

U.S. Department
of Transportation
**United States
Coast Guard**



Commandant
United States Coast Guard

DEPARTMENT OF TRANSPORTATION

U.S. COAST GUARD

STATEMENT OF REAR ADMIRAL RICHARD A. APPELBAUM

COMMITTEE ON GOVERNMENTAL AFFAIRS

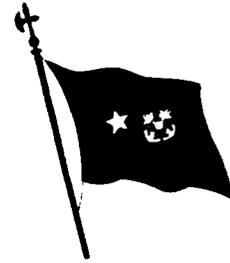
SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

UNITED STATES SENATE

6 SEPTEMBER 1989



REAR ADMIRAL RICHARD A. APPELBAUM
COMMANDER,
NINTH COAST GUARD DISTRICT



Rear Admiral Richard A. Appelbaum became Commander of the Ninth Coast Guard District on June 6, 1988. As Commander of the Ninth District, Rear Admiral Appelbaum is responsible for Coast Guard activities on the Great Lakes.

Rear Admiral Appelbaum's previous assignment was Chief of Operations, Seventh Coast Guard District in Miami from March, 1987, until his move to Cleveland. Other assignments at the Seventh District Headquarters were as Legal Officer, from 1982 to 1986, and Chief of Intelligence and Law Enforcement from 1986 to 1987.

Rear Admiral Appelbaum received a Bachelor of Science degree in 1961 from the Coast Guard Academy in New London, CT, and a law degree in 1970 from George Washington University in Washington, D.C. He is a member of the District of Columbia and Florida Bars.

Operational assignments for Rear Admiral Appelbaum include tours as Commanding Officer on the Coast Guard cutters CAPE YORK, CAPE FLORIDA, and VIGOROUS. He was also Commanding Officer of Long Range Aids to Navigation (LORAN) Station Hokkaido, Japan. He has served previously in the Ninth District, in 1977 and 1978, as Executive Officer on the Coast Guard Cutter WESTWIND, a polar icebreaker then homeported in Milwaukee.

His assignments in the field of law have included tours as Legal Officer in the Eleventh District, Long Beach, CA, and the Seventh District, Miami, FL, and as the Coast Guard's General Court-Martial Military Judge. He was also assigned to the Coast Guard Academy in New London, CT, as head of the Law Faculty and Executive Officer of the training barque EAGLE.

Rear Admiral Appelbaum has received four Coast Guard Commendation Medals and the Meritorious Service Medal.

A native of Chicago, IL, Rear Admiral Appelbaum has called Miami, FL, his home since 1950. He is married to the former Maureen Eddy Carr of Nashville, TN. Rear Admiral and Mrs. Appelbaum currently reside in Lakewood, OH. He has three sons. The oldest son, Kevin J., is a First Lieutenant with the U.S. Army, now stationed at Fort Benning, GA. Sons Paul D. and C. David are students at the University of Miami and University of Montana, respectively.

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MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE, I AM REAR ADMIRAL RICHARD A. APPELBAUM, COMMANDER OF THE NINTH COAST GUARD DISTRICT. BECAUSE THE NINTH DISTRICT IS COMPRISED OF THE GREAT LAKES BASIN FROM DULUTH, MINNESOTA TO THE ST. LAWRENCE SEAWAY, ADMIRAL YOST HAS ASKED ME TO RESPOND TO YOUR 14 AUGUST REQUEST AND TO SPEAK TO YOU TODAY REGARDING THE COAST GUARD'S ROLE IN PREVENTING AND RESPONDING TO OIL AND HAZARDOUS SUBSTANCE SPILLS IN THE GREAT LAKES. I THANK YOU FOR THIS OPPORTUNITY.

