

PACIFIC STATES • BRITISH COLUMBIA
Oil Spill Task Force

January 31, 2003

Docket Management Facility (USCG – 2000 - 8079)
U.S. Department of Transportation, Rm. PL-401
400 7th St. SW
Washington, DC 20590-0001

Re: Setting the Environmental Agenda of the Coast Guard for Oil Pollution Prevention, Preparedness, and Response in the 21st Century

Dear Madam/Sir,

These comments are submitted on behalf of the Pacific States/British Columbia Oil Spill Task Force, whose membership includes the oil spill regulatory agencies of Alaska, British Columbia, Washington, Oregon, Hawaii, and California. The Task Force member agencies appreciate this opportunity to comment on the Environmental Agenda of the Coast Guard for Oil Pollution Prevention, Preparedness, and Response in the 21st Century. We responded to the original request for comments in December of 2000 as the States/BC Oil Spill Task Force; since Hawaii joined in 2001, we are now the Pacific States/BC Oil Spill Task Force.

Our comments below are organized in response to the “key” and “cross-cutting” issues outlined in section 5.2 of the risk assessment.

- The Risk Assessment states that: *Definite progress has been made in reducing routine spills and coping with tanker spills of reasonable size; however, it is clear that the threat of a major or even catastrophic spill in U.S. waters remains an issue. The current capability to respond to such a spill warrants further consideration.*

The Task Force agrees, and recommends that the US Coast Guard stress preparedness by emphasizing unannounced drills, performance standards in addition to planning standards, and large-scale, regional, equipment deployment drills during SONS exercises.

- The Risk Assessment states that: *Spills from barges continue to be an issue...This threat should decrease due to aggressive prevention initiatives under OPA 90 and following the NORTH CAPE spill. Industry is also aggressively pursuing prevention initiatives under internal management programs such as the AWO Responsible Carriers Program. Consideration should be given as to the current adequacy of these prevention measures to assure that the positive trend in preventing barge spills continues.*

The Task Force agrees that tank barge spills are an ongoing issue. We wish to reiterate our original comments on this docket in December, 2000 that “we are concerned that the towing industry, including that segment which tows tank barges, is exempt from many of the same regulatory schemes that apply to tank ships, such as ISM, STCW, SOLAS, or MARPOL.” We do not agree that AWO’s Responsible Carrier Program is sufficient, inasmuch as it has no viable enforcement mechanism to deal with non-conformities. The

towing industry continues to experience incidents caused by fatigue; crewing standards should be evaluated to address this issue.

- The Risk Assessment states that: *Spills from non-tank vessels have become an issue ... it does appear that better preparedness measures may be needed to deal with spills from larger non-tank vessels ... In particular, requiring Vessel Response Plans for larger non-tank vessels may be an effective additional preparedness mitigation measure.*

The Task Force supports USCG action to require contingency plans for non-tank vessels of 300 GT or larger, provided such a program delegates authority, with program funding, to states which already have such regulations in place, in order to avoid redundant regulations. Legal analysis by one of our member agencies suggests that the Coast Guard has ample authority under the 1972 Ports and Waterways Safety Act to draft regulations addressing this need. To fund such a program, we recommend that the USCG follow the example of the California Office of Spill Prevention and Response and require that non-tank vessels submit a fee sufficient to cover program costs when they renew their COFRs.

- The Risk Assessment states that: *Operational discharges from vessels remain somewhat of an open question. Although these discharges do not appear to be prevalent in U.S. coastal waters, they undoubtedly continue to be a problem worldwide.*

The experience of our member agency the Washington Department of Ecology indicates that inspections conducted at the time of an oil product transfer have resulted in fewer subsequent operational spills from the inspected vessel for a period of up to six months. We recommend that the USCG work with state oil spill programs to establish a team approach to inspections and technical assistance focused on preventing operational discharges. We also note that recent vessel inspections and resulting prosecutions indicate a vast problem with illegal bypasses on vessel oil/water separator systems. Some vessel engineers suggest that as many as 80% of all vessels in operation worldwide may have such illegal systems. The US Coast Guard should prioritize an aggressive program to find such illegal bypass systems and prosecute vessel operators to the full extent of the law.

- The Risk Assessment states that: *The adequacy of marine salvage capabilities remains an issue in assessing the national capability to respond to vessel accidents and potential spills. Although the technology and operational procedures are well developed, maintaining a viable capability within the private sector is becoming less cost-effective in a business sense. The advisability of augmenting the government's role in marine salvage (either directly or under contract) should be considered.*

The Task Force agrees, and recommends consideration to two approaches to address this issue:

1. Use of a regional approach which would involve the USCG, the states, and the maritime industry in regional analyses of rescue tug, salvage, and firefighting capabilities. Where needs exist, these stakeholders should develop a cooperative approach to stationing dedicated services that would be available to vessel operators in a fashion similar to those provided by local oil spill response cooperatives.
2. The OPA '90 oil spill fund should be enlarged (including fees from non-tank vessels as noted above), and a portion should be made available to fund dedicated services similar to the UK's system of dedicated rescue tugs.

