

BY THE RULES COMMITTEE BY REQUEST OF THE SENATE SPECIAL COMMITTEE ON OIL &
GAS

1 IN THE SENATE

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SENATE JOINT RESOLUTION NO. 83

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IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

Supporting certain recommendations of

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the oil spill commission and making

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additional recommendations.

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BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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WHEREAS in the aftermath of the Exxon Valdez oil spill disaster in

10 Prince William Sound, Alaska, on March 24, 1989, the Alaska State Legisla-

11 ture created the Exxon Valdez Oil Spill Commission to gather information on

12 the oil spill and to review and make recommendations on

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(1) the containment and cleanup actions that were taken or not

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taken after the discharge, the extent to which current technology was

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available and used, and ways to improve oil spill response technology and

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procedures;

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(2) steps that should be taken by all levels of government and

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by the oil industry to ensure proper management, handling, and transporta-

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tion of crude and refined oil and to improve the statewide ability of

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industry and governmental agencies to respond to oil discharges;

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(3) the extent to which oil industry practices and governmental

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practices or laws should be changed to minimize the potential for future

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events similar to the grounding of the Exxon Valdez; and

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(4) legislative proposals to encourage and fund prevention,

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response, cleanup, and mitigation of all future discharges of oil; and

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WHEREAS the Exxon Valdez Oil Spill Commission consisted of seven

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distinguished members from both inside and outside the state with broad

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experience and expertise in oil spill related matters, including a profes-

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sor emeritus in engineering, public affairs, and social management of

1 technology at the University of Washington, and an advisor on oil spill
2 dispersants, waste disposal, and oil spill effects on fisheries; and

3 WHEREAS the commission submitted its report to the governor and the
4 legislature in January 1990; and

5 WHEREAS the legislature supports certain major components of the
6 report and certain additional recommendations;

7 BE IT RESOLVED that the Alaska State Legislature strongly supports the
8 following recommendations made by the Exxon Valdez Oil Spill Commission:

9 (1) state laws protecting the environment from oil spills should
10 be applied to foreign flag vessels equally with other vessels engaged in
11 the transportation of oil;

12 (2) the nation and the state need a private oil transportation
13 system with management that is committed to environmental safety;

14 (3) every company shipping oil through the United States should
15 identify a full-time environmental safety officer empowered to take rec-
16 ommendations to the highest level of the company;

17 (4) the state should adopt stringent standards regulating the
18 transportation of oil in its own waters without fear of federal preemption;

19 (5) to the extent it does not already have the authority, the
20 state should seek from the Congress the authority to require and enforce
21 prevention and response regimes on vessels trading in Alaska or adjacent
22 waters;

23 (6) mandatory traffic control systems should be installed in due
24 course in Cook Inlet, Prince William Sound, and all waters of the United
25 States where an equivalent or greater risk occurs;

26 (7) crew levels on tank ships must be established to reflect
27 manning needs under emergency conditions, not just normal operating circum-
28 stances, and must reflect the need to avoid fatigue and overtime among
29 those with responsibility for safe navigation;

1 (8) the mission of the United States Coast Guard to protect the
2 safety of navigation should be defined specifically to include the safe
3 transportation of oil by sea; sufficient funding, resources, and institu-
4 tional support should be given to ensure the strengthening of this purpose;

5 (9) the Congress should revisit the antitrust exemption granted
6 to marine industrial insurance to require that premiums reflect design and
7 operational considerations in accident prevention and pollution abatement;

8 (10) the Congress should require corporations transporting oil or
9 hazardous substances to file environmental safety reports as part of their
10 Form 10-K Securities and Exchange Commission filing under 17 C.F.R.
11 249.310; these corporations also should include a separate environmental
12 report card in their annual reports to shareholders;

13 (11) the United States should pursue an aggressive policy in
14 bilateral and international regulatory forums to demand safety improve-
15 ments; the practice of deferring to international transportation safety
16 standards in United States waters should cease; environmental regimes
17 established by the state or the federal government should apply to tanker
18 or barge traffic under any flag in United States waters;

