



Fishing & Aquaculture

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 shifting the burden from oil industry to the people, fish, wildlife, environment, and to the many

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>

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 will continue to protect coastal and marine habitat 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 the Fishing and Aquaculture Industries:

PWSRCAC is concerned about the impact reduced regulations could have on the fishing industry, aquaculture, recreational fishing, subsistence fishing, and Alaska seafood marketing. We have compiled the following notes to assist individuals and entities in crafting comments for ADEC that address these particular concerns.

Risk to fish:

The Exxon Valdez and Deepwater Horizon oil spills both resulted in widespread fishery closures. Impacts of oil in the ecosystem disrupted some fisheries long term. The herring industry in Prince William Sound never recovered, which some say is a direct result of the 1989 spill.⁵ A report from Sea Grant details some of the ways fish and marine ecosystems are disrupted by oil: <http://masgc.org/oilscience/oil-spill-science-fish-impacts.pdf>

A reduction in oil spill response equipment and trained personnel could impact the timing of a response to contain, control, and clean up an oil spill. The earlier you respond to a spill, the more likely the response will mitigate environmental impacts.

⁴ <https://vimeo.com/325737727>

⁵ <http://www.evostc.state.ak.us/index.cfm?FA=status.herring>

A reduction in response equipment and trained personnel could weaken oil spill response protection of Environmentally Sensitive Areas (ESAs) such as sensitive fish rearing habitat, salmon streams, and hatcheries. ESAs typically have special protections listed in c-plans⁶ and are a cost-saving target for industry reductions when they submit updates to c-plans for regulatory review.

Food safety:

Oil in the water makes fish unmarketable. Public perception means that an oil spill anywhere in Alaska could have statewide impact on fish marketability. The State of Alaska will shut down sales of seafood in areas that have experienced a spill to proactively protect our markets.

After the Deepwater Horizon spill, “the seafood industry was particularly impacted by perceptions: for example, over half of people surveyed thought that Louisiana oysters were unsafe to eat although evidence demonstrated otherwise.”⁷ One study showed that concern about seafood consumption jumped from 17% to 79%.⁸ Self-reported consumption of local seafood decreased significantly (50%) during the Deepwater Horizon oil spill. As of 2016, negative seafood quality perceptions remained.⁹

Many Alaskans hunt and fish. An oil spill not only disrupts the commercial aspects of these activities, but also impacts sport and subsistence hunting and fishing activities.

Long-term impacts of oil spills to fish:

Oil that lingers in the environment can have toxic effects on commercial fish species at much lower levels than previously thought, as low as 10 parts per billion. A PWSRCAC-sponsored study looked at the effects of very low levels of crude oil exposure on the embryos of Pacific herring and pink salmon. Exposed fish developed heart and spine defects that reduced swimming ability and reduced survival. Learn more and see the full report: www.bit.ly/HydrocarbonToxicity

In another study, some of the same scientists also looked at the effects of small amounts of crude oil on Arctic cod. Exposed embryos developed jaw, heart, and metabolism defects, resulting in higher mortality during their first winter. Learn more: <https://alaska-native-news.com/44757-2/44757/>

Protect SERVS and our world-class spill response system:

Oil shippers are required by state law to meet a standard of preparedness to respond to an oil spill. This standard drives the response equipment, exercises and trainings, and reliance on locally contracted vessels and “fishing vessel program” in Prince William Sound.

Alaska state statute further mandates that all shippers moving oil through Prince William Sound form a common spill response organization, which is called Ship Escort/Response Vessel System (SERVS). SERVS performs both oil spill prevention, i.e. tug escorts of laden tankers, and the oil spill response system. With large stockpiles of equipment, annual trainings involving 400+ locally contracted vessels and crews, and other frequent equipment deployments and practice, the Prince William Sound response system is one of the best in the world.

⁶ <https://dec.alaska.gov/spar/ppr/response-resources/grs/>

⁷ <http://credbc.ca/tourism-industry-impacts-the-deepwater-horizon-spill/>

⁸ <https://www.athensjournals.gr/health/2016-3-3-1-Naquin.pdf>

⁹ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5034714/>

This prevention and response network could weaken, however, if the law mandating that Alyeska control in-house oil spill response capabilities is eliminated. Alyeska Pipeline Service Company and the shippers could choose to outsource spill prevention and response services to a contractor instead.

Industry has indicated a desire to reduce the overall number of required drills and exercises, including ADEC's ability to call unannounced exercises. A reduction in drills and exercises could reduce response readiness.

Prevention is the only way to avoid impacts to the environment and fish habitat from oil spills. Practiced and comprehensive spill response is necessary to minimize damage should a spill occur.

Join us in telling ADEC that the hundreds of small and family-owned businesses that form the backbone of the Alaska fishing industry do not consider oil spill prevention and response regulations "burdensome"; they are the cost of doing business in Alaska.