

Position Paper

Protecting Our Seas: Addressing the M/T Terra Nova Oil Spill

Submitted by: Oceana Philippines International

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The recent oil spill from the M/T Terra Nova off the coast of Limay, Bataan, followed by another tanker Jason Bradley, poses a significant threat to the marine ecosystems and coastal communities in affected areas. As an advocacy organization dedicated to marine conservation, together with the affected communities and stakeholders, Oceana is deeply concerned about the immediate and long-term impacts of this disaster.

This position paper emphasizes the urgent need for comprehensive multi-stakeholder action to mitigate damages, protect affected communities, and implement robust policies to prevent future oil spill incidents.

Background

On July 25, 2024, a catastrophic oil spill occurred after the M/T Terra Nova sank off the waters of Limay, Bataan, in Manila Bay at a depth of around 34 meters (or 111 feet). This was after the devastating impacts of Typhoon Carina affecting Metro Manila and surrounding provinces in the National Capital Region. The M/T Terra Nova tanker was carrying 1.5 million liters (400,000 gallons) of industrial fuel oil. An initial survey by the Philippine Coast Guard observed an oil slick spanning 3.7 kilometers, which they claimed came from the tanker's fuel.

Two days later, another tanker, MTKR Jason Bradley, sank off the coast of Mariveles, Bataan. The owners initially claimed that the vessel had no cargo, but upon inspection, the Philippine Coast Guard found it was carrying diesel fuel. The amount of fuel in the cargo is still unknown.

The M/T Terra Nova oil spill has a potential of unleashing approximately 1.4 million liters of industrial fuel oil into Manila Bay, threatening the delicate balance of our marine ecosystems, already reeling from human-induced pressures such as overfishing, reclamation projects, pollution, and climate change. This incident endangers marine life, disrupts food chains, and compromises the health of the people and biodiversity in the affected areas. The livelihoods of local fisherfolk and the food security of communities reliant on these waters are at risk, leading to potential economic loss and social instability.

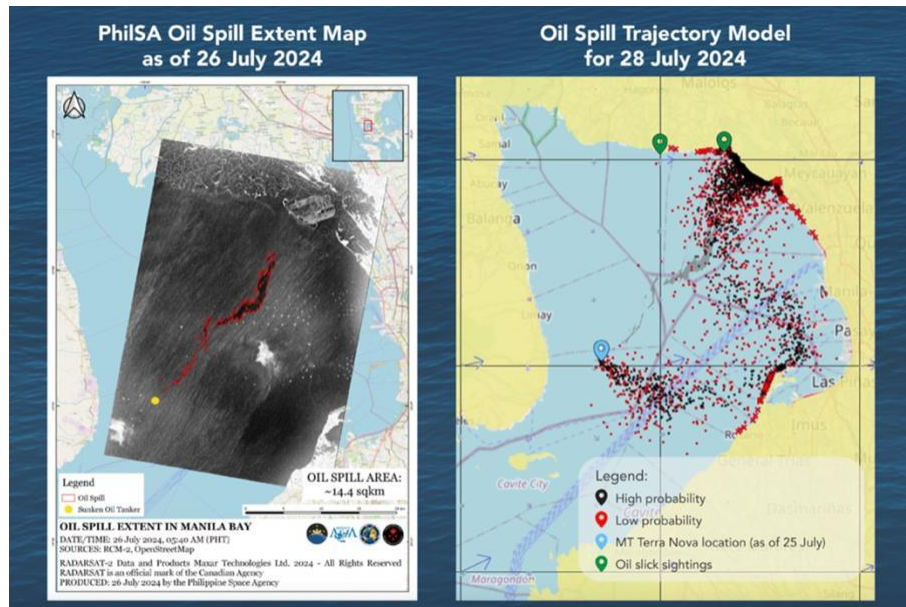


Figure 1. UP MSI Bulletin #01 - Oil spill trajectory model forecasts that spill will reach Bulacan and Cavite. Published on 28 July 2024.

Environmental Concerns and Social and Economic Impact

Oil spills have a catastrophic impact on marine environments. The toxic components of industrial fuel oil can cause long-term damage to coral reefs, mangroves, and seagrasses, which serve as critical habitats for numerous marine species. Oil contamination can lead to the death of fish, marine mammals, birds, and other wildlife. The toxic effects can impair reproductive capabilities and lead to population declines, reducing biodiversity in the region. Additionally, the spill threatens the natural beauty and ecological integrity of our coastlines, affecting tourism and the broader economy dependent on healthy marine environments.

