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Production

2002 SONS Gulf Directors' Message

This joint after action report of the 2002 Spill of National Significance exercises was prepared by a team of directors from the U.S. Coast Guard, Louisiana Oil Spill Coordinator's Office, Texas General Land Office, Stolt-Nielsen Transportation Group, and ExxonMobil. The directors hereby submit this Final Report.

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Executive Summary

On 23-26 April 2002, the U.S. Coast Guard (USCG), in partnership with the Texas General Land Office, Louisiana Oil Spill Coordinator's Office, ExxonMobil, and Stolt-Nielsen Transportation Group, hosted the 2002 Spill of National Significance (SONS) Exercise and the 2002 SONS Gulf Executive Seminar that brought together local, state, regional, and federal responders and policy-makers with a role in an oil or hazardous material release or discharge along the Gulf Coast. Participants included representatives from the Louisiana State Police, the Department of Environmental Quality, U.S. Environmental Protection Agency (EPA), Federal Bureau of Investigations (FBI), and the National Pollution Funds Center (NPFC). The USCG's ADM Jim Loy and Department of Transportation's Secretary Norman Mineta hosted the seminar.

The 2002 SONS Gulf Exercise and the 2002 SONS Gulf Executive Seminar were constructed to allow key personnel at every level to examine the issues presented in an inter-agency/inter-organizational forum for setting policy and coordination direction. An important focus was the roles and responsibilities of the USCG National Incident Commander (NIC) and his relationship with the state and local emergency management organizations that represent the ultimate customer and recipient of NIC assistance in a SONS. VADM Thad Allen was designated as the NIC for this SONS Exercise. The exercise surfaced NIC-level issues and the seminar addressed the unresolved issues. In the wake of the terrorist events of September 11, 2001, the issues of homeland security at our ports and the potential of an intentional significant oil spill were discussed at length.

The overall goals of the exercise and seminar were to:

- Strengthen partnerships
- Promote mutual understanding of the roles, responsibilities, and interests of federal departments, lawmakers, federal agencies, and industry
- Surface interagency coordination issues
- Evaluate the National Response System
- Verify the standard operating procedures of the NIC.

These goals were accomplished utilizing briefings and issue topics derived from a scenario impacting the Gulf region and a facilitated discussion to draw open the concerns and concepts of operation of the various agencies in attendance.

The exercise, held in New Orleans, Louisiana, and the seminar, held in Washington, D.C., grew out of the National Preparedness for Response Exercise Program, which meets the Oil Pollution Act of 1990 mandate.

Due to the organizational diversity of the response personnel participating in the exercise and the seminar, a wide array of issues were discussed during the forums. Throughout the exercise and seminar, there were frank discussions between the participants regarding priorities, intentions, and consequences of the actions of each organization.

The issues raised during both forums fall under the following general topics:

- Laws and authorities
- Direction, control and coordination
- Hazard management
- Resource management
- Planning
- Operations and procedures
- Logistics and facilities
- Exercise, evaluation and corrective action
- Crisis communication, public education and information.

These issues are discussed in detail in the Section 5 and Appendix 1 of this report. For each issue, a recommendation for resolution and a responsible organization have been identified. Vice Admiral Allen has committed to providing answers at a future oil spill conference.

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BACKGROUND

2.1 Overview

The U.S. Coast Guard (USCG) hosted the 2002 SONS Gulf Exercise (herein referred to as the NIC exercise) in New Orleans, Louisiana on 23-25 April 2002 and the 2002 SONS Gulf Executive Seminar (herein referred to as the Executive Seminar) in Washington, D.C. on 26 April 2002. This massive effort was accomplished through a planning group with representatives from the USCG, Texas General Land Office, Louisiana Oil Spill Coordinator's Office, ExxonMobil Production Company, and Stolt-Nielsen Transportation Group. In addition to this group, fifteen people selected as key participants were interviewed prior to the exercises to identify major issues involved in a major oil or hazardous substance discharge. The purpose of the SONS exercises was to understand and strengthen federal agencies, state agencies, and industry relationships by developing a mutual understanding of the roles, responsibilities, interests, and issues of key stakeholders in response to a SONS. Using a three-component tabletop exercise concept, issues at three different levels were defined and directed towards resolution, thus improving the overall readiness of the nation to respond to a SONS. These levels include the following:

