the winds are coming from, and what the currents are like. There are more factors than wind to consider in determining what your operating conditions are going to be like.

J. WILLS: There are a lot of variables in the equation. That doesn’t mean you can’t have an equation and set operating parameters. It’s entirely possible to do that. It’ll vary on the type of ship. But does Valdez not have operating parameters?

J. ASPLAND: There are operating parameters and I think we can do more with the parameters. But everybody has to come to the table and look at what we can or can’t do with each of them. Let me give you an example. I think that we could do more with the weather. If you have one-way traffic, depending on how the wind blows maybe you ought to be in one side of the channel or the other. We don’t take advantage of that right now. Those things need to go into the equation.

W. PARKER: It’s obvious from the discussion with the shipping industry that it has much more flexibility on its weather parameters than most transportation. The reason for that, of course, is because ports differ so drastically and because the industry’s grown up that way for the last several thousand years. As Jerry says, you can work on these things. One of the problems is in the way we run our ports. Each port is run somewhat differently and while one port authority may resemble another, there are vast differences between them in the way they reach their decisions. While the Coast Guard has the authority to set the parameters, it has to deal ultimately with the port authority or whoever’s operating the port in reaching a conclusion. It’s not the simple clear-cut engineering scheme you can get to when you’re designing the operating parameters for an airport or a highway. It’s something I think we need to continue to work on. I think the increased availability of various types of simulators is going to start to give us the tools which we can start fine-tuning to accomplish some of these things.

Right now in most ports you’ll find that the agreements between the port, the Coast Guard, and different shipping companies are somewhat different. Some skippers refuse to go into some ports where others are plowing right on ahead if they’re allowed to. That’s where I think if it applies to one shipper, it’s got to apply to all. I think we’re getting closer and closer, but there’s still work to do.

R. STEINER: Which brings up the question of the port needs study and the various other studies the Coast Guard has been mandated to do in the
context of OPA 90, including vessel traffic service (VTS) expansion, tug escort expansion, or needs in different ports, etc.

J. ASPLAND: I want everybody to understand where I'm coming from. Many of you here know me as kind of out in the wilderness and doing things that are different from others. I'm not opposed to tractor tugs, but I'm not going to sit and see things change when there's no reason to change them. We're all in the study on escorts and the tug boats, and when that's finished we're going to have to look very carefully at the recommendations that result from the study and proceed from there. I don't want you to think that we intend to fight to the death.

R. FINEBERG: In terms of what has been described as the glacial pace of change in the shipping industry, and I think solidly documented, Mr. Aspland, you're on record as encouraging the public to keep after you, to keep the pressure on to make changes. We've very clearly got a glacial pace. I am hearing from you "when we get the study done," the studies have been delayed interminably. And so far the two arguments I have heard against tractor tugs are that they're not necessary at six knots, which is argued by some. This isn't a very strong argument against the tug; it doesn't speak to the scenarios in which it might be necessary. Your argument there is far more reasonable than what I heard from Mike Williams last night and from the aide to the president of Exxon Shipping saying we are opposed to the tractor tugs because people think they are a panacea. That is just mind-bogglingly stupid logic. It's a nonreason. What's wrong with the thesis that the other companies, if not your own, want to stall it for economic reasons until we're so late that we are convinced, I believe falsely, that the North Slope is winding down and it's no longer economically feasible or necessary?

J. ASPLAND: Let me see if I can answer it this way. I'll only speak for ARCO Marine and Atlantic Richfield. Atlantic Richfield said we will put an investment into Alaska, so I believe we're going to continue to put that investment in, and we will continue to operate out of the port of Valdez. The study will be finished, I think, in June. Before you make an investment in something, you need to be sure there is a return. Let's see if I can put this in the context of Puget Sound.

We felt the escort we were providing up through the Rosario Straits was really not adequate. So we started into the study to see if there was a different machine to use. We found there was, we made the investment. If we'd found there wasn't a different platform to use, we would not have made the investment because it would give people a false sense of
security. As an example, I’m very concerned that people believe double hulls are the panacea to everything. They are not. I’m not opposed to double hulls, but I am afraid that the public believes that once double hulls are in use we’re all going to be safe. We’re not going to be safe.

I want to be sure that if an investment is made in different equipment that it is in the right equipment for our needs and that the system gets us the most for prevention.

R. FINEBERG: There’s a chance that Jonathan Wills is completely wrong about the tractor tugs being the superior vessel because they are being used elsewhere. I know that promises were made to have the safest port in the world but that’s still a gray area.

J. ASPLAND: I’m not going to get into the promises that were made. You all know the story better than I.

Jonathan and I do not disagree on the tractor tug. I believe that the tractor tug with a cycloidal engine in a port area is a superior piece of equipment in the application it’s used for. I have not today been convinced that that application is necessary in Valdez. I think that we have one of the most modern ports there is, compared to other places I’ve been in the world. I think that we’re on the right path. It’s my understanding that some of the changes that were made in Sullom Voe came about because of some of the ways things operate here.

I think we need to keep things in perspective and know where we’re going. I would like to see some changes in Prince William Sound to make it safer, and that may or may not include tractor tugs.

E. NALDER: When are you going to order new double hulls to replace the ships you have out there now?

J. ASPLAND: We plan to put double hulls on the vessels as they come due according to OPA 90. You all know here that ARCO’s program for drilling and finding oil on the North Slope and other places in Alaska has not been good this year. We have to see if the amount of oil we find meets the necessity to renew the fleet. If it does not, vessels will go out of service as their times come due. There is nothing wrong with the vessels we have; this year alone we’re putting $800,000 into training. We can sit here and argue double hulls, radars, and anything we want to argue, but when you get right down to it, it’s the people running who are going to make the difference. I prefer to put the money into training people rather than into technology and double hulls. We did not fight double hulls, they are probably going to prevent 40% of all of the spills. In 1985, the ARCO Anchorage would probably not have spilled any oil if it had a double hull.
We cannot justify the investment at this time. If there were to be a big oil strike, we would probably change that particular scenario.

D. LAWN: I'm from Valdez. Any comments I make are my personal comments and don't necessarily represent the views of my employer. I would like to say this about ARCO. I've had the pleasure to work with many of the people in ARCO's organization for about 17 years. Long before the Exxon Valdez oil spill they were pushing their partners for a better oil spill response system. I know that for a fact because I know the people who were involved. And they've been leaders. They've been criticized a great deal by their partners and by the oil industry. Jerry Aspland's pursuit of the big gulp concept is right on target; it's where we need to go. Maybe not with a tanker but with some device that's capable of 40,000 barrels an hour. But they're leaders in that area. They're obviously leaders in getting cycloidal tractor tugs in the right conditions. We have a minor disagreement about whether we need them in Valdez. I'm very much in favor of them; I've traveled in other parts of the world and seen brand-new ones being built. Nothing as big as ARCO's and Foss's, but they're out there working in extremely rough weather in the North Sea when anchor handling boats are running for cover.

I want to also compliment ARCO for being open and honest and Eric Nalder for doing such a fine job in detailing what life on board a ship is like and what happens there. I know a lot of people in the industry are trying to do the job right. But we need Jerry Aspland and we need ARCO to push the system. We need to push a little further and we need to push Jerry Aspland. He's said many times that the regulators and the people need to tell them what to do and make them do it. "Keep the heat on" I think he's quoted as saying. But I have great confidence that we'll have a better system if some of the things that Jerry's pushed for for a long time are implemented by the rest of the industry.

And there are a few things that I think could be done right now and I'd like to ask Jerry this. The VTS system that we're waiting for in Prince William Sound can be used to track ships. We've been able to track ships for many, many years, we track airplanes all around. When your systems are installed on your boats, and I think some of them may already be, will you track your ships down the coast outside of Prince William Sound and wherever they happen to be, or will you only be looking at them inside Prince William Sound?

J. ASPLAND: We don't have any intention of tracking the ships down the coast. We've had people come and talk to us about that. With communications and the way things are today, I don't see the necessity. We also are
operating the crude ships at least 85 miles off the coast as we go down, and we make right turns or left turns into the areas that we go. I put a tremendous amount of faith into the masters and that they, in fact, follow that pattern. I really don't see at this time, Dan, where VTS is going to get us anything else.

We need to get people on the ships to work as a team so that as decisions come up we get better decision making and more vigilance. We have to make that transition before we give them more things to do. Some of you in the audience who are in electronics are going to be mad. But the gadget people are still out there. We don't need more gadgets because people are doing more with the gadgets than being vigilant and paying attention.

So I look at VTS up and down the coast as another gadget for someone to look at. I'm concerned that we're going to do too much of this and we're going to take people away from their basic responsibilities. I am really concerned when people continue to come to tell us that we have another gadget that's going to save the world, and there's absolutely zero regard for the personnel that are involved.

T. LAKOSH: Jerry, I'd like you to address this policy of response to a burning marine spill. You mentioned that the Lindsay was specifically outfitted with fire equipment and is the largest firefighting tug in the world. My question is, if you feel that it's necessary to protect the citizens of Washington from a tanker fire which would land on shore, why not protect Alaskan citizens from a fire burning on the exact same oil delivered from our ports to your ports through Rosario Strait? Why wouldn't we have, through ARCO and Alyeska, the proper equipment to respond to a burning marine spill from three sources, either the pipeline south of Thompson Pass which could leak into Valdez Harbor, from the terminal facilities which could leak into the harbor, or from a vessel fire. What has ARCO done to get Alyeska to get this equipment on line?

J. ASPLAND: We paid for two of the big boats to have up-to-date firefighting systems on them. I don't know which two they are.

T. LAKOSH: Do they have any fire boom?

J. ASPLAND: No, we don't have any fire boom in Puget Sound. As far as I know, the firefighting equipment on board the terminal at the docks was upgraded a number of years ago, and is considered to be able to meet the needs. The reason I made a point of putting the fire equipment on the tractor tugs in north Puget Sound is because there was none. I think you have adequate coverage here. If you want to talk about hard-headedness,
discussions went on for almost ten years about firefighting equipment in north Puget Sound before anything was done about it. It’s there now because we put it there.

T. LAKOSH: Well, how do you contain a burning slick if you don’t have fireproof boom?

J. ASPLAND: Fireproof boom is probably not going to do anything for a burning slick. The reason you buy fireproof boom is so if you’re going to try to light the spill you can control the oil within the boom and only the oil within the boom is lit. If you have a fire on the water, what you really want to do is use your firefighting capability to keep it contained. That would mean using fire nozzles, etc. and letting it burn itself out, not using a boom.

A. DEKIN: I was pleased to hear Mr. Aspland talk about the importance of training and the importance of the human factor in preventing spills in distinction, perhaps, of an overemphasis on technology. I think, however, that Mr. Nalder this morning, to whom I’d like to address the question, made a key conceptual discussion when he talked about the cascade of errors that is very commonplace in large spills and disasters and other events. I wonder if he could comment from his experience in reviewing accidents as he describes in his book, on how to stop a cascade once it’s started?

E. NALDER: That’s an important question, you know. I think it’s one that a fleet manager like Jerry Aspland’s looking at pretty hard, too, because he’ll probably tell you as well that what happens on a vessel is that it’s usually a number of causes that lead to a problem.

There are two ways to prevent a cascade of errors. One is regulation so that the elements of the cascade can be controlled by a regulatory body that says you shall not do certain things. For instance, you shall not go faster than a certain speed in Rosario Strait, or you shall have an escort vessel beside you. That prevents one of the parts. Perhaps the regulation prohibits having crew members working 20-hour and 30-hour shifts. That also prevents part of a cascade of errors.

