

Testimony of

Prince William Sound Regional Citizens' Advisory Council

August 12, 2005

**Fisheries and Coast Guard Subcommittee,
Senate Commerce Committee Field Hearing
“Are Washington State’s Waterways at Risk from Future Oil Spills?”**

Introduction

Thank you for the opportunity to provide written testimony for the Field Hearing held in Seattle on August 1, 2005.

The Prince William Sound Regional Citizens' Advisory Council (PWSRCAC) is an independent non-profit corporation whose mission is to promote environmentally safe operation of the Valdez Marine Terminal and associated tankers. Our work is guided by the Oil Pollution Act of 1990 (OPA90) and our contract with Alyeska Pipeline Service Company. In language introduced by then-Senator Frank Murkowski, OPA90 designates citizens’ advisory councils in Prince William Sound and Cook Inlet, Alaska, as “Demonstration Programs.” We believe that designation implies that, if successful, the Alaska councils could be replicated in other areas; however, that has never been done with the exception of the recent creation of a citizens’ council by the Washington State Legislature. While Washington’s council is similar to the Alaska councils in some respects, there are some significant differences such as the level of funding and the perceived independence of the councils. Therefore, we recommend that Congress replicate the OPA90 councils in other areas of the country.

Our core principle is that citizens must have a direct voice in ensuring the safety of oil transportation. Citizens have the most to lose when the system fails as it did in 1989 in Prince William Sound, and as it did last year and again earlier this year in Puget Sound. As memories of the Exxon spill fade, we provide the constant vigilance necessary to prevent a resurgence of the complacency that Congress identified in OPA90 as one of the spill’s causes.

PWSRCAC's 18 member organizations are communities in the region affected by the 1989 Exxon Valdez oil spill, as well as commercial fishing, aquaculture, Native, recreation, tourism and environmental groups.

As we describe our group, we'd like to address a common misconception about us: That we are an environmental organization. That's not accurate. We are not an environmental organization, at least not in the sense of Greenpeace and the Sierra Club.

Our board has 19 seats, only one of which is held by a traditional environmental organization. The others seats include:

- two representatives for Alaska's tourism industry
- various cities, boroughs and unincorporated villages
- Alaska Native tribes
- Native-owned for-profit business corporations, and
- commercial fishing organizations

In fact, one of our member organizations is the Alaska State Chamber of Commerce, which participates in PWSRCAC because of the damage suffered by the tourism industry in the *Exxon Valdez* spill. Indeed, the motives of most of these organizations for participating in PWSRCAC are not primarily environmental in character. Rather, those motives are economic and social, a reflection of the enormous damage that a catastrophic oil spill inflicts on the economy, people, and communities of the affected area.

Principles of Citizen Oversight

Over our sixteen-plus years of existence, we've learned a lot about how to be effective in promoting safer oil transportation. The oversight we provide, like that adopted in the Washington legislation, is not regulatory in nature. It is purely advisory, buttressed by the scientific and technical research we commission. Following are some key points for effective citizen oversight:

Point One: Avoid confrontation. Instead, work towards partnership.

We've teamed up with many companies and agencies on many projects to improve safety in Prince William Sound. Our world-class tanker escort system is one example of industry, citizens and regulators working together to achieve success. The iceberg-detection radar system now operating near the site of the *Exxon Valdez* grounding is another.

But a meeting that took place recently in our Anchorage office is perhaps the most telling example of how we've learned to work closely with companies that many people would assume to be our natural adversaries.

At that meeting, our staff sat down with Houston-based officials of a major oil company to plan a large-scale spill drill that will take place this fall in Prince William Sound. That oil company is giving our council a major role in the drill, perhaps a bigger and more tightly integrated role than we've had in any other company's drills.

And the name of that oil company? Exxon Mobil. That's correct. The Prince William Sound Regional Citizens' Advisory Council is now working hand-in-hand with the company responsible for North America's largest oil spill to make sure nothing like it happens again.