The spill has already resulted in nearly [PHP1 billion](#) in damages to the livelihoods of local fisherfolk and related industries. The long-term economic impact could be devastating if not addressed promptly. With the contamination of fishing grounds, communities face a decrease in available seafood, impacting nutrition and food security. Exposure to oil pollutants poses health risks to residents, particularly vulnerable populations such as children and the elderly, who may suffer from respiratory and other health issues.

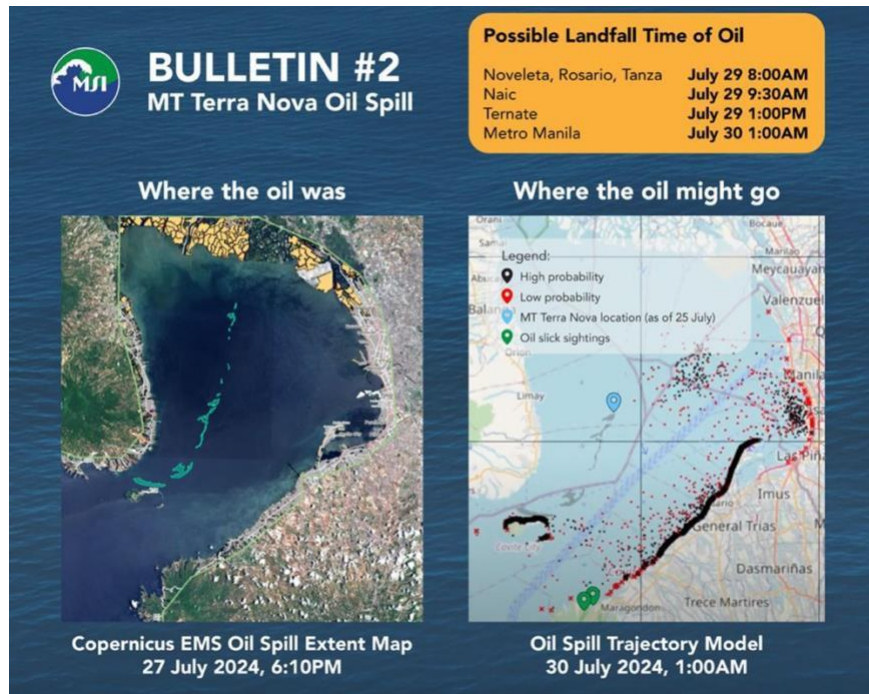


Figure 2. Oil Spill Trajectory Model as of July 30, 2024

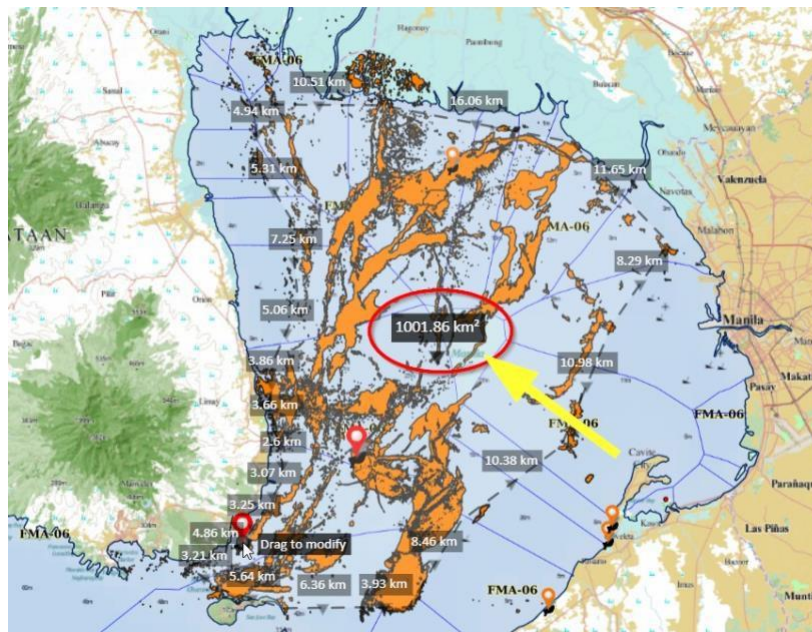


Figure 3. Using the measurement tool on the Karagatan Patrol platform, it is estimated that 50% (386 square miles/1,000 square km/100,000 ha) of the surface waters of Manila Bay, which has an estimated area of 2,000 square kilometers, were affected. This estimation is based on the cumulative analysis of spatial layers provided by the Philippines Space Agency and the Copernicus Emergency Management Service for July 26-30, 2024.

