



"The mission of the Council is to represent the citizens of Cook Inlet in promoting environmentally safe marine transportation and oil facility operations in Cook Inlet."

October 25, 2019

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**STATE INITIATIVE PUTS ALASKA'S COASTAL COMMUNITIES,
CONSUMERS AT RISK**

By Michael Munger, Executive Director, Cook Inlet Regional Citizens Advisory Council

Thirty years ago, the 1989 *Exxon Valdez* oil spill forever changed our relationship with Alaska's oil production and transportation industries. Devastated by the enormity of the spill, the resulting suffering and long term consequences—many of which we still feel today—Alaskans recognized that we had to work together in order to protect ourselves and our communities. Acting as stewards, citizens worked with regulatory agencies, industry, and resource trustee agencies in good faith to develop regulations that recognized and sought to minimize the inherent risks of transporting oil across state waters.

Working together, we wrote and passed Alaska's spill prevention and response regulations which are, today, widely considered the best in the country, if not the world.

That well-deserved reputation is now under threat. An effort is underway that could strip away Alaska's oil spill safeguards, which have proven so successful for so many years. The State of Alaska has opened for review about 40 sections of regulations, and their governing statutes, that cover numerous aspects of spill prevention and response planning for crude oil terminals, tankers, oil and gas exploration and production facilities, and pipelines. In announcing the review, the commissioner of the Alaska Department of Environmental Conservation stated: "I've heard from many Alaskans that contingency plans are unnecessarily burdensome while lacking corresponding environmental benefits."

The goal of the State's review is simple: to make our regulations less burdensome to industry. The message the State is sending to Alaskans is clear: the long-term health of Alaska's coastal communities is secondary to the oil industry's bottom line. This course of action should alarm us all.

Weakening or eliminating oil spill prevention and response requirements to ease a perceived "burden" on industry effectively transfers the risks of transporting oil onto the backs of communities, fishermen, subsistence users and citizens who depend on clean coastal waters. A great many people worked hard to establish a level of protection from oil spills which was nonexistent before March 24, 1989. Clearly, we have to marshal our

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forces again. To say now, after 30 years, the regulations are suddenly too burdensome is frustrating and warrants a strong response.

Halting this initiative requires a concerted effort from all of us. Please join CIRCAC in sending a forceful message that Alaskans are not interested in weakening the well-crafted oil spill protections put in place since the *Exxon Valdez*. Alaskans are proud of our reputation as world leaders in oil spill prevention and response. We refuse to revert to the complacency of the past. Call your legislators, talk to your community's mayors, assembly and council members, your friends and neighbors, and ask them to oppose changes to Alaska's oil spill oversight laws and regulations.

The deadline to comment is January 15, 2020. To submit comments to the Alaska Department of Environmental Conservation, click on <http://alaskadec.commentinput.com/?id=fdLgJY2gM>

About the Cook Inlet Regional Citizens Advisory Council:

After the *Exxon Valdez* oil spill, Congress enacted the Oil Pollution Act of 1990 that included, among other things, citizen councils for both Cook Inlet and Prince William Sound. Congress found that complacency on the part of industry and regulators played a role in the spill and one way to combat this complacency was to involve the public, those with the most to lose in the event of a large spill, in decisions that impact the safe transportation of oil. The Cook Inlet Regional Citizens Advisory Council has been carrying out the vision of Congress for nearly 30 years in representing citizens to promote environmentally safe crude oil transportation and production in Cook Inlet.



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Is effective oil spill prevention too burdensome?

The Alaska Department of Environmental Conservation (ADEC) contends oil spill prevention laws "*are unnecessarily burdensome while lacking corresponding environmental benefits.*" (Commissioner Jason Brune, Oct. 15, 2019)

We don't think so.



Photo: EVOS Trustee Council

Alaska's laws are based on lessons from the *Exxon Valdez* oil spill.

When the tanker *Exxon Valdez* hit Blight Reef in 1989, more than 11 million gallons of oil poured into Prince William Sound. Many factors - the timing of the spill, the remote location, the rugged shoreline, the abundance of wildlife in the region, and ocean currents that transported oil along thousands of miles of coastline - all combined to make it an environmental disaster beyond the scope of other spills worldwide.

