Original sponsor(s): Rules/Senate Special Committee on Oil & Gas

IN THE SENATE BY THE SENATE SPECIAL COMMITTEE ON OIL & GAS

CS FOR SENATE JOINT RESOLUTION NO. 83 (Oil & Gas)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SIXTEENTH LEGISLATURE - SECOND SESSION

Supporting certain recommendations for federal action that are derived from the recommendations of the oil spill commission and making additional recommendations.

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

WHEREAS in the aftermath of the Exxon Valdez oil spill disaster in Prince William Sound, Alaska, on March 24, 1989, the Alaska State Legislature created the Exxon Valdez Oil Spill Commission to gather information on the oil spill and to review and make recommendations on

(1) the containment and cleanup actions that were taken or not taken after the discharge, the extent to which current technology was available and used, and ways to improve oil spill response technology and procedures;

(2) steps that should be taken by all levels of government and by the oil industry to ensure proper management, handling, and transportation of crude and refined oil and to improve the statewide ability of industry and governmental agencies to respond to oil discharges; and

(3) the extent to which oil industry practices and governmental practices or laws should be changed to minimize the potential for future events similar to the grounding of the Exxon Valdez; and

WHEREAS the Exxon Valdez Oil Spill Commission consisted of seven distinguished members from both inside and outside the state with broad experience and expertise in oil spill related matters, including a professor 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 final report to the governor and
4 the legislature in February 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 for federal action that are derived from the
9 Exxon Valdez Oil Spill Commission's recommendations:
10 (1) state laws protecting the environment from oil spills should
11 be applied to foreign flag vessels equally with other vessels engaged in
12 the transportation of oil (Recommendation 5);
13 (2) the nation and the state need a private oil transportation
14 system with management that is committed to environmental safety (Recommen-
15 dation 6);
16 (3) every company responsible for the shipment of oil through
17 the United States should identify a full-time environmental safety officer
18 empowered to take recommendations to the highest level of the company (from
19 Recommendation 8);
20 (4) the Congress should grant the authority to require and
21 enforce prevention and response regimes on vessels trading in Alaska or
22 adjacent waters if federal prevention regimes are found to be inadequate
23 (from Recommendation 17);
24 (5) mandatory traffic control systems should be installed and
25 operated by the federal government in due course in Cook Inlet, Prince
26 William Sound, and all other waters of the United States where an equiva-
27 lent or greater risk occurs (from Recommendation 29);
28 (6) the U.S. Coast Guard must ensure that crew levels on tank
29 ships are established to reflect manning needs under emergency conditions,

not just normal operating circumstances, and must reflect the need to avoid fatigue and overtime among those with responsibility for safe navigation (from Recommendation 30);

(7) the mission of the United States Coast Guard to protect the safety of navigation should be defined specifically to include the safe transportation of oil by sea; sufficient funding, resources, and institutional support should be given to ensure the strengthening of this purpose (Recommendation 31);

(8) the Congress should revisit the antitrust exemption granted to marine industrial insurance to require that premiums reflect design and operational considerations in accident prevention and pollution abatement (Recommendation 32);

(9) the Congress should require corporations transporting oil or hazardous substances to file environmental safety reports as part of their Form 10-K Securities and Exchange Commission filing under 17 C.F.R. 249.310; these corporations also should include a separate environmental report card in their annual reports to shareholders (Recommendation 33);

(10) the United States should pursue an aggressive policy in bilateral and international regulatory forums to demand safety improvements; the practice of deferring to international transportation safety standards in United States waters should cease; environmental regimes established by the state or the federal government should apply to tanker or barge traffic under any flag in United States waters (Recommendation 34);

(11) tanker lanes should be established to keep tankers and fuel barges in the Gulf of Alaska and North Pacific trade at least 100 miles offshore (Recommendation 35);

(12) a system of tracking large vessels in the North Pacific should be developed and should apply internationally (from Recommendation

36);

(13) the Congress should ask the President of the United States to require the administrator of the Environmental Protection Agency and the secretaries of the United States Departments of Transportation and Commerce to issue a special report on the safety of oil transportation by sea; annually afterwards, the Office of Science and Technology Policy or the Council on Environmental Quality should report on progress made by all parties, close encounters, and accidents during the year, and emerging issues in the field (Recommendation 37);

(14) a spiller should be obligated to respond with all the resources it can summon, but government should command that response (from Recommendation 38);

(15) the Congress should strengthen and fully fund and staff the United States Coast Guard's oil spill prevention and response capability (from Recommendation 39);

(16) when the federal government maintains authority over a spill, the scheme for direction and command should permit full cooperation with state authorities (from Recommendation 42);

(17) the United States, the State of Alaska, and Canada should establish cooperative research programs to develop and disseminate knowledge on oil spill prevention and response (Recommendation 56);

(18) authorities responsible for testing and approval of response technologies such as dispersants, coagulants, burning, and bioremediation should evaluate and decide whether to preapprove these technologies in the immediate future (from Recommendation 58); and

(19) the West Coast states should create a training center using simulators to advance the knowledge of masters, mates, pilots, and shipboard bridge crews in the operations of very large vessels in West Coast ports (Recommendation 59); and be it

1 FURTHER RESOLVED that the Alaska State Legislature urges the President
2 of the United States to direct the Environmental Protection Agency to make
3 oil spill prevention and response a matter of priority within the agency;
4 and be it
5 FURTHER RESOLVED that the Alaska State Legislature urges the Congress
6 to enact legislation that would prevent former employees of the United
7 States Coast Guard from working for the tanker industry for at least one
8 year after terminating their employment with the United States Coast Guard.
9 COPIES of this resolution shall be sent to the Honorable George Bush,
10 President of the United States; to the Honorable Dan Quayle, Vice-President
11 of the United States and President of the U.S. Senate; the Honorable Thomas
12 S. Foley, Speaker of the U.S. House of Representatives; the Honorable
13 George J. Mitchell, Majority Leader of the U.S. Senate; the Honorable
14 Richard A. Gephardt, Majority Leader of the U.S. House of Representatives;
15 the Honorable Bob Dole, Minority Leader of the U.S. Senate; the Honorable
16 Robert H. Michel, Minority Leader of the U.S. House of Representatives; the
17 Honorable Robert A. Mosbacher, Sr., Secretary of the U.S. Department of
18 Commerce; the Honorable Samuel K. Skinner, Secretary of the U.S. Department
19 of Transportation; the Honorable George Deukmejian, Governor of California;
20 the Honorable William K. Reilly, Administrator of the Environmental Pro-
21 tection Agency; Admiral Paul A. Yost, Jr., Commandant of the U.S. Coast
22 Guard; Lieutenant General Henry J. Hatch, Commander of the U.S. Army Corps
23 of Engineers; the Honorable Michael R. Deland, Chairman of the Council on
24 Environmental Quality; the Honorable D. Allan Bromley, Director of the
25 Office of Science and Technical Policy; and the Honorable Ted Stevens and
26 the Honorable Frank Murkowski, U.S. Senators, the Honorable Don Young, U.S.
27 Representative, members of the Alaska delegation in Congress.