1. **Port-level exercises**—Several months before the NIC exercise, three tabletop exercises were conducted at the ports that would directly respond to the incidents described in the below SONS scenario. These exercises captured the response communities' initial actions and information needed for the second operational period – the NIC exercise. This information was captured in Incident Action Plan (IAP) summaries, which include the incident objectives, field organizations, and assignment lists complete with tactical objectives and available resources. The results of these exercises were analyzed and the issues were captured in the NIC exercise.
2. **NIC exercise**—The NIC exercise gathered senior management and staff SONS responders at the port, regional and national level. Principal participants included representatives from the affected ports, states and companies as well as Regional Response Team VI. This exercise verified the roles, responsibilities, authorities, and the operating procedures for the NIC organization. Participants in the exercise discussed issues at the port, regional, and national levels. National issues were presented at the Executive Seminar.
3. **Executive Seminar**—This seminar gathered senior executives from the federal government and industry. National issues from the NIC exercise were discussed as well as long-range implications of the spill. Participants focused on joint interagency issues

that required senior-level involvement and defined their coordination with the NIC and their roles in the national response system (NRS).

2.2 SONS Scenario

The following scenario was used to simulate the types of challenges that would be encountered during major spills. It provided a context for discussion about policies that would shape the response to a SONS.

Ten million gallons of oil and one half million gallons of Pyrolysis gas had been released into the Gulf of Mexico near the Louisiana and Texas coastlines from three separate incidents. These incidents involved a well blow out aboard an ExxonMobil Production Company oil production platform, a chemical ship hitting a submerged object, and an oil tanker collision. The ports of Port Arthur, TX, Lake Charles, LA and Morgan City, LA were impacted by the incidents.

The Commandant classified the incidents as a SONS and appointed Vice Admiral Allen, Commander, Coast Guard Atlantic Area as the NIC. A NIC Unified Command (UC) post was established in New Orleans, LA with senior representatives from the Eighth Coast Guard District, Louisiana, Texas, ExxonMobil Production Company and Stolt-Nielsen Transportation Group joining the UC. The first task for the NIC and UC was to establish overall priorities, identify/allocate scarce response resources and communicate with the public and those affected by the oil spill. The Commandant hosted the Secretary of Transportation, congressional delegates from Louisiana and Texas, executives from stakeholder federal agencies and ExxonMobil Production Company on 26 April 2002 to hear a briefing from Vice Admiral Allen on the response efforts in the Gulf and to discuss response policy issues.

2.3 2002 SONS Gulf Exercise Proceedings

Participants received a Players' Exercise Handbook when they arrive at the site (principal players received the handbook in advance). The handbook contained a Situation Pamphlet describing the scenario and SONS background information.

The scenario was presented as three port-incident briefings by representatives of the Federal On-scene Coordinator (FOSC) from the impacted ports, followed by a Scientific Support Coordinator (SSC) briefing and a Virtual News Network (VNN) video simulating a breaking television news piece announcing the incidents. The scenario was crafted to simulate the types of challenges that would be encountered during major spills, allowing participants to establish clear expectations for future NIC operations in order to promote a cohesive and well-coordinated response. Three VNN news clips were used for the exercise. The first one announced the incidents the day they occurred. Another discussed the environmental and economic implications. The last VNN clip raised the potential for terrorist involvement in the incidents.

The NIC exercise was designed to surface issues rather than to allow participants to make operational decisions. Issue topics were presented in five game periods reflecting distinct

aspects and time periods of the NIC organization's SONS response and recovery efforts. The following game periods were presented in addition to a special session:

- Game Period One: NIC Activation
- Game Period Two: NIC Organization/Concept of Operations
- Game Period Three: Setting Strategic Objectives
- Game Period Four: NIC Support to Ports
- Game Period Five: NIC Exit Strategy
- Special Session: NIC and the Federal Response Plan.

2.3.1 Briefings

Several Special Topic Briefings were presented to provide appropriate background information for participants to address the issue topics. In addition, controller briefings were presented to alter the scenario and advance the timeline to force participants to re-evaluate their decisions. These briefings included:

Special Topic Briefings

- Dispersant Use
- Net Environmental Benefits
- USCG Commandant's Message on SONS Declaration
- SONS and Weapons of Mass Destruction
- Federal Response Plan and Terrorism.

Controller Briefings

- Activities undertaken immediately upon the occurrence of the incidents
- Activities undertaken the day following the occurrence of the incidents
- Activities undertaken ten days after the occurrence of the incidents.

2.3.2 Caucus Sessions

During the exercise, informal caucus groups were convened to provide a forum for players to discuss operational strategy, tactics, actions, and issues of mutual concern. Players were asked to meet with representatives from organizations that they would typically meet with at various points in a disaster response. For example, players were asked to group themselves according to which operational organization they would be at, such as the NIC organization, the Regional Response Team (RRT), National Response Team (NRT), and the port UCs. This allowed participants to talk to their counterparts as they would in a real situation. After the caucus sessions, players explained their discussions during the following plenary sessions.