- The Risk Assessment states that: *The volume input of oil from onshore and offshore pipelines remains relatively static and far below that from vessels. For onshore pipelines, aggressive OPA 90 initiative such as the Integrity management Program will probably decrease the risk from this source over time. Spills from offshore pipelines are infrequent but generally involve damage from vessels rather than failures within the pipelines themselves. Consideration should be given as to the adequacy of current prevention measures in addressing vessel related marine pipeline spills.*

The Task Force encourages the Office of Pipeline Safety to focus on aging pipelines, mapping, and improved information regarding causes of past pipeline spills.
- The Risk Assessment states that: *The track record for oil spill prevention from offshore platform spills is excellent. Volume inputs from this source are small and have steadily declined over the past three decades. Any major change in the threat of oil pollution from offshore exploration and production activities will be related to the introduction of FPSOs and other deepwater vessel-related activities. MMS studies indicate that the risk of spills from these new sources will be small. However, consideration should be given to the national capability to respond to the worst case discharge in deep water, far from shore.*

The Task Force suggests that the USCG evaluate the number of spills per platform, not in comparison with other sources. As noted above, a spill from an offshore platform could have serious consequences; the further offshore, the more coastline that will be impacted. Spill response planning for offshore platforms should be focused on those areas in the US being aggressively leased and explored; i.e., the Gulf of Mexico and Alaska. The USCG should reevaluate the area plans for these regions to ensure that there is adequate response equipment and capability to deal with a blowout scenario. Since Alaska is a top area for exploration and production the unique response issues associated with broken ice should also be addressed. Operations in ice conditions require specialized vessel platforms and equipment that would not be readily available to be moved from outside these areas at the time of an event. Prevention measures, such as construction standards providing protection equivalent to double hulls for tank vessels and including operational restrictions during certain weather conditions, should be a primary focus of federal regulatory agencies.
- Regarding facilities, the Risk Assessment states that: *“... Although the overall input of oil to U.S. waters remains significant, the occurrence of large major spills from this source category is infrequent compared to marine transportation sources...”*

Noting the USCG’s emphasis on requiring security plans from some facilities, The Task Force recommend that security plans take into account the significant planning that has already been accomplished for oil spill contingency plans.
- Regarding uncertainty over the national capability to respond to a large, worst-case spill and the difficulty of maintaining a “trained cadre of personnel, “ please reference our recommendations above on unannounced drills and holding planholders to a performance standard during those drills.

- The risk assessment states that “there is clearly a certain degree of coordination required in maintaining a national OSPPR capability.... Some consideration needs to be given to the how the Federal agencies will interact to formulate and implement an effective OSPPR strategy in the next decade.” We agree, and remind the USCG and other federal agencies to keep state authorities in the planning “mix” as well.
- Referring to the current US paradigm of requiring the responsible party to respond to an oil spill under federal and state oversight, the risk assessment states that “...there is some uncertainty as to its effectiveness in managing the response to very large spills, particularly if the RP belongs to a small company. “ The Task Force suggests that all plan holders, even small companies, be required to at least identify an Incident Management Team to participate in spill response.
- The risk assessment states that “In Europe and elsewhere, the response to such spills is immediately handled by the national government. Consideration should be given to the appropriateness and effectiveness of adopting a similar policy in the U.S.” The Task Force recommends strongly against such a government-only response paradigm. This would require, at a minimum, that the government have an amount of equipment, manpower and capability equal to what is now required of industry through contingency plans and response planning requirements. For example, the annual operating cost for the current response system in Prince William Sound alone is \$50 million per year. The fiscal resources to match the existing industry capability on a nationwide basis - including the additional benefits generated by individual state requirements - would require substantial funds and a very large organization. Eliminating the need for industry to prepare and respond would significantly weaken the system. The federal government and many state governments are already empowered to take over a response whenever the circumstances warrant. Rather than changing the national system at this point, the USCG should evaluate the current levels of the Oil Spill Response Fund and raise the cap if necessary. In addition, we recommend that the USCG evaluate whether current COFR levels for both tank and non-tank vessels are sufficient.
- The risk assessment notes that “Two types of spills that are somewhat less familiar in the U.S. are those caused by natural disasters and environmental terrorism... Consideration should be given to the adequacy of national capabilities to deal with such spills.” The Task Force notes that oil spill contingency plans should address a spill no matter what the cause. Regarding natural disasters, contingency plans should address all possible natural hazards for the area of operation addressed in the plan.
- The risk assessment notes “...the lack of an organized, coordinated information collection effort across Federal agency lines to determine the adequacy of the OSPPR program.” While it will always be difficult to prove a correlation between prevention measures and reduced numbers and volume of spills, it would be easier if the causal information available in federal databases provided more specific information regarding root causes and contributing factors. When these causal and contributing factors are targeted, the trend data can be more specific.

- Another cross-cutting issue not included in this risk assessment is that of domain awareness. We understand that the USCG will place much greater emphasis on this capability as a result of national security concerns, and as a result of AIS carriage requirements for vessels. We anticipate a side benefit in that improved awareness of vessel activities within the US EEZ will allow us to target aids to navigation and salvage resources, both of which contribute to oil spill prevention. And by further defining risk, this information should also help target the availability of oil spill response resources.

Thanking you for your consideration of these comments, I remain,

Sincerely yours,

[Jean Cameron](#)

Jean R. Cameron

Executive Coordinator

Pacific States/British Columbia Oil Spill Task Force

PO Box 1032

6690 Pacific Overlook Drive

Neskowin, OR 97149-1032

503-392-5860 (phone/fax)

JeanRCameron@oregoncoast.com

<http://wlapwww.gov.bc.ca/eeeb/taskforc/tfhome.htm>

cc: CAPT Scott Glover, USCG Pacific Area Marine Safety
CAPT Dave Westerholm, USCG Office of Response