

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



Commandant  
United States Coast Guard

**MAILING ADDRESS:**

DEPARTMENT OF TRANSPORTATION

U. S. COAST GUARD

STATEMENT OF REAR ADMIRAL PAUL WELLING,

COMMANDER, FIFTH COAST GUARD DISTRICT

COMMITTEE ON MERCHANT MARINE AND FISHERIES

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATION,

UNITED STATES HOUSE OF REPRESENTATIVES

PHILADELPHIA, PA

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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. APPROXIMATELY 1,040 OF THOSE CASES OCCURRED IN THE FIFTH COAST GUARD DISTRICT. THE FIFTH DISTRICT HAS RESPONDED IN RECENT YEARS TO A NUMBER OF SIGNIFICANT SPILLS: THE APRIL OF 1988 MEDIUM SPILL IN BALTIMORE HARBOR, WHICH RESULTED FROM A SHORESIDE FIRE, THE 212,000 GALLON SPILL IN CHESAPEAKE BAY IN AUGUST 1988 FROM THE TANK BARGE 565, THE MOTOR VESSEL CENTAURUS FIRE, IN WILMINGTON THIS FEBRUARY. IN ADDITION, WE HAVE ACTIVATED THE REGIONAL RESPONSE TEAMS IN RESPONSE TO POTENTIAL SPILLS OVER 20 TIMES IN THE PAST TWO YEARS AND CONDUCTED OVER 40 FEDERALLY FUNDED OIL REMOVALS DURING THE SAME PERIOD.

BEFORE ADDRESSING THE SPECIFIC ISSUE OF CONTINGENCY PLANNING, LET ME MENTION SEVERAL COAST GUARD EFFORTS TO

INCREASE SHIPPING SAFETY. 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 ALSO THOSE OF THE FOREIGN FLAG VESSELS CALLING ON U. S. PORTS. THE WORLD TANKER FLEET HAS ADOPTED THE PROCEDURES PROVIDED IN THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS, REFERRED TO FREQUENTLY AS 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 ITS EFFORTS TO IMPROVE PREVENTION MEASURES.

NOW I WOULD LIKE TO ADDRESS THE ISSUE OF CONTINGENCY PLANNING AND THE NATIONAL SYSTEM THAT IS IN EFFECT FOR RESPONDING TO OIL AND HAZARDOUS MATERIAL SPILLS AND THE APPROPRIATE REGULATIONS GOVERNING BOTH TERMINALS AND VESSELS.

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. THE FIFTH DISTRICT COINCIDES WITH FEDERAL REGIONS II, III, AND IV. 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. IN THIS DISTRICT, THERE ARE FOUR COAST GUARD PREDESIGNATED ON SCENE COORDINATORS - CAPTAINS OF THE PORT OF PHILADELPHIA, BALTIMORE, NORFOLK AND WILMINGTON, NORTH CAROLINA.

EACH CAPTAIN OF THE PORT HAS DEVELOPED A LOCAL CONTINGENCY PLAN FOR HIS 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 TO:]

1. IDENTIFY PROBABLE LOCATIONS OF DISCHARGES;

2. DEVELOP EFFECTIVE REPORTING OF POLLUTION INCIDENTS;
3. DEVELOP EFFECTIVE RESPONSE STRATEGIES;
4. INSTITUTE PROMPT AND EFFECTIVE ACTIONS TO RESTRICT THE SPREAD OF POLLUTANTS;
5. MINIMIZE DAMAGE TO WILDLIFE AND THE ENVIRONMENT;
6. ADDRESS LOCATIONS FOR THE DISPOSAL OF COLLECTED POLLUTANTS;
7. IDENTIFY GOVERNMENT, COMMERCIAL, AND INDUSTRY RESOURCES CAPABLE OF RESPONDING TO SPILLS; AND
8. IDENTIFY PROCEDURES FOR INITIATING ACTIONS FOR THE RECOVERY OF CLEAN UP 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 COAST GUARD'S NATIONAL STRIKE TEAMS AND PUBLIC INFORMATION ASSISTANCE TEAM, THE ENVIRONMENTAL PROTECTION AGENCY'S EMERGENCY RESPONSE TEAM, AND THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION'S SCIENTIFIC SUPPORT COORDINATORS.

