

Overview of Changes to Oil Dispersant Guidelines for Alaska

In order to help stakeholders understand dispersant use issues, the Prince William Sound Regional Citizens' Advisory Council (PWSRCAC) has reviewed the draft Oil Dispersant Authorization Plan ("plan") and developed this summary to support member organization participation at the ARRT's public meetings. The proposed plan will replace the current Oil Dispersant Guidelines for Alaska.

1. Changes to preauthorization boundaries and terminology

The proposed Oil Dispersant Authorization Plan changes the boundaries where dispersant use is preauthorized (authorized before an oil spill happens).

Currently, Alaska is divided into three dispersant use zones:

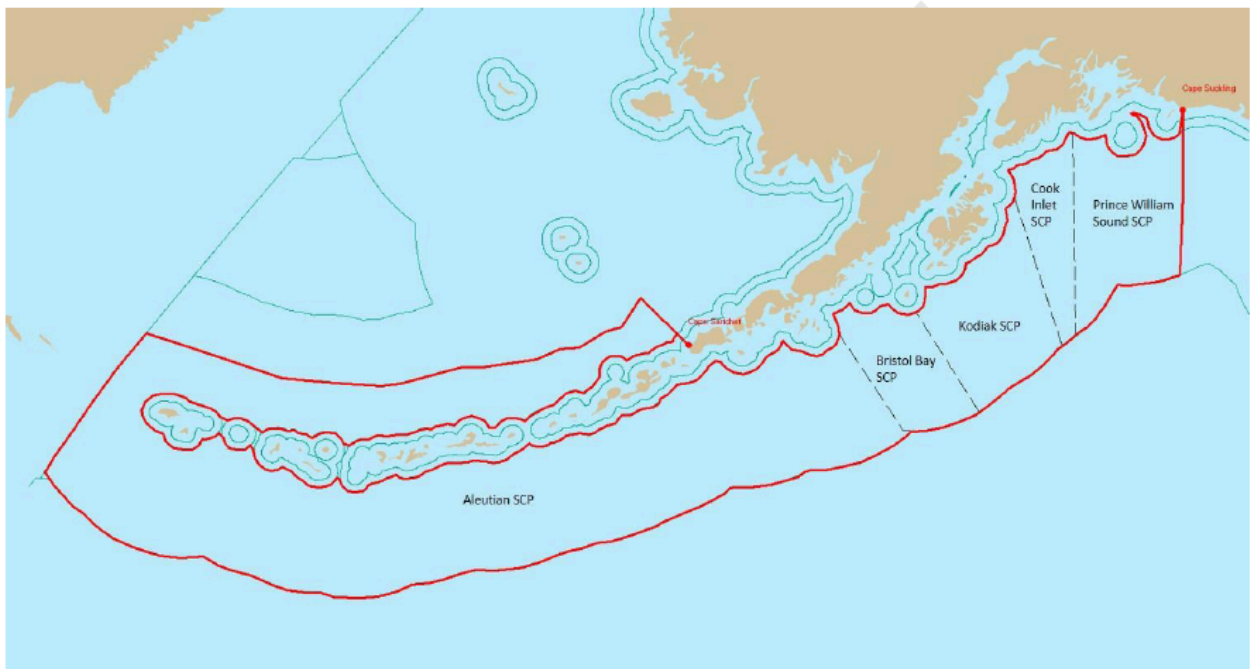
- Zone 1: dispersant use is generally considered "acceptable;"
- Zone 2: dispersant use is "conditional" in order to protect sensitive wildlife and other resources; and
- Zone 3: dispersant use is "not recommended," although a case-by-case review could be used to override this.

The new plan uses slightly different terminology:

- "Preauthorization Areas" where the Federal On-Scene Coordinator (the FOSC is the federal lead and decision-maker from the U.S. Coast Guard) can authorize dispersant use without additional review or input;
- "Undesignated Areas" where dispersant use would require case-by-case consideration by a group of government agencies; and
- "Dispersant Use Avoidance Areas" where dispersant use is generally discouraged, but where approval could still be granted based on a case-by-case consideration or under certain special circumstances (e.g. risk to human health).

The Preauthorization Area proposed in the new plan includes the area shown in Figure 1 (next page). Other federal and state agencies must approve this Preauthorization Area during this review process. Once the preauthorization is approved, the U.S. Coast Guard, as the FOSC, can make independent decisions about when dispersants can be used during an oil spill.