THE FEDERAL RESPONSE PROGRAM FOR THE GREAT LAKES REGION IS THE SAME AS THAT FOR THE ATLANTIC AND PACIFIC COASTS. ACTING UNDER THE AUTHORITY OF THE FEDERAL WATER POLLUTION CONTROL ACT FOR OIL SPILLS AND THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY ACT FOR RELEASES OF HAZARDOUS SUBSTANCES, COAST GUARD PREDESIGNATED ON-SCENE COORDINATORS, OR OSC'S, INVESTIGATE REPORTS OF POLLUTION INCIDENTS OCCURRING IN OPEN WATER AND NEAR SHORE AREAS. WHERE THE RESPONSIBLE PARTY INITIATES REMOVAL, THE OSC MONITORS THE ACTIVITIES TO ENSURE THE ADEQUACY OF THE OPERATION. WHERE THE SOURCE OF THE SPILL IS

UNKNOWN, OR THE RESPONSIBLE PARTY IS UNABLE OR UNWILLING TO CONDUCT A CLEANUP, THE OSC INITIATES A REMOVAL OPERATION. IN THE NINTH DISTRICT, NINE FIELD UNITS, MOST HEADQUARTERED IN INDUSTRIAL PORT AREAS, PROVIDE THE FEDERAL OSC'S. WHILE THESE UNITS MAINTAIN A LIMITED INVENTORY OF INITIAL RESPONSE EQUIPMENT (E.G., SORBENT BOOM, SORBENT PADS, ETC.) AT STATIONS THROUGHOUT THE GREAT LAKES, THEY EMPLOY COMMERCIAL CONTRACTORS FOR THE BULK OF THE HANDS-ON CLEANUP. I SHOULD NOTE THAT THE COAST GUARD MAINTAINS TWO SPECIALLY TRAINED STRIKE TEAMS, ONE IN MOBILE AND THE OTHER IN SAN FRANCISCO, TO ASSIST OSC'S DURING SPILL RESPONSE OPERATIONS. THESE UNITS ARE PREPARED TO DELIVER AND OPERATE RESPONSE EQUIPMENT THAT MIGHT NOT BE AVAILABLE LOCALLY. BOTH THE FEDERAL WATER POLLUTION CONTROL ACT AND THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT CREATED FUNDS TO SUPPORT THESE OPERATIONS AND ESTABLISHED STRICT LIABILITY OF RESPONSIBLE PARTIES TO RECOVER GOVERNMENT RESPONSE COSTS. HOWEVER, THE EXISTING OIL POLLUTION FUND WOULD BE INADEQUATE TO PAY FOR THE CLEANUP OF A CATASTROPHIC OIL SPILL IN THE GREAT LAKES. THE FUND CONTAINED APPROXIMATELY TWO MILLION DOLLARS ON SEPTEMBER 1ST.

OF THE OIL AND HAZARDOUS SUBSTANCE SPILLS IN THE GREAT LAKES FOR THE 9-YEAR PERIOD 1980-1988, 1,210 SPILLS WERE FROM FACILITIES AND 654 FROM VESSELS. TWENTY-FIVE OF THE 44 FACILITY SPILLS OF MORE THAN 1,000 GALLONS INVOLVED OIL. SEVEN OF THE 14 FACILITY SPILLS GREATER THAN 10,000 GALLONS INVOLVED OIL. THE LARGEST SPILL FROM A VESSEL WAS A 900 GALLON OIL SPILL.