This *must not* happen again and Cook Inlet Regional Citizens Advisory Council (CIRCAC) opposes any attempts to roll back the oil spill prevention and response laws that have effectively kept oil out of our waters and off our beaches for more than 30 years.

Public Scoping

ADEC has opened the entirety of Alaska's protective oil spill prevention and response regulations and statutes to public review and comment with the intent of making them less burdensome to industry and to show that Alaska is "open for business."

But at what cost to other businesses?

- *Clean water is good for business.*
- *Healthy and abundant fish is good for business.*
- *Safe oil transportation is good for business.*
- *Strong and protective oil spill prevention and response contingency plans are good for business.*

Opening up our regulations to potential broad wholesale revisions risks unraveling and dismantling the protective system of oil spill prevention and response that we have built.

ADEC claims it doesn't want to weaken protections. Let's hold them to it.

Make Our Voices Count

For this Public Scoping phase, ADEC is accepting comments until March 16, 2020. To submit comments online:

<http://alaskadec.commentinput.com>

Or, you may mail comments to:

Seth Robinson
Alaska Department of Environmental Conservation
Division of Spill Prevention & Response
Prevention, Preparedness, & Response Program
610 University Avenue
Fairbanks, AK 99709
dec.cpr@alaska.gov

CIRCAC is preparing a comprehensive review of the regulations. Sign up to stay informed.

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Coastal Communities

Public input needed to safeguard state protections: Alaska's oil spill prevention and response standards at risk

Background:

Alaska Department of Environmental Conservation (ADEC) recently opened a public scoping process to solicit comments and input from stakeholders, the public, and industry on the oil discharge prevention and contingency plan regulations (18 AAC 75, Article 4) and statutes relevant to contingency planning (AS 46.04).¹

A contingency plan (c-plan) is a document that contains all the details about preventing and responding to emergencies. C-plans demonstrate that enough equipment and personnel are available to respond in case of an oil spill. Owners and operators of facilities or tank vessels are required to submit their c-plans to ADEC prior to starting operation and for regular review. Regulators review the c-plan, and if it meets applicable statutes (laws) and regulations, the plan gets approved. It is in the contingency planning documents – and only in these documents – that industry demonstrates to the State and the public that planning and resources are available to prevent and respond to oil spills.

Preventing an oil spill from occurring in the first place is the most effective strategy to protecting human health and the environment. If an oil spill occurs, however, it is necessary that a systematic and well-organized approach to contain, control, and clean up be planned ahead of time so it can be implemented quickly. C-plans serve as a contract from industry to the State, acting as an insurance policy to the citizens that their interests are being protected in both spill prevention and response preparedness.

The world-class oil spill prevention and response system for the Valdez Marine Terminal and associated tankers is a direct result of post-Exxon Valdez spill laws and regulations designed to protect Alaskans and our environment, as well as commercial and sport fishing, aquaculture, recreation, tourism, subsistence, and cultural interests.² The 1990 Alaska Oil Spill Commission Report, which assessed the causes of the Exxon Valdez oil spill, states, "The notion that safety can be ensured in the shipping industry through self-regulation has proved false and should be abandoned as a premise for policy. Alert regulatory agencies, subject to continuous public oversight, are needed to enforce laws governing the safe shipment of oil."³ Industry has shown they have been able to meet or exceed current regulatory requirements, and has demonstrated a commitment to the environment through safer operations, while operating profitably for the last 30 years.

Prince William Sound Regional Citizens' Advisory Council (PWSRCAC) has concerns that the current review and reform is an effort to roll back regulations in order to cut costs for the oil industry, effectively

¹ <https://aws.state.ak.us/OnlinePublicNotices/Notices/View.aspx?id=195806>

² <http://bit.ly/LegislativeIntent>

³ <http://www.evostc.state.ak.us/index.cfm?FA=facts.details>

shifting the burden from oil industry to the people, fish, wildlife, environment, and to the many industries, as well as cultural practices, which rely on them. A concern voiced by ADEC is that the regulations governing c-plans are long, making compliance burdensome.⁴ However, the length of the regulations is to provide details for the wide variety of operations, including crude tankers, non-crude tankers and barges, crude oil terminals, non-crude terminals, oil and gas exploration facilities, production facilities, pipelines, and railroad tank cars. Many of the details in c-plan regulations were adopted over time to provide guidance and predictability to industry. There is no “one size fits all” plan; each plan is only as long as it needs to be to include enough details on how prevention and response actions are to be carried out so that there is no ambiguity. The message the State is currently sending to Alaskans is clear: the long-term health of Alaska's coastal communities is secondary to the oil industry's bottom line.

