

**Report to the Railway Safety Act Review
Advisory Panel**

***The Lake Wabamun Disaster:
A Catalyst for Change***

Submitted by the Lake Wabamun Residents Committee

August 31st, 2007

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*“Disasters such as this
call communities to serve,
to be a part of the solution
and ensure it never
happens again.”*

- Laurie Anderson,
Resident, Lakeview

Introduction

On August 3rd, 2005 at approximately 5:05 a.m., there was a major CN Rail accident at Lake Wabamun, near the hamlet of Whitewood Sands. Forty-three rail cars derailed, spilling Bunker C oil as well as pole treating oil (PTO) into the lake. What follows are the accounts of eyewitnesses from the communities around Wabamun Lake and their perspective on what was learned and how those lessons should inform future actions.

August 3, 2005 – What We Saw Happen

Many residents were awakened in the early morning of August 3rd to the sounds of a crash, followed by a power outage. The response we expected was prompt notification of people immediately affected by the accident, followed by additional communication to allay concerns and a forum to ask questions. We expected there would be a plan of action. Unfortunately none of this happened.

People in Whitewood Sands were evacuated by the RCMP and Wabamun Fire Department within 15 to 20 minutes of the crash. At this point, the extent of the accident was unknown to the authorities and the evacuation was a safety precaution. Taken to a nearby community hall, residents were told only that there was an incident on the tracks – no other information was available. Residents were escorted back to their homes later that morning to retrieve some personal items and were permanently allowed back to their properties later that evening. During this time, the only information the people of Whitewood Sands received was from the RCMP, the Wabamun Fire Department and their neighbours: but it was clear that what had been called an “incident” was in fact a catastrophe for the community.

For those of us living beyond Whitewood Sands, word spread ... but still described only as an “incident” on the tracks. As the hours passed, through various informal channels between residents, we gradually came to learn that there was an oil spill that extended onto the lake. It was a devastating scene for those of us who had access to the crash site. We stared in disbelief at the magnitude of the disaster that lay before us.

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“...[S]ome of the cars were cut in half to allow their removal and any oil that was still in the cars was spilled onto the ground to allow for the removal of the wrecked cars.”

- Blaise Szekely,
Resident, Point Alison

Also through indirect communications, we were informed that CN had contained the spill. But it was clear that this was not the case: we witnessed minimal clean-up activity on the lake and very little boom and absorbent material had been deployed. As one resident said, *in relation to the amount of oil that could be seen, the amount of booms and absorbent materials, or lack thereof, was equivalent to 20 paper towels.*

The oil was spreading on the lake and shorelines. It was not contained.

No flurry of activity was seen at, around, or on the lake, or at the punctured rail cars. Rather, the concentration of activity was at the tracks clearing the derailed cars from the line. Vacuum trucks were working away, but it was clear their activity alone was not going to be enough to contain the spill.

At the end of day one, residents had yet to receive any direct communication from CN officials, Transport Canada, Environment Canada, Alberta Environment or Capital Health (the regional health authority), regarding the nature of the spill, the safety of our water or the disaster control plan.

August 4, 2005 – What Did, and Did Not, Happen

By day two, there was a CN Command Centre in place. Many residents visited the Centre only to be told that the public was not welcome there, and that the spill was contained at the crash site and on the lake. As the day progressed, and as more residents visited the CN Command Centre in the hopes of obtaining accurate information, frustration grew. What people were hearing from CN officials did not correspond to what was being seen. Oil was continuing to spread and minimal activity was underway at the crash site to address immediate clean up needs. CN’s concentration continued to be directed toward fixing the damaged tracks.

It was apparent to residents that CN did not view the issue of containing the spill as urgently as we did. Their focus was on repairing their line. We understood that we had to act to save our lake. We were prepared to lend a helping hand to contain the spill. Indeed, we were eager to do what we could. We asked for booms, absorbent materials, etc. – all to no avail. Some boom and absorbent materials had been deployed and we were told that all available

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“Having never held a wild bird in my life, it was an amazing experience to help care for the wildlife affected by this disaster. I was tube-feeding geese, ducks and grebes within 12 hours. The suffering endured by the wildlife who called Lake Wabamun home was immense.”