FOUR DIFFERENT PLANS GUIDE THE ACTIONS OF AN OSC ON THE GREAT LAKES. FIRST, THE NATIONAL OIL AND HAZARDOUS SUBSTANCE POLLUTION CONTINGENCY PLAN DEFINES THE INTERAGENCY ORGANIZATION AT THE NATIONAL AND REGIONAL LEVELS, ASSIGNS AGENCY RESPONSIBILITIES, AND DESCRIBES THE GENERAL PATTERN OF RESPONSE OPERATIONS. SECOND, THE REGIONAL CONTINGENCY PLAN ESTABLISHES THE GEOGRAPHIC BOUNDARY BETWEEN THE "INLAND ZONE" WHERE EPA PROVIDES THE PREDESIGNATED OSC AND THE "COASTAL ZONE", THE AREA IN WHICH THE COAST GUARD IS THE PREDESIGNATED OSC. IT ALSO ADDRESSES OTHER MATTERS OF REGIONAL CONCERN, SUCH AS A POLICY ON DISPERSANT USE. THIRD, THE LOCAL PLAN IS, AS ITS NAME IMPLIES, PREPARED BY THE LOCAL ON-SCENE COORDINATOR. THE LOCAL PLAN IDENTIFIES THOSE GOVERNMENT AND COMMERCIAL RESPONSE RESOURCES WHICH ARE AVAILABLE IN THE IMMEDIATE AREA, ASSESSES THE POTENTIAL SOURCES OF SPILLS, IDENTIFIES ENVIRONMENTALLY SENSITIVE AREAS, OUTLINES THE DUTIES OF THOSE PERSONNEL UNDER THE OSC'S COMMAND DURING A RESPONSE, AND SPECIFIES SPILL NOTIFICATION PROCEDURES, AMONG OTHER THINGS. FOURTH, IN THE EVENT THAT A SPILL THREATENS THE WATERS OF BOTH CANADA AND THE U.S., THE CANADA-UNITED STATES JOINT MARINE POLLUTION CONTINGENCY PLAN MAY BE INVOKED. THE PLAN PROVIDES THE ORGANIZATION AND PROCEDURES FOR A COORDINATED CLEANUP BY, OR THROUGH, THE ELEMENTS OF BOTH NATIONS.

AS YOU KNOW, THE PRESIDENT HAS ASKED THAT SPILL CONTINGENCY PLANS BE REVIEWED AND FINDINGS AND RECOMMENDATIONS REPORTED. AS PART OF THAT EFFORT, THE COAST GUARD HAS DIRECTED ITS OSC'S TO REVIEW THEIR LOCAL PLANS. ALTHOUGH SEVEN OF THE

NINE GREAT LAKES OSC'S HAVE IN FACT REVISED THEIR PLANS WITHIN THE LAST TWELVE MONTHS, ALL ARE PRESENTLY REEVALUATING THEIR CONTINGENCY PLANNING EFFORTS, PARTICULARLY WITH REGARD TO PREPARATIONS FOR A CATASTROPHIC (OR WORST CASE) OIL POLLUTION INCIDENT. WE EXPECT THEY WILL REPORT THAT LOCALLY AVAILABLE RESOURCES ARE ADEQUATE FOR THE SIZE OF AN OIL SPILL HISTORICALLY OCCURRING ON THE GREAT LAKES--10,000 GALLONS OR LESS--AND THAT A MAJOR INCIDENT WOULD REQUIRE ASSISTANCE OF CONTRACTORS AND COAST GUARD PERSONNEL FROM OTHER AREAS.

IN ADDITION TO THIS REVIEW OF IN-HOUSE CONTINGENCY PLANNING, THE NINTH COAST GUARD DISTRICT IS PRESENTLY PARTICIPATING IN SEVERAL REGIONAL PREPAREDNESS EFFORTS INITIATED BY OTHER PARTIES. WE ARE ASSISTING THE STATE OF MICHIGAN IN THE PREPARATION OF A REPORT ON THAT STATE'S EMERGENCY PREPAREDNESS FOR OIL AND HAZARDOUS SUBSTANCE SPILLS. AT THE REQUEST OF THE GREAT LAKES COMMISSION, WE ARE PART OF A RECENTLY CREATED TASK FORCE TO REVIEW SPILL PREPAREDNESS IN THE GREAT LAKES REGION. WITHIN THE FRAMEWORK OF THE FEDERAL REGION V REGIONAL RESPONSE TEAM, AN INTERAGENCY BODY ESTABLISHED UNDER THE NATIONAL CONTINGENCY PLAN, WE ARE ASSISTING THE STATES OF MINNESOTA AND WISCONSIN IN DEVELOPMENT OF A SPILL RESPONSE RESOURCE MANUAL FOR THE UPPER MISSISSIPPI RIVER. WHERE WE CAN, WE ARE USING THE REGIONAL RESPONSE TEAM TO COORDINATE THE VARIOUS ONGOING SPILL PREPAREDNESS INITIATIVES, THEREBY PREVENTING DUPLICATION OF EFFORT.

