

Tim Robertson

I would like to submit the following comments on Oil Spill Prevention and Response regulations for your consideration. I live and work in Seldovia, Alaska and was there when the Exxon Valdez spilled its cargo in 1989. I was part of the response from our community and I saw the consequences first hand. It was something that changed the course of my life, because I witnessed the tragic impacts to the Alaska coast and ocean ecosystem and the socio-economic impacts to the Alaskans that live and work there. I traveled to Juneau and lobbied for the changes in oil spill prevention and response laws that still apply today and I worked with the Department of Environmental Conservation on the workgroup that drafted the regulations, most of which still apply today.

I am not against regulatory review and believe that there are ways to improve how we prevent, prepare for, and respond to oil spills. But I am very much against changes to the regulations for the purpose of reducing the burden on industry if it results in increased risk of impacts to those Alaskans that live, work, recreate, and subsist on the coast and waters. The standards in our laws and regulations have led to the best oil spill prevention and response system in the country and the world. These regulations have been remarkable in their effectiveness over the past 30 years.

The backbone of these laws and regulations are the Response Planning Standards that were developed by the legislature in 1990. They should not be changed. These standards require a company that wants to produce, store, or transport oil to demonstrate that they have the capability to contain and remove any oil spilled in a set amount of time. Other regulatory jurisdictions only require that a company have a certain amount of equipment and personnel. This is an important distinction that must be preserved. A potential spiller must demonstrate through a plan and exercises that they have all the things necessary (equipment, trained personnel, logistics, command, etc.) to rapidly mobilize and effectively contain and remove a spill. Anything less will not protect our environment and public health.

The regulations require the oil discharge prevention and contingency plan holders to demonstrate that they can achieve the response planning standards that apply to their operations through realistic scenarios that show how much equipment they have, where it is, how many responders are available, how they will be mobilized, what tactics will be utilized, how recovered materials will be transported and stored, how impacted wildlife will be treated, how the whole system is controlled, among other things. These scenarios are important and should continue to be required.

The regulations could be improved by changing the requirements for Best Available Technology. The concept behind this part of the regulations is good, but the implementation does not work. Technology has improved over the past 30 years, but not nearly enough of the new improvements are actually being utilized in the response systems in place today. Plan holders should be using the latest innovations in skimmers, containment, remote sensing, and aerial surveillance, but in many cases they are using 30 year old technology because that is all that is required to meet the planning standards. The Best Available Technology regulations should be much more effective in bringing new improvements into our response system.

Thank you for this opportunity to give comments on this important topic.