The second important element is training. Jerry is working very hard in his own company to train these crews as teams, which I think is very important. If the crew members work together well, then that prevents another element of the cascade of errors.

On the ARCO Anchorage I watched a potential for trouble develop through a cascade of problems. One key crew member in the engine room was ill, another key member of the engine room crew was doing some
things he probably shouldn’t have, and some equipment overdue for overhaul may have contributed to a little problem. It didn’t end up being anything drastic. But I watched it happen. It shows in the accident reports that it’s one little thing here, one little thing there, maybe something somebody did a year ago, maybe the fact that the International Maritime Organization (IMO) doesn’t pass a regulation or the Coast Guard doesn’t inspect the ship well enough, and it gets down to the crew making a mistake. So it’s regulation, it’s training, it’s teamwork. And finally, it’s proper equipment. A more robustly built ship is less likely to have trouble than one that’s built with too little steel. An engine that’s in good shape is less likely to have a problem.

J. LEE: The cascade of errors is really a reflection of what is called latent pathogens. These are, to use a medical analogy, sort of germs that reside in the system that are there even when things are operating normally. So you have the potential for this chain of errors to occur even during normal operations where everything appears to be operating correctly. And this was documented in Bhopal where before the accident you could’ve gone in and seen the state of the system, the state of the maintenance, the training of the operators, and predicted that there would be a problem. And there are probabilistic risk assessment techniques, that allow you to go in and catalog these latent pathogens so you can predict with a little bit of assurance that certain systems will encounter these sorts of chains of errors that will result in catastrophes.

A. STOLLS: I have eight pages of notes about all the measures we could take to prevent or mitigate the effects of oil spills, everything from ship maintenance to design to crew training and manning and fatigue. I don’t have a sense of which is most important and what we can do and should be doing. Would you prioritize for me?

W. PARKER: There is no first priority because if you would take it on that point you’ll always have the weakest point in the system waiting for you, so you’ve just got to take it in order. As has been pointed out, the problem with the ships is that they are aging. OPA 90 has a slow replacement schedule. We lost the double hull fight twice before we won it in 1990. We lost it in 1973, we lost it again in 1978. After we’d won it domestically we lost it internationally. And that fight’s not over yet. Double hulls is not the complete answer on the ships, there are a lot of things that need to be done on the ships to make them better. Some people are doing them and some people are not.

I’ve been advocating to put the emphasis on the crews for the past couple years and it looks like I’m making some progress because that
can be done more quickly than building new ships. One of the big advances was getting a second officer on the bridge in coastal waters in OPA 90. This adds a tremendous safety factor.

Nobody talks much about power plants and redundant power. The primary reason we require tug escorts in Valdez in the first place was to save a tanker that has lost power because tankers lack redundant power.

For most skippers, radar is still the most important tool. VTS is going to be a big aid to vessel traffic control because they will be able to see ships in some locations for the first time. None of these things is more important than the others. You can’t say that double hulls are going to save the day, you can’t say that VTS is going to save the day, and putting ARCO’s focus on team training is probably as good as any. I hope that other skippers will too. In this business everybody has to compete to stay in except for the integrated companies. One of the reasons Jerry operates as he does is because he’s part of an integrated company. A difference between ARCO and BP is that BP, being a foreign corporation, has to charter vessels.

G. STOCK: I would like to echo a lot of what Jerry has said. We’ve heard in the last few hours that somewhere between 60 to 80% of all casualties are to some degree related to the human factor. The Coast Guard has shifted focus from the mechanical aspect to the personnel aspect of ship and vessel safety and in particular prevention of oil spills. We have some studies ongoing that deal with personnel issues, the human factor. Our people at the R&D center in Groton are working on a number of studies, and MIT is working on a study for us.

E. NALDER: I won’t try to prioritize myself, because I’m a reporter not an editorialist. But it seems the people who have talked to me would rank building better ships and training as very important. Change the licensing and change the IMO, make it more responsive to port states. People also talk about better escort services. Let’s have more uniform standards in ports.

In a conversation I had today with John Tracy, a television reporter here in Anchorage, he talked about the observers aboard fishing vessels. He said maybe we ought to have observers from the regulatory agencies go aboard merchant ships like our oil tankers randomly to see whether they’re following the rules and see first-hand what’s happening. I thought that was an interesting idea.

J. WILLS: I have a shopping list. My first item is bleepers. Bleepers have been used to trace loads of steel around American freeways and railroads for more than ten years. There’s no technical reason why satellite bleepers
can’t be on every tanker so we always know where they are. Once we know where they are, we can get things organized to help them when things go wrong.

I’m concentrating on existing proven technology. Bleepers are my first, followed by radar, particularly new ways of sending radar images down telephone lines more cheaply than has ever been possible before. Radar is no longer prohibitively expensive.

There’s a desperate shortage of salvage tugs in Europe, and there are almost none on this side of the United States. I’m wondering what your contingency plan is for the broken down tanker off Middleton Island, and I’m wondering if you’re going to get there in time and I’m telling you now you’re not. So some sort of salvage tug capacity, which would have to be funded at least partly by the government. There are ways of doing that. In France they pay a salvage tug a retainer which pays for the running costs of the tug. If the tug saves anything under international law that’s liable for a lot of money, it splits the salvage 50/50 or even 30/70 with the French government. The government can get up to 70% of the salvage. Great incentive to go and salvage things.

Harbor authorities should ban ships that don’t meet international regulations when they’re inspected. It’s very easy to do in Valdez because the harbor’s actually owned by the oil industry. If they’re serious, they’re going to want to ban tankers that don’t meet the specifications. We do in Shetland with the oil industry’s connivance and active support.

Let’s double a lot of things: steam boilers on oil burning tankers, rudders, steering systems, and hulls.

You should keep the Jones Act, keep foreign shipping off your coasts, keep control of your own shipping. I wish we had managed to do the same but we’re in the European federal system and we can’t.

Finally, beware of the panacea syndrome. Whenever something new is suggested, it’s resisted. When it’s made mandatory it’s put on the boats or in the oil terminals and said to be innovative. When something like a tractor tug is suggested, it’s called a panacea. But the people who say that have personal or corporate agendas. They exaggerate the benefits in order to underline the argument for the item.

W. PARKER: A world problem now is that the port states of the rich countries and the flag states are all dirt poor. Improvement is not going to come from the flag states. Eighty-five percent of the ships that call at U.S. ports now are foreign carriers. We’re lucky in Alaska that the Jones Act protects us, but the rest of the country is at high risk.
K. STAHL-JOHNSON: I'm the City of Kodiak's representative to the Regional Citizens' Advisory Council. I'm glad we got back into vessel traffic systems.

Prince William Sound has heavy oil tanker traffic. Many types of cargo vessels besides tankers, a large domestic fleet of fishing vessels, and vessel traffic travel in Cook Inlet and through the passes north of Kodiak. I'd like to ask Mr. Parker and the Coast Guard why they said there are no plans for vessel traffic systems to be put in Cook Inlet when I heard that this has been studied and discussed. I'd also like to know more about the discussions going on now about escort vessels. We're talking about tractor tugs, and making a good system better in Prince William Sound, but we're not talking about the resistance to escort vessels in Cook Inlet mainly because there isn't as much money in Cook Inlet as there is from the North Slope pipeline. We haven't been able to get a serious escort proposal in place for Cook Inlet. We're talking about some great things going on in Prince William Sound, and we can always refine them and make them better; but there is also a very large potential for accidents in Cook Inlet. One of the vessels that goes into Cook Inlet comes from Prince William Sound. Why are we doing such a great job right around the corner of the Kenai Peninsula and we can't get some consensus on how to deal with a much more complex system that needs more attention in Cook Inlet?

G. STOCK: It is being looked at in Cook Inlet. Part of the problem is that the tanker traffic level is not as high in Cook Inlet as it is in Valdez. We realize there's a lot of container vessel traffic in and out of Cook Inlet and the port of Anchorage, but I think most people would agree the risks of a major oil spill are significantly less from a cargo vessel than from a tanker. There's not a lot of support to put in a VTS or to have an escort system in Cook Inlet. It's being looked at, but it's not an issue that is going to be quickly solved.

W. PARKER: Getting back to Jonathan's comment on the bleeper. If you've got a VTS on board, the ability to retransmit the signal to the vessel traffic control system is $1,500 or so, and the vessel traffic control system for Cook Inlet in this day and age can just as easily be in the room at Valdez with the rest of the vessel traffic control. I think the evolution of VTS will make it just as easy to track traffic in Cook Inlet as Prince William Sound. Seeing it on radar is the only difference.

E. NALDER: You know, the tanker history in Cook Inlet's quite checkered. There have been a number of incidents there. Reading the accident
reports involving tankers in Cook Inlet is quite an eye-opener with the very strong currents and horrible weather conditions.

K. STAHL-JOHNSON: We may not have the traffic coming out of Cook Inlet that we have out of Prince William Sound, but last year there were three incidents in less than six weeks where tankers lost power due to ice in the cooling systems. We don’t have anything in place that’s comparable to what is in Prince William Sound.

E. NALDER: If you study the traffic and read the accident reports, Cook Inlet stands out as a place where something could easily happen.

J. WILLS: It depends what you mean by a serious oil spill. We lost 4,000 sea birds in the winter when there are hardly any birds around from one spill of fuel oil from a tanker. But, many large container ships are propelled by heavy fuel oil which is really nasty stuff. It doesn’t evaporate much, it hangs around for years. Nearly 14 years later we still find it. It’s part of the geology until we get a warm day and then it gets runny. In Cook Inlet, which is fairly shallow with high tides, there’s a vast area where marine life is subject to any spill, and there is offshore drilling. I would have assumed that Cook Inlet had a vessel traffic systems. I’m surprised to hear it hasn’t.

L. HAMMOND: I’m going to speak now in my role as chair of the COPE committee of the Cook Inlet Spill Prevention and Response Cooperative. We are going to have a prevention workshop this fall that’s going to address prevention issues in the Cook Inlet area. I’d encourage those of you who are interested in those aspects to attend. There are a number of factors that affect decision-making related to the vessel traffic control system in Cook Inlet. UNOCAL does run one tanker at a time to the Drift River terminal, and another tanker coming from Valdez to Tesoro, and their schedules are coordinated. There are a number of issues related to how fast the tides run in Cook Inlet that apparently make the vessel escort issue a very sticky one.

R. FINEBERG: The Valdez trade is economically unique. With at least six billion barrels left to go, the hard piping and the tractor tugs at Valdez would be less than $0.03 per barrel gross. It would cost the companies after taxes less than two cents per barrel. To put that into context, the North Slope profits after taxes in 1993 were about $2.96 per barrel. That’s $1.7 billion, which would be the equivalent of the seventh most profitable company on the Fortune 500 were the North Slope controlled by one
company instead of three. The difference being that if you’re on the
Fortune 500 and you have a bad year you drop off the Fortune 500, your
stock goes from $100 to $60, you have no dividends for years on end, as
occurred with both IBM and GM. What happened to Exxon when it
incurred the costs of the Exxon Valdez is it went from number one to
number four on the Fortune 500. It will probably be number one for 1993
although the reports are not out yet. Number one despite the fourth quarter.