2.4 2002 SONS Executive Seminar Proceedings

Participants received a Seminar Reference Manual on the day of the seminar that contained background information, special topic papers, summary information on laws and authorities, and

operations and procedures. Participants also received a situation pamphlet that detailed the information and issue topics that were presented during the seminar.

The scenario was presented by VNN announcing the spill incidents and a briefing on the national issues developed during the NIC Exercise by Vice Admiral Allen. This Executive Seminar used additional VNN clips to discuss the implications and the possibility of terrorism.

The NRT observed the Executive Seminar in order to address several of the issues that arose. The seminar was presented in four sessions reflecting distinct discussion topics to demonstrate the current administration's views on the issues of a catastrophic spill response and surface the complexity of interagency coordination issues. The following sessions were presented:

- Session One: Introductions and the National Response System
- Session Two: Incident Briefing and Communicating with the Public
- Session Three: Long-Range Scenario Implications
- Session Four: Intentional Versus Accidental Scenario and Conclusion.

2.4.1 Special Topic Briefings

The seminar included special topic briefings that provided appropriate background to enable participants to explore issues. These briefings included:

- National Oil and Hazardous Substances Pollution Contingency Plan and the National Response System
- Industry Participation and Role
- Communicating with the Public
- Paying for the Spill
- Long-range Forecast and Economic, Environmental, and Public Health Concerns
- Additional Issues for a SONS Caused by Weapons of Mass Destruction.

Discussion topics raised during the seminar include the following:

- Flow of information to federal agencies, the media, and stakeholders
- Homeland security
- International response coordination
- Roles and responsibilities of federal agencies
- Standardization of regions to coordinate a unified planning and response process
- Prevention of “knee-jerk” reaction for new legislation
- Funding mechanisms
- Protecting proprietary information of private sector when merged with government information.

3

OBJECTIVES

3.1 2002 SONS Gulf Exercise Objectives

To accomplish the goals and desired outcomes for the exercise, the objectives listed below were developed by the exercise-planning group. According to the evaluation forms collected from the NIC exercise, the majority of the participants agreed that the objectives for this exercise were met (see Evaluation Form Summary appendix of this report.)

1. Define the roles, responsibilities, and authorities of the NIC in a SONS response.
 - a. Examine the NIC's role in the National Response System.
 - b. Verify and strengthen relationships and promote mutual understanding of the roles, responsibilities, and interests of the NIC.
 - c. Effectively communicate operations, expectations, and methods within the federal family and externally with state and industry partners in coordination with the NIC and the media.
2. Evaluate and verify the NIC staff standard operating procedures.
 - a. Define the process for the NIC to communicate operations, expectations, and methods externally to the media.
 - b. Explore the reporting process within the NIC.
 - c. Describe and evaluate the composition of the NIC.
 - d. Assess NIC resource needs and processes to respond to the challenges that face the nation as a result of a SONS.
 - e. Develop a framework for an operating guide.
 - f. Describe the NIC staff's organization, priorities, objectives, roles, and responsibilities.

3.2 2002 SONS Executive Seminar Objectives

To accomplish the goals and desired outcomes for the Executive Seminar, the following objectives were developed:

1. Familiarize agency heads and policy makers with the NRS and SONS structure.
2. Explore best courses of action for current national response policy issues.
3. Surface interagency coordination issues.

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LESSONS LEARNED PROGRESSION CHART

Proper planning and preparedness includes the implementation of lessons learned from actual events and exercises into the policy, plans and procedures employed by spill responders. It is not enough to capture and record a lesson learned. Rather, an action plan must be developed in order to consider and implement its recommendations. Once implemented, the “new” plan, policy or procedure must then be tested and evaluated to ensure it was the right fix to the problem. In the Coast Guard SONS exercise program, this means certain issues must be carried over from one exercise to the next in order to close the quality loop. The following chart depicts the lessons that have either been carried from one SONS exercise to the next or have simply been relearned due to a lack of implementation. It serves as a starting point for the planners of the next SONS exercise in 2004.

