

DEPARTMENT OF TRANSPORTATION
U.S. COAST GUARD
STATEMENT OF REAR ADMIRAL JOEL D. SIPES
ON COAST GUARD OIL SPILL CONTINGENCY PLANNING
HOUSE OF REPRESENTATIVES SUBCOMMITTEE ON
INVESTIGATIONS AND OVERSIGHT
COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION
10 MAY 1989

THANK YOU VERY MUCH AND GOOD MORNING MR. CHAIRMAN.

LAST YEAR THE COAST GUARD RESPONDED TO ABOUT 7,500 OIL SPILLS IN THE COASTAL AND MARITIME REGIONS OF THE UNITED STATES. THIS NUMBER IS DOWN FROM ABOUT 13,000 IN 1984. SINCE THE ENACTMENT OF THE FEDERAL WATER QUALITY IMPROVEMENT ACT OF 1970, WE HAVE EXPERIENCED SEVERAL MAJOR INCIDENTS. NONE HAS BEEN AS LARGE OR DAMAGING TO OUR ENVIRONMENT AS THE EXXON VALDEZ SPILL. THERE IS LITTLE CONSOLATION IN THE FACT THAT THROUGH THE REMARKABLE EFFORTS OF THE COAST GUARD STRIKE TEAM WORKING WITH EXXON PERSONNEL, 42 MILLION OF THE VESSEL'S 53 MILLION GALLONS OF CARGO WERE SAFELY TRANSFERRED TO LIGHTERING VESSELS ALLOWING THE EXXON VALDEZ TO BE SUCCESSFULLY REFLOATED. THE APPROXIMATELY 11 MILLION GALLONS REMAINING SPILLED INTO THE PRISTINE WATERS OF PRINCE WILLIAM SOUND AND FOULED OVER 350 MILES OF SHORE LINE.

WE ARE NOW ENGAGED IN AN UNPRECEDENTED EFFORT TO CLEAN UP THAT SPILL. EXXON ASSUMED FULL RESPONSIBILITY EARLY IN THE INCIDENT AND HAS CONTINUED TO FUND THE EFFORTS OF CONTRACTORS, AS WELL AS STATE AND FEDERAL RESOURCES. THE COAST GUARD ALONE HAS ABOUT 1000 PERSONNEL, 9 SHIPS, UP TO 10 AIRCRAFT, AND A VARIETY OF EQUIPMENT ON-SCENE ON A DAILY BASIS. CLEANUP EFFORTS HAVE BEEN HAMPERED BY THE REMOTENESS OF THE AREA, THE LOGISTICAL PROBLEMS CREATED BY LONG DISTANCES TO TRANSPORT PERSONNEL AND

EQUIPMENT TO THE SCENE, WEATHER, AND VERY PERSISTENT OIL. CURRENTLY, MOST OF THE REMAINING OIL HAS BEEN WASHED ONSHORE. WE ARE STILL SKIMMING SOME OIL BUT IT IS TOO VISCOUS AND DEBRIS-LADEN FOR THE CLEANUP TO BE CONSIDERED EFFECTIVE. WE ARE QUICKLY SHIFTING OUR EFFORTS TO BEACH CLEANUP, ESPECIALLY IN THE SEAL AND SEA LION HAULOUT AREAS SO THAT THEY WILL BE CLEAN PRIOR TO THE ARRIVAL OF THE FEMALES COMING ASHORE TO GIVE BIRTH. CLEANUP WILL CONTINUE AT A HIGH PACE UNTIL LATE SEPTEMBER WHEN THE ANTICIPATED ARRIVAL OF HEAVY WEATHER WILL CLOSE THE DOOR ON FURTHER CLEANUP. IT IS IMPERATIVE THAT A MAXIMUM EFFORT BE SUSTAINED DURING THE NEXT FIVE MONTHS.

I WOULD LIKE NOW TO ADDRESS THE NATIONAL SYSTEM THAT IS IN EFFECT FOR RESPONDING TO OIL AND HAZARDOUS MATERIAL SPILLS AND THE APPROPRIATE REGULATIONS GOVERNING BOTH TERMINALS AND VESSELS. FINALLY, I'LL DESCRIBE SOME OF THE COAST GUARD INITIATIVES THAT MAY RESULT FROM THE EXXON VALDEZ OIL SPILL.

