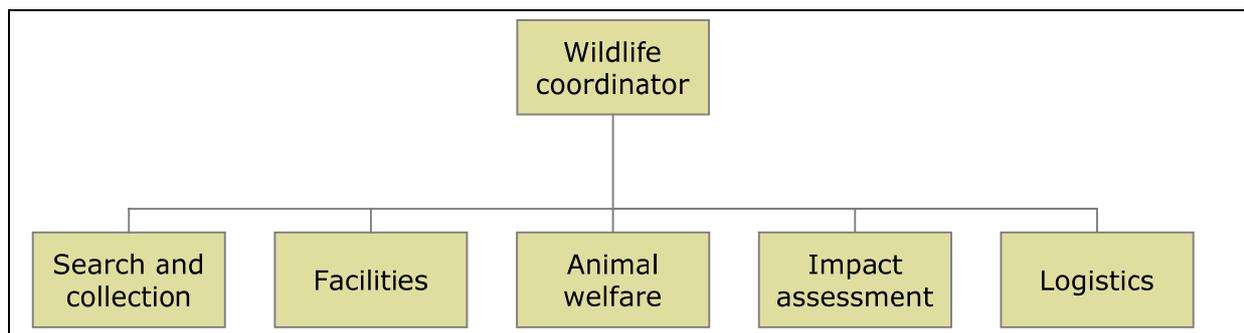


Figure 2: Example of a simple oiled wildlife response organization chart. The contributions of foreign experts are often including the set up and running of a rehabilitation facility, impact assessment, search and collection, and/or overall coaching. Groups or individual experts can be integrated into the organization chart accordingly.

Although the function of the wildlife coordinator is best taken by an authority official, the roles of other coordinators could be taken by officers from groups and organizations that are formally part of the wildlife response plan. The roles and tasks of each coordinator are described in the operational section of the plan. The roles and responsibilities of organizations (governmental institutions, NGOs, industry bodies, private organizations and others) are best described in the strategy section of the plan, eventually following separate bilateral agreements.

One of the most important and difficult aspects of managing a wildlife response successfully is keeping oversight of day to day developments in relation to the set objectives of the response plan and plan and manage the activities accordingly. The individuals with key responsibilities should be trained to their job. Such training is available via international resources. In case of a worst case scenario developing, experienced individuals from international organizations can provide onsite management assistance.

7. TIERED RESPONSE

Relatively small incidents are easier to deal with at a national level than large and complicated incidents. Contracting States should make an assessment of the limits of national capacity in relation to different incident scenarios. The Tiered Response concept is suitable for this, where Tier 1 is local response, Tier 2 a national response eventually involving ad-hoc assistance from neighboring countries and Tier 3 an international response requiring involvement of resources that are available from abroad (see figure 3).

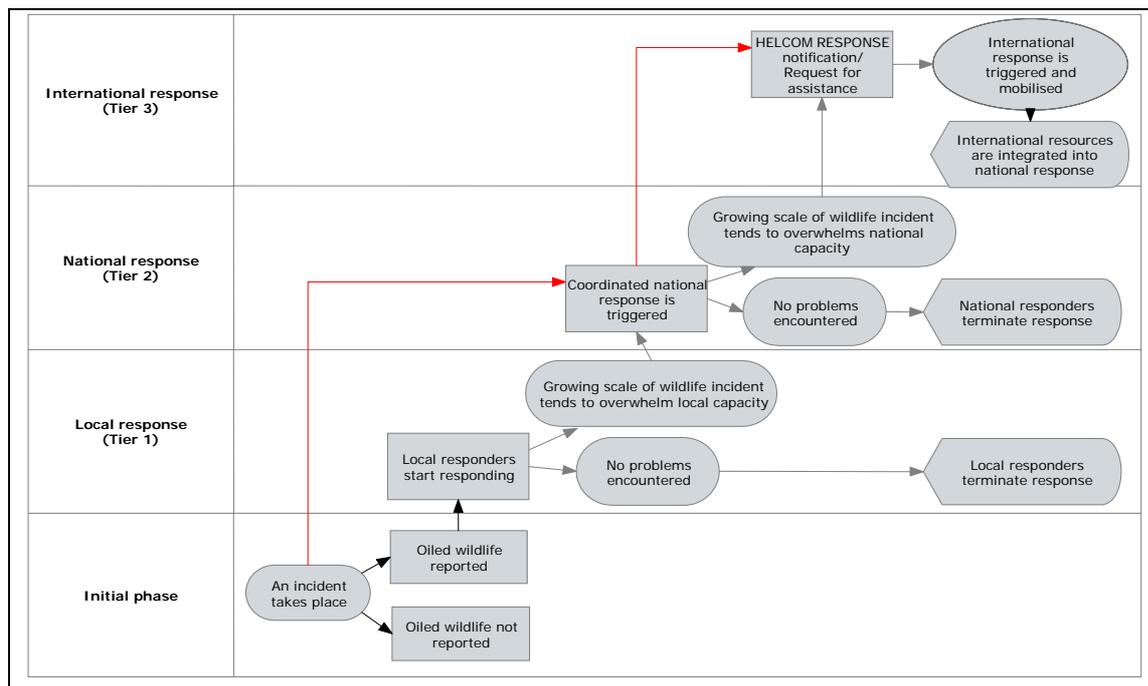


Figure 3: An illustration of the tiered response. In the response plan the capacity limits of each response tier should be clearly described, as well as the decision making process that facilitates the escalation into a next tier. The red arrows indicate that short-cuts should allow an immediate mobilization of a Tier-2 or Tier-3 response, on the basis of a developing worst case scenario.