The reason for that in part being its fourth quarter profits went up as
oil prices declined. The reason, according to the Exxon newsletter to its
stockholders, was that refinery profits went up due to the cheaper cost of
crude oil. This means that the North Slope oil was even more valuable to
its vertically integrated owner companies in low prices, “low” meaning 1.7
billion or number seven on the Fortune 500, as opposed to somewhere up
higher in previous years. It was even more valuable overall at the lower
prices.

To conclude, why are we having to wrangle to get a decent system?

D. LAWN: I have a quick question for Jerry Aspland. Does ARCO have
any plans to revisit the big gulp concept in the new future?

J. ASPLAND: For those who don’t know what big gulp is, big gulp was
our idea to take a large ship and make a large skimmer out of it. Dan and I
believe that the issue with picking up oil is the volume of liquid you can
pick up. If you restrict the volume of liquid picked up either by the method
used or the storage available, you’re not getting total efficiency. The
concept was that the bow would open and we’d bring the oil in. We could
hold 500,000 barrels of liquid in the ship because we weren’t worrying
about separating it. I believe that in certain applications you’ve got to get
the liquid up and forget about trying to separate it.

To be sure that we finished the cycle, we would have used natural
separation to take the water off and then store the oil. I thought it was a
good idea, but no one else did.

I would like to tell Mr. Fineberg I wish his numbers were correct
because the board of directors and the stockholders of Atlantic Richfield
would certainly thank him.
Response Discussion

Moderator, Ernie Piper  
144 E. 11th Avenue, Anchorage, AK 99501

E. PIPER: Let’s go back for a minute not to March 24, 1989, but to the second week of May in Washington, D.C. I am with my good friend Dennis Kelso. He’s preparing to go through a series of media presentations that are coming up, as well as talking to Congress, and here’s where Denny came up with what I call the great white sound bite. He picked up the Alyeska Prince William Sound contingency plan and he dropped it on the table with a resounding thud and said, “This is the greatest piece of American maritime fiction since Moby Dick.”

That quote has lived on, and I’ll tell you why it’s often been misunderstood. That’s going to be the source of the first question I put to you. Here we are five years later and this is my question. Do contingency plans tell the truth? Or are they just modern modifications of Moby Dick?

D. LAWN: It takes great effort to make a contingency plan work. If everything is with you and nothing breaks down, and everybody does their job, and the weather is perfect, maybe you’re going to get some of the oil. Maybe you’ll get a lot more oil than has ever been collected before. Everything has to work right and it has to be there on time, which is almost impossible to do. That doesn’t mean the people there aren’t trying to make it work—it’s just an almost impossible task.

E. PIPER: Does anybody in this room write contingency plans?

R. LEVINE: We write plans for the audience sitting in this room, but we don’t write plans for the people who have to go out and do the work. If we wrote plans for the people who do the work, we’d have one- or two-page documents that describe their jobs and how to perform them. We write very long intricate documents that have thousands of pages on things like dispersants. It is the same information you can get from textbooks elsewhere.

E. PIPER: Why do we write only for the audience in this room? If anybody remembers, it was not necessarily the audience in this room that
had a driving effect on what was happening in Valdez, or in the rest of the Sound, throughout 1989. Where in those plans is the kind of communication that citizens need to have? How about the idea of triage as treatment?

K. STAHLE-JOHNSON: Just as you recognize prevention is the key, we’re going to have another spill. We’re cutting down trees to write contingency plans that are very technical and take a lot of effort, but we’re forgetting the most important key to what’s going to happen after there is an uncontrolled major disaster in any area. It’s the people who are going to be hit with the oil, and it’s their lives and their livelihoods, and their futures that are not written into these plans in any way. We have the Coast Guard doing their damnedest to fix a bureaucracy, and we have the Alaska Department of Environmental Conservation (ADEC) doing the same thing. We have all the agencies, industry, everybody trying to meet some kind of regulation standard. But the fishermen on the dock in the Kodiak, which is my reference point, are not included in those plans. Those are the guys who lost their entire livelihoods from the Exxon Valdez and who were never allowed to leave the dock until the oil completely surrounded the island. We are not planning for the people who are actually going to be impacted, the people are not in any of these plans. We’re talking about the environment, but somehow the people aren’t a part of that environment. That’s what’s so frustrating about this whole process.

R. KURTZ: The reason the plans were written for the people in this room is that they were the only ones who were directly involved either because of jurisdictional obligations or duties that they were assigned. Before 1989, everyone was complacent since there hadn’t been a spill since the pipeline began in 1977, and it was assumed a spill would not occur. As we’ve all said, 1989 was a wake-up call.

What you have to do now is to prevent slipping back into that complacency. That’s the only way you’re going to keep the greater public involved. If you’re going to write a plan, the secret is to involve individuals other than the folks in this room. You have to try to unlock that door.

E. PIPER: Do you really think you can do that? I’m a carpenter, and one of the biggest frustrations I’ve always had, particularly in remodeling, is when the owner hangs around while you’re trying to do your work and asks, “Why are you putting that there?” “Because that’s the way it’s done. If I sit and explain it to you for the next two hours, you’re gonna be running up a pretty big bill.”

Do you think the general public needs to know or hang around? Are they going to be around when booms are being deployed and ask, “How come the fastener isn’t going the right way?”
R. KURTZ: The public needs to know because once an incident occurs, they very much impact the decision-making process due to the politics involved.

E. PIPER: Oh, you’ve just said the P-word, which leads me to an article I saw in the Anchorage Daily News. They listed the biggest players in the spill who now, fortunately, are back to relative obscurity. The list included: Steve Cowper, Sam Skinner, Ernie Piper, Frank Iarossi, Dan Lawn, Rick Steiner, Admiral Yost, Chuck Hamill, Dennis Kelso, and Don Cornet.

What’s wrong with this picture? These are the people who were making the decisions and I’ve just heard, as I’ve heard at many conferences, about how we’re going to do some more planning. Who is really going to be there calling the shots when the hard decisions are made? Is it going to be the federal on-scene coordinator?

Hypothetically, we’re in the Gulf of Maine where a lot of tanker traffic is coming in and going out of Casco Bay, and there’s a big spill. It’s washing up on the shore on the coast of Maine. This is a place where there are potatoes; they used to have fish, but they killed most of them. So this is a pretty dirt-poor state and tourism’s about all they have. Now there’s oil washing up all along the shore from Lubec down to Portland. One of the prevailing theories on cleanup, particularly on rocky shorelines exposed as these are, is to leave it alone. And the unified command, such as it is in the Gulf of Maine, even including Nova Scotia, sits down to work and they say, “Well, we’re gonna do triage on a whole area of shoreline, particularly farther north where there aren’t as many people and it’s tougher to get to the shoreline.” Do you think the governor of Maine is going to stand up and go along with that? Do you think the legislators in every coastal county are going to go along with that? What’s going to happen when the story winds up on CNN that night and the unified command stands there with people throwing dead lobsters at them? How long is that strategy and the unified command going to last? Who’s really going to call the shots? Is that theoretically possible?

N. LETHCOE: I feel that we need to undertake some type of education program on the importance of biological cleanup over esthetic cleanup. Unless that’s done through the school system and through whatever means it can be done, we’ll have exactly this situation. It’s really difficult in the tourism industry, no matter how much we want to support biological cleanup. Every reporter that called me for an interview also wanted to know if we could get them out to an oil slick and show them some oil. Nobody wanted to see what’s happened with the beaches that were oiled and now are not oiled, and that they are biologically recovering. Nobody’s
interested in that. They all want disaster. We’ve got to start talking about biological cleanup, about biological recovery, and do something educational.

E. PIPER: Mr. Nance, you’re the on-scene coordinator for the Gulf of Maine; how are you going to respond to that?

J. NANCE: You’re going to have to deal with the situation at hand. I think that the reason we plan, and the reason we have the response equipment we do, is to avoid getting into a situation like that. I think the Exxon Valdez turned out to be an untenable situation for the people who had the assigned roles that we put into our plan. I don’t think that anyone is going to be able to stand up to and withstand the political pressure of being in an untenable situation. The answer is that we just won’t be able to sustain a response like that.

J. HARRALD: I think one thing we overlook is that a technological disaster, unlike a natural disaster, really elicits a lot of anger from people, a lot of emotion. There’s someone to blame and we talk like there’s going to be a rational aftermath. That emotion comes up as we saw in the Exxon Valdez. One thing our politicians and our corporate leaders learn very early is to survive; the first thing you do is deflect blame to someone else. Now you have a lot of deflecting the blame, and that’s going to quickly tear apart the unified command. We’ve papered over the federal, state, and local things that were not resolved in the law and we pretend they’re not going to be there. When the anger comes up and the emotion comes back at the organization, are people still going to stand together or are they going to deflect the blame to each other?

QUESTION: I think in your hypothetical situation in Maine that the people would take over, just like they did in Valdez and Cordova. Then it would be up to the command structure to start supporting them.

E. PIPER: Theoretically possible in Maine, too. Most of the lobstermen are armed these days.

W. PARKER: About the point on anger: people will get mad, but that doesn’t mean that they’ll do anything.

QUESTION: I think we’re missing the real point, and that’s the impact of the media, because they’re the ones that give us the pictures of the birds and the sea otters and whatever else they think is important to that specific event. The public and the politicians, and maybe even some of the
technical people, are swayed by what the media puts on TV and in the newspapers. As far as I'm concerned, that's a critical situation.

K. STAHL-JOHNSON: My comment is in reference to what Mr. Parker said about angry people. If you recognize the people in the region are going to be even more outraged at the next incident, and they are kept out of the planning process, they're going to say, "To hell with you, this is my beach, this is my life, I want to do something." All the planning's going to go up in smoke real fast. The answer to the inevitable question of what do you do when an oil spill's out of control is to manage the anger. You manage the anger by giving people something to do and not a bureaucracy to battle with.

C. WEAVERLING: As commodore of the Wildlife Rescue Group, I agree with the gentleman who spoke about the media. When I'd see the media, they would say, "Dead things, I want to see dead things, and I want to see them fast and I want to get back for my deadline." But, as far as triage goes, triage is a fact of life in a disaster. The definition of disaster is a certain problem to take care of and a certain amount of resources to deal with it. That irritates a lot of people, but basically that's the definition of disaster.

R. KURTZ: Regarding the point on human involvement, right after the Exxon Valdez spill, the Park Service brought in staff psychologists, and I did some work on the analysis with our in-house cultural anthropologist. We found that getting people involved, even if it's peripheral, is the first step in the healing process in this type of event. As previously said, a technological disaster is different from a natural disaster. We found that people don't have the coping skills for it like they do for a natural disaster. That's something to think about and include in planning for preparedness for a future event of this type.

J. ASPLAND: You really need to split the situation into two pieces, as I said earlier. You have the first 72 hours and then you have everything after that. The "after that" is where you can use some kind of an organization. Our experience is that in the first 72 hours you need an autocrat who has the authority and the responsibility to call out the forces. That person also has to have the pocketbook to go with it. The idea is that during the first 72 hours Bob Levine is the on-scene commander. He and Dan Lawn know each other so Bob could say to Dan, "You go down to the fish hatchery and stretch booms." Dan would say sure and not worry then about getting paid because the two of them had built a relationship. Dan may not have a thing to do with our plan, but he would do the job.
This is where we’re missing the point, you can’t organize quickly enough during the first 72 hours, and the public is going to be upset no matter what you do. It’s very difficult to deal with all the issues at one time. I think that drills are all about establishing relationships, not worrying about who goes in what box. When you do worry about who goes in what box, you’re in deep trouble.