- Laurie Anderson,
Resident, Lakeview

equipment was in use. It was clear there was an insufficient stock of booms and absorbent materials, and that CN was not aware of how to obtain additional supplies. Only when Dr. Ron Goodman was brought in to assist by Alberta Environment was he able to tell CN that additional boom material was available from the Eastern Canada Response Corporation. Frustration was mounting, and residents were becoming more vocal. A question that remains unanswered for us is:

How can a major shipper that moves goods such as Bunker C oil and pole treating oil across the country, beside major waterways and lakes, not know who to call for resources to respond to an emergency?¹

We were finally told that a CN official would meet with us the following morning to address our questions and concerns.

At the end of day two, residents had yet to receive any direct communication from CN officials, Transport Canada, Environment Canada, Alberta Environment or Capital Health.

August 5, 2005 – Taking Drastic Measures

Early in the morning on Aug. 5th, residents witnessed the first trains snaking through the derailment site. We remained hopeful that our meeting with a CN official, scheduled for mid-morning, would yield some answers. However, to our severe disappointment, the CN official did not honour his commitment.

This “no-show” by CN, compounded by the concentration of activity seen at the tracks in the past 48 hours and the resumed train traffic – yet contrasted by the lack of lake clean-up activity – resulted in a group of residents deciding to take more drastic measures. Their objective was simple: to be heard, to receive assistance and to get accurate and honest information.

Approximately 30 of us went to the main railway crossing in the town of

¹ The containment boom from Eastern Canada Response Corporation was ordered on the evening of August 5 (now 60 hours after the crash) at Dr. Goodman’s prompting. It arrived in Edmonton on the 6th, at Lake Wabamun on the 7th, and was deployed in the lake on the 8th – a full five days after the crash.

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"I think many of us felt Alberta Environment would correct the wrong from the beginning.... I was disappointed in the lack of a response mechanism by government to take charge of the problem of the lake."

- Dan Stoker, Resident,
Point Alison

Wabamun to block the tracks². The crowd grew to hundreds as residents from around the lake arrived to show support to their neighbours and demonstrate community solidarity. The impact of the crash was no longer concentrated in Whitewood Sands; it was affecting all residents around the lake. Media began arriving to capture the news, the commotion and the personal stories of disruption that were emerging.

CN arrived on scene approximately five hours after the time the main crossing was blocked and agreed to meet with the residents. One of the results of this first meeting with CN officials, which was also attended by Alberta Environment, was the creation of our volunteer Lake Wabamun Residents Committee (LWRC). This was also the first direct contact that residents had with either provincial or federal government officials. Finally, we were beginning to be treated like important stakeholders. It seems ironic that we had to engage in civil disobedience to take even this small step!

The LWRC was born of necessity. It was clear to residents that there was disconnection between CN's words and its actions. There were trust issues emerging given the focus of activity in the first 48 to 72 hours following the derailment. Residents felt very much that CN's focus had been on "getting back to business" while the oil spill containment was neglected. Residents felt that our needs were being put on hold while an impressive effort was being put forth to ensure that the trains could run again. While some CN officials seemed to recognize their shortcomings, residents were still met with adversarial and defensive behaviour and a lack of clear information. At this time, relations with CN were extremely poor, and residents felt very much alone with the spill and left to their own devices as to developing a cleanup and remediation plan. We believed that CN had spent a lot of energy and resources on track repair, while the more catastrophic issue of oil containment was not as pressing. Residents

² It should be noted that there were other railway blocking attempts at smaller crossings leading up to the main blockade. Residents received hostile responses at those blockades from CN officials, and one particular incident provided a telling glimpse into CN's community relations. While blocking the track, one resident was approached aggressively by a CN official shouting profanities and urging the resident to move. Again, this was a resident who simply felt they had to take this drastic measure just to get assistance and information. Only the intervention of a CN track employee diffused the situation. This exchange had taken place between a resident and a senior member of the CN Management Team.

