U.S. Department of Transportation
United States Coast Guard

Commandant
United States Coast Guard

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Staff Symbol:
Phone:

DEPARTMENT OF TRANSPORTATION

U. S. COAST GUARD

STATEMENT OF ADMIRAL PAUL A. YOST, JR.

ON THE EXXON VALDEZ OIL SPILL AND THE PORT OF NEW ORLEANS

SENATE SUBCOMMITTEE ON

MERCHANT MARINE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

10 MAY 1989

Admiral Paul A. Yost, Jr.
Commandant
United States Coast Guard

Admiral Paul Alexander Yost, Jr. became the 18th Commandant of the United States Coast Guard on May 30, 1986. He was nominated to that position while serving as Commander Atlantic Area, Commander Maritime Defense Zone Atlantic and Commander Third Coast Guard District in New York City where he was assigned in 1984.

In these roles, the Admiral was responsible for Coast Guard operations in the Atlantic, Caribbean and Gulf of Mexico including drug interdiction, maritime law enforcement and search and rescue, as well as maritime coastal defense under the authority of the Commander in Chief, Atlantic Fleet, United States Navy. Prior to his Third District assignment, Admiral Yost was Chief of Staff at Coast Guard Headquarters in Washington for three years, where he managed planning, programming and budgeting for the service. He was promoted to flag rank in 1978 and served as Eighth District Commander in New Orleans for three years.

Admiral Yost's management and operational positions included Chief of Staff and Chief of Operations for Seventeenth Coast Guard District in Alaska in 1975 and Commander Task Group 115.3, a combat command in Vietnam, in 1969. In addition, he served as Special Assistant to the Deputy Secretary, Department of Transportation and as an Alternate Delegate on the U.S. Law of the Sea Delegation. Admiral Yost was Captain of the Port, Seattle, Washington in 1974, Special Assistant to the Chief Counsel, Coast Guard Headquarters in 1972 and Chief, Bridge Branch, Aids to Navigation Division, Headquarters in 1970. Seagoing duty included command of the Coast Guard Cutter RESOLUTE in San Francisco, California in 1966.

Admiral Yost was graduated from the Naval War College at Newport, Rhode Island in 1964. He received master's degrees in international affairs from George Washington University in 1964 and in mechanical engineering from the University of Connecticut in 1959. He also completed course work toward a master's degree in business administration. Admiral Yost received a Bachelor of Science degree from the U.S. Coast Guard Academy in New London, Connecticut in 1951.

The Commandant's awards include two Distinguished Service Medals, Silver Star, Legion of Merit with combat "V" and a gold star, Meritorious Service Medal, Combat Action Ribbon, Korean Service Medal and United Nations Service Medal. He also received the Cross of Gallantry with Silver Star (RVN), Presidential Unit Citation, Navy Meritorious Unit Commendation and the Distinguished Service Medal (RVN).

A native of St. Petersburg, Florida, Admiral Yost is active in church, school and community affairs. He was awarded the Silver Beaver Award by the Boys Scouts of America.

Admiral Yost is married to the former Jan Worth of Wakefield, Massachusetts. Mrs. Yost earned a degree in communications from the University of Maryland. They have five children: Linda, Paul III, David, Lisa and Christopher. The Yosts reside in Chevy Chase, Maryland.

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THANK YOU VERY MUCH AND GOOD AFTERNOON, MR. CHAIRMAN.

ACCOMPANYING ME TODAY ARE THE CHIEF OF MY OFFICE OF NAVIGATION SAFETY AND WATERWAYS SERVICES, REAR ADMIRAL ROBERT NELSON; THE CHIEF OF MY MARINE ENVIRONMENTAL RESPONSE DIVISION, CAPTAIN RICHARD LARRABEE, AND THE COMMANDING OFFICER OF THE MARINE SAFETY OFFICE NEW ORLEANS, CAPTAIN JOHN KLOTZ.

I AM PLEASED TO MEET WITH YOU AND THE OTHER DISTINGUISHED MEMBERS OF THIS SUBCOMMITTEE TO DISCUSS ISSUES RELATING TO THE GROUNDING OF THE EXXON VALDEZ AND THE RESULTING OIL SPILL IN PRINCE WILLIAM SOUND.

AS YOU KNOW, THE PRESIDENT DIRECTED ME TO SERVE AS THE FEDERAL COORDINATING DIRECTOR FOR THE EXXON VALDEZ CLEANUP. HAVING JUST RETURNED FROM A LENGTHY STAY IN ALASKA, WHERE I MET WITH VICE PRESIDENT QUAYLE, I MUST SAY I AM ENCOURAGED BY THE CONTRIBUTION BEING MADE BY THE MEN AND WOMEN OF OUR MILITARY FORCES AND A MYRIAD OF FEDERAL AGENCIES WHO ARE WORKING VIGOROUSLY IN THE CLEANUP EFFORT. THE TASK IS ENORMOUS. THIS SPILL IS ONE OF THE WORST ECONOMIC AND ENVIRONMENTAL CALAMITIES THIS NATION HAS EVER FACED. SEEING THE FOULED SHORELINE AND BEACHES AND THE DEVASTATING EFFECT ON WILDLIFE FIRSTHAND REMOVES ANY DOUBT OF THE SEVERITY OF THIS SPILL.

LET ME ASSURE YOU THAT PRESIDENT BUSH, VICE PRESIDENT QUAYLE AND SECRETARY SKINNER REMAIN DEEPLY CONCERNED ABOUT THIS SPILL, AS WELL AS OTHER ENVIRONMENTAL ISSUES, AND ARE VERY INTERESTED IN THE COAST GUARD'S MARINE SAFETY AND ENVIRONMENTAL PROTECTION MISSIONS.

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 QUALIFICATIONS 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 THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS (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 (NCP). 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 PROPOSED NCP INCLUDES LANGUAGE WHICH REQUIRES THESE PLANS TO BE COORDINATED WITH THE PLANS DEVELOPED BY LOCAL EMERGENCY PLANNING COMMITTEES ESTABLISHED UNDER TITLE III OF THE FWPCA AMENDMENTS OF 1983. 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 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 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.

I WILL BE PLEASED TO RESPOND TO YOUR QUESTIONS. I WILL ASK CAPTAIN KLOTZ TO GIVE YOU A BRIEF ON SOME OF THE SPECIFIC PORT SAFETY AND CONINGENCY PLANNING ISSUES IN NEW ORLEANS TO ILLUSTRATE WHAT WE ARE FACING NATIONWIDE.