



National Commission on the  
BP DEEPWATER HORIZON OIL SPILL  
AND OFFSHORE DRILLING

# **STAFF PRESENTATION TO THE COMMISSION: OIL SPILL RESPONSE**

December 2, 2010



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# SCALE OF THE RESPONSE

## The Spill:

- 4.1 million barrels of oil released into the Gulf (current government estimate)
- 87 days of oil flowing
- Oiling of coastline continues to the present



Admiral Allen meets with Garret Graves, Chairman of the State of Louisiana Office of Coastal Protection and Restoration, and Plaquemines Parish President Billy Nungesser. Source: U.S. Coast Guard.



Responders conduct controlled burns during favorable weather. Source: U.S. Coast Guard.

## The Response:

- Over 45,000 people responding
- Over 6,000 vessels involved
- Over 88,000 sq. miles closed to fishing
- Over 10 million feet of boom deployed
- Over 1 million gallons of dispersants applied



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## ISSUES CONSIDERED

- Industry and Government Preparedness
  - Adequacy of Plans for a Spill of National Significance
  - State and Local Involvement
- State of Response Technology
  - Dispersants
  - Research and Development since *Exxon Valdez*



Oil in the Gulf. Source: U.S. Coast Guard.



Coast Guard responders collect a skimming system from a vessel of opportunity. Source: U.S. Coast Guard.



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# SPILLS OF NATIONAL SIGNIFICANCE

## STAFF FINDINGS

As the largest accidental oil spill in history, the Deepwater Horizon spill challenged the response capability of both government and industry.

- It tested the ability of BP and its oil spill removal contractors to live up to their response plans. Though BP said its contractors could collect 500,000 barrels a day, that proved far too optimistic.
- It tested the government's communications framework.
- It tested the government's expertise. Specialized incident-specific groups, such as Secretary of Energy Steven Chu's science team and the Interagency Solutions Group, arose to fill needs not anticipated by the National Contingency Plan structure.
- It called into question whether the National Contingency Plan establishes an appropriate role for the responsible party (here, BP) during major spills.



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# SPILLS OF NATIONAL SIGNIFICANCE

## PROPOSED RECOMMENDATIONS FROM STAFF

The **National Contingency Plan** was not up to the challenge of a major spill.

- *Oversight*: Strengthen government oversight of the responsible party, based on the Plan's requirement that the government "direct" the response where a spill poses a substantial threat to public health or welfare.
- *Expertise*: Augment the National Response Team and Regional Response Team structures to establish additional frameworks for providing interagency scientific and policy-making expertise during a spill. Develop procedures to facilitate review and input from the scientific community.
- *Communications*: Create: (i) a communications protocol that accounts for participation by high-level officials who may be less familiar with the National Contingency Plan; and (ii) a communications center within the National Incident Command to facilitate the provision of consistent and complete information.

**Industry plans** were also not up to the task. Require inter-agency review of operators' spill response plans to ensure plans are realistic and supported by adequate expertise and equipment (as discussed in previously presented recommendations).



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# STATE AND LOCAL INVOLVEMENT

## STAFF FINDINGS

Prior to the Deepwater Horizon spill, state and local political officials:

- Were inadequately involved in oil spill contingency planning under the National Contingency Plan, though state career oil spill responders had participated extensively in such planning.
- Were far more familiar with hurricane response under the Stafford Act.

As a result, state and local political officials had incorrect expectations about their roles during the spill response.



Governor Jindal with Plaquemines Parish President Billy Nungesser and CNN's Anderson Cooper. Source: Louisiana Governor's Office of Homeland Security and Emergency Preparedness.



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## **STATE AND LOCAL INVOLVEMENT**

### **PROPOSED RECOMMENDATIONS FROM STAFF**

Change regulations or issue guidance to increase state and local involvement in spill contingency planning and training.

- Incorporate local officials from areas at high risk for spills into training exercises.
- Establish liaisons between the Unified Command and affected local governments at the outset of a spill response.
- Add a Local On-Scene Coordinator position to the Unified Command structure.
- Provide additional clarification and guidance on the differences between emergency response under the Stafford Act and under the National Contingency Plan.



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## DISPERSANT USE STAFF FINDINGS

- The federal government had not adequately planned for the use of dispersants to address a large and sustained oil spill, and adequate research on dispersants did not exist.
- Officials were forced to make decisions about dispersant use without important information or the time to gather such information.
- Under the circumstances, the National Incident Commander, Federal On-Scene Coordinators, and EPA Administrator made reasonable decisions regarding the use of dispersants at the surface and subsea.



Aerial application of dispersants. Source: U.S. Coast Guard.



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# DISPERSANT USE

## PROPOSED RECOMMENDATIONS FROM STAFF

- EPA should update the dispersant testing protocols required by the National Contingency Plan to mandate more comprehensive testing prior to product listing or pre-approval.
- EPA and Coast Guard should modify pre-approvals for dispersant use to establish procedures for further consultation based on the temporal duration, spatial reach, and/or volume of the spill and of the dispersants sought to be applied.
- EPA and NOAA should conduct and encourage further research on dispersants, including on the impacts of high-volume and subsea use, the long-term fate and effects of dispersants and dispersed oil, and the development of less toxic dispersants.



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# RESPONSE TECHNOLOGY

## STAFF FINDINGS

- Major oil companies have committed minimal resources to in-house R&D related to oil spill response technology.
- Oil Spill Removal Organizations (OSROs) are underfunded in general and dedicate few, if any, resources to R&D.
- Federal programs for R&D related to oil spill response are underfunded. Congress has never appropriated even half of the full amount authorized by the Oil Pollution Act of 1990 for oil spill research.



A vessel of opportunity skims the Gulf. Source: U.S. Coast Guard.



# RESPONSE TECHNOLOGY

## PROPOSED RECOMMENDATIONS FROM STAFF

### Incentives

- The most powerful incentive may be stronger response plan requirements.
- Agencies should revise regulations to encourage the development of more efficient oil recovery equipment.
  - Examples are the Coast Guard/MMS Effective Daily Recovery Capacity regulations, EPA's permitting process for open-water testing, and EPA oiled-water discharge regulations.
- Congress and the Administration should encourage investment in response technology.
  - Examples include public-private partnerships and an R&D tax credit.

### Investment

- Congress should increase federal funding for spill response research, potentially by revising the Oil Pollution Act to make the oil spill research funding authorized in the Act a mandatory appropriation.