Legal Implications

Although there have been many oil spills over the years, there is still a dearth of court cases in the Philippines where companies have been found liable for oil spills despite the presence of a strong legal framework.

The Constitution guarantees the right of the people to a healthful and balanced ecology that the State must protect at all times. The duty to protect this right by all those in government as duty-bearers is undisputed. Likewise, the procedural rights to the environment – the right to information, participation, and access to justice – are also at stake. There are also strong protective measures in place for Manila Bay. In 2008, the Supreme Court mandated government agencies to clean it up through a continuing mandamus in the case of Metro Manila Development Authority v. Concerned Residents of Manila Bay.

Government must ensure timely, effective, and science-based oil spill response according to existing laws and guidelines. A coordinated approach to respond to disasters is already required by the Philippine Disaster Risk Reduction and Management Act of 2010 (Republic Act 10121) and other related laws. Moreover, the Climate Change Act requires the mainstreaming of impact of climate change into government programs, by all government agencies and institutions,

Oil spill response measures should emphasize preventive, rather than reactive, measures with a strong collaboration by all stakeholders, not just the Philippine Coast Guard. Thus, the importance of having RA 10121, DRRM Act, fully implemented.

Philippine laws are in place to ensure that the polluters must pay the cost of pollution. The shipowner at the time of an incident, or where the incident consists of a series of occurrences, at the time of the first such occurrence, shall be liable for any pollution damage caused by the ship as a result of the oil spill incident.

The Oil Pollution Compensation Act (RA 9483) provides that liability for damages shall include, but not limited to: (a) clean-up operations expense at sea or on shore; (b) preventive measures expenses; (c) consequential loss or loss of earnings suffered as a direct result of an incident; (d) pure economic loss or loss of earnings sustained by persons (fishers, tourism, etc.); (e) damage to human health or loss of life as a direct result of the incident, including expenses for rehabilitation and recuperation, including costs of studies or diagnoses to determine the long-term damage; (f) environmental damages and other reasonable measures of environmental restoration.

However, only the shipowner is clearly liable, but not the charterer of the vessel, under RA 9483. This is a glaring legal issue that needs to be addressed through legislative amendment.

This is bolstered by international treaties, such as MARPOL 73/78, particularly in its Annex 1 on the prevention of pollution by oil from operational measures and accidental discharges, as well as the International Convention on Civil Liability for Oil Pollution Damage (CLC), which has been adopted to ensure adequate compensation for persons who suffer oil pollution damage resulting from maritime casualties involving oil-carrying ships.

Oceana's Call and Recommendations

We urgently call on President Marcos to take immediate action and declare a state of national calamity in the affected areas to provide necessary relief and assistance to the affected communities under RA 10121.

To address the immediate and long-term consequences of this oil spill, we recommend the following actions:

- **Immediate Response and Cleanup.**
 - The deployment of resources and personnel for spill containment and cleanup must be accelerated. It is crucial to use environmentally friendly methods to minimize additional harm to ecosystems during the cleanup process.
 - Immediate financial assistance and alternative livelihood programs should be provided for affected artisanal fisherfolk and their families.
 - Implementing health monitoring and support services for communities exposed to the spill is also essential.
- **Strengthening Policy and Legislation.**
 - We advocate for stricter enforcement of existing environmental laws, including the Philippine Clean Water Act and the Oil Pollution Compensation Act.
 - Developing comprehensive legislation that mandates improved safety standards and emergency preparedness for oil transportation and handling is essential to prevent future incidents.
- **Capacity Building and Public Awareness**
 - Enhancing the capacity of local governments and communities to respond to environmental disasters through training and resource allocation is crucial.
 - Increasing public awareness about the importance of marine conservation and the risks associated with oil spills will help foster community involvement in protection efforts.
- **Long-term Monitoring and Research**
 - Establishing a long-term monitoring program to assess the ecological recovery of affected areas and the effectiveness of cleanup efforts is necessary.
 - Supporting research initiatives aimed at developing innovative technologies and practices for oil spill prevention and response will strengthen our preparedness for future incidents.
- **Transparency and Accountability:**
 - Ensure transparency, full disclosure, and strict accountability in the prevention and management of the oil spill response and potential harmful impacts of the contamination.
 - Address the incomplete information regarding the circumstances of allowing the oil tanker to leave port, ownership and type of oil involved, as well as the potential harmful impacts of the contamination.
 - Involve local government units and coastal communities fully in decision-making processes to address the calamity and its implications for them.