19 (12) tanker lanes should be established to keep tankers and fuel
20 barges in the Gulf of Alaska and North Pacific trade at least 100 miles
21 offshore;

22 (13) a system of tracking large vessels in the North Pacific
23 should be developed;

24 (14) the Congress should ask the President of the United States
25 to require the administrator of the Environmental Protection Agency and the
26 secretaries of the United States departments of transportation and commerce
27 to issue a special report on the safety of oil transportation by sea;
28 annually afterwards, the Office of Science and Technology Policy or the
29 Council on Environmental Quality should report on progress made by all

1 parties, close encounters, and accidents during the year, and emerging
2 issues in the field;

3 (15) the spiller should not be in charge of response to a major
4 spill; a spiller should be obligated to respond with all the resources it
5 can summon, but government should command that response;

6 (16) the Congress should either strengthen the United States
7 Coast Guard's oil spill response capability or transfer oil spill contain-
8 ment and cleanup responsibilities to the United States Army Corps of Engi-
9 neers;

10 (17) the state should empower itself to take over direction of
11 the response to any spill in Alaska waters;

12 (18) even when the federal government maintains authority over a
13 spill, the scheme for direction and command should permit full cooperation
14 with state authorities;

15 (19) the United States, the State of Alaska, and Canada should
16 establish cooperative research programs to develop and disseminate knowl-
17 edge on oil spill prevention and response;

18 (20) authorities responsible for testing and approval of response
19 technologies such as dispersants, coagulants, burning, and bioremediation
20 should evaluate and decide whether to preapprove these technologies more
21 rapidly; and

22 (21) the West Coast states should create a training center using
23 simulators to advance the knowledge of masters, mates, pilots, and ship-
24 board bridge crews in the operations of very large vessels in West Coast
25 ports; and be it

26 FURTHER RESOLVED that the Alaska State Legislature urges the President
27 of the United States to direct the Environmental Protection Agency to make
28 oil spill prevention and response a matter of priority within the agency;
29 and be it

1 FURTHER RESOLVED that the Alaska State Legislature urges the Congress
2 to enact legislation that would prevent former employees of the United
3 States Coast Guard from working for the tanker industry for at least one
4 year after terminating their employment with the United States Coast Guard.

5 COPIES of this resolution shall be sent to the Honorable George Bush,
6 President of the United States; to the Honorable Dan Quayle, Vice-President
7 of the United States and President of the U.S. Senate; the Honorable Thomas
8 S. Foley, Speaker of the U.S. House of Representatives; the Honorable
9 George J. Mitchell, Majority Leader of the U.S. Senate; the Honorable
10 Richard A. Gephardt, Majority Leader of the U.S. House of Representatives;
11 the Honorable Bob Dole, Minority Leader of the U.S. Senate; the Honorable
12 Robert H. Michel, Minority Leader of the U.S. House of Representatives; the
13 Honorable Robert A. Mosbacher, Sr., Secretary of the U.S. Department of
14 Commerce; the Honorable Samuel K. Skinner, Secretary of the U.S. Department
15 of Transportation; the Honorable George Deukmejian, Governor of California;
16 the Honorable William K. Reilly, Administrator of the Environmental Pro-
17 tection Agency; Admiral Paul A. Yost, Jr., Commandant of the U.S. Coast
18 Guard; Lieutenant General Henry J. Hatch, Commander of the U.S. Army Corps
19 of Engineers; the Honorable Michael R. Deland, Chairman of the Council on
20 Environmental Quality; the Honorable D. Allan Bromley, Director of the
21 Office of Science and Technical Policy; and the Honorable Ted Stevens and
22 the Honorable Frank Murkowski, U.S. Senators, the Honorable Don Young, U.S.
23 Representative, members of the Alaska delegation in Congress.