E. PIPER: Let me just hold this for a second before we get too far afield on actual event management. Let’s go back a little bit. Most of what I’ve heard are reactive statements. A good move bringing in the psychologist, but by then people were all screwed up, and they were uptight. The relationships are good; that means you guys can keep your heads together and keep them screwed on straight, but that doesn’t quite mean that CNN is looking over your shoulder.

I have another question, is response planning truly interdisciplinary? There’s the Alaska Department of Environmental Conservation (ADEC), the Coast Guard, the Alaska Department of Natural Resources (ADNR), and the Forest Service; all these agencies have statutory authority that only goes so far and there are many things such as risk assessment and communication that just don’t fit into any agency’s boxes. In the development of the contingency plan, has anybody honestly said what the real likelihood is if a couple hundred thousand barrels of oil are disgorged somewhere between Bligh Reef and Hinchinbrook? Do people really know? Is it written down? I think intuitively they know that when there’s a spill it’s all going to go to hell and that they’re not going to pick up the oil. But CNN isn’t going to buy into the blame deflecting. They still want their dead animals.

QUESTION: The trouble is the planning process as we now know it doesn’t work. We have a small refinery. That refinery has one spill. I pull up the following plans: I have a DEC plan, I have a Coast Guard plan, an Environmental Protection Agency (EPA) plan, and a Mineral Management Service plan. Which plan is in control?

E. PIPER: For the sake of argument, let’s assume that you need all those plans. How about things like geomorphological baselines and mapping? A lot of assumptions were made about what was going to happen, like the fate of oil on certain types of beaches based on literature searches. Some of the assumptions led to specific actions and they didn’t necessarily turn out to be completely true. An example of that was how oil reacted on high energy shorelines in Prince William Sound. At least we have enough information to form a hypothesis that letting it sit on high energy shorelines didn’t necessarily mean it was going to be quickly dispersed. We
have some information from last year that suggests that may not have been exactly the right thing to do. How about real agreement on cleanup approaches? You don’t have to say what you’re going to do at point “X” or point “Y,” but how about a range of options given what you know? How about not basing your wildlife sensitivity work on a series of single species studies, but on an ecosystem-based approach? And how about subsistence ownership of parts of Alaska as opposed to just private land ownership? In a village like Chenega Bay or Port Graham, there’s a sphere of subsistence influence, so to speak, that has almost nothing to do with land ownership. Would that better be included in the planning process? Any thoughts on making it more interdisciplinary, or would that turn your planning process into a mess?

R. LEVINE: At Port Angeles we had the same thing. It’s not a 100,000 barrel spill, it’s a 6,000 barrel spill. But what we found to be extremely effective is putting all the people who were concerned, all the different agencies, together. We wrote memoranda of understanding outlining the procedures that we would use on various beaches and for protection, and we signed them. They became, in effect, the contracts that said this is how things would work. Each time we strayed from that contract, someone would come back to let us know the contractor wasn’t doing something according to the document.

The object is that unified command isn’t the three people sitting at the top; unified command is the ability to get the committees together to make the decisions on each of the necessary activities. If you have to determine environmental sensitivities, the idea is to get all the environmentalists into a room. Let them beat each other up, and when they reach agreement, come out and tell the cleanup manager what the priorities are. Don’t leave the decision-making up to the cleanup manager; however, he’s going to have to do it if nobody else will.

That’s where these contingency plans fall down. We assemble the data, but we don’t provide guidelines on how to make the decision. Unified command is a great idea, it works very well. But unified command must be something other than the three people who stand up in front of press conferences twice a day and tell the story of what they’ve done for the day.

E. PIPER: Let’s say I’m seeing legal counsel. I’m one of those interest groups just mentioned. Maybe I’m not agreeing, but I’m your client. I have an interest in the resources out there, and I come to you and say, “You won’t believe what these people are doing; these industry people actually have a good idea. They want to get us all in a room together to set
some priorities, and then we're gonna sign 'em; it's gonna be just like a contract. Then if things go to hell, we're not gonna have to fight about this. Don't you think that's great?"

QUESTION: If you were my client, I would advise you of the up side and the down side. The up side, of course, is if you can mediate an agreement so that everyone wins and everyone feels great, then that is the preferable solution. If, however, things break down, either at that meeting or subsequent thereto, you've bound yourself to something that's going to come back to haunt you should you attempt to litigate.

R. LEVINE: We handled it by going in with the idea that the object was to clean up the spill and protect the environment. If we got sued later, so be it. But we stopped worrying about law suits. In Port Angeles, we did not have a single law suit filed. We went in with honest answers, we admitted where we were having problems, we didn't try to hide anything, and we brought the parties involved into the room and said, "We need to do this together; are we here to fight or are we here to clean up oil?"

N. LETHCOE: I believe that's an awfully important part, because I was part of the interagency shoreline assessment committee (ISEC) in Prince William Sound, and being part of the process and understanding why decisions were made in certain ways really reduced the interest in litigation.

T. LISCHINE: I ascribe to the quote: "If planning is everything, then maybe it's nothing." I'm speaking as an outsider because I'm not an Alaskan, and I'm not an agency person; I'm an academic. If you don't believe in planning, why do it? I don't understand why you persist. From my perspective, it's hard to recognize you've got the wrong objective, that you've got to change that objective, and do something else. Nancy Lethcoe mentioned being a member of the ISEC. I consider that the most interesting organizational phenomenon of the spill was ISEC versus the technical advisory group (TAG). They had the diametrically opposed approaches to decision-making, and I'd say the world has decided TAG wins. ISEC loses. I'm incredulous that the EPA got away with putting out a revised national contingency plan (NCP) that says planning is done by bureaucrats who may consult with ISEC types. The solution is within your grasp—why are you doing the planning? Let the citizens do the planning. Then the learning curve is on the part of the citizenry which is necessary so they recognize that when oil hits the beach, triage will have to occur and it will occur and they will accept it as the ISEC did while it was part of the process.
J. ASPLAND: Prior to all the new laws, we had an oil spill plan that was less than a quarter of an inch thick, and we used that in one major spill and one not-so-major spill. We used it all up and down the coast and around the world, and it worked. Now we have a plan that's about a foot thick. We have a plan for every different area that we travel in up and down the coast, but we have attempted to stick to our core plan and it's been very hard. A lot depends on who you select as your on-scene commander. It makes a difference. If you don't have strong individuals, forget about it.

A. DEKIN: Isn't the most important result of your foot-high plan the relationships you establish among the people who might be players? Are not the relationships between the various participants established during the construction of your plan the long-term benefit?

J. ASPLAND: I know when I come to Alaska that I am going to deal with a certain individual and that's the relationship I build. That shouldn't have anything to do with the length of my plan.

A. DEKIN: No, but it's the people you speak to in the development of your plan that establishes the relationships. The relationships are with people, not the paper.

R. LEVINE: No, the people we deal with when we submit a plan are not the people that we're going to deal with when the spill occurs. In the case of the OPA 90 plan, we developed it and sent it to a group of people in Washington, DC who are going to read it and review it. Those people have absolutely nothing to do with the people in Valdez. In fact, our OPA 90 plan was approved from Washington, but we're not required to send a copy of it to the U.S. Coast Guard in Valdez. They're getting one this week through ADEC when we submit the Prince William Sound plan.

C. WEAVELING: Even though the people indicated in the plan might not be the ones you built a relationship with, the titles indicated on the plan will be the titles of the people you will be dealing with. Beyond that, whether we like the incident command system or not is a moot point because the incident command system is mandated by law.

E. PIPER: We've heard about several different approaches to a more interdisciplinary way to plan for response, and that's worthy of further consideration.

What we have to deal with in the case of a big event like this is that it usually takes an event to dislodge the political system. The people who make these laws in the political system generally assume static conditions,
"What I see today before the election is what's always going to be there, so let's pass a law that applies to it," and they also assume transitory attention spans and move on to the next item on their list.

Is there a need to periodically go back and review the current structure? Reserves in Prudhoe Bay are going down, those in Cook Inlet are beginning to disappear. Is there implicit understanding that changing economic viability, not just changing physical conditions, winds up being factored into the negotiations over response planning?

R. LEVINE: I haven't seen it happening yet. We're submitting the Prince William Sound spill plan for renewal and nowhere in the conversation did anybody talk about the decline in the field and the future of oil in Alaska.

E. PIPER: Does anybody know what kind of co-op is being put together, or what kind of equipment we are going to have in Cook Inlet? Does the economic viability of the enterprises in the area enter into the thinking?

Does it show up in the contingency plan in an explicit way? If we're sitting down and I'm the DEC and we're beginning to do some response planning for Cook Inlet and somebody says, "What we need are escorts like they have in Prince William Sound. We need escorts in dangerous water. Cook Inlet's a lot more dangerous, why don't we have them?"

There are a lot of answers. But is one of the answers that a lot of water is being pumped out of the oil platforms and no one's making a lot of money in Cook Inlet, and if you do that, people are out of work. Does that enter into the planning at all?

D. LAWN: It enters into it from a political perspective. The rules are all in reaction to a grave event. We have some rules, but at the same time we have lobbying going on to reduce the rules, and agencies end up dealing with whatever the final rule is. I've heard a lot of really good comments here today, and some really good questions. But one of the things that's still driving the system is who's to blame? I submit that we are all to blame. The oil industry's to blame, the federal government's to blame, the state government's to blame, our legislative process is to blame, the regulators are to blame, the people are to blame.

I want to get beyond that stuff. I think we can solve the problems, but we also have to be honest about what the problems are. A zillion promises and commitments were made to allow the Trans Alaska Pipeline System to become a reality. The industry made some, and the government made some. They were made in response to people who said, "We don't want you to do this, but we'll let you do it if you promise us what we want to hear." I think we weren't really honest with ourselves. And we as
people, as citizens, didn’t go back and make our legislators behave. make them do what they promised. Our legislators didn’t fund the regulatory agencies to allow for sufficient oversight, and the industry really didn’t do what they said they would do. We’ve got to stop looking for someone to blame, we’ve got to stop being reactionary and writing all these plans, and we’ve got to get a system that works. I think it’s possible. There are some things that have been done by the industry that are good, there are a lot more pieces that need to be added. But somewhere along the line, we citizens have to accept that it can’t all be picked up. A lot more effort has to be put into prevention. Sometimes, no matter what you do, even if you have the best system in the world, you’re going to have a problem. But that’s the cost of allowing it to happen.

I think the anger would diminish if people were really part of the process, if they understood the process and that you really can’t do everything that you’d like to do. We need some political leader to say, “It’s time to go to the moon. Quit the dialogue, get us there.”

W. PARKER: After the 1964 Alaska earthquake President Johnson appointed a federal official in charge of earthquake relief who coordinated with the governor, and things went together pretty fast. Everybody keeps asking who’s in charge and we’re not doing a very good job of defining it.

I didn’t hear any big outpouring after the Huntington Beach oil spill. What’s the law suit situation on Huntington Beach?

J. ASPLAND: The Huntington Beach spill response, I think, was successful only because people stood up and took responsibility. The public was as mad as ever. With the Huntington Beach spill we were very lucky that the wind decided to blow onshore, it blew the oil on the beaches, it got scooped up, and that was the end of it. And this goes back to exactly what Walt Parker is talking about, and that is who’s in charge. If you’re not going to be in charge, you’re not going to do very well. And I agree exactly with what Dan Lawn is talking about. That we need to get on with it and we need to think about what direction we’re going to take.