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“Thousands of litres of pole treating oil were lost. This could have been contained, if it hadn’t been for inaction or late reaction.... No residents had been told what the oil was or that it was dangerously toxic. Most individuals around the lake did not even know there was a PTO problem. Individuals working and checking the site did not have any protective respiratory devices.... There was definitely a great lack of initial common sense and urgency.”

- Rob Lindsay, Resident,
Whitewood Sands

felt that, in the absence of CN being willing to accept its full responsibilities to residents, we would have to get our own group of advocates in place.

After negotiations with senior officials, CN agreed to provide funding to the LWRC to retain its own independent legal counsel, environmental assessment team and communications specialists, all necessary to fill the response void. The LWRC recognizes that CN agreeing to fund these services was an effort to repair relations and build trust, as well as a smart public relations move.

The mandate of the LWRC was, and continues to be:

1. To expedite short and long-term clean up;
2. To ensure residents are fairly compensated; and,
3. To do everything possible to prevent a similar incident.

At the same time, other volunteer groups, primarily those dealing with wildlife affected by the spill, began forming and setting up workstations. Their effort was invaluable, and the success rate was relatively high. Still, more than 1,000 birds died, contaminated by the sticky oil.

It is our belief that it was not until the committee was formed that CN began to truly take notice of residents, attend meetings and provide information.

What We Learned – 10 Key Things

- 1. CN did not deploy a multi-faceted response plan within hours of the incident.**
Best practices in industry indicate that such a plan would include: emergency response procedures, communication to affected stakeholders and elected representatives, and immediate deployment of staff to provide information. There should be “drills” and scenario rehearsals to see how well the parts work together. CN appeared to have been as derailed by this incident as their trains were.
- 2. In the absence of appropriate levels of responsiveness by industry, the federal and provincial governments lacked the ability to deploy an effective emergency response system, including a reliable**

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“Edmonton has a disaster response team.... [G]overnment needs to have the same thing for incidents involving the environment.”

- Sandy Clark, Resident,
Seba Beach

communication mechanism to contact affected residents.

The lack of direct communications and action from government officials compounded the level of frustration and confusion felt by residents. In situations like these, citizens look to the authorities to obtain accurate and timely information. In its absence, the rumour mills start up and misunderstanding abounds.

3. The resources necessary to address a transportation catastrophe of this size were not in place.

It was obvious to the residents of the Wabamun Lake communities that the prairie region lacked the absorbent boom inventory that was needed to address an incident of this magnitude in a timely fashion. While the committee does not presume to know where items such as absorbent boom should be housed and under whose authority, the incident made clear that Alberta Environment, Transport Canada and Environment Canada need to be in a better position to respond – and lead – when industry can’t, or won’t.

In addition, we understand that CN could have had access to such inventory if it had agreed to membership in co-operatives set up to deal with emergency responsiveness. CN’s decision not to be part of such a co-operative certainly compromised Lake Wabamun residents. Our question again would be:

How can a major multi-national not be prepared to the fullest extent to deal with any emergency? Why would it not have every resource at its disposal, just in case?

4. Our federal Transportation of Dangerous Goods Act is not comprehensive enough.

Residents understand that there are numerous criteria that go into determining what constitutes a dangerous good and what does not. We also understand that we are not the experts, and must therefore depend on the expertise of federal agencies to determine appropriate classifications. However, when a known carcinogen is released into our water supply

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“Extremely sensitive areas such as Wabamun Lake deserve more thought as to rail line relocation. Not every lake in Canada provides a drinking water source for a community, provides 30 to 40 per cent of electric power for a province and has such a diverse wildlife ecosystem.”