BEFORE ADDRESSING THE SPECIFIC ISSUE OF CONTINGENCY PLANNING, LET ME BRIEFLY TOUCH ON THE COAST GUARD'S EFFORTS TO PREVENT ACCIDENTS LIKE THE EXXON VALDEZ SPILL. SURELY OUR EFFORTS IN THIS AREA MUST BE OF PRIMARY IMPORTANCE. OVER THE YEARS AND THROUGH THE COAST GUARD'S ACTIVE PARTICIPATION AT THE INTERNATIONAL MARITIME ORGANIZATION, WE HAVE SUBSTANTIALLY RAISED THE LEVEL OF VESSEL DESIGN, CONSTRUCTION AND MAINTENANCE. ADDITIONALLY, WE HAVE LED THE WAY IN IMPROVING THE QUALIFICATION NOT ONLY OF OUR OWN MERCHANT MARINERS, BUT THOSE OF THE FOREIGN FLAG VESSELS CALLING ON U.S. PORTS. THE WORLD TANKER FLEET HAS ADOPTED THE PROCEDURES PROVIDED IN MARPOL AND SUBSTANTIALLY REDUCED OPERATIONAL DISCHARGES FROM TANK CLEANING AND REDUCED THE THREAT OF POLLUTION DURING ACCIDENTS SUCH AS GROUNDINGS AND

COLLISIONS. THE COAST GUARD WILL CONTINUE TO MAKE IMPROVEMENTS IN PREVENTION TECHNIQUES.

IN 1972, THE UNITED STATES DEVELOPED A NATIONAL OIL AND HAZARDOUS SUBSTANCE SPILL RESPONSE SYSTEM, BASED ON STATUTE AND REGULATION, WHICH RELIES ON THE MAINTENANCE OF COMPREHENSIVE CONTINGENCY PLANS, AND FUNCTIONS THROUGH AN EFFECTIVE NETWORK OF INTERAGENCY RELATIONSHIPS. THIS FEDERAL SYSTEM IS DESCRIBED IN REGULATION IN THE NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN. IT ESTABLISHES THREE ORGANIZATIONAL LEVELS: THE NATIONAL RESPONSE TEAM, REGIONAL RESPONSE TEAMS, AND ON-SCENE COORDINATORS. THE NATIONAL RESPONSE TEAM, CONSISTING OF 14 FEDERAL AGENCIES, IS PRIMARILY A NATIONAL PLANNING, POLICY AND COORDINATING BODY. THERE ARE 13 REGIONAL RESPONSE TEAMS THROUGHOUT THE UNITED STATES AND ITS TERRITORIES. EACH REGIONAL RESPONSE TEAM MAINTAINS ITS OWN REGIONAL CONTINGENCY PLAN, AND HAS STATE, TERRITORY, AND FEDERAL REPRESENTATION. LIKE THE NATIONAL RESPONSE TEAM, THE REGIONAL TEAMS ARE PLANNING, POLICY, AND COORDINATING BODIES. THE ON-SCENE COORDINATOR IS A FEDERAL OFFICIAL PREDESIGNATED BY THE ENVIRONMENTAL PROTECTION AGENCY FOR INLAND AREAS AND BY THE COAST GUARD FOR COASTAL AREAS. EACH OF THE 48 COAST GUARD CAPTAINS OF THE PORT IS A PREDESIGNATED ON SCENE COORDINATOR.

EACH CAPTAIN OF THE PORT HAS DEVELOPED A LOCAL CONTINGENCY PLAN (LCP) FOR ITS GEOGRAPHIC ZONE. EACH PLAN HAS A DETAILED DESCRIPTION OF THE ROLES OF FEDERAL, STATE, AND LOCAL AGENCIES, AND ORGANIZATIONS COMPRISING THE REGIONAL AND LOCAL RESPONSE TEAMS. IT ALSO DESCRIBES THEIR FORMAL AND INFORMAL POLLUTION AND EMERGENCY RESPONSE PLANS. THE MAIN OBJECTIVES OF THE LOCAL CONTINGENCY PLAN ARE:

IDENTIFY, THROUGH A HAZARD ANALYSIS, PROBABLE LOCATIONS OF DISCHARGES;

DEVELOP EFFECTIVE REPORTING OF POLLUTION INCIDENTS;

DEVELOP EFFECTIVE RESPONSE STRATEGIES;

INSTITUTE PROMPT AND EFFECTIVE ACTIONS TO RESTRICT THE SPREAD OF POLLUTANTS;

MINIMIZE DAMAGE TO WILDLIFE AND THE ENVIRONMENT;

ADDRESS LOCATIONS FOR THE DISPOSAL OF COLLECTED POLLUTANTS;

IDENTIFY GOVERNMENT, COMMERCIAL, AND INDUSTRY RESOURCES CAPABLE OF RESPONDING TO SPILLS; AND

IDENTIFY PROCEDURES FOR INITIATING ACTIONS FOR THE RECOVERY OF CLEANUP COSTS AND PERFORMANCE OF ENFORCEMENT ACTIONS AS NECESSARY.