QUESTION: I’m from the interior of Alaska and I came to this conference because I don’t know a lot about oil issues and thought it was high time I learned. There’s been a recurrent theme here which ignores the simple solutions. The Huntington Beach, as I understand it, went down on a rock; it was a single hull vessel. People are concerned about public relations. Imagine you’re watching another oil spill disaster in Prince William Sound on CNN. You learn that it was a single hull vessel, and that a company like ARCO, which is a responsible oil company, has not yet converted one of
its ships to double hull. They have until 2015. Wouldn’t you think that they would set out on an incremental system of converting the tankers? But, you find out that the reason for the accident was a storm of several days’ duration, and there are insufficient storage tanks. We don’t need more working groups to know that more storage tanks and double hull vessels will help. And yet there seems to be no plan for implementing these things that we know will work. Why? Who’s accountable? Is Alyeska accountable? Who’s accountable for starting?

J. SCOTT: I’m going to go back. Ernie, to when you were talking about the money, the cost. It looks to me like the money spent on the Prince William Sound spill has almost created a gridlock. The plan is too complicated, there’re too many plans, all the money had to be spent within a certain time period, everybody’s got a plan, there’s gridlock. It sounds like there are plenty of plans for Cook Inlet. It sounds like some areas are way overfunded where they’re almost in gridlock, while other areas have almost nothing. I’m sure that’s why Jerry says he had a simple plan at one time and he could actually carry out that plan, and now there are so many that it looks like gridlock.

E. PIPER: Here we are five years later. We’ve all been to a number of conferences and congressional hearings, we’ve written legislation, we have citizens’ advisory councils and OPA 90. We’ve done all kinds of things, we have a new division in DEC, we have a fund, and we still have the pipeline. Did we create any monsters? Anybody want to identify any of them lurking around out there?

J. SCOTT: In 1989, spill response in Alaska was pretty low. Today, we have the best spill response capability in the country, but our funding process is gridlock. I think we went backward in our planning process. I think we’re really hurting ourselves with the planning process. We’ve gotten so far, but it’s so complex, so bureaucratic, so legislative that it’s virtually useless.

K. STAHL-JOHNSON: I think when push comes to shove, the books are going to go out the door. The people are going to do what their gut-level response tells them to just like Jim Scott says. He’s got the simple road map through all of this, though the regulations are all there. We definitely have got to keep it simple. It isn’t simple now, and if it isn’t simple, it won’t work.

N. LETHCOE: Back in 1989, when the oil hit the water Jacqui Michel said, “Everybody, we have a problem. We have to get together, we have to
work on this problem and we have to solve it." We did. I look at tourism in reviewing the contingency plans, and I think recreational tourism is in far worse shape now because of the contingency plans than we were in 1989, because we’re not included in the plans. In 1989, nobody was included so we all developed a plan and went to work together. But now the contingency plans as they stand are a disaster for our industry.

R. FINEBERG: The fact is that we have too many plans and too much time goes into planning. People are going to take over because they’re going to be outraged. There are a few of you in the planning process who are simply reflecting that in advance. That we don’t have a clear workable plan for any or all contingencies, and we don’t quite know what is going to occur, is a function of the fact that we don’t have a crystal ball. The indications are that the plans are not yet adequate. Since we all believe that response is the tail end and prevention is the cure, we’ve got to make plans. If Kelley Weaverling wants to go out and save birds the next time, he’s going to know that if Jim Scott says he’ll help, he can count on Jim, and it’s going to work.

Back to the economics. There is a triage situation. There is a health care meeting happening elsewhere on this floor today. One of their attendees was saying if they had half the intellect, the brain power, the energy of the people here working on silly oil spills, they could take care of people dying. Yet we’re all concerned, and rightly so, about complacency. The social issues are always triage.

The way to prevent spills—back to prevention being the key—is to make sure it costs so much that it’s much less likely to spill. That’s an economic answer; and yes, they don’t have the resources in Cook Inlet. Prudhoe Bay is unique and the economic answer in part gives us some comfort. The main point is the economic engine; we better charge a high price for oil spills so that we don’t spill.

P. MEANS: I’m with the Coast Guard, and I think there’s something resulting from OPA 90 that may be overlooked here. It’s the area of contingency. It’s intended to be a joint document that includes community involvement, industry involvement, and the federal and state agencies. All of the marine safety office (MSO) regions in Alaska now have area contingency plans, and they are going to be revised every year for the next five years. Environmental sensitivities are included in the plans. They’re not prioritized but this is the most important site in this area. The Cook Inlet region was included with resources of major concern, moderate concern, and lesser concern. What you’re asking resource agencies to do is essentially say that you can sacrifice my resource, and that’s really hard to do. It’s a positive step,
the plans obviously require a lot of work. If you want to be involved with the revisions and can bring something to the table, want to participate and contribute, I urge you to contact the MSO and volunteer to sit on one of their committees.
Oversight Discussion

Moderator, H.E. “Stan” Stanley
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S. STANLEY: One of the things that struck me especially about today's session was its title “oversight.” I always have a problem with oversight because “overseeing” means so many different things to so many different people. In some people's minds it's that you're a policeman—a cop, you're keeping industry in check. In other people's minds you're merely observing, you're forming ideas, and you're trying to get industry to do something you think they should do. And there are probably a lot of gray areas in between.

There are a lot of people who think everything should be black and white, and thank God the world is colorful. There're all different shades and there is very little that's absolutely pure black and white. So to those who say oversight is one thing and those who say it's another; yes, you're right, that's what it is. It's all of that and probably more.

From my point of view, I think that we have oversight agencies who are tasked by law to provide regulatory oversight. We have federal agencies and we have state agencies and we have groups like our group, the RCAC, who have no legal authority to direct anyone to do anything, but we have a legal mandate to at least observe what's going on, to advise, and try to influence activities.

Does anyone have a specific question for any of the presenters that are sitting at the front table?

QUESTION: I have a question for Barbara Herman. When you're doing your risk screening of the vessels, do you have access to the Coast Guard database?

B. HERMAN: We have access to the Coast Guard MSIS information through the 13th District, and we have access to the new database, MSIX, which doesn't have much information yet but eventually it will.

QUESTION: Is there any provision in your plan to notify next port of call if you have an extremely high risk, or do you work with the Coast Guard.
B. HERMAN: We definitely work with the Coast Guard and before we even go out on inspections we’ll call the captain of the port office for Seattle and coordinate so that we’re not duplicating effort. We are very anxious to work with the other members of the States/BC task force and ultimately what I’d like to see is that we all have the same program and we cannot only alert each other if there’s a problem with a vessel, whether it’s been fixed while it’s in Washington or it’s headed on down to California or up to Alaska, but that we can also coordinate on the inspections, because everybody’s got the same problem, there are not enough people to inspect vessels. I’d like to see an information highway where all the coastal states are sharing information and the responsibility to inspect vessels. Then we can all compare our information—we still have a way to go.

S. STANLEY: I’d like to hear from Jean Cameron on what the States/BC task force is doing in that direction, as far as trying to get other states to do an inspection of their own tankers or other vessels that are coming in.

J. CAMERON: Nobody else has taken the initiative that Washington has at this point, but we see that down the line. As I said earlier, the task force has stated that that’s one of the things they want to look at. I don’t think they included it blindly without recognizing that one of the things that will come out of the consistency review is the fact that California and Alaska do not regulate and require contingency plans from cargo and passenger vessels as do Washington and Oregon. The screening program Barbara has currently got in place, as she explained to you earlier, is for that class of vessels. There are some big pieces of the puzzle that need to be put into place to have exactly that program occurring up and down the coast. I believe there is a goal on the part of the task force to ultimately have a coastwide program in place, perhaps for tankers as well as cargo and passenger vessels.

B. HERMAN: I think we’re closer on the tanker side. In fact, we’ve been in touch with California, where there is a fairly extensive inspection program and a better budget than anybody else. They’re aware of what we’re doing on the screening program and its application to tankers as well. So we might get there sooner on tankers with a state like California.

J. CAMERON: You mentioned that OMS is also providing a leverage for Oregon’s Department of Environmental Quality to have a screening program on the Columbia River. Oregon and Washington have always cooperated on their rules pertaining to the Columbia because they’re shared waters. And the Washington Legislature just funded extension of this field office program to the Columbia and DEQ will be cooperating
with it and providing office space. Barbara may want to elaborate, but that’s another example of cooperation occurring between two of the states at this time.

**QUESTION:** I have a question on funding of this type of screening program. I understand it’s authorized by the Washington State Legislature. What is the source of funding for your program. is it collected from just taxpayers or from shippers?

**B. HERMAN:** Right now funding is based on a five cent a barrel tax that’s paid by the refinery, and it’s similar to what I heard discussed yesterday that is being proposed here. The current breakdown of the five cents is three cents goes to fund all the programs, and two cents goes into a response fund. So we already have that division.

**QUESTION:** I have another question for Barbara. I was surprised by your presentation in that it seems like the actual history of the vessels was not scrutinized, it didn’t seem to be nearly as important as the history of the personnel on board the vessels. Why is that?

**B. HERMAN:** It was a fairly important factor, casualty history and violation history, and I think it’s not as important as the personnel history. Understanding that personnel history includes casualty and violation history. Under the theory that whether it’s 60%, 80%, or 90% of all oil spills and accidents are caused by human error as opposed to hardware problems, it makes sense to have your personnel information a higher priority or a higher risk than the hardware. I think that’s the way the distinction was made.

**W. PARKER:** With a follow-on to that, someone yesterday made reference to the importance of the pilot, as in many cases the sole safety factor in the system. In the last three years I’ve looked at all 29 major ports in the U.S. and talked to all the pilot organizations and others who said that assumption was right. It’s hard to say how much further we can go with this. Alaskans just don’t realize how lucky we are in that almost all the ships that come in are of the domestic fleet and bound by domestic relations. At Europort when you go out to meet some ships, they have not just one pilot, but they take two pilots out initially. After you get to where you meet the pilot boat, they bring on board a whole line handling crew and as much additional crew as they feel necessary to take that ship safely on in. The cost of all that is, of course, put directly on the bill to the shipper. As the main entry port, it’s the only way the Dutch have figured out to affordably operate Europort the way they want to since the crews coming in are so
dramatically different from each other. As I said, most U.S. ports are not facing that problem now, but most probably will to some degree in the future.

P. SLYMAN: I’m from Oregon DEQ. Maybe I’m cherry picking, but over the last couple of days we’ve talked about a lot of things that OPA 90 just brought about, but something seems to be missing from the discussion because it’s only been given what I would deem lip service, and that’s salvage requirements. And when the Exxon Valdez was up here on the rocks, Fred Devine sent the Salvage Chief, up from Oregon. It’s one of the few vessels left in the United States with capabilities for lightering and bollard pull. I’m a little fearful that that whole industry is on the wane right now, and they’re not well represented in any of these conferences or meetings. I don’t know how we can best address the salvage industry. We seem to address quite well spill response companies and oil spill response organizations (OSROs), for which the Coast Guard has an elaborate classification, but there’s nothing near so elaborate for salvage. Salvage is one aspect of the greater picture, because 80% of the Exxon Valdez’s cargo did not spill from the ship. You could say it’s prevention or maybe a form of response. In any case, it’s an industry that is not healthy right now.