- Investigation, Transparency and Accountability
 - We call for a thorough investigation into the incident to hold those responsible accountable. Why were the oil tankers allowed to leave port at the height of the typhoon?
 - The Philippine Coast Guard (PCG) must show if it was in compliance with the Oil Spill Response Plan and conducted testing and ensure availability of the equipment, enhance its oil spill response, containment, and recovery capabilities.
 - The PCG should investigate the pollution damage resulting from the oil spill and disclose the same to the public.
 - The Department of Environment and Natural Resources (DENR) and the Department of Agriculture – Bureau of Fisheries and Aquatic Resources (BFAR) should provide technical support to assess the environmental, social, and economic impacts and disclose the same to the public especially the affected communities.

Oil spill incidents like the recent M/T Terra Nova oil spill are a stark reminder of the vulnerability of our marine ecosystems and the communities that depend on them.

On our part, Oceana will propose to the government and civil society sector including the academe a Compliance Audit on the Oil Spill Contingency Plan. This is going to be a multi-stakeholder collaboration in ensuring that we come up better prepared and responsive to any contingency such as oil spill that destroys wildlife, lives and livelihoods.

We likewise urge the government, private sector, and civil society to work collaboratively towards a sustainable, fossil-free and resilient future. This is another wake-up call for us to seriously implement the Renewable Energy Law and move away from dependency on fossil fuels.

By taking decisive action now, we can protect our fisheries and marine resources and ensure the food security and well-being of present and future generations.

Oceana Philippines International

By:


Atty. Gloria Esterzo Ramos

Vice President

Philippine Coast Guard National Oil Spill Contingency Plan Compliance Audit Template

Document 1. Risk Assessment and Preparedness Tool

I. Risk Assessment		Yes/No
a. Sources of Oil Spill		
i. Vessels	Are the risks from vessels adequately assessed and mitigated?	
ii. Power Plants and Power Barges	Are the risks from power plants and power barges adequately assessed and mitigated?	
iii. Shipyards	Are the risks from shipyards adequately assessed and mitigated?	
iv. Refineries, Terminals, and Depots	Are the risks from refineries, terminals, and depots adequately assessed and mitigated?	
v. Oil Exploration and Production Activities	Are the risks from oil exploration and production activities adequately assessed and mitigated?	
vi. Offshore Mining Activities	Are the risks from offshore mining activities adequately assessed and mitigated?	
vii. Industrial and Manufacturing Activities	Are the risks from industrial and manufacturing activities adequately assessed and mitigated?	
b. Aids in Assessing Effects of Oil Spill		
i. Types of Relevant Oil	Are the types of relevant oil clearly identified and categorized?	
ii. Probable Fate of Spilled Oil	Is the probable fate of spilled oil accurately predicted?	
iii. Particularly Sensitive Areas	Are particularly sensitive areas identified and protected?	
II. Response Strategies by Area		
a. Offshore Areas	Are there specific response strategies for offshore areas?	
b. Coastal Zone	Are there specific response strategies for the coastal zone?	
c. Shoreline or Near-Shore Areas	Are there specific response strategies for shoreline or near-shore areas?	
d. Inland Areas	Are there specific response strategies for inland areas?	
III. Resource Planning		
a. Oil Spill Equipment and Supplies		
i. PCG Tier I Response	Is the Philippine Coast Guard equipped for Tier I response?	
ii. PCG Guard for Tier II and III Response	Is the Philippine Coast Guard equipped for Tier II and III responses?	
iii. PCG's Updated List	Is the PCG's list of equipment and supplies regularly	