Figure 1: Preauthorization areas: closest to shore is state boundaries (in blue). For additional information on this diagram, see page F-9 of the draft plan: www.bit.ly/DraftDispersantsPlanARRT



The proposed plan provides a process for changing which locations are preauthorized for dispersant use. This process for changing preauthorization relies on existing Subarea Committees to review the Preauthorization Areas and make recommendations for any changes within the first 2 years after the Guidelines are finalized. Figure 1 above denotes the boundaries of the Subareas.

2. Limits to Preauthorization

There are some limitations placed on Preauthorization Areas. These are essentially special or extenuating circumstances under which dispersant use would be subject to case-by-case review. The special conditions include:

- When dispersant operations have been going on for more than 96 hours;
- Any time subsea (underwater) dispersants would be used;
- During times when certain types of monitoring are not operationally feasible; and
- Outside of daylight hours.

3. Establishment of Dispersant Use Policies and Decision-making Criteria

The draft Oil Dispersant Authorization Plan includes a number of statements about dispersant use policy. The plan states that dispersants are an alternative technology and that mechanical recovery (use of equipment to remove oil from the water) is the preferred option. However, the plan allows the lead agencies

to approve dispersant use for time sensitive reasons and without other agencies' approval under certain circumstances. Therefore, it is important that the framework established in this plan provide clear, unambiguous parameters.

The draft plan presents several criteria that help the lead agencies make decisions about using dispersants in marine waters:

- Criteria such as water depth, distance from shore, wind and currents, salinity, temperature, available response equipment, shoreline variations, sensitive habitats, sensitive species, historic properties, human use, and public and private facilities.
- The criteria identified are a mix of limits that can be measured and other subjective information. For example, 10 fathoms (60 feet) is identified as the minimum water depth, while the distance from shore specifies only that “an adequate buffer” be established. Temperature is discussed, but not there are no requirements for temperature to be measured.
- Decision-makers are instructed to consider whether using dispersants may “adversely impact” sensitive species, culturally or historically important properties, human use, or other special uses.
- Other specific conditions are established to limit dispersant use, such as minimum water depth (60 feet) and a minimum distance from swarming fish (1640 feet).
- Some general parameters are also established, such as the requirement that a test application be conducted on a “representative portion” of the oil slick to demonstrate potential effectiveness.

4. Stakeholder Input Process Changes

The authorization process includes a role for “appropriate stakeholder groups.” The plan does not specify how these groups will be identified. However, the process for consultation with stakeholders and other agencies is improved compared to the current Oil Dispersant Guidelines for Alaska.

- Stakeholder involvement in dispersant use decision-making appears to be primarily informational.
- Stakeholder groups do not have a decision-making role in the proposed plan and in Preauthorization Areas, and
- Stakeholder groups may not be informed of dispersant use until after the fact.

5. Federal On-Scene Coordinator (FOSC) Autonomy

The draft guidelines provide the FOSC (the U.S. Coast Guard as the lead) with broad authority to make dispersant use decisions.

- In areas where preauthorization is approved, the FOSC can make unilateral decisions to allow dispersant use without any input.

- For “Undesignated Areas,” the FOSC is required to notify other state and federal agencies that act as natural resource trustees only “as appropriate” and “when practicable.”
- Stakeholder groups, tribes, and local governments have no role at all in this decision-making. If the spill is outside state waters (three miles from the shoreline), the state does not appear to have any role.
- The FOSC has expanded authority to authorize dispersant use without obtaining agreement from the Environmental Protection Agency, the state, or other trustee agencies “when, in the judgment of the FOSC, the use of the product is necessary to prevent or substantially reduce a hazard to human life.”

6. After-Action Reporting

The proposed plan requires the FOSC to complete a report after any dispersant application providing specific information.

- The after-action reports will be publicly available when completed, but there does not appear to be any mechanism for local or stakeholder input or review.

Summary

Dispersants can impact the health of marine resources that stakeholders depend on for their food, culture, and livelihoods. The proposed plan will set the stage for how local communities and stakeholders can influence how dispersants are used in a way that is consistent with local priorities and concerns. PWSRCAC encourages member organizations to attend the public meetings and provide feedback.

Links:

Draft Plan proposed by ARRT: www.bit.ly/DraftDispersantsPlanARRT

Current guidelines: www.bit.ly/AnnexFofCurrentGuidelines