IT IS IMPORTANT TO NOTE THAT ALL FEDERAL CONTINGENCY PLANS ALLOW FOR THE INCORPORATION OF STATE AND LOCAL PLANS, ALONG WITH PLANS DEVELOPED BY INDUSTRY AND OIL SPILL CLEANUP COOPERATIVES. EACH FEDERAL PLAN ALSO CALLS FOR THE MOBILIZATION OF REGIONAL COAST GUARD RESOURCES, AND FOR THE ACTIVATION OF MEMBERS OF SPECIAL RESPONSE FORCES INCLUDING THE NATIONAL STRIKE TEAM, THE PUBLIC INFORMATION ASSISTANCE TEAM, EPA'S EMERGENCY RESPONSE TEAM, AND NOAA'S SCIENTIFIC SUPPORT COORDINATORS.

THE RESPONSIBILITY FOR CLEANING UP AN OIL SPILL NOW CLEARLY LIES WITH THE PARTY RESPONSIBLE FOR SPILLING THE OIL, AND RIGHTLY SO. THE FEDERAL ON-SCENE COORDINATOR IS REQUIRED TO MONITOR THEIR RESPONSE ACTIONS TO ENSURE THAT SPILLS ARE CLEANED UP IN AN ACCEPTABLE AND TIMELY MANNER AND THAT DAMAGE TO THE ENVIRONMENT IS MINIMIZED. IF THE RESPONSIBLE PARTY IS UNABLE OR UNWILLING TO RESPOND, OR IF THE RESPONSE EFFORT IS UNSATISFACTORY, THE ON-SCENE COORDINATOR HAS THE AUTHORITY TO INTERVENE AND TAKE OVER

THE CLEANUP EFFORTS. SECTION 311(K) OF THE CLEAN WATER ACT PROVIDES FUNDS FOR THE ON-SCENE COORDINATOR TO TAKE IMMEDIATE ACTION TO CLEANUP A SPILL.

MR. CHAIRMAN, MUCH HAS BEEN SAID ABOUT THE ADEQUACY OF THE CONTINGENCY PLAN FOR THE PORT OF VALDEZ AND THE INABILITY OF THE PLAN TO PROVIDE FOR AN EFFECTIVE RESPONSE TO A SPILL OF THIS MAGNITUDE. LIKewise, THE SPILL HAS RAISED CONCERNS ABOUT THE ADEQUACY OF SIMILAR PLANS, BOTH FEDERAL AND LOCAL, FOR OTHER MAJOR U.S. PORTS.

THE ALYESKA CONTINGENCY PLAN FOR PRINCE WILLIAM SOUND WAS DEVELOPED AFTER ENACTMENT OF THE TRANS-ALASKA PIPELINE AUTHORIZATION ACT IN 1973. IT WAS REQUIRED BY THE STATE OF ALASKA AS A CONDITION OF THE FACILITY'S STATE OPERATING PERMIT. NEITHER THE ORIGINAL 1980 PLAN NOR THE REVISED 1987 PLAN (RELATING TO TERMINAL OPERATIONS) REQUIRED APPROVAL BY THE FEDERAL GOVERNMENT. THE FOCUS OF THE PLAN WAS THREEFOLD: NOTIFICATION; RECONNAISSANCE; AND SPILL MITIGATION AND CONTROL. IN THE FIRST TWO AREAS, THE PLAN WAS ADEQUATE. THE COAST GUARD AND OTHER APPROPRIATE AGENCIES WERE NOTIFIED OF THE SPILL IN A TIMELY MANNER AND AN INITIAL RECONNAISSANCE DID TAKE PLACE AT THE FIRST OPPORTUNITY. BUT IN THE LAST AREA, SPILL MITIGATION AND CONTROL, CLEARLY, THE CONTINGENCY PLAN WAS INADEQUATE TO DEAL WITH THE ENORMITY OF THE EXXON VALDEZ SPILL. IT WAS BASED ON THE MAXIMUM PROBABLE SPILL OF 1500 TO 2000 BARRELS OF OIL. THE SPILL THAT OCCURRED WAS MORE THAN 100 TIMES THAT SIZE (240,000 BARRELS OF OIL). FURTHERMORE, THE CONTAINMENT EFFORTS WERE HAMPERED BY THE RAPIDITY WITH WHICH THE OIL POURED INTO THE WATER, THE REMOTENESS OF THE LOCATION AND THE FACT THAT IT OCCURRED IN THE MIDDLE OF THE NIGHT. THERE WERE OTHER DEFICIENCIES IN THE PLAN AND ITS IMPLEMENTATION, AS WELL.