S. STANLEY: Walt, did the Commission look at salvage? That was in your report, too, wasn’t it?

W. PARKER: There was a little bit on salvage, but the marine board just set up a committee on the salvagers which has been meeting for the last couple of years and their report should be out in a couple of months, I think. Essentially it’s a dormant industry and there are a few salvagers working in western Europe but not doing well financially. I don’t think there’s any salvage tugs, unless the Japanese have some, working in the North Pacific.

J. CAMERON: We’ve added it to our list of policies to look at, but it’s my understanding that the Coast Guard is developing some salvage policies. California made some comments on the national contingency plan about the need to address it, that there was a sense of timing being off.

M. MILLER: It seems to me that the salvage interests congregate around those areas which have the propensity for accident. If you look at the history, salvagers were active in New Orleans; on the Mississippi River there was an accident a day, if you will. The problem is enticing them economically to be available in areas other than those that have problems, and we haven’t addressed that yet, I agree.
B. HERMAN: One initiative of the Office of Marine Safety is to get a dedicated rescue tug stationed somewhere near Neah Bay so that we can help vessels in distress for that area of the straits as well as the coast. One of the types of vessels that are being considered is a salvage vessel, but it might not quite have the horsepower of some of the others. That's our small contribution to the salvage industry in this country. We'd like to see a large, powerful vessel out there.

S. STANLEY: Bob Levine can correct me if I'm wrong, but I believe the salvage master who did phase one of the disabled tanker towing study recommended that we have a salvage tug at Hinchinbrook Entrance.

R. LEVINE: That's correct. The salvage master, Capt. Per Haar, worked with Smit Tak International, one of the two largest salvage companies in the world. He was master of the largest salvage tug in the world at one time. His experience says when you have a ship that is in open waters and high seas, you need very large ships to go out and rescue it. Large in this case is a vessel in the range of 15,000 HP, 250 to 300-foot long. Due to fuel capacity, a typical Svendsen salvage tug is capable of running about 13,000 miles without refueling.

S. STANLEY: Jonathan, did they bring a salvage tug to the Braer?

J. WILLS: Well, there happened to be a large downloaded tug in the main port; she didn't have a lot of gear on her afterdeck, she was being used as a supply ship at the time. So they called her out and she got there, but she got there half an hour after the crew of the tanker had been evacuated, so there was nobody to take a line in. You need a system where the Coast Guard can call out the tug. Our problem was that the Coast Guard didn't have authority to call out the tug without checking first who was going to pay for it. After the Braer, the British government told the local Coast Guard on-scene commander that now they have authority to order out a tug. As soon as you're worried about anything, you order a tug, don't worry about paying for it. So that's the new rule. Meanwhile the official inquiry criticizes the Coast Guard for operating under the old rule which says you have to get authority before you call a tug. What is your contingency plan if a large loaded tanker breaks down 20 miles off seal rocks in a storming gale? What is your contingency plan? I haven't heard it as yet. I think that's the most likely next scenario.

D. LAWN: Let me add a couple of comments to what Jonathan said. It's quite likely that had the Coast Guard been aware the Braer had broken down, maybe as many as six hours before she reported it to the Coast
Guard, there was time to get that tug of opportunity to the vessel had the vessel been equipped with a bleeper, as Jonathan likes to call them, or a GPS system with some kind of a transponder, the Coast Guard would’ve been aware that the ship had stopped and then they could have taken some action. Those are the kinds of things that we are fighting for around the world; those are the kinds of things that we need here in our own system. We just happen to be in the unique situation of requiring them on our TAPS vessels, and because they’re a little bit different than the rest of the trade, we can do that if we want to. Certainly the Coast Guard’s going to have that system inside Prince William Sound, but what happens off of Juneau, what happens off of British Columbia, what happens off of Washington, Oregon, California, Mexico, Panama? We’re in the same position, we have to rely on the good graces of the vessel operator’s crews on board to tell us they have a problem. We don’t have the opportunity to protect ourselves, and that’s where we need to move a little bit.

S. STANLEY: Max, as the captain of port for southwest Alaska, can you call a tug out without finding out who’s going to pay for it and then what they’re going to pay?

M. MILLER: Certainly I do. For example, in Dutch Harbor we had the potential of spilling the bunkers of a large processing vessel, a 300-foot processor. I spent $1.6 million without having any oil in the water, just to prevent it from happening.

T. LAKOSH: I think you’ve noticed my question earlier. I’ve been trying my best for the last three days to illuminate a conspicuously deficient policy with regard to responding to a burning oil spill. In the last week we’ve had two burning ships. Mr. Banta informed me that there were two ships that exploded on their own. I would like Mr. Banta to elaborate on some of that information, and I’d like the rest of the panel, if there’s any opinion or expertise, to analyze the present fire-fighting capacity and propose the proper equipment, which might fill the gap of this conspicuous deficiency in response.

J. BANTA: What I was telling you about I had gotten from some of the newsletters we get. Within the past month two tankers carrying crude oil in the Middle East, one of which at least was under heavy weather and I’m not sure about the second, caught fire. The report figured flexing of the hull contributed and something inside gave out a spark causing an explosion. In both instances the tankers that exploded were loaded, caught fire, and spilled. And I guess your question is what capability do we have in Alaska to address that type of problem?
T. LAKOSH: Yes, and what equipment would address the problem? I've ascertained from Alyeska and from Capt. Aspland yesterday that there's no fire boom on any of the Alyeska vessels or the Crowley tugs, and that Crowley tugs, although they have a small firefighting capacity, would probably not be capable of responding to a large tanker fire. The policy in responding to a burning spill is to try and contain the spill with nozzle pressure from water monitors or fire monitors. That has been proven to be totally and wholly ineffective in containing the Bosphorus Straits spill. What type of policy should be adopted to see that a burning tanker will not discharge all of its cargo without containment? The present boom that the Alyeska vessels have for surrounding a tanker is not fireproof, and it will not contain a burning spill. I would like to hear from the Coast Guard in particular what policy they feel should be adopted toward containing a burning spill?

M. MILLER: The current policy states that if you have a tanker and a spill, you secure the source of the spill, if possible, and stabilize the platform it's spilling from. You do not endanger the tanker or its crew by engulfing it with fire boom to allow the fire to stay there.

T. LAKOSH: Are you going to leave the crew on the ship? If the crew's gone, then booming the tanker isn't a safety problem.

M. MILLER: The idea is to stabilize the tanker and save the rest of the remaining product so you don't lose the whole ship.

T. LAKOSH: I don't understand how that conflicts with placing fire boom around it. Is it the policy not to boom the tanker at all, to promote stability and crew safety? Why is there boom; is it a policy to boom the tanker first of all, fire or not?

M. MILLER: The question is balance between what kind of product you have, how big the spill is, how much boom you have, and where the tanker is.

T. LAKOSH: Is there a written policy that says that the tanker must be boomed, is there policy that says the tanker must or must not be boomed when it is burning, and where are these policies written?

M. MILLER: I think it's a case by case basis, depending on the circumstance. I can't answer you specifically.

T. LAKOSH: So it's totally discretionary whether to boom a tanker?
M. MILLER: I’m just saying it’s a case by case decision.

J. BANTA: I think the more interesting question really is what equipment is available to fight the fire, like fire monitors. Do we need better and more fire monitors for our region up here?

R. LEVINE: The two Crowley tugs that are equipped for firefighting are equipped as fire boats. They each have three monitors and they have foam capacity to go with the monitors. They are equipped to fight fires in accordance with normal firefighting practices. Each of the ships is also equipped with fire monitors in accordance with the Coast Guard rules. Most operators, to my knowledge, are also carrying extra foam beyond what they’re required to have. There is also at CISPRI a system for firefighting which is high capacity, high pump and portable to the scene of a fire. The smaller tugs also have the capacity with small monitors, water only, in Valdez. You also have to look at the dock facility. The firefighting systems have just been replaced with high capacity, remote operated fire control systems. Right now, the firefighting capacity for tanker fires at Valdez is among the best in the United States.

T. LAKOSH: Alyeska said it’s their policy not to respond to any fires seaward of the berth. They have a potential source of burning spills from the pipeline south of Thompson Pass, from the terminal, and from shippers which they’re required to respond to and they have. Alyeska itself has no vessels with fire boom on them, or fire monitors, or fire foam above 50 gallons per vessel. Is Alyeska going to respond to a fire that is the result of a pipeline leak, at the tank farm, or from the vessels to which it’s required to respond to the tune of 200,000 barrels of recovery in 72 hours? If it’s burning, there is no way they can put it out or contain it. My question is, are they fulfilling their obligations under the contract, under the constitution, and under House Bill 567, the contingency plan requirement to respond to a spill if it is burning? Are they required to pick up that 200,000 barrels of stuff in 72 hours and what equipment do they have to do it with?

QUESTION: What’s the benefit in not letting it burn if it’s not going to get out of control?

T. LAKOSH: The idea is if you don’t contain it, it will get out of control.

S. STANLEY: The only fire boom we have is for the purpose of coralling oil and burning it off.
S. STEPHENS: I think the area you’re covering is very important, and the RCAC knows it has to look into fire both at the terminal and offshore. We don’t have any answers for you today, but I can tell you it’s an area that we intend to look at. We have had one drill that included a tanker on fire and we had a drill at the berths; both went fairly well. We know there are a lot of problems out there that we have to look into and we need to know what the capacity is. The questions you ask are good ones, but I don’t think we have the answers for you at this time.

S. STANLEY: We can spend all afternoon talking about this one topic and still not come to closure. I’d like to shift a little bit. One of the things Walt Parker mentioned in his presentation was the best available technology. In the back of many people’s minds are the promises that were made before the pipeline went in about having the best available technology. That means different things to different people. I’m finding that one of our biggest and most interesting problems is that everybody has a different interpretation of everything. From time to time industry has expressed the view that no matter what it buys, and buys, and buys, every time something new comes on the market there’s a great hue and cry that we need that on board, too. Is that where we need to go, is that what we’re talking about with best available technology?

QUESTION: I think one of the key issues in best available technology involves how to integrate that technology with the existing systems. And there are tendencies just to integrate gadgets, as Jerry Aspland mentioned several times earlier this week, without considering what the overall effects will be on the performance and system safety. I think one thing that’s really lacking in maritime transportation is this approach, this systems level approach, that you find in aviation, nuclear, and other industries.

T. ROBERTSON: Another thing about best available technology is research and development. In order to develop best available technology, you need an ongoing consistent commitment to research and development. Many of you have probably heard about the OHMSETT facility in New Jersey, a tank built and designed to test oil spill equipment. It was originally built in the 1970s and fell into disrepair. By the time the Exxon Valdez came along, it was no longer in use; it had been mothballed. Exxon Valdez happened, and all of a sudden there’s money for R&D again. They refurbished the facility, we visited it this fall, and they’re again at the point where they have no funds. They can keep water in the tank but they have very limited funds to actually evaluate equipment. There’s no gain to be
made if we can’t test things. That’s very important and it needs to be a consistent commitment from the industry and from funding agencies to allow these programs to go on and on and on. I wouldn’t be surprised to see that facility closed in the next year or two based on the way it’s going right now unless there’s another big oil spill.