Table 4-1 SONS Lessons Learned Progression

Issue	SONS '97 Philadelphia, PA	SONS '98 Valdez, AK	SONS '02 New Orleans, LA	SONS '04
Jones Act waivers during response	Included in exercise design, but no recommendations included.	Included in exercise design, but no recommendations included.	Recommend MOA between USCG and customs for non-defense waivers during response.	If new process or MOA is developed, test during exercise.
NRT/NIC relationship	Included in exercise design, but no recommendations included.	The role of each organization (HQ, NRT, RRT, and NIC) in relation to the others needs to be defined.	The NRT should expand the NCP to clarify the roles and responsibilities and organizational relationships of the NIC.	Work with NRT to incorporate this issue in exercise.
In situ testing and research	Not considered.	Recommend the NRT develop a protocol to address set-aside of impacted areas for scientific research.	The NRT should help to change in-situ testing prohibitions & develop a protocol for conducting <i>in situ</i> R&D during spills.	Work with NRT to incorporate this issue in exercise.
NIC finance role	The NIC must track costs and provide to HQ, including RP's liability ceiling.	NIC Finance Section, rather than District should deal w/ NPFC in ceiling management.	NPFC incorporated as part of NIC Finance Section.	Continue to refine NPFC's role as lead in NIC Finance Section.
OSLTF shortfall	Contingency legislation is required for shortfall of emergency funds.	Not considered.	Submit legislative change proposals to raise the \$1 billion incident limit, increase the emergency fund and make the principal fund larger.	Track legislative changes and test in exercise.

Issue	SONS '97 Philadelphia, PA	SONS '98 Valdez, AK	SONS '02 New Orleans, LA	SONS '04
NRT role in public information	NRT will establish a web site to keep public informed.	Not considered.	NRT agrees to develop protocol for sharing situational awareness w/ agency heads to ensure consistency w/ NIC public info.	Should be tested during exercise for accuracy and timeliness.
NIC role in public information	NIC will act as central media hub & conduct 3-4 press conferences per day.	There should be only one JIC with "Branch Offices." But, there was disagreement as to where the central and branch JICs should be located.	Incorporate lessons learned into a comprehensive plan for managing and coordinating public information with a NIC Standard Operating Procedures Manual.	A major role of the NIC, and should be tested in this exercise.
Proprietary information	Not considered.	Establish a joint system or electronic links between participating organizations to efficiently share timely information while maintaining proprietary and confidential information.	The NRT should develop guidelines to assist FOSCs to prevent proprietary information from being released while communicating with stakeholders.	Work with NRT to incorporate this into the exercise.
National Unified Command	The concerns of the states & RPs must be addressed as they may not have the resources to staff multiple command centers around the clock.	The CMT/NIC was comprised of executives and officers of BP, ADEC and USCG.	The USCG should establish a NUC as a best practice to support a NIC and key stakeholders.	Continue the National Unified Command structure.
NIC communications with Washington DC	NIC must establish a communications schedule with HQ.	The video teleconferences with Washington officials were very effective in communicating incident status.	An internal communications process should be incorporated into the NIC SOP manual.	If developed, test NIC communications element of the SOP.

Issue	SONS '97 Philadelphia, PA	SONS '98 Valdez, AK	SONS '02 New Orleans, LA	SONS '04
NIC Decision Making Process	Not considered.	Prioritizing issues would have been done better in an integrated organization to take full advantage of subject experts and the benefit of different perspectives.	The USCG should develop a risk-based decision making tool for establishing strategic objectives and priorities.	If decision making tool is developed, test during exercise.
Information sharing with NRT	Must determine the best method for communicating with the NRT.	Assigning an NRT liaison to USCG Headquarters Incident Management Cell improved the flow of information between the NRT and USCG.	Not considered.	Continue to refine.
Situational awareness in the Washington DC area	Information coordination would eventually evolve to USCG HQ, who will form a JIC to coordinate info flow between the NIC and the White House.	The exercise web page was also effective in communicating with stakeholders.	The NRT should develop a protocol for communicating and sharing a common situational picture amongst the highest levels of federal agencies in Washington, D.C., which includes an information-technology solution to widely communicate spill information from the NIC.	A key SONS issue that must be addressed.
OSRO mutual aid	Not considered.	OSROs did not seem to know the level below which they could release mutual aid resources, so as not to violate facility and vessel response plan requirements.	The USCG and EPA should introduce new rules requiring plan holders to report changes in readiness status due to changes in the availability of owned or contracted response resources to their cognizant FOSC.	If rules adopted, test during exercise.