It is important for countries to evaluate at which incident scale the national capacity would be overwhelmed, e.g. by the number of involved wildlife or the complexity of incident. As soon as these capacity limits are being approached in a real-time scenario, the response should escalate from a Tier-2 into Tier-3 scenario. Furthermore, Contracting States should list in advance which resources would be required from abroad in a Tier-3 response, and from where these resources can be invited. This would include e.g. response management

assistance, animal care assistance, mobile response units and/or specialized equipment. They should be prepared to cover the costs of mobilized resources from abroad, according to the HELCOM arrangements for international assistance. It should be born in mind that international compensation regimes include wildlife response as one of the issues that can be included in a claim (see the Claims Manual published by the IOPC Fund in 2008⁴). Having operated according to a pre-spill defined plan strongly supports the justification of such a claim.

8. THE INVOLVEMENT OF VOLUNTEERS

The involvement of volunteers has been important in past wildlife responses, reducing the costs of the relatively labor intensive work that is involved. A volunteer can be defined as an individual who desires to assist with the response out of free will and therefore is involved as an unpaid work force and not as an employee.

Health, safety and liability issues must be considered very carefully before involving volunteers in wildlife response activities. The deployment of volunteers in national or state oil pollution response will not always be possible or desirable. If volunteers are to be used their activities must be well planned, coordinated, supervised and fully integrated into the overall oil pollution response. The person or authority responsible for the overall oil pollution response must determine if, where and when volunteers can be deployed and who will be responsible for their planning, coordination and supervision.

Different types of volunteers can be defined:

1. (Employees of) an NGO that offers its assistance as a voluntary body, ready to get involved and taking responsibilities without necessarily a formal contract or a demand for payment,
2. An individual who is affiliated with an NGO such as described under type 1 but having the status of an internal "volunteer". This type of volunteer is often well trained. Although perhaps not full time available, this type of volunteer will be well coordinated by the NGO in question and make an effective contribution to the response,
3. A member of the general public who offers his labour free of charge to the response organization but is untrained and not affiliated to any organization.

In the case of types 1 and 2, a considerable workforce can be mobilized if the right NGO's are identified and invited to play a role in the response plan by means of a formalized agreement. As part of this agreement the accredited NGO could be invited to participate in specific training programmes with regards to HSE and management aspects of an oil spill response. Also as part of the agreement, financial compensation may be addressed. In case a claim can be submitted to a compensation mechanism (P&I Club or IOPC Funds), the NGO could submit its own claim or make it part of the national claim. In the latter case the responsible authority may consider to compensate the NGO's expenses in advance.

In case of a volunteer of type 3 (member of the general public), the health safety and liability issues are considerable and the involvement of these kinds of volunteers should therefore be considered very carefully. This type of volunteer must not be charged with key responsibilities, but if deployed given simple tasks under supervision after having received a basic on-the-spot training. Health and safety risks should be avoided to the widest possible extent and appropriate insurances must be in place. There are examples of NGO's working in close relationship with the authorities using a professional infrastructure for the recruitment, training and supervision of this type of volunteers.

9. FINANCES

Most countries have in place an emergency budget for (marine pollution) emergencies. In the framework of the elaboration of an integrated wildlife response plan it should be considered whether also the costs of a wildlife response and all its possible aspects (see section 4)

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www.iopcfund.org

could be covered by this budget. Especially in large scale spills, these costs tend to be only a small fraction in relation to the total costs of the incident response.

International mechanisms are available that have been set up to compensate for the costs of oil spill response and oil spill damage (e.g. International Convention on Civil Liability for Oil Pollution Damage, IOPS Funds Conventions, Bunker Convention). Wildlife response is recognized by these mechanisms, and the main requirements for a justifiable claim in this respect are described in the 2008 edition of the Claims Manual of the IOPC Funds.

There are also other situations in which it is still unclear or unlikely that one or more of these international compensation mechanism are applicable to the case and in the end will be ready to receive claims. A wildlife response cannot be postponed until the issues around “who pays the bills?” have been resolved. It is recommended that the possibilities of financing of large scale wildlife response during oil pollution events should be examined foreseeing future spills so that even in the more obscure pollution events, a smooth and coordinated wildlife response will be possible.

10. REFERENCES

The following publications are worth consulting in the preparation of a wildlife response plan:

- Guide to oiled wildlife response planning. IPIECA (2004). Downloadable from www.ipieca.org
- Handbook Oil Impact Assessment. Downloadable from www.oiledwildlife.eu
- Handbook on good practice for the rehabilitation of oiled birds in the aftermath of an oil spill incident. Downloadable from www.oiledwildlife.eu.
- A European Oiled Wildlife Response Plan. Downloadable from www.oiledwildlife.eu.
- Claims Manual (IOPC Funds, 2008). Downloadable from www.iopcfund.org

Most of these documents are available via www.oiledwildlife.eu. This website also provides a myriad of relevant information with regards to wildlife response and preparedness. It also provides access to the activities of EMPOWER.