- Bill Van Rassel,
Resident, Ascot Beach

and we are told that “technically” this is not considered a dangerous substance, we become confused, afraid, suspicious and angry. The conflicting messaging from CN, the federal and provincial governments, and Capital Health on the degree of gravity attached to pole treating oil being in the lake was enormously frustrating. Ultimately, we welcomed the firm stance that Capital Health took on the substance: refusing to lift water bans until evidence was conclusively available.

Federal legislation regarding the transportation of dangerous goods should be reviewed; substantive changes to the Act are needed.

5. Full disclosure is critical during an emergency. It provides reassurance and helps to build trust.

The lack of transparency about the pole treating oil being one of the spilled materials was an example of how residents felt manipulated – and let down – by the system. CN told us it fulfilled its obligation to let officials know about the presence of PTO on Aug. 4th. This information was not flagged as critical or even important. Government agencies, it would seem, did not realize the importance of what they had been told – and so this critical piece languished in bureaucratic limbo for five days. Confusion still reigns about who told whom what and when – and while CN has conceded that the information should have been given more prominence, residents offer this observation:

When human health that is at stake, nothing other than prompt and complete public disclosure of the spill of dangerous materials is satisfactory.

6. Residents should not have to force the system to work.

At the prompting of the LWRC, government and CN became truly engaged and committed to developing solutions for residents. There remained, however, disconnection between what CN said at its most senior levels, and the actions of the CN people on site. Similarly, we saw ministers who were dismayed by the disaster and quick to offer comfort, but whose departments did not have the resources to lead the emergency response. They too seemed frustrated by CN’s inadequacies, but were not

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“Sometimes the science doesn’t matter. If the perception is that this is a risky environment, especially for children, then people will not come... and our ability to do business is seriously affected.”

- Sara Middleton,
YoWoChAs Camp, Coal
Point

in a position to take a commanding role. Residents are left wondering why a best practices approach to disaster management on the part of industry and government was not in place. Such an approach would have clearly defined roles for industry and for government.

7. We continue to disenfranchise the aboriginal people in our communities.

The Paul Band at Duffield has a very unique and complex relationship with Lake Wabamun, one that goes far beyond recreation and fishing. The LWRC felt that this unique relationship was minimized by CN, and that their corporate insensitivity to aboriginal issues compounded an already difficult situation.

8. Having been victims of the spill, we were then re-victimized by the processes to address the spill.

As if dealing with the aftermath of August 3rd was not enough, residents who wanted information from CN, or who made out of pocket compensation claims, were treated poorly by frontline CN officials. Contrary to commitments made by the senior vice-president, the day-to-day relationships with CN staff and contractors continued to be poor for several months. The operating style of CN was: *Prove your loss to me*. It should have been: *We know you’ve suffered a loss. What can we do to make things better?* This attitude affected opinion of CN locally and contributed to the demand for change echoed across the country.

9. Communication is crucial.

Residents needed, and deserved, accurate and prompt information. Public meetings should have been organized by government, not residents. Federal, provincial and municipal officials should have cooperated in this effort. Too much of what happened was “ad hoc.”

10. Together we rise.

We learned that when residents come together in a situation like this, we can be more effective collectively than individually. While the LWRC has a specific and limited mandate, we believe that more has been accomplished as a result of this group effort than would have been otherwise. The volunteer committee recognizes that not all community

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“Here was a lovely, pristine, recreational lake that has been assaulted by the railway company – and I’m sorry that was allowed to happen. I think consideration should be given to moving the railway.”

- Gladys Stott, Resident,
Whitewood Sands

residents feel that the committee represents them, but we do feel that there is a body of support for the three-point mandate of the group.

Going Forward

It remains our belief that had appropriate emergency response procedures been in place and if clean-up materials had been more readily accessible, the incident could have been contained in the first few crucial hours. The extent of the damage and the long-term negative implications for the health of the lake and the economic viability of the communities on the lake would have not have been as severe.

Prevention – this should never happen again.