Issue	SONS '97 Philadelphia, PA	SONS '98 Valdez, AK	SONS '02 New Orleans, LA	SONS '04
NIC concept of operations	Not considered.	The CMT/NIC should have a high level strategic plan that provides both guidance and support to the General Plan, as well as common issues and actions for the NIC.	The USCG should incorporate specifics on how a NIC should manage the strategic oversight of a SONS response into a standard operating procedures manual.	Continue to refine and test NIC SOP.
NCP and FRP integration	Since states may press for disaster assistance declaration from FEMA, the USCG should have a plan in place to deal with this scenario.	Not considered.	The NRT should work with FEMA to define the relationship between the NIC, the FCO and the ESF #10 regional chair.	Work with NRT to incorporate in exercise.
Contracting authority	There is a need for a procurement law specialist to focus on the procurement law issues arising in the Finance Section of the IAC [NIC] or other contracting activity needed when responding to the discharge.	Not considered.	Submit a legislative change proposal (LCP) to provide the FOOSC and the NIC with the legal authority to direct competing response resources, which may include the assumption of the contract between the response contractor and the potential or actual RP.	Track changes and test during exercise.
Homeland security implications	Not considered.	Not considered.	Public and private plan holders need to assess the overall impacts on spill response readiness caused by the changes due to homeland security and incorporate into appropriate contingency plans.	Continue to test homeland security implications in SONS responses.

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ISSUES IDENTIFICATION AND TRACKING

A pre-designated “Issues Team” helped capture issues during the NIC exercise and Executive Seminar. At the NIC exercise, the Issues Team gave a quick briefing on the national issues they had captured. This “hot wash” was designed to allow participants the opportunity to pursue further discussion on the national issues developed by the Issues Team to ensure that the issues were properly defined and to identify the affected agencies, steward agency, and the timeframe for resolving the national issues. Coast Guard Headquarters Office of Response (G-MOR) has taken the lead for tracking resolution of the issues identified.

The issues identified in this report highlight areas that require adjustments, modification, and revision to resolve the issue. It is recognized that there is a need for deliberate, senior level discussion of the national issues that require doctrine modifications as a step toward resolution. Still, many of the issues raised can be addressed within each District/Region and Port with modifications and adjustments to current methods of operations and plans. Efforts to eliminate recurring response obstacles within individual commands will move the entire national response effort forward as success stories are shared and emulated across the involved organizations.

This report is a brief snapshot of a larger universe of issues, lessons, and requirements. These findings need to be expanded and reviewed in a larger framework so as to see the implications on other critical functions such as port security and force protection. At the same time, and in concert with this recognized need, individual critical issues must be addressed in a timely, focused manner. This will require the immediate assignment of a steward agency with responsibility for development of action plans and progress reports through resolution.

This section highlights the issues raised during the SONS Gulf exercises. The issues have been sorted and grouped by general subject areas that help organize current (and future) policies, plans, and procedures into a logical framework. These issues are more fully explained, including recommendations for improvement, in Appendix 1 of this report. An issue with a title in all capital letters indicates an issue raised at the SONS Gulf Exercise that was forwarded to the SONS Gulf Executive Seminar for headquarters discussion.

- **AUTHORITY OVER PRIVATE RESPONSE RESOURCES**
- **CAPTAIN OF THE PORT AUTHORITY**
- **INCREASED LIABILITY FOR RESPONSIBLE PARTIES DUE TO FEDERAL ON SCENE COORDINATOR/NIC ACTIONS**
- **JONES ACT**
- **Limitation of Spill Of National Significance Definition**
- **Confidentiality of Proprietary Information**

- National Unified Command
- NIC ROLES AND RESPONSIBILITIES
- DECISION-MAKING TOOL
- Response Readiness
- Role of the NIC when the Federal Response Plan is Activated
- Coordination with Department of Defense in a Response
- American Indian Representation
- Developing Stronger Relationships with Local Responders
- DISPERSANTS
- IN SITU RESEARCH AND DEVELOPMENT
- TECHNOLOGY CAPABILITY
- TECHNOLOGY AVAILABILITY
- TRACKING OSRO READINESS
- SECURITY DURING RESPONSE
- Expedited Policy Resolution Process
- VIP Visitors
- NIC Concept of Operations
- USCG Employment of Marine Spill Response Corporation
- Aerial Observation Equipment
- Multi-dimensional Scenarios
- Unified Message
- Internal Communication
- Funding of a SONS.

5.1 Laws and Authorities

The Laws and Authorities program element refers to the legal underpinning for disaster programs. These include federal, state, and local statutes, and any implementing regulations that establish legal authority for development and maintenance of the emergency management program and organization. They also define the emergency powers, authorities, and responsibilities of the chief executive official and the emergency management coordinator. These principles serve as the foundation for the emergency response and its activities.

5.1.1 AUTHORITY OVER PRIVATE RESPONSE RESOURCES

Statutory authority for the NIC/FOSC needs to be clarified or developed regarding acquisition and reallocation of critical response resources that are privately owned or contracted.