THE RESPONSIBILITY FOR CLEANING UP AN OIL SPILL LIES WITH THE PARTY RESPONSIBLE FOR SPILLING THE OIL. THE FEDERAL ON SCENE COORDINATOR IS REQUIRED TO MONITOR RESPONSIBLE PARTY 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 CLEAN UP EFFORTS. SECTION 311(K) OF THE CLEAN WATER ACT PROVIDES FUNDS FOR THE ON SCENE COORDINATOR TO TAKE IMMEDIATE ACTION TO CLEAN UP A SPILL.

THE COAST GUARD HAS NO AUTHORITY TO REQUIRE INDUSTRY TO PRE-STAGE SPECIFIC RESOURCES AND PERSONNEL FOR RESPONSE OR CLEAN UP. 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 CLEAN UP 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. CAPTAINS OF THE PORT, WITHIN THE FIFTH DISTRICT, HAVE OPERATIONS MANUALS ON FILE FOR EACH OF THE 221 FACILITIES UNDER THEIR JURISDICTION.

I WOULD LIKE TO BRIEFLY MENTION SEVERAL OTHER ISSUES THAT ARE BEING CONSIDERED AS A RESULT OF THE VALDEZ OIL SPILL.

FIRST: WHETHER CERTAIN LAWS AND REGULATIONS DEALING WITH ISSUING, RENEWING, AND SUSPENDING OR REVOKING MERCHANT MARINERS' LICENSES AND DOCUMENTS SHOULD BE STRENGTHENED. FOR EXAMPLE, WITH THE EXCEPTION OF A CONVICTION OF A DANGEROUS DRUG OFFENSE OR USE OF A DANGEROUS DRUG, A SEAMAN'S LICENSE CAN ONLY BE SUSPENDED OR REVOKED FOR MISCONDUCT WHICH OCCURS WHILE HE OR SHE IS ACTING UNDER THE AUTHORITY OF THAT LICENSE. WE ARE CONSIDERING LEGISLATION WHICH WILL AUTHORIZE THE COAST GUARD TO INITIATE SUSPENSION OR REVOCATION PROCEEDINGS FOR MISCONDUCT INVOLVING ALCOHOL ABUSE OCCURRING OUTSIDE THE SCOPE OF THE AUTHORITY OF THE LICENSE OR AS A RESULT OF STATE ACTION AGAINST A MOTOR VEHICLE OPERATORS LICENSE.

SECOND: WHETHER FEDERAL APPROVAL SHOULD BE REQUIRED FOR ALL CONTINGENCY PLANS.

THIRD: WHETHER THE LAWS REGARDING FEDERALIZATION OF REMOVAL EFFORTS SHOULD BE CHANGED TO REQUIRE IMMEDIATE FEDERALIZATION IN ALL OIL SPILLS.

FOURTH: THE PRESIDENT, AS YOU KNOW, HAS 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.

WITHIN THE FIFTH DISTRICT, WE BEGAN A RE-EMPHASIS AND REVIEW OF OUR MARINE ENVIRONMENTAL PROTECTION PROGRAMS IN THE FALL OF 1987 THROUGH OUR EXTENSIVE RRT TRAINING PROGRAM CONDUCTED IN CONJUNCTION WITH COAST GUARD HEADQUARTERS UNITS. SINCE 1987 THE FIFTH DISTRICT HAS MAINTAINED A DRILL/PREPAREDNESS TEMPO THREE TIMES THAT OF THE NATIONAL AVERAGE. THROUGH THESE EXERCISES WE HAVE IDENTIFIED A NUMBER OF AREAS WHERE IMPROVEMENTS CAN AND ARE BEING MADE. EFFORTS ARE UNDERWAY TO IMPROVE THE TRAINING GIVEN TO DISTRICT SPILL RESPONSE PERSONNEL AND MORE EMPHASIS HAS BEEN GIVEN TO INTERGOVERNMENTAL TEAM BUILDING. THE REVIEW OF CONTINGENCY PLANS IN THIS DISTRICT IS WELL UNDERWAY. OUR EXISTING PLANS HAVE SERVED US WELL IN ACTUAL SPILL RESPONSE INCIDENTS BUT WE ARE TAKING A CLOSE LOOK AT THEM TO IDENTIFY AREAS WHICH CAN BE IMPROVED. INCLUDED IN THIS REVIEW ARE THE LOCAL PLANS MAINTAINED BY THE ON SCENE COORDINATORS; THE REGIONAL RESPONSE PLAN MAINTAINED JOINTLY BY THE COAST GUARD, AND THE ENVIRONMENTAL PROTECTION AGENCY.

THANK YOU FOR THE OPPORTUNITY TO APPEAR BEFORE THIS SUBCOMMITTEE.