

Area Committee Paper

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One of the lessons learned from the 1989 Exxon Valdez oil spill in Prince William Sound in Alaska was that there needed to be a mechanism for enhanced oil spill response planning that included all parties that would be involved in a response. That is to say there needed to be a way that enabled industry along with federal, state and local government to work together in partnership to think about, plan and prepare how best to respond to an oil spill incident. To that end, Section 4202 of the Oil Pollution Act of 1990 (OPA 90) amended Subsection (j) of Section 311 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C. 1321 (j)) to address the development of a National Planning and Response System. As part of this system, Area Committees were established for each area designated by the President. These Area Committees are comprised of qualified personnel from federal, state and local agencies and is a spill preparedness and planning body. Area Committees can and should also include non governmental agencies (NGOs), industry representative, academia and oil spill removal organizations (OSROs).

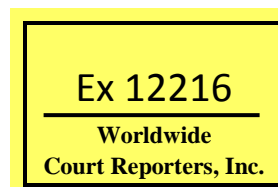
Each Area Committee, under the direction of the Federal On-Scene Coordinator (FOSC) for the area, is responsible for developing an Area Contingency Plan (ACP) which, when implemented in conjunction with the National Oil and Hazardous Substance Pollution Contingency Plan (NCP), shall be adequate to remove a worst case discharge of oil or a hazardous substance, and to mitigate or prevent a substantial threat of such a discharge from a vessel, offshore facility, or onshore facility operation in or near the geographic area.

Each Area Committee is responsible for working with state and local officials to pre-plan for joint response efforts, including appropriate procedures for mechanical recovery, dispersant use, shoreline cleanup methodologies, identification and protection of sensitive environmental areas, and protection, rescue and rehabilitation of fisheries and wildlife. The area committee is required to work with state and local officials to expedited decisions for the use of dispersants, in-situ burning and other mitigation methods.

The NCP describes the Regional Response Team (RRT) as having responsibility to provide guidance to Area Committees, as appropriate, to ensure inter-area consistency and consistency of individual ACP's with Regional Contingency Plans and the NCP.

Discussion

The Area Committees are the beginning, middle and end of oil spill response planning and preparedness for a region. The membership and guests at an Area Committee meeting have the opportunity to meet one another in a non-emergency, non-spill situation



and can get to know each other, learn each other's strengths and learn how best to respond together to any given spill situation. Attendance at Area Committee meetings gives members and members' organizations the opportunity to assist in the development of the ACP and in such have a say in the determination of environmentally sensitive areas, geographic response strategies (booming strategies), mitigation methods and response priorities. Dedicated members from a diverse background that meet on a regular basis are the keys of a successful Area Committee.

The Deepwater Horizon Response mainly affected two USCG sectors: Sector New Orleans; which encompasses Louisiana and a portion of Mississippi and Sector Mobile; which encompasses the eastern portion of Mississippi, Alabama, and Northwest Florida.

Sector New Orleans Area Committee is scheduled to meet annually. However, over the past ten years prior to the DWH they met seven times. The Captain of the Port (COP) for Sector New Orleans chairs the Area Committee meeting. The charter membership, as listed in the ACP, includes: USCG, EPA, USFWS, NOAA SSC, LA DEQ, LA DW&F, LA DEP, LA State Police's Environmental Safety Section, LOSCO, MS Office of Pollution Control, MS Bureau of Marine Resources and MS Emergency Management Agency. The attendance records show that in addition to the charter members there was consistent attendance from MMS, the petroleum industry and the OSRO community. There is no indication that any local government or NGOs were ever present. The most recent version of the ACP for this region is dated August 2009. During the interview process for this report, when local NGO's and local government officials were asked if they were aware of the Area Committee and the ACP process, they stated that they were not aware of this planning body and had never been invited to attend or participate in any way. However, when state and federal officials were asked the same question they thought invitations had been sent to local government officials and that no one from the local governments had ever accepted the invitation and attended.

Meeting minutes from the sector New Orleans Area Committee meetings indicate there were a wide variety of topics covered over time, including: prioritization of environmentally sensitive areas; geographic response plan review; lessons learned from local spill events; environmental sensitivity index updates; review of the One Gulf Plan and the revision of the NCP. There is no mention of any schedule or testing regime for deployment of GRP's (booming strategies)

During the DWH response there was clear indication from those in local government that they were not familiar with how oil spill responses are organized. As seen in the Area Committee meeting minutes. if they had been a regular participant, they would have been much better informed about the process and their presence indeed would have strengthened the planning and preparedness process altogether across the Gulf Coast.

Sector Mobile's Area Committee is scheduled to meet biannually. When asked Sector Mobile was unable to produce Area Committee meeting minutes or meeting attendance records. Drew looking into getting more info here

As mentioned in the Observations section above, the NCP describes the Regional Response Team (RRT) as having responsibility to provide guidance to Area Committees, as appropriate, to ensure inter-area consistency and consistency of individual ACP's with Regional Contingency Plans and the NCP. There is no indication in either Sector New Orleans or Sector Mobile that the RRT was engaged with these planning bodies.

Lessons Learned

The Area Committees in the Gulf have held meetings, but they have not occurred on a regular and consistent schedule. Meetings have been attended by industry, OSROs, federal and state government but not attended by local government or NGOs.. As stated many times by government officials in this response, "all spills are local." No matter what the reason for the lack of local government attendance, this fact had a huge negative effect on the DWH response. Local government did not understand the NCP organized response and did not understand that the decision making for the response needed to come from unified command. On many occasions local government took actions into their own hands and did things like prevented oil containment boom from being allowed to leave their local area, even when it was not needed in their region and was desperately needed in another region.

Recommendations

The highest priority for the region is to grow the Area Committee and socialize the ACP. The committee needs to get a wide variety of partnerships engaged including USCG, EPA, NOAA, MMS (new name), UFWs, State environmental protection agencies, State wildlife and fisheries agencies, local NGOs, academia, OSROs and industry.

The Area Committees need to meet on a regular consistent basis. Meeting just once per year or once every two years in no way does justice to the critical planning and preparedness that needs to take place in an Area Committee. A meeting schedule of a minimum of three times per year should be considered.

Subcommittees should be organized so that specific tasks identified by the Area Committee can be focused on at a more regular interval. Subcommittees can meet numerous times in between regular Area Committee meetings and report to the committee on their accomplishments.

There should be consideration of making the Area Committees a co-chairmanship, with the co-chairs to include USCG and the States. This would help in giving ownership of the committee to the States and would most likely improve commitment to the tasks of the committee.

Consideration should also be given to the creation of an executive steering committee to the Area Committee as is done in numerous other regions around the country. The executive steering committee would include key Federal, State and industry partners and would set the agendas and priorities of the entire Committee.

The lessons learned from the DWH response, including the results of the hundreds of booming strategies should be quickly incorporated into the regions geographic response plans. Also, the prioritization of environmentally sensitive areas should be incorporated into the regions environmental vulnerability indexes. The regions should not miss out on the tactical lessons learned during the response!

Comments

It is recognized that Federal, State and Local governments have very busy schedules and many high priorities to focus on in the course of a year. Planners must find a way for Area Committee attendance and membership to be a high priority for everyone. When asked, some local government and NGO's suggested that an incentive for attendance might be necessary to ensure their ability to attend on a regular consistent basis. This needs to be explored. Should it be a regulatory requirement or would travel and/or time reimbursement be successful in accomplishment of this goal.