When a discharge poses a substantial threat to public health or welfare, the NCP charges the Federal On-Scene Coordinator (FOSC) to direct all federal, state, or private response actions. If the Commandant of the USCG classifies the discharge as a SONS and appoints a NIC, the NIC is responsible, per the National Contingency Plan (NCP), for coordinating federal, state, local, and international resources at the national level.

Per Commandant Instruction M3120.15, the NIC is responsible for the allocation of critical resources. In incidents involving multiple responsible parties (RPs), private response resources

under contract to one RP may, for the greater public good, be more urgently needed for another effort beyond their contractual relationship. Since this may not be in the best interest of the RP, the RP may resist such action and the FOSC and the NIC lack the legal authority to direct response resources that conflict with contractual parties of the NIC or the response organization or no contractual agreement exists.

5.1.2 CAPTAIN OF THE PORT AUTHORITY

The COTP does not have the authority to establish safety or security zones beyond 12 miles for the purpose of controlling entry into the contaminated area. Should the jurisdiction of the Magnuson Act and the PWSA for the establishment of safety and security zones be extended to include the entire U.S. Economic Exclusion Zone (EEZ) to fully protect U.S. interests during significant emergencies?

Under the Ports and Waterways Safety Act (33 USC 1231) USCG Captains of the Ports (COTPs) have the authority to establish safety and security zones out to 12 nautical miles. Under the Magnuson Act (50 USC 191) COTPs have similar authority, but only out to 3 nautical miles. In addition, COTPs can establish 500-meter safety zones around outer continental shelf facilities per the Outer Continental Shelf Lands Act (43 USC 1333). Discharges and releases from vessels and platforms can occur well offshore, beyond current COTP authority for establishing safety or security zones, but still within the U.S. EEZ, consequently threatening public safety and our natural resources.

5.1.3 INCREASED LIABILITY FOR RESPONSIBLE PARTIES DUE TO NIC/FOSC ACTIONS

During a response, the NIC or FOSC actions may increase the liabilities of an RP. Per Comprehensive Environmental Response Compensation and Liability Act (CERCLA), Oil Pollution Act of 1990 (OPA 90), and other associated statutes, RPs must minimize and mitigate damages caused by a discharge or release, are liable for these damages, and may face criminal charges in addition to civil action. During a response, the FOSC or NIC may make decisions, including the redirection of response resources, which may degrade an individual RP's response actions thereby increasing the damage for which the RP may be held liable. Consideration should be given to providing relief to RPs through legislative action for the consequences of decisions made by the FOSC and/or NIC regarding: (1) liability (tort, civil) for party forfeiting critical resources; and (2) potential risk of criminal liability due to critical resources being redirected by the FOSC.

5.1.4 JONES ACT

The Jones Act (46 US Code Appendix 883) prohibits the transportation of cargo between U.S. ports on a foreign-flagged vessel. The purpose of this law is to protect the U.S. flagged vessels from foreign competition within the domestic trade routes. This law is enforced by U.S. Customs; however, the USCG inspects and enforces the provision relating to whether a vessel is foreign-owned or flagged, or exempted according to the Jones Act (such as Canadian vessels.) U.S. Customs may grant a waiver to this law for the purpose of national defense.

During a discharge or release in U.S. waters the only vessel readily available to receive cargo from a stricken vessel may be foreign-flagged, which the FOSC can only use after requesting and obtaining a Jones Act waiver from U.S. Customs. A waiver is requested via a letter from the COTP, as the FOSC, to the Commissioner of Customs, in consultation with Maritime Administration (MARAD). An oil discharge or hazardous material release must be characterized as threat to national defense in order to seek a waiver. The waiver process may cause a catastrophic delay in the timely delivery of a critical resource. An expedited process for waiver of the Jones Act is needed.

5.1.5 Limitation of Spill of National Significance Definition

The language regarding SONS in the NCP applies only to oil discharges and appears only in the subpart on oil removal. The authority for the EPA and the USCG to establish a higher level of management and support of oil discharges is contained in 40 CFR 300.323. That particular section only applies to oil discharges and therefore does not extend to hazardous substance releases. Just as there is a need for a higher level of management and support for an oil discharge, there is a need for a SONS-like organization to manage a major hazardous substance release. Regardless of what is spilled, in nationally significant cases a higher level of organization is needed to address the issues that could detract from the OSC's ability to remain focused on removal activities. Moreover, an incident that impacts more than one OSC prompts the need for a single strategic decision-making organization to allocate resources where most needed. Issues such as communicating with affected parties and coordinating resources at the national level are not exclusive to oil. The likelihood of a hazardous substance release capturing national attention is high given the focus of the public on weapons of mass destruction and terrorism. Expanding the definition of SONS to include hazardous substance releases better positions the NRS to apply a consistent response protocol to all nationally significant incidents.