of Equipment for Tier I Response	updated?	
iv. Vessels or Facilities for Tier I Response	Are vessels or facilities for Tier I response adequately prepared?	
v. Augmentation of Oil Spill Equipment and Supplies	Is there a plan for augmenting oil spill equipment and supplies?	
vi. Tier II Plan on Equipment and Supplies	Is there a Tier II plan on equipment and supplies?	
vii. Tier III Plan on Equipment and Supplies	Is there a Tier III plan on equipment and supplies?	
viii. Inspection, Maintenance, and Testing	Are equipment and supplies regularly inspected, maintained, and tested?	
b. Manpower		
i. Spiller's Personnel	Are spiller's personnel trained and prepared for oil spill response?	
ii. PCG Personnel	Are Philippine Coast Guard personnel trained and prepared for oil spill response?	
iii. National Government Agencies, Departments, and Bureaus	Are national government agencies, departments, and bureaus involved in oil spill response?	
c. Communications and Control		
i. Incident Command Center/ Emergency Operations Center and Communications Facilities	Is there an Incident Command Center / Emergency Operations Center with adequate communications facilities?	
ii. Field Communications Equipment	Is field communications equipment available and functional?	
d. Policy on OSROS	Is there a clear policy on Oil Spill Response Organizations (OSROs)?	
e. Polluters Pay Principle	Is the polluters pay principle enforced in oil spill response operations?	
IV. Inter-agency Cooperation for Clusters		
a. On Mitigation and Response	Is there inter-agency cooperation for mitigation and response?	
b. On Relief Operation	Is there inter-agency cooperation for relief operations?	
c. On Animal Wildlife Response	Is there inter-agency cooperation for animal wildlife response?	

d. On Oil and Oily Waste Management	Is there inter-agency cooperation for oil and oily waste management?	
e. On Rehabilitation	Is there inter-agency cooperation for rehabilitation efforts?	
f. On International and Regional Cooperation	Is there international and regional cooperation for oil spill response?	
g. Other Government Agencies and Organizations	Are other government agencies and organizations involved in the oil spill response?	
V. Coordination, Command and Control		
a. Coordination (Clusters)	Is there effective coordination within clusters for oil spill response?	
b. Command and Control	Is there a clear command and control structure for oil spill response?	
i. PCG Command Center/ Emergency Operations Center	Is the PCG Command Center / Emergency Operations Center (EOC) operational?	
ii. Responsible Officer	Is there a designated Responsible Officer for oil spill response?	
iii. EOC Manager and Team	Is the EOC Manager and Team properly trained and prepared?	
iv. Incident Command System	Is the Incident Command System (ICS) implemented?	
v. Incident Management Team	Is the Incident Management Team (IMT) established and functional?	
c. Inter-operability Flowchart	Is there an inter-operability flowchart for oil spill response coordination?	

Document 2. Oil Spill Response Assessment Tool

I. Activation, Deactivation, and Non-activation		Yes/No
a. Activation		
i. Pre-disaster Risk Assessment	Is there a pre-disaster risk assessment process in place?	
ii. Rapid Damage Assessment and Needs Analysis	Is there a rapid damage assessment and needs analysis procedure?	
iii. Reports and Complaints	Are reports or complaints promptly addressed?	
iv. Activation Flowchart	Is there an activation flowchart for oil spill response?	
b. Deactivation	Are there clear de-activation procedures for oil spill response?	
c. Non-activation	Are there clear criteria for non-activation of the response plan?	
d. Forms	Are all necessary forms for oil spill response readily	

	available and up to date?	
II. Basic Operational Guidelines (Tier I, II, III)		
a. Initial or Alerting Phase		
i. Reporting	Are procedures for reporting oil spills clearly defined and followed?	
ii. Preliminary Assessment of Reported Spill	Is there a preliminary assessment process for reported spills to determine the tier of response required?	
iii. Determination of Tier Response	Are tier response determinations made promptly?	
iv. Notification of Key Personnel and Authorities	Are key personnel and authorities notified promptly during the alerting phase?	
v. Staffing the Incident Management Team	Is the Incident Management Team (IMT) promptly staffed during the initial phase?	
vi. Identifying Resources Immediately at Risk	Are resources immediately at risk identified and protected?	
vii. Preparing Initial Press Statement	Is an initial press statement prepared and released quickly after a spill is reported?	
viii. Investigation and Documentation	Are procedures for the investigation and documentation of oil spills in place?	
b. Mobilization Phase		
i. Assembling Full Response Action	Is a full response action team assembled quickly during the mobilization phase?	
ii. Identifying Immediate Response Priorities	Are immediate response priorities clearly identified and communicated?	
iii. Developing the Incident Action Plan	Is the Incident Action Plan (IAP) developed efficiently and shared with relevant stakeholders?	
iv. Mobilizing the Response Team	Is the response team mobilized and deployed quickly to the affected area?	
v. Establishing the Incident Command Center or EOC	Is the Incident Command Center (ICC) or Emergency Operations Center (EOC) established promptly?	
vi. Establishing the Advance Command Post and Communication	Is the advance command post and communication infrastructure established effectively?	
vii. On-site/Area Assessment	Is an on-site or area assessment conducted promptly to guide the response?	
c. Response Phase		
i. Actual Oil Spill Response Operation	Are actual oil spill response operations carried out effectively and in accordance with the Incident Action Plan (IAP)?	