YOU HAVE INQUIRED ABOUT THE U.S. COAST GUARD'S PARTICIPATION IN CANADA'S REVIEW OF ITS SPILL PREVENTION AND RESPONSE PROGRAM. THE CANADIAN TASK FORCE CONDUCTING THAT REVIEW IS CURRENTLY HOLDING REGIONAL HEARINGS AND IS SCHEDULED TO BE IN THE GREAT LAKES AREA IN THE LATTER PART OF SEPTEMBER. WE HAVE NOT RECEIVED A REQUEST TO PARTICIPATE IN THIS EFFORT AND HAVE NOT BEEN NOTIFIED THAT A REQUEST IS FORTHCOMING. HOWEVER, WE DISCUSS CONTINGENCY PLANNING WITH THE CANADIAN COAST GUARD ON A ROUTINE, ONGOING BASIS AND EXERCISE THE JOINT CONTINGENCY PLAN BIENNIALY.

PRESENTLY, THERE ARE NO OUTSTANDING PROPOSALS FROM EITHER THE U.S. OR CANADIAN COAST GUARD FOR CHANGES TO THE BILATERAL AGREEMENT FOR SPILL PREVENTION AND RESPONSE ON THE GREAT LAKES. HOWEVER, AT A RECENT MEETING TO REPORT ON PROGRESS UNDER THE U.S.-CANADA GREAT LAKES WATER QUALITY AGREEMENT, THE U.S. AND CANADIAN COAST GUARD AGREED TO CONSIDER REVISIONS WHICH MAY BE NECESSARY AS A RESULT OF BOTH COUNTRIES' ON-GOING REVIEWS.

AS YOU KNOW, ALL OF OUR FIELD UNITS ARE MULTI-MISSION. EACH VESSEL PATROL, EACH FLIGHT MISSION, FOR WHATEVER PURPOSE, IS A COAST GUARD "PRESENCE" FOR SPILL PREVENTION AND DETECTION. ALL COAST GUARD MILITARY PERSONNEL, WHATEVER THEIR DAILY TASK, ARE AVAILABLE FOR SPILL DETECTION, PREVENTION, AND RESPONSE. THE ALERT NETWORK THIS PROVIDES IS FORMIDABLE. ITS VALUE AND THE FLEXIBLE RESPONSE IT PROVIDES IS SOMETIMES NOT APPRECIATED BY THOSE WHO ARE UNFAMILIAR WITH OUR ORGANIZATION. OVER THE LAST SEVERAL YEARS, ADDED MISSIONS AND NEW PRIORITIES HAVE CAUSED US TO SHIFT PERSONNEL AWAY FROM SOME FIELD UNITS AND TO REDUCE OR

ELIMINATE CERTAIN PATROLS. AS THE COMMANDANT HAS SAID, WHILE WE ARE HOLDING OUR HEAD ABOVE WATER AS AN ORGANIZATION, SPILL PREVENTION AND DETECTION HAD ESSENTIALLY BEEN REDUCED IN THE 1980'S. POLLUTION IS YET ANOTHER REASON TO RESOLVE THE COAST GUARD'S SYSTEMIC BUDGET PROBLEM.

MR. CHAIRMAN, THIS CONCLUDES MY STATEMENT ON THE COAST GUARD'S SPILL RESPONSE PROGRAM FOR THE GREAT LAKES. I WILL BE GLAD TO ANSWER ANY QUESTIONS YOU OR THE OTHER MEMBERS OF THE SUBCOMMITTEE MIGHT HAVE.