5.1.6 Confidentiality of Proprietary Information

The FOSC may need proprietary information, such as the facility design or product formulations, to effectively manage a response to a release or discharge. For an incident of national significance, interest from a wide variety of stakeholders make communication of key information a major task. This information, which may be included in the response documentation, must be appropriately safeguarded to protect the interests of all parties. Guidelines are needed for how to identify and protect proprietary information from unauthorized release during emergency response activities.

5.1.7 National Unified Command

Just as there is value in establishing UC at the field level, there is equal value in establishing one at the NIC level. Many of the decisions made by the NIC rely upon the authorities and input from key stakeholders. Therefore, key stakeholders' representatives assigned to the National Unified Command (NUC) should have the authority to commit resources and to influence strategic decisions/priorities. By including key stakeholders in the NUC, the decisions will be made more efficiently and effectively.

5.2 Direction, Control, and Coordination

During the pre- and post-incident phases of emergency responses, direction, control, and coordination allow officials to analyze the situation and decide how to quickly and effectively respond, direct and coordinate response forces, coordinate with other jurisdictions, and use available resources efficiently and effectively.

5.2.1 NIC ROLES AND RESPONSIBILITIES

The roles and responsibilities of the National Incident Commander (NIC) need to be clarified as related to the: (1) NRT, (2) RRT, and (3) FOSC and UC. During a SONS, the NCP tasks the NIC to “assume the duties of the OSC” in public communication and coordinating resources at the national level. The NIC is further charged under the NCP to involve the NRT and the RRT in this strategic coordination. In addition, according to the USCG Incident Command System Implementation Plan (Commandant Instruction M3120.15) the NIC is required to:

- Set overall objectives
- Establish overall priorities
- Allocate critical resources
- Ensure the incident(s) are properly managed
- Ensure on-scene objectives are met
- Provide public affairs support to the FOSC
- Communicate at the commensurate level with affected parties, and
- Coordinate acquisition of off-incident and/or out-of-area resources.

5.2.2 DECISION-MAKING TOOL

A standard methodology for the NIC to make and explain critical decisions, particularly those involving resource trade-offs, does not exist. The NIC’s responsibilities, as set forth in the Commandant Instruction M3120.15, include establishing overall objectives and priorities and allocating critical resources. Meeting these responsibilities could be facilitated by creation of a “job aid” to help the NIC identify and consider the range of political, economic, environmental, public safety and other issues that must be balanced during a SONS. In defining strategies and making critical decisions, such a job aid based upon risk management should help to resolve conflicting priorities among different governmental levels, agencies, and other stakeholders. It should also address use of output from the tool in making or communicating decisions from the NIC to the agency level. A decision-making tool concept developed during the SONS exercise encouraged consensus building in resolving complex issues.

5.2.3 Response Readiness

Increased security in U.S. ports and waterways following September 11th prompted the demand for additional resources, such as boats and their crews. Some of these resources, especially response management personnel, are commonly used for response to releases and discharges. This conflicting demand for resources has not been reconciled in contingency plans. Public and

private plan holders need to assess the overall impacts on spill response readiness caused by the changes due to homeland security and incorporate appropriate changes into contingency plans.

5.2.4 Role of the NIC when the FRP is activated

The relationship between the NIC, the Federal Coordinating Officer (FCO), and the Emergency Support Function (ESF) #10 (HAZMAT) Regional Chair under the Federal Response Plan (FRP) is not discussed or described in either the NCP or the FRP. Coast Guard Instruction (M3120.15) states that the NIC can coordinate directly with the FEMA Regional Operations Center or through ESF #10 and that the NIC will have the responsibility for overall strategic management of Coast Guard assets in support of the FCO. A SONS may trigger the impacted states to request a Presidential Declaration for a major disaster or emergency under the Robert T. Stafford Disaster Assistance and Emergency Relief Act. If the declaration is made and the FRP is activated, a FEMA FCO is appointed to coordinate consequence management. Per the FRP, ESF #10 is assigned the responsibility to mitigate the impacts of hazardous materials, including oil, to public health and welfare using existing organizations and authorities under the NCP. In accordance with the FRP, the regional ESF #10 chair will be the RRT co-chair from the cognizant agency (EPA or USCG). The ESF #10 chair works for the FCO and is responsible for providing support to the FOSC and is a liaison of the FOSC to the FCO.