Public input is needed to strongly oppose any legislative or regulatory changes that would erode oil spill prevention and response standards, increase the risk of a catastrophic spill, or demonstrate a return of the complacency on the part of the oil industry and regulators that Congress determined to be a primary cause of the Exxon Valdez oil spill.

We encourage you to make public comment in support of strong regulations that protect our pristine environment, coastal attractions, unique wildlife, and healthy fish populations from oil pollution.

Please review the extensive resources available at
<http://www.pwsrcac.org/regulatoryreform/>
for further details on contingency plans
and the current public scoping process.

How this Impacts Our Communities:

PWSRCAC is concerned about the impact reduced regulations could have on the small, complex communities we represent in our region, including Prince William Sound, Cook Inlet, and Kodiak Island. We have compiled the following notes to assist individuals and entities in crafting comments for ADEC that address these particular concerns.

C-plans are the primary document which guarantee that prevention efforts are robust and aligned with best available technology. Preventing spills is the best way to avoid detrimental impacts on communities. A detailed c-plan guides effective and timely response to mitigate environmental impacts. Prevention is key. Response efforts have huge impacts on local towns and villages. The Exxon Valdez oil spill (EVOS) was a powerful disruptor of small-town life, with impacts to Cordova being particularly well studied.

⁴ <https://vimeo.com/325737727>

Economic impacts

A large spill, and the response effort, throw local communities into economic chaos. Some might make money working response (“spillionaires”); others lose out on income from fishing or other industries impacted by the spill. Bankruptcies and foreclosures increase. Local businesses may boom if they can keep up with demand of the response or lose out if their services aren’t needed. Employees take off for higher paying response jobs. An influx of transient workers looking for work strains local resources and law enforcement. In Valdez after EVOS, one of the local churches had spill responders sleeping in shifts on the bare ground at their facility. Others slept in the temporary tent cities that popped up.

With spill clean-up taking priority, disruptions to transportation infrastructure such as marine ferries and airports, supply chains, and other logistics occur.

Mental health and family well-being

After EVOS, local friction and controversy ate at the social fabric of small town life.⁵ Rates of alcoholism, drug use, divorce, and suicide increased with the spill. Family life was stressed, for example if parents went to work the spill and children were left to care for themselves or spend extended time at relatives’ or friends’ houses. Child care (or lack of) is a topic that many EVOS responders mention as they discuss the personal side of the spill. <http://childrenofthespills.org/> is a website that documents stories of individuals who were children during EVOS and the Deepwater Horizon BP spill (DH).

Similar to veterans, many responders who worked the EVOS response have stories and memories that have forever stuck with them in a traumatic way.

Community cohesiveness and cultural identity

EVOS brought many conflicting emotions and decisions with which communities struggled. “Is working spill response ‘selling out’? When will payment from lawsuits come, if ever? Do I need to move because I can’t fish anymore? What will happen to the whales? Will life ever feel normal again?”

The unrest, logistical challenges, social and emotional pressures, and fears of the unknown can cause pervasive and lasting impacts on a community. These impacts cannot be discounted when regulations are up for reform. The public must ask, what is the trade-off for reducing “burden” on the oil industry?

Physical health and long-term impacts

Of the 1,747 research papers published by BP-funded research post-DH, just 32, or 3%, focused on human health effects. Just 1% of peer-reviewed papers on oil spills prior to the BP incident dealt with health issues.⁶ Many anecdotal and personal stories from folks who were connected with EVOS and DH suggest that exposure to crude oil has unexpected, pervasive, and lifelong impacts to human health.⁷ Although the cause and effect of each person’s experience is hard to substantiate, the perception is real and has its own impact on communities.

⁵ <http://www.pwsrcc.org/programs/oil-spill-prevention/coping-with-technological-disasters/>

⁶ <https://agupubs.onlinelibrary.wiley.com/doi/full/10.1029/2019GH000217>

⁷ <https://www.amazon.com/Sound-Truth-Corporate-Myth-Legacy/dp/0964522667>