

MEMORANDUM OF UNDERSTANDING (MOU)
BETWEEN
THE PUBLIC HEALTH AGENCY OF CANADA,
HEALTH CANADA
AND
TRANSPORT CANADA CIVIL AVIATION
ON THE
INFORMATION EXCHANGE AND PROCEDURES
DEALING WITH ANY PERSON, CARGO OR OTHER THING ON
BOARD AN AIRCRAFT THAT COULD CAUSE THE SPREADING
OF A COMMUNICABLE DISEASE

1. PURPOSE

This Memorandum of Understanding (MOU) between the Public Health Agency of Canada (PHAC), Health Canada (HC) and Transport Canada Civil Aviation (TCCA) provides the framework for: information exchange requirements and operational response and procedures dealing with any person, cargo or other thing on board an aircraft, or the aircraft itself, that could cause the spreading of a communicable disease.

2. PRINCIPLES OF CO-OPERATION

The principles of co-operation are based on:

1. Recognition that the Minister of Transport and the Minister of Health have respective responsibilities on issues pertaining to aviation and public health.
2. Ensuring that the respective objectives for public health and aviation are met.
3. Ensuring that TCCA and PHAC/HC continue to meet their mandates with regard to the *Aeronautics Act*, the *Emergency Management Act*, and the *Quarantine Act*.

To accomplish the above-noted principles, information on any person, cargo or other thing on board an aircraft that could cause the spreading of a communicable disease must be exchanged in a timely manner.

Within the Health Portfolio:

- a) The Public Health Agency's responsibilities in public health emergency management as it applies in this MOU includes:
 - i. Execution of the authority provided to PHAC as specified in the *Quarantine Act*.
- b) Health Canada responsibilities in emergency management includes:
 - i. The health protection of federal public service workers and emergency responders; and
 - ii. Health protection and quarantine response activities relating to conveyances, cargo, other things on board and ancillary services. It should be noted that Health Canada may continue to investigate the situation if it is deemed not to be an emergency or quarantine event; as Health Canada has a role in the investigation of foodborne, waterborne and airborne diseases on conveyances that are less severe and dangerous than the diseases listed in Appendix B

3. CO-ORDINATION

Depending on the source of the information either TCCA or PHAC/HC may initially receive information concerning public health risks on board an aircraft arriving in or departing from Canada.

In order that timely decisions be made, any information relating to the diversion of an aircraft related to any person, cargo or other thing on board an aircraft that could cause the spreading of a communicable disease, must be shared and coordinated between each department's operations centres. Should PIIAC/IIC determine it necessary to divert an aircraft under provisions of the *Quarantine Act* it is essential that TCCA be involved to coordinate with the air operator and NAV CANADA. The airport where an aircraft is being diverted must meet PHAC's requirements to provide inspection, isolation and medical or environmental health intervention but the safety of the crew, passengers, operational requirements and limitations of the aircraft must also be considered.

The following co-ordinators will be appointed by TCCA, PHAC and IIC to fulfill this agreement and adhere to its requirements. The following persons will be responsible to ensure compliance with this MOU:

- for TCCA, the Director, National Operations ;
- for PHAC, the Director, Office of Quarantine Service, Centre for Emergency Preparedness and Response; and
- for Health Canada, the Director, Public Health Bureau.

4. CONTINGENCY PLANNING, EXERCISE CO-ORDINATION

Transport Canada Civil Aviation Contingency Operations Division (CACO) will take the lead for initiating any joint aviation contingency planning and/or exercise requirements and the Office of Quarantine Service, Centre for Emergency Preparedness and Response at PHAC and the Public Health Bureau at Health Canada will be invited to provide expert input as required. CACO will invite PHAC/HC to conduct exercises as required to fulfill the mandate as stated in the *Emergency Management Act* and other relevant documents.

5. REPORTING PROCEDURES

In the event that NAV CANADA is made aware of a flight meeting the reporting criterion outlined in section 34 of the *Quarantine Act* and notifies Transport Canada Civil Aviation by contacting CACO, the CACO Duty Officer will ensure that the information is immediately passed on to the PHAC Quarantine Station nearest to the point where the plane has been diverted as follows; from Manitoba to the west – Vancouver Quarantine Station: 1-604-317-1720, Ontario – Toronto Quarantine Station: 1-416-315-5039, and from Quebec to the East – Montreal Quarantine Station: 1-514-229-2561.

In the event that PHAC/HC, is made aware of a flight meeting the reporting criterion in section 34 of the *Quarantine Act*, through its National Operations Centre, PHAC/HC will immediately provide CACO by telephone, 1-877-992-6853 or 1-613-992-6853, with information on any potential aircraft diversion being considered.