We believe that if citizens' councils are created in other areas of the country, they would be able to provide regulators, industry and the public the same kind of advice, information and support to promote the best prevention measures for their waters and that they could operate in a collaborative, non-adversarial, non-regulatory fashion that would be of great value to all stakeholders.

Point Two: Information is the most valuable thing we can provide.

We spend hundreds of thousands of dollars each year on scientific research and technical analysis to formulate and support the positions we take in our advice to industry and regulators. It's all very well to appear at a public hearing and say, "We think the Sound should be protected." But we've learned that, to make a real difference, we must produce credible technical information on why a given protective measure is needed, and why the option we favor is better than the alternatives. This kind of scientific analysis is very expensive, so much so that we sometimes provide regulators with research they could not have commissioned on their own. That is why adequate funding is essential if a citizen oversight group is to make a meaningful contribution to preventing oil spills, and to ensuring a fast, effective response if prevention fails.

Point Three: Independence is vital.

We operate in a highly charged atmosphere where investments of hundreds of millions of dollars ride on regulatory decisions. The industries involved have ready access to agency personnel and elected officials. We are under constant pressure to bend our

views and advice to the prevailing political and regulatory winds. We are able to set our own course only because of our independence.

That independence rests on two main pillars. One is the fact that our member entities choose their own representatives to our board.

The other pillar is guaranteed funding. In our case, it comes from a contract with Alyeska Pipeline Service Company that will stay in effect as long as the trans-Alaska pipeline has oil in it. In this, we are different from regulatory agencies. Their budgets may be at risk because of cost-cutting by the government as a whole, or because the political winds, temporarily at least, blow against vigorous oversight.

Point Four: Judge us by our effectiveness

Since 1989, nothing remotely resembling the catastrophe of the *Exxon Valdez* has happened in Prince William Sound. Industry and regulators deserve much credit for this safety record, of course, but so does the PWSRCAC, as attested by the numerous kudos we've received from the industry and regulatory agencies we work with. The clearest example: We've twice received the Legacy Award from the British Columbia-Pacific States Oil Spill Task Force.

What have we done to deserve the recognition we've received? Here's a partial list:

- We helped perfect the contingency plans that govern spill prevention and response in the Valdez trade.
- We've introduced and helped develop Geographic Response Strategies, similar to the Geographic Response Plans used in Washington state.
- We were instrumental in securing double-hull requirements in federal law, and in creating the world-class fleet of escort tugs serving Prince William Sound.
- We spearheaded and largely financed the project to obtain ice-detection radar for Prince William Sound.
- We conducted extensive research and published a comprehensive community guidebook on dealing with the socioeconomic impacts of oil spills.
- We developed and promoted nearshore response plans.

- We have conducted extensive research into the causes of and cures for the problem of invasive species reaching Alaska in tanker ballast water.
- We have established procedures and relationships to provide us with clear access to industry and regulators.
- We have assisted in developing and training a fleet of fishing vessels for oil-spill response.
- We have a permanent drill monitor on staff to oversee drills and recommend ways to improve response readiness.
- We are a source of peer reviews for technical reports utilized by regulatory agencies.

Our final point in this list of lessons we've learned and things we've accomplished in Alaska has to do with the importance of longevity and continuity. Citizens stay in place and maintain vigilance as regulators and industry personnel come and go. The companies and agencies that we work with now include very few people who were around at the time of the *Exxon Valdez* spill. By contrast, virtually everyone on our board and our staff was in Alaska in 1989, and many were actually involved in some way with the spill or its aftermath. Consequently, it now often falls to PWSRCAC to provide the institutional memory needed to make sure the lessons of the *Exxon Valdez* figure into today's decisions.

Conclusion

In closing, we would like to revisit history one final time. We had calls for a citizens' council in Prince William Sound long before 1989, but it took the *Exxon Valdez* to make it happen. Other areas of the country are now in somewhat the same position we were back then. We just hope that they are luckier and wiser than we were, and that it won't take a disaster to bring about citizen oversight in preventing oil spills.