J. WILLS: Yes, BAT, that can mean best available technology, but how come it doesn’t mean best affordable technology? Best affordable technology just refers to the economics, your main source of information on what’s affordable is usually assurances by the oil industry, which by definition cannot be checked because of their confidential nature. So I think when a piece of new technology comes on scene, it’s reasonable to argue with the industry about whether or not it’s reasonable for risk benefit assessment. Say, for how many dollars will we get “X” percentage improvement in safety. That in fact can be argued.

What I find intolerable is that proven technology that’s been around for years is still not being used. Take the example of the lifeboats on the ARCO ships, the open lifeboats on the ARCO ships that were mentioned in Eric Nalder’s book. They still argue about whether a tanker should have an open lifeboat. This would be ludicrous if it weren’t so sad and dangerous. Another example is the use of coastal radar linked by ordinary telephone lines to central control rooms and computer display screens. No technical problem anymore, no big financial problem. Not happening. The technology is there to keep an eye on those ships even before we put bleepers on them. We also have salvage technology. Well, it’s available but it isn’t there, and that’s a major problem. The technology to have rapid clip-on towing packages for even abandoned tankers is there. It’s available, but it’s not everywhere. And aerial surveillance is there to go and check that people are where they say they are. And we’re just not using available technology to the best practical ends. I think on some of these decisions we’re very soon going to have to ask the regulators to start discussing these with the industry and start issuing instructions. The industry, of course, will threaten to close down and go away, but they always do that. Don’t worry.

S. STANLEY: Well, Max, do you want to issue a regulation or have somebody pass a law that directs you to issue a regulation that all the latest bells and whistles will be assessed to determine whether they should or should not be put on the vessel?

M. MILLER: Well, we’ve seen the process work to the benefit, I think, of the new regulations here with the regulatory process. I can’t create new regulations on my own. The RCAC in Cook Inlet helped initiate a project
on the tug issue in Cook Inlet. That type of interaction is happening now. And perhaps a similar process will come out of this discussion.

B. HERMAN: In Washington State, one of the tasks the Legislature gave us was to establish regulations for the best achievable protection for the environment using the best available technology. This is a program that applies only to tank vessels. We started that program a year ago by asking all tank vessel owners and operators who enter Washington waters to file prevention plans with us. These are the prevention part of the contingency plans where we have all the information from every tank vessel on its operating procedures, its personnel procedures, its training and crew, and the technology it has to offer. We’ve just started the next phase of that program, we’ve reviewed the plans and we’re now going to be working on regulations which we hope to have adopted within six months. But we hope at that point, after having reviewed the plans and had some hearings, to define what is the best achievable protection and what is the best available technology for tank vessels.

W. PARKER: The key word is available. It’s not available if you don’t know how to use it. So the other side of technology is that training programs have to be funded so everybody learns how to use the newest technology, if you choose to go that route. The high reliability organizations usually expend a good part of their budget in training. A carrier air group will expend probably 98% of its operating budget in training to maintain that high degree of reliability that gets you on and off a carrier deck. It’s important that it not be a catchall, but that if it be used, as was pointed out, as a continuing program. I tried to get that point across today. You have to have a continuing program that’s always probing for a better way to do it. If the United States hadn’t had the Bell Labs operating for the last century, we certainly wouldn’t be where we are today in electronic technology.

One of the problems we have is that as a port state operating a very limited merchant fleet, we have very little research capability on the civil side in the marine area. In aviation we have a tremendous research capability. The Navy has a tremendous research capability, some of which gets transferred to the civil side. Essentially the big problem in R&D in civil shipping is that it’s just a small industry. If the United States is going to continue to operate as a port state and protect itself, it’s going to have to make the R&D investment to make them safer irrespective of how many of those ships are flying the stars and stripes.

R. LEVINE: If it makes you feel any better, I got an approval yesterday by the Alaska Department of Environmental Conservation (ADEC) that says
that it was conditional on some research that is being done and that the
approval on the equipment will be subject to review and upgrade after the
research is completed. So ADEC is definitely looking at its best available
technology. They know it's in the regulations, and they're going after us
real hard with the idea that it's up for evaluation.

S. STEPHENS: Technology, and the best available technology, depends on
economics, not whether or not the technology is there. It depends on
who's willing to spend the money. In the City of Valdez, the pipeline has
been running some 17 years. It's one of the biggest emitters of hydrocar-
bons. Whether or not it's been affecting the health of the community, I
don't know, but it's been affecting the way of life. Technology's available
to solve that problem, but the regulators haven't seen fit so far to do the
proper thing and enforce a regulation that requires Alyeska to put some
kind of technology in place to either burn the vapors or capture them and
turn them into product. They are, however, working on it now. If the
regulations had been enforced or if the people in the City of Valdez had
yelled loud enough, instead of being very quiet, Alyeska would have put
something into effect earlier.

The problem is even if the technology is available, the industry's
not going to use it or spend the money until they're forced to. When
you're talking about best available technology, you have to look at the
economics. It's too bad that that's the case, but people are secondary;
profit is first.

J. WILLS: I've heard a very dispassionate and factual account of promises
these people gave when they were given permission to operate the pipeline
in federal and state lands and waters. They promised to use the best
available technology to run it just so that it wouldn't spill oil. If those
promises mean something, add them together with the state and federal
laws, then surely the regulators can say, "Look, you promised this, don't
get us involved in your technology arguments, just fix it. Here is the
outcome we want and which you promised. Fix it, here's a deadline." It's
the failure of your politicians to give the people in the Coast Guard and in
the state and federal agencies the support to exercise powers which they
already have, to enforce laws which have already been passed, and to
insure that the oil industry meets promises which it gave. These weren't
off the cuff remarks, these were carefully considered promises. Why are
you getting so involved in all their technical problems? They love to do
that to you, because that wastes time, you see. Why don't you just tell
them, "this is the deal, fix it."
S. STANLEY: We've been leaning pretty heavily on the Coast Guard here. How about a State regulator?

W. PARKER: On that matter of promises, how about the west tank farm? It was the state who had the job of making sure the west tank farm was built, but the west tank farm was never built. Pipe to the west tank farm was supposed to be in place before the pipeline went past a million eight a day. But it never got built and that's the responsibility of the State of Alaska.

S. STANLEY: Dan, can DEC just go out there and say “you guys promised this and by golly you're going to do it?”

D. LAWN: Speaking as a private citizen, in past times DEC has said some of those things. As I recall, in 1988 after a rather long discussion about air quality, there was a commitment. DEC said “we want you to solve the problem, collect the vapors.” there was some agreement to do that. We changed DEC people and politicians and we seem to be back to “we're going to study it some more.” I agree completely with Jonathan. Politicians need to give the regulatory agencies the money and the independence to do the job. Also, they should quit appointing people who are politically correct and appoint people who are problem-solvers. At the same time, the industry needs to live up to their commitment and quit lobbying the politicians to reduce oversight. I mean, it's silly for us to be doing oversight anyway if the industry would just do what it said it'd do. We'd all be happy. That's what I was trying to say. Changing the system starts with us as individuals. You can't make it happen by paying attention every ten years when you have a major catastrophe. You've got to keep after it. Those of us who are parents know that if we just tell our kids to do something without a little bit of follow-up, it's likely not to get done unless they choose to do it. We, the citizens, have to be involved. I know there are a lot of dedicated, hard-working people trying to make the system better, but we ought to all start working together, including the regulators and the industry.

J. CAMERON: Personally, I think technology is being used here too much as a panacea or an excuse, and that in most cases the technology does exist. Take the problem with overfilling of tanks during bunkering operations, which is a very common problem. Why aren't there alarms, why aren't there mechanisms for that sort of operation similar to what you have when you put gas in the tank of your car? There's really no excuse. States and regulators shouldn't fall into the trap of constantly determining
what's the current best available technology. They should set performance standards and let the private sector develop the technology. As Dan said, it really is a matter of political will. Right now the political memory is dimming outside of the state of what happens when a large spill occurs. People are more focused on crime and people are certain that government regulators are just twiddling their thumbs and hanging around the coffee pots wasting their money anyway. Funds are being cut everywhere, not just here in Alaska. I agree completely that a concerted effort is needed and you can't reduce your vigilance at all whether you're a citizen, a regulator, or a concerned member of the industry.

QUESTION: It seems like one of the big problems that comes up again and again is economics. Alyeska makes the argument that they can't afford to invest in R&D because the system is winding down. To me the overall big problem is that we don't pay enough for oil. As Stan pointed out, we're all responsible. There's a problem with greed here, and as consumers we're all part of the problem. We're not paying enough for fuel and for the damage it's doing to our environment, not just the water but the atmosphere, too. There ought to be a carbon tax in this country for use of fuel.

The problem is that as consumers, we're not paying the price for shipping oil and for burning it. We need to change that in this country, and it needs to be everybody's responsibility. I don't know how we're going to fix it, it's a very big political problem, and I know Vice President Gore has been talking about something like that, and there's a lot of arguments for not doing a carbon tax because it's going to damage the poor. There's probably some way to get around that. Just a couple weeks ago, I paid $4 or more a gallon for fuel in Norway. How come we're paying just a little over a dollar a gallon? That's ridiculous.

W. PARKER: That $4 a gallon in Europe is mostly to take care of the old folks and the babies, that's what they spend it on. We don't believe in that in the United States anymore.

K. STAHL-JOHNSON: We put so much energy into exploration, development, transportation, oversight, all of this stuff so we don't spill oil, so we can continue our dependence on our oil-based economy. If the price of oil was even double, there would be competitive advantage. If you're talking about economics, it'd be a competitive advantage for alternative energy sources and the use of fossil fuels would decrease and the industry would lose money. There's not an incentive to increase prices, there's an incentive to have cheap gas so that we can all stay on this dependence. We will get off the dependency if the price of oil goes up.
J. CAMERON: There are a few other things that you can do, but they're not usually in the purview of the folks around this table. For instance, in Oregon they were looking, at a smog fee, based on mileage traveled between registrations multiplied by a factor determined by the emissions of your car. That would be a polluter-pays approach that would come right to us.

T. LAKOSH: On the issue of the best available technology, there is a review process. As a matter of fact, I just got a memo today from the Joint Pipeline Office that GAO is coming in next week starting Monday. I have a letter here from the Director of Natural Resources and Management Issues from the GAO, and they are here specifically to study if the Trans Alaska Pipeline System (TAPS) is operated in a safe manner. During these audits, there is a considerable window for people to ask for the best available technology whether they be a scientist who is exercising a professional responsibility, a government trustee performing his mandated duty of office, or a citizen seeking to have protection of his or her constitutional rights to freedom from pollution generated by state and federal leases. You have to ask. I went to Mr. Brossia about a month ago and asked him to consider these fire tractor tugs, and he responded appropriately. He wrote a letter directing Mr. Flint of ADEC to tie the three C plans from the pipeline, the terminal, and the shippers, together to consider the threat of fire and the use of a firefighting tractor tug. What I've done is petitioned Commissioner John Sandor, Commissioner Harry Noah, and the Governor to generate attorney general opinions and issue a notice of deficiency to Alyeska to require them to have the best available technology, which is at this point a firefighting tractor tug carrying fire boom.