THE COAST GUARD HAS NO AUTHORITY TO REQUIRE INDUSTRY TO PRE-STAGE SPECIFIC RESOURCES AND PERSONNEL FOR RESPONSE OR CLEANUP. FURTHERMORE, THE COAST GUARD HAS NO AUTHORITY TO REQUIRE CONTINGENCY PLANS FOR VESSELS. THE COAST GUARD DOES HAVE AUTHORITY TO REQUIRE MARINE OIL TRANSFER FACILITIES TO HAVE READY ACCESS TO SUFFICIENT OIL CONTAINMENT MATERIAL AND EQUIPMENT TO CONTAIN ANY OIL DISCHARGED ON THE WATER FROM OPERATIONS AT THAT FACILITY. THE COAST GUARD REQUIRES THE FACILITY TO MAINTAIN AN OPERATIONS MANUAL. THIS MANUAL MUST INCLUDE CONTAINMENT AND CLEANUP PROCEDURES, SPILL NOTIFICATION PROCEDURES, AND AN INVENTORY OF SPILL EQUIPMENT. THE COAST GUARD REVIEWS AND APPROVES THESE OPERATIONS MANUALS, AND CONDUCTS PERIODIC INSPECTIONS OF THE TERMINALS.

I WOULD ALSO LIKE TO DISCUSS SOME OF THE STUDIES AND INITIATIVES THAT ARE TAKING PLACE AS A RESULT OF THE VALDEZ OIL SPILL. THE PRESIDENT DIRECTED SECRETARY SKINNER AND EPA ADMINISTRATOR REILLY TO CONDUCT AN ASSESSMENT OF THE OVERALL RESPONSE EFFORTS, CONTINGENCY PLANNING, AND LESSONS LEARNED IN THE VALDEZ CASE. THAT STUDY SHOULD BE COMPLETED VERY SOON. THE PRESIDENT HAS ALSO ORDERED A NATIONWIDE REVIEW OF ALL OIL SPILL CONTINGENCY PLANS. THE COAST GUARD HAS ALREADY REQUIRED ITS MARINE SAFETY OFFICES TO REVIEW THEIR LOCAL CONTINGENCY PLANS. THIS PROCESS WILL INCLUDE A COMPREHENSIVE RISK ANALYSIS WITHIN EACH PORT AREA, WITH THE INTENTION OF IDENTIFYING SHORTFALLS IN RESOURCES AND PLANS. THIS REVIEW WILL GIVE US A GOOD ASSESSMENT OF OUR CAPABILITIES TO CONDUCT A RESPONSE TO A MAJOR SPILL IN ANY U.S. PORT OR HARBOR.

ANOTHER INITIATIVE INVOLVES THE DEVELOPMENT OF AN OVERALL NATIONAL RESEARCH AND DEVELOPMENT PLAN FOR OIL AND HAZARDOUS

SUBSTANCE SPILL PREVENTION AND RESPONSE. THIS PLAN WILL INVOLVE THE COORDINATION OF ALL RELEVANT RESEARCH AND DEVELOPMENT ACTIVITIES FOR FEDERAL AGENCIES, AND AS A FIRST STEP, WILL EVALUATE THE EXISTING WORLDWIDE STATE-OF-THE-ART IN OIL AND HAZARDOUS SUBSTANCES POLLUTION RESPONSE EQUIPMENT.

WE HAVE TAKEN STEPS TO REVIEW THE NEED FOR ADDITIONAL AUTHORITIES UNDER THE CLEAN WATER ACT AND POSSIBLY THE PORT AND TANKER SAFETY ACT. THIS STUDY WILL LOOK AT EXISTING LAW, WITH AN EYE TOWARD CHANGES SUCH AS THE AUTHORITY TO DIRECT A SPILLER'S CLEANUP ACTIONS RATHER THAN JUST MONITORING THE EFFORT. IT WILL ALSO CONSIDER A MECHANISM FOR THE PRESIDENT OR SECRETARY OF TRANSPORTATION TO DECLARE A SPILL OF NATIONAL SIGNIFICANCE AND TO INSTITUTE A DISASTER MANAGEMENT "SUPER-RESPONSE" ORGANIZATION.

WE MUST ALSO ADDRESS THE ISSUE OF CIVIL AND CRIMINAL PENALTY AUTHORITY, AND FINALLY, TO LOOK AT ALTERNATIVES TO HEIGHTEN FACILITY AND PORT POLLUTION RESPONSE READINESS.

I BELIEVE IT IS ALSO NECESSARY TO REVIEW THE STANDBY AND AVAILABILITY OF THE COAST GUARD'S NATIONAL STRIKE FORCE AND ITS COMPONENT PARTS.