iii. Preparing Incident Logs and Management Reports	Are incident logs and management reports maintained accurately throughout the response operations?	
iv. Update and Reports	Are response operations regularly assessed for effectiveness, and adjustments made as necessary?	
v. Obtaining Additional Equipment, Supplies, and Manpower	Was the Logistics Section Chief able to assess the need for additional equipment, supplies, or manpower to address the needs of the situation?	
vi. Occupational Health and Safety	Was the Health and Safety Officer able to ensure the proper Personnel Protective Equipment to counteract health hazard due to the oil spill?	
vii. Escalation or Downgrading of Response	Was the proper escalation or reduction of response efforts done during the incident?	
viii. Preparing Operations Accounting and Financial Reports	Did the Finance Section Chief continuously monitor and estimate the cost associated with the response options implemented?	
ix. Briefing of Local and National Government Officials	Are the local and national government officials properly informed about the incident?	
d. Demobilization or Termination Phase		
i. Wildlife Response Demobilization	Were the wildlife affected by the incident properly distributed or re-housed from the primary response facility?	
ii. Monitoring of Unrecovered Oil	Was the need for additional beach clean-up in areas of unrecovered oil identified?	
iii. Demobilizing, Cleaning, Maintaining, and/or Replacing Equipment	Did the Logistic Section Chief prepare plans for the demobilization and return of the equipment to the designated storage areas and was this equipment clean, maintained, and assessed?	
iv. Debriefing	Was there a debriefing done following the termination of the response operation?	
v. Preparing the Formal Oil Spill Report	Did the Coast Guard Legal Service together with NOSCOP prepare the formal oil spill report?	
e. Public Participation and Transparency Mechanisms		
i. Local Manpower and Local Government Units	Are local manpower and local government units involved in oil spill response?	
ii. CSOs, NGOs, Private Sector, and Stakeholders	Are civil society organizations, NGOs, private sector, and stakeholders involved in oil spill response?	
iii. Involvement of Experts and Advisors	Was the Designated Officer able to ensure the availability of national and international experts to act as advisors? Are their opinions and recommendations heard and considered?	

iv. Preparing the Daily Action Plan and Updates	Are the Incident Action Plan (IAP) and daily updates prepared and reviewed regularly during the response phase? Are these released to the public in a regular and timely manner?	
x. Preparing Information for the Public and Press	Did the Public Information Officer prepare all necessary press statements which included clear facts about the oil spill?	
vi. Formal Final Oil Spill Report	Was the formal final oil spill report submitted complete with the incident action plan, maps, press releases and public information records, summary incident report, environmental damage report, detailed financial report, summary financial report, claims report, and consolidated report?	
Final Score/Findings		

REFERENCE:

National Oil Spill Contingency Plan

https://coastguard.gov.ph/images/2019_Files/NOSCOP_Icon/Approved_NOSCOP_OCT_2019.pdf

NOTES:

Tier I response:

- for oil spills with a small magnitude and only affecting a local area
- May be dealt with by the operator or spiller
- Response resources should be available locally and there is no seeming need to involve external resources
- Volume: 1-10,000 liters (0.001-10m³)

Tier II response:

- extends outside the Tier I limits
- generally larger in magnitude and additional resources are needed from different stakeholders involved in the response
- large spill that may occur in areas where the spiller has a limited control of events OR smaller spill at a distant location which may need resources from several sources
- May need government resources as it may threaten public amenities
- e.g. shipping incidents in ports/harbors, pipeline or tank failures in coastal waters, nearshore explorations, production operations
- Volume: 10,001-1,000,000 liters (10.001-1,000 m³)

Tier III response:

- National level response
- oil spills at a large scale which may cause major impacts

- Needs substantial resources from national and international sources
- Large volume and may affect a large area
- Call for the entire oil spill response resources in a nation and may call for international assistance
- e.g. tanker accidents, offshore blowouts
- Volume: more than 1,000,000 liters ($> 1,000\text{m}^3$)