S. STANLEY: I'd like to throw out one other idea which you may or may not want to talk about, and that is there've been several things said today with regard to regulators working with industry. I alluded to the situation over in the Shetlands where they meet behind closed doors, discuss issues, make decisions, and marvelous things happen and the public doesn't know what's going on. We've got the opposite extreme where you can't meet behind a closed door with anybody. Recently Stan and I were meeting with the senior vice president of Alyeska at his request in an Alyeska office—with the door open—to discuss something that is very important to the community of Valdez, the impact of all the additional people that are coming into the town this summer and how they're going to deal with that. It really struck me later when a reporter came up and said he'd heard we had had a meeting with Alyeska. The tone and attitude of the reporter was, "How could you?" Well, you can't go stand in the middle of the intersection every time you want to talk to somebody from industry and invite all
the press to gather around and stop all the traffic. How much closed-door interface should there be between people who provide oversight, whether they’re citizens’ groups, regulators, or what have you, with industry? How open does that need to be?

D. LAWN: I agree that you need to have some sit-down quiet meetings where you’re trying to work out some consensus. But I also understand the public’s concern about wanting to know really what’s going on because they don’t trust any of us, and they have a right not to trust any of us. I suggest that if we do some real simple things which change the way we think about things, perhaps, we can bring that level of trust up. Let me give you an example.

There’s been a big flap in the paper in Valdez for the last three months, there’ve been some hard feelings about a decision that was made to bring in one of ARCO’s ships where the winds were higher than the established rules for normal transits would allow. I have several opinions about that, but where I’m really going with this is had the industry looked at the problem? We all knew the weather was going to get bad, it was probably going to be bad for several days. Had the industry really looked at what could be done to not get into a bind? We don’t have enough tanks in Valdez, we don’t want to move ships in bad weather, we don’t have enough down in Puget Sound, so what can we do? Well, if they really had been thinking about that, they could’ve taken one or two of the ships anchored at Valdez waiting for their portion of oil that wasn’t there yet. When the weather was still good they could have looked into the future and seen that it was going to turn to pretty nasty in a day or so. It would’ve been an easy process not to put the Coast Guard into a situation to violate their own normal rules and bring that ship in and get it loaded. That’s an easy fix; that’s a thought process.

It’s a thought process to say “we think the weather’s going to last for five days and we’re probably not going to move any ships so instead of waiting ’til the fourth day we’ll slow the pipeline down, slow it down a little bit on day one.” The industry certainly could’ve done that. Had that been done, it’s likely that the Coast Guard wouldn’t have been put in the position to hope with their fingers crossed that everything would go right with that ship coming in, ARCO wouldn’t have been put in that position, Stan wouldn’t have had to write some letters, and we wouldn’t have had a big flap. There’re things that we can do right now just by working at it. I suggest that if the industry and the regulators would approach some of the things that way, then the public trust in us would elevate and then we could sit down at a table without the public getting irate that they aren’t there listening to what we’re saying.
R. FINEBERG: Aside from the all the case studies we have developed collectively, there is no question but that secret meetings erode fundamental processes of a public government just by definition. In terms of the quality of decisions that get made, it is crystal clear that in a closed room you are more vulnerable to log rolling and poor decisions. When there are only a few players in the room, it’s easy to say “yeah, this is all you can do right now only because you didn’t build the fourteen other tanks,” or some other things people don’t want to hear. It is crystal clear as a general proposition of public policy that more open is better. Jonathan has said that we are superior to the Shetlands in that regard. From our case studies, it’s very clear we do much better with a more public process. Why would you want to have the decisions take place among a smaller number of people which makes it much more boring for other people because they can’t play? People like Tom, who continue to play when no one is invited into closed meetings, are very rare and we need them. If we want to exclude the public and have complacency, let’s go to closed meetings.

S. STEPHENS: I believe you need to have open meeting laws, that all meetings, if at all possible, should be open. We are advisors to Alyeska, and let’s say that they have an item they want our advice on. They don’t know which way it’s going to go, they don’t want it out in public until they’ve had a chance to ask our advice because it isn’t a decision yet. Where do we go from there? We either have to honor the commitment to give them advice about it and not go public with it, or we can’t give them advice because we have to be open and public. An industry should have some right to make decisions without everyone having to know about it, and the point is where do you draw the line?

J. WILLS: The difference between Shetland and here is that the Shetland Islands Council has executive power. RCAC is an advisor. But the principle I’ve always gone on is there really are only two things that ought to be discussed in private. One is staff matters, which should never be discussed in public, and the other is legitimately confidential commercial matters. Now, sometimes that’s commercial confidence affecting the industry and other times it’s affecting the public. As councilors we’re also trustees of the permanent fund, the charitable trust in Shetland. We have a responsibility to protect that money. If we go to a negotiation with the oil industry as we do now, showing our hand to the oil industry and members of the public before the negotiations finish, then they’re going to know what the backup to our bargaining ploy is. So I found myself in a strange position in supporting private negotiations with the oil industry, which are just starting for the next phase of our deal with them after the end of the
century, and having to say on local radio that I'm not going to tell people what's going on. Actually I don't know what's going on because the deal there is we give our negotiators instructions of the outcome we want, and they report back to us on what they can get.

However, when you get to the science which is carried on by the Shetland oil terminal environmental advisory group, then I really don't see the need for confidentiality at its meetings. It doesn't even publish agendas. It does a lot of good work and all of the industry associations and relevant members of the public are represented on it, but the representatives are expected to observe confidentiality, and their various recent reports on its workings showed up with some serious problems with peer review and respectability of the scientific results obtained. When this was set up, the argument was that chaps were more likely to speak frankly and candidly to other chaps in a closed meeting. That's just the argument the British establishment has always used to cover its tracks.

The ideal would be the regional citizens' advisory council to have the legal powers like the Shetland Islands Council's got, and you've gone halfway to it. Would it be a good idea for the public to own and control and direct the port of Valdez? We'll say the public does it already through the Coast Guard, but with all due respect they're not a local agency. Would you have more accountability if you had that kind of system?

R. LEVINE: From my point it'd be great as long as the public wants to take the liability with it. And that is probably the biggest issue. If the public wants to take all the liability and the responsibility with it, that's fine.

QUESTION: What about nationalizing the pipeline? What about turning it into a public utility? How would people like that idea and would that solve anything?

W. PARKER: I know of no organization which operates with more secrecy and more care to keep the public out of its decision making than the publicly owned Alaska Railroad.

T. LAKOSH: The reason why RCAC should not hold secret meetings is because oil transportation and production is an ultra-hazardous activity in which the public health, safety, and decency is imminently threatened. To withhold any negotiations or information which would allow the public to best protect its interests in a fiduciary relationship established by OPA 90 is criminal, fraudulent concealment.

K. STAHL-JOHNSON: Discussions, when you're dealing with oil spills, are what RCAC's responsibilities are. The fact that this grew out of a lack
of trust and fear, because fear drives lack of trust, the only way you can make the relationship comfortable is if you can get the public on board with the trust issue. RCAC is a group that’s come together dedicated to a specific thing. They have to work intently on their relationship with the oil industry to create a consensus or understanding, agreeing to disagree. That’s a relationship the public doesn’t have, so you always have to work on the perception of independence and openness. In many ways, it’s a matter of discretion and integrity within the organization. It’s a trust-building process with both the public and the RCAC. It’s a level playing field for everyone. That’s the fair play that I think RCAC’s really striving hard to meet for everyone’s interests.

S. STANLEY: I have a hard time describing as a secret meeting going to someone’s office to sit and have a conversation with them to acquire information to better assist in forming a position.

B. HERMAN: I don’t think government has any business conducting its business behind closed doors. To me it’s a very simple issue, but I also don’t think you have to call a public meeting every time you pick up the telephone to find out facts or talk to somebody to do your job. If you did that, government would be at a standstill. However, when you’re in deliberations and in a process where you’re making decisions and answerable to the public, then the public ought to be involved and know what’s going on. Sometimes it slows the work down and some people who come into meetings can be very disruptive so you wish they weren’t there, but so what? We have an obligation to the public, that’s why we’re here.

K. STAHL-JOHNSON: But RCAC’s not public.

S. STANLEY: Thank you.

B. HERMAN: Yes, I mean, I don’t know enough about your situation.

QUESTION: I appreciate Stan’s comments. Those of you in the upper ranks of RCAC might have almost daily communication with industry so where do you draw the line without seeing everything you say on the front page? I think the bottom line is probably in the definition of meetings.

J. WILLS: I’d like to clarify one thing. I wouldn’t like to leave this country with people thinking I’m advocating nationalization; it doesn’t work. What I advocate is small-scale local public enterprise working in partnership with large-scale private enterprise, like we have at the Sullom Voe Terminal. That works.
Oil Spill Prevention Measures Undertaken in the Wake of the Exxon Valdez Oil Spill

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This paper discusses oil spill prevention measures undertaken in the wake of the Exxon Valdez oil spill. The purpose is to give you some update and insight into where we are, relative to where we were in March of 1989, regarding preventing a major oil spill such as we saw with the grounding of the Exxon Valdez. I think you will see that we are much better off now than we were prior to March 1989. Are we where we need to be? We all have our own opinion on this issue. I’m sure if we polled everybody here today, we would have a wide difference of opinion as to how far we’ve come, and where we need to be. Again, my purpose is to update you on where we are now. You will have to draw your own conclusions, and develop your own opinions.

First, I’ll talk about pollution prevention measures that have been mandated by federal law and regulation. Then I would like to discuss prevention measures that have been initiated voluntarily by the oil and product carrier industry here in Alaska.

What better place to start about where we are than to talk about law changes and regulatory mandates that resulted from the Oil Pollution Act of 1990 (OPA 90). OPA 90 was unanimously signed by Congress in the wake of the grounding of the Exxon Valdez, with the hopes of preventing another similar incident. This single piece of legislation had a large and far-reaching impact on the oil transportation industry in the United States, and in essence stated “that things need to change.” This change was a mandate of the people. And change they did. Significant mandates that resulted from OPA 90 include the following:

- Review of alcohol and drug abuse and other matters in issuing licenses, Certificates of Registry, and Merchant Mariner's Documents. Requires merchant mariners to be tested for the use of dangerous drugs. This change also provides discretionary authority
to review the criminal record of each merchant mariner applicant, and requires applicants to make available information in the National Driver Register.

- Term of validities for Certificate of Registry and Merchant Mariners’ Documents were established at five years. Allows for review of records and drug testing at time of renewal.

- Suspension and revocation of licenses, Certificates of Registry, and Merchant Mariners’ Documents for alcohol and drug abuse. Provides for pre-employment, periodic, random, reasonable cause, and post-accident testing. Also allows the United States Coast Guard (USCG) to temporarily suspend and take possession of a license or document under certain circumstances.

- Removal of Master or Individual in Charge. Allows next two most senior licensed officers on a vessel who reasonably believe the master or person in charge is under the influence of alcohol or a dangerous drug, to relieve him/her and temporarily take command.

- Manning and crew standards for foreign tank vessels. Revises the requirements for evaluating manning and crew standards of foreign countries which operate in U.S. waters.

- Vessel Traffic Service systems. Provides for upgrade of VTS Valdez and establishes additional VTS systems around the country. Also allows the USCG to make participation in appropriate VTS mandatory.

- Periodic gauging of plating thickness. Establishes minimum plating thickness standards for tank vessels and requires periodic gauging of vessels over 30 years old.

- Critical area inspection plans. Program established by USCG to monitor Trans Alaska Pipeline Service (TAPS) vessels with history of fractures.

- Overfill devices. Requires devices and standards to warn of tank overfills on oil cargo vessels.

- Tank level or pressure monitoring devices. Requires tank level or pressure monitoring devices be used for leak detection.