Rail safety concerns are pivotal to an adequate discussion of prevention. The residents believe that the following issues need to be considered:

- ✓ Should the trains be running with the frequency and speed that they do?
- ✓ Are the rails on an appropriately stable bed?
- ✓ Are issues of increasing weight and length of trains creating another possibility for a derailment disaster?
- ✓ Are the tracks in the right place given the residential and environmentally sensitive nature of the surroundings?
- ✓ What are going to be the consequences of even more traffic on the line, as envisioned by the expansion of port facilities at Prince Rupert?
- ✓ Should CN do more to control the countervailing forces that arise when long trains wrap around the lake, cars sometimes traveling in different directions.

Most importantly, we don’t believe that these questions can be fairly or impartially answered by CN. In its regulatory role, government should be asking and answering these questions. A comprehensive review of railway safety in Canada is welcome and probably overdue.

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“[T]he event negatively affected at least 76 per cent of the lake’s western grebe population (through birds either dying or being captured, cleaned and released) and may affect future generations.”

- Alberta Wildlife Status Report No. 60

Responsiveness -- when accidents happen.

Should such an incident happen again, the residents of Lake Wabamun are of the view that the following are key to appropriate responsiveness:

- ✓ Prompt deployment of a well-practiced emergency response plan.
- ✓ Immediate and effective communications from a credible source, preferably government as the stewards of the environment for the people of Canada and Alberta.
- ✓ Government oversight of the incident command team. Industry should be answerable to high standards of accountability set by government.
- ✓ Coordination of all of the regulatory bodies involved in the response, including provincial and federal officials working together under one leadership.
- ✓ Prompt issuance of Environmental Protection Orders to ensure that the expectations for industry are made perfectly clear.
- ✓ A strong government presence in all public forums. These are times when people look to public servants to be leaders, stewards, and advocates.

Conclusion

On June 8th, 2007, the following item appeared in an Alberta Environment newsletter:

Staff Respond to Train Derailment Near Rockyford

ASERT emergency response officers and southern region staff were on scene seven miles northeast of the town of Rockyford (near Calgary), in response to a CN train derailment Wednesday, June 6th at 4:30 a.m. Once on scene, ASERT staff was able to confirm that heavy rains had weakened the structure at the creek crossing, that 15 cars had derailed, four of which were tanker cars carrying lube oil, ammonia nitrate and toluene. Booms were put in place to

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*“Good morning,
We have received your e-mail asking when the Transportation Safety Board of Canada (TSB) report into the derailment at Lake Wabamun will be released.*

This occurrence is still under investigation and unfortunately, the TSB cannot estimate the publication date of the report.”

- TSB reply to question asking why, more than two years after the accident, residents still do not know the cause.

prevent leaks entering the creek. As of 6:30 p.m. Thursday, staff had completed their work on site, supervising the cleanup. Cars have been removed from the Serviceberry Creek banks, including the car with toluene residue. No leaks occurred from any of the tanker cars. Vacuum trucks are removing fuel from the locomotive and contaminated soil was hauled from the site. Staff from the Calgary office will return next week to inspect the site.

ASERT (The Alberta Environment Support and Emergency Response Team) was created in the aftermath of the Wabamun spill, to ensure a coordinated approach to future disasters. For us, the prompt reaction to the Rockyford derailment demonstrates that government can learn from its mistakes. The legacy of what happened in our small part of the country must be more substantial than just chronic but diminishing occurrences of tar balls and sheen.

The LWRC will likely disband at the end of September. All along, we intended to be a temporary group, and frankly many of us are exhausted. The lake is healing. In most areas, people can swim and emerge from the water without having to worry about oily residue. With proper stewardship, the waterfowl and fish populations will continue to rebound. People are again beginning to think of Wabamun Lake a place to play and relax, not the site of disaster.

Still, every unexpected squeal or jerk coming from a passing train makes us feel nervous. Getting a wave from the engineer and counting the number of freight cars used to be part of the lake experience. Many of us were rail fans. Now, when the whistle blows, it evokes memories of a betrayal: that CN valued getting the trains moving more than protecting the ecosystem of one of Alberta's best recreational lakes.