In the event a decision is made by PHAC to order the diversion of an aircraft, PHAC will notify CACO and CACO shall subsequently coordinate the diversion with NAV CANADA and the airline concerned to ensure that the diversion can be accomplished in a safe manner. CACO will provide PHAC with a copy of their Aviation Incident Reports

(AIRs) relating to incidents under section 34 of the *Quarantine Act*.

PHAC/HC and CACO will respond to requests from each other for additional information as necessary.

As a general requirement, TCCA and PHAC/HC will exchange updated Headquarters and Regional contact lists.

6. RESOURCES

PHAC/HC will be invited to make available trained augmented staff that may be called during emergencies to work out of the Transport Canada Situation Centre (TCSC) located in Ottawa, as part of a joint aviation occurrence response team. Transport Canada will provide the necessary training to staff identified by PHAC/HC. Where a joint exercise has been agreed upon, PHAC and HC may activate their own Emergency Operation Centre or provide staff necessary to support aviation related activations of the TCSC.

7. EXPERTISE

TCCA will provide familiarization visits to PHAC/HC specialists for the purpose of obtaining an overview of CACO and TCSC operations and equipment used during activations of the TCSC.

PHAC/HC will provide familiarization visits to TCCA for the purpose of obtaining an overview of their operations centre and equipment.

APPENDIX A**RELEVANT SECTIONS FROM THE *QUARANTINE ACT***

2. “communicable disease” means a human disease that is caused by an infectious agent or a biological toxin and poses a risk of significant harm to public health, or a disease listed in the schedule, and includes an infectious agent that causes a communicable disease.

“conveyance” means a watercraft, aircraft, train, motor vehicle, trailer or other means of transportation, including a cargo container, that arrives in Canada or is in the process of departing from Canada.

“departure point” means any point designated by the Minister under section 10.

“operator” means any person in charge of a conveyance, and includes the conveyance crew.

34. (1) This section applies to the operator of any of the following conveyances:

(a) a watercraft or aircraft that is used in the business of carrying persons or cargo; and

(b) a prescribed conveyance.

(2) As soon as possible before a conveyance arrives at its destination in Canada, the operator shall inform a quarantine officer or cause a quarantine officer to be informed of any reasonable grounds to suspect that

(a) any person, cargo or other thing on board the conveyance could cause the spreading of a communicable disease listed in the schedule;

(b) a person on board the conveyance has died; or

(c) any prescribed circumstances exist.

(3) As soon as possible before a conveyance departs from Canada through a departure point, the operator shall inform a quarantine officer or cause a quarantine officer to be informed of any circumstance referred to in paragraphs (2)(a) to (c) that exists.

(4) No operator contravenes subsection (2) if it is not possible for the operator to inform a quarantine officer or cause a quarantine officer to be informed before the conveyance’s arrival at its destination in Canada, as long as the operator does so on the conveyance’s arrival at that destination.

35. The Minister may order the diversion of a conveyance to any place in Canada specified by the Minister if the Minister has reasonable grounds to believe that doing so is necessary to prevent the introduction and spread of a communicable disease.

35.1 If the Minister makes an order under section 35, the Minister may order a provider of air navigation services, within the meaning of section 2 of the Civil Air Navigation Services Commercialization Act, to relay the order.

APPENDIX B**SCHEDULE of COMMUNICABLE DISEASES**Reference: *Quarantine Act*

- Active pulmonary tuberculosis
- Anthrax
- Argentine hemorrhagic fever
- Bolivian hemorrhagic fever
- Botulism
- Brazilian hemorrhagic fever
- Cholera
- Crimean-Congo hemorrhagic fever
- Diphtheria
- Ebola hemorrhagic fever
- Lassa fever
- Marburg hemorrhagic fever
- Measles
- Meningococcal meningitis
- Meningococemia
- Pandemic influenza type A
- Plague
- Poliomyelitis
- Rift Valley fever
- Severe acute respiratory syndrome
- Smallpox
- Tularaemia
- Typhoid fever
- Venezuelan hemorrhagic fever
- Yellow fever

APPENDIX C

AGREEMENT EFFECTIVE DATE AND AMENDMENTS

This MOU is effective as of the date indicated below the final signature acquired. Amendments to this Agreement may be made, in writing, at any time by mutual consent of the signatories.

For Transport Canada Civil
Aviation

For The Public Health Agency
of Canada

For Health Canada



Merlin Preuss
Director General, Civil
Aviation
Safety and Security
Transport Canada

Date: *17 July 08*



Dr. Theresa Tam
Director General
Centre for Emergency
Preparedness and Response
Public Health Agency of
Canada

Date: *June 23, 2008*



Michael Pearson
Executive Director
Workplace Health and
Public Safety Programme
Health Canada

Date: JUL 04 2008