

# Mike Doherty

Re: Rulemaking—Chapter 173-187 WAC and repeal of Chapter 317-50 WAC. Formal Comment Period.

My name is Mike Doherty. I am a resident of Port Angeles, Washington. I concur with the comments of those offering testimony during the three on-line public hearing opportunities, who express the need to expand the amount of financial responsibility required for operations in Washington waters and related shoreland facilities, including associated pipelines. The proposed \$300 million amount is inadequate.

For years, in relevant forums, Wash. St. Dept. of Ecology staff have cited a general state policy of "Polluter Pays", and that there is "unlimited liability" to cover the "response costs and damages" of "worst case oil spills". If Washington residents imagine spill volumes of Prince William Sound, the Deepwater Horizon, and other large spills, sloshing around in the Salish Sea, the San Juan Islands, Washington (and Canadian) harbors, clearly the economic, social and environmental damages could be greater than \$300 million. The oiling/re-oiling of resources could be catastrophic, especially if oil cargoes include Alberta tar sands oil, which, in general, sinks, rather than floats. Response, clean-up and damage assessment will be much more challenging for public agencies than ANS crude and product spills.

Since at least the 1960's, the oil majors have used deception and misrepresentation to downplay the possible impacts of large oil spills, methane leaks and other activities of the oil industry, contributing to the well-documented causes of global warming. These large corporations are among the wealthiest businesses in the world. The announced recent annual profits of \$32 billion by a single oil company, along with regularly reported government subsidies of billions to the industry, should be considered by the regulators to justify much higher levels of financial responsibility. I concur with Ms. Akerman, in her testimony in this regard.

If "affordability" remains a concern, Ecology staff should require that covered pipelines, tugs, barges and other facilities subject to this rulemaking, to form pooled insurance organizations similar to the P & I clubs or other proven methods of disaster coverage.

The Dept. of Ecology should also acknowledge that the State of Washington, and most of the developed world, is moving away from fossil fuel economies. This transition will likely result in reduced expenditures by fossil fuel industries in their maintenance and risk management budgets. The justification and support for the recommendation of the Dept. of Ecology, tended to rely on out-of-date studies and unnamed economists. Surely, the State can generate more timely and accountable consulting advice. In recent decades, State agencies, local governments, treaty tribes and business interests (such as Earth Economics) have generated well-documented higher values for the many public and private resources at risk from oil spills.

Thank you for the opportunity to submit testimony into the rulemaking process.

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