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**United States of America
and
Panama**

Agreement between the United States Department of State, the United States Environmental Protection Agency, the United States Coast Guard, and the Autoridad del Canal de Panamá (Panama Canal Authority) regarding assistance with respect to certain environmental pollution incidents in the Panama Canal Area. Panama City, 1 April 2002

Entry into force: *1 April 2002 by signature, in accordance with article XI*

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**États-Unis d'Amérique
et
Panama**

Accord entre le Département d'État des États-Unis d'Amérique, l'Agence de protection de l'environnement des États-Unis d'Amérique, la Garde côtière américaine, et l'Autorité du Canal de Panama relatif à l'assistance concernant certains incidents de pollution de l'environnement dans la zone du Canal de Panama. Panama, 1^{er} avril 2002

Entrée en vigueur : *1^{er} avril 2002 par signature, conformément à l'article XI*

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**Agreement Between the
United States Department of State, the United States Environmental
Protection Agency, the United States Coast Guard, and the
Autoridad del Canal de Panamá (Panama Canal Authority)
Regarding Assistance with Respect to Certain
Environmental Pollution Incidents in the Panama Canal Area**

The Department of State of the United States of America, the U.S. Environmental Protection Agency (EPA), and the U.S. Coast Guard, on the one hand, and the Autoridad del Canal de Panamá (Panama Canal Authority) (hereafter also, "ACP") of the Republic of Panama, on the other (hereinafter collectively "the Parties")

CONSCIOUS of the importance of the Panama Canal to international trade and commerce;

MINDFUL of the interest of the Parties in ensuring safe unencumbered operation of the Panama Canal;

DESIRING that any significant pollution incident in the waters of the Panama Canal that may threaten to hinder such operation be combated in a safe and expeditious manner;

RECOGNIZING the existing capability of the Autoridad del Canal de Panamá (ACP) for responding to environmental emergencies in the area of the Panama Canal;

CONVINCED of the importance of developing procedures and practices to facilitate timely and appropriate supplemental assistance from agencies of the Government of the United States of America when requested by the Autoridad del Canal de Panamá in the event of an especially significant pollution incident;

CONSIDERING the experience of the 16 federal agencies of the Government of the United States of America that participate in the coordinating mechanism known as the National Response Team (NRT) and that have responsibilities, interests, and expertise in various aspects of emergency response to pollution incidents, in coordinating technical assistance during environmental emergencies in numerous countries throughout the world;

AWARE that the EPA is the Chair of the NRT, that the U.S. Coast Guard is the Vice-Chair of the NRT, and that the Department of State is a member agency of the NRT, and that the first two of those agencies of the Government of the United States of America will coordinate with the other NRT members in connection with the implementation of this Agreement;

REAFFIRMING the spirit of cooperation expressed by the Administrator of the ACP in his letter of March 15, 1999 to the Chairman of the NRT requesting that the NRT provide supplemental U.S. federal agency assistance in the event of an oil, hazardous material, or radiological spill in the Panama Canal Area;

Have agreed as follows:

I. Purpose

The purpose of this Agreement is to facilitate the provision of assistance by certain agencies of the Government of the United States of America at the request of the Autoridad del Canal de Panamá in connection with significant pollution incidents that may affect the Canal Area, as defined herein. It is intended that assistance which may be provided by U.S. agencies will supplement activities undertaken by the ACP or by private sector response capability in support of the ACP.

Nothing in this Agreement shall be construed as requiring the ACP to utilize the services of agencies of the Government of the United States or requiring agencies of the Government of the United States to provide services to the ACP except as may be provided for in incident specific agreements, executed at the time of an incident.

II. Definitions

For the purposes of this Agreement:

Hazardous Material. A hazardous material is any chemical designated as a harmful material or dangerous chemical under the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships with annexes and protocols, as amended.

Pollution Incident. A pollution incident is an oil spill or release of hazardous or radiological material that may affect the Canal Area, as defined herein.

Incident Command System. The Incident Command System (ICS) is a system to organize activities of a response to facilitate interaction among response personnel. For purposes of the relevant agencies of the Government of the United States, ICS shall refer to the National Interagency Incident Management System (NIIMS) or its substantial equivalent. For purposes of the Autoridad del Canal de Panamá, ICS shall refer to the ICS established in the ACP Contingency Plan, which is the plan created to organize responses to pollution incidents in the Panama Canal.

Incident Commander. The Incident Commander is the ACP employee who is assigned responsibility for all on-scene decisions related to an oil spill or a release of hazardous or radiological material in the Canal Area (as defined herein) in accordance with the ACP's Contingency Plan.

Incident Specific Agreement. An incident specific agreement is a document, executed at the time of an incident under the terms of this Agreement, between an agency of the Government of the United States and the ACP, detailing assistance to be provided and other information that may be necessary to facilitate assistance and payment for assistance.

United States National Response Center. The National Response Center is the United States national communications center for receiving reports of pollution incidents.

United States National Response Team. The United States National Response Team (NRT) is a grouping of agencies of the United States Government, established by the U.S. National Oil and Hazardous Substances Pollution Contingency Plan (NCP), with responsibility for coordinating U.S. activities during environmental emergencies. The U.S. agencies of the NRT develop procedures to ensure coordination of U.S. governmental and private response to oil discharges and releases of hazardous materials. The current participants in the NRT are 16 federal agencies of the U.S. Government, chaired by the United States Environmental Protection Agency, and vice-chaired by the U.S. Coast Guard.

Canal Area. The Canal Area (CA) is the continuous area following the course of the Panama Canal and the land areas under the jurisdiction of the ACP.

Autoridad del Canal de Panamá. The Autoridad del Canal de Panamá (ACP) is an agency of the Government of the Republic of Panama, responsible for the operation, maintenance, and management of the Panama Canal.

Private Sector Response Capability. Private sector response capability means equipment and personnel resources provided by contractors paid for by the ACP to respond to oil spills and releases of hazardous or radiological materials.

Technical Assistance Team. A Technical Assistance Team (TAT) is any group of experts provided by a U.S. agency or agencies to assist the ACP during an oil spill or release of hazardous or radiological materials.

III. Notifications

Upon the evaluation by the Incident Commander that a significant pollution incident has occurred, the ACP will notify the National Response Center. The ACP will also notify the United States Embassy in Panama.

Upon receipt of notification from the Incident Commander of a significant pollution incident, the National Response Center will immediately notify the Chair of the NRT, who will activate the NRT in accordance with established U.S. procedures.