5.2.5 Coordination with Department of Defense in a Response

While the use of the Navy's Supervisor of Salvage (SUPSALV) resources in combating a discharge is fairly well established, the process for obtaining other U.S. Department of Defense (DOD) resources is less clear. The DOD actively participates in emergency response under both the NCP and the FRP offering a plethora of resources and capabilities to assist civil authorities. However, the process for obtaining DOD assistance differs depending upon which plan it is intended to support. For example, DOD assets under the FRP are requested by the FCO through the Director of Military Services (DOMS), while DOD assets under the NCP are obtained by the RRT through DOMS. Neither of these processes appears to be sufficiently developed to allow for the rapid request, approval and deployment of DOD assets.

5.2.6 American Indian Representation

A mechanism is lacking for ensuring appropriate participation in the NIC from Indian tribes that may be affected by a SONS. The RRT VI U.S. Department of the Interior (DOI) representative indicated that if Indian interests were affected, the DOI representative to the NIC would contact BIA, who would get USCG in touch with the appropriate tribe/personnel. USCG would then be responsible for direct consultation with the tribe(s), as required by Presidential Memorandum of April 29, 1994, concerning government-to-government relations with the Native American Tribal Governments, as well as other federal laws.

5.2.7 Best Practices

- **Incident Command System/Unified Command Structure**

The use of Incident Command System (ICS)/UC should be the standard response management system of choice for SONS or any other incident that requires a large multi-agency emergency response.

- **National Response System**

The long-standing relationships and trust among varying federal and state government agencies have been forged over the last several decades through the implementation and response experiences of the NRS. Such level of cooperation is rarely seen and should serve as the model for other multi-governmental functions.

5.3 Hazard Management

The intent of hazard management programs is to target resources and prioritize mitigation activities to lessen the effects of disasters on citizens, communities, businesses, and industries.

5.3.1 Developing Stronger Relationships with Local Responders

Well-coordinated responses to hazardous materials (HAZMAT) incidents in the coastal zone require USCG FOSCs to have pre-established working relationships with State and Local HAZMAT planners and responders. Strong relationships among federal, state and local responders are critical to a well-coordinated response to a discharge or a release. For oil discharges, USCG FOSCs, through the Area Committees, have developed excellent relationships with State and Local oil spill responders. However, in many states, the agencies responsible for responding to HAZMAT releases are different from those responsible for oil discharges and these HAZMAT response agencies (e.g., Fire Chiefs, Police, local emergency planning committee, etc.) are not active on the Area Committees.

5.4 Resource Management

Resource management involves the systematic development of methodologies for the prompt and effective identification, acquisition, distribution, accounting, and use of personnel and major items of equipment for essential emergency functions.

5.4.1 DISPERSANTS

A limited availability of dispersant delivery aircraft negatively impacts the response. In addition, publicly owned aircraft capable of dispersant delivery are already at capacity with other missions. Use of dispersants has been fully considered and endorsed nationwide for certain spill situations, and agreements to accommodate its expeditious use are in place in every region of the country. This pre-approval is important, as dispersants are most effective when applied to an oil slick shortly after the spill occurs. One of the most effective methods for applying dispersants to a spill is aerial spraying. The limited ownership and location of delivery platforms is an obstacle to effective nationwide employment of this important technology. One problem is that these

delivery platforms are expensive, beyond the means of many small facility and vessel owners. The availability of public delivery platforms to augment private capabilities would allow for wider distribution of dispersant use capability and could significantly improve the nation's response posture.

5.4.2 RESEARCH AND DEVELOPMENT

Agency budget caps have inhibited use of OSLTF funds for research and development (R&D) of new response technologies. Agency budget caps and prohibitive policies/regulations have inhibited research, development, test and evaluation (RDT&E) of response technologies. OPA 90 authorized member agencies to use the OSLTF to fund spill related RDT&E. Unfortunately, use of these funds is applied against an agency's budget cap, requiring the agency to offset the OSLTF amount from their regular budget. Very few agencies can afford to decrease their regular budget to pay for oil spill related RDT&E. The lack of public and private investment in R&D has also diminished interest at research institutions, degrading our national ability to conduct oil spill related research.

5.4.3 IN SITU RESEARCH AND DEVELOPMENT

Without in situ testing and evaluation, the true capabilities and impacts of response technologies cannot be fully understood. Various agency policies and regulations prohibit the controlled discharge of oil in the environment to test response technologies. This limits test and evaluation to a few less than ideal options: testing in simulation tanks that have inherent artificialities and degrade evaluation of effectiveness; testing at so-called "spills of opportunity" where it is difficult to establish the measures and controls necessary for accurate evaluation and to avoid interfering with the response; and testing at controlled discharges in other countries where testing criteria differ from U.S. standards.

5.4.4 TECHNOLOGY AVAILABILITY

Improved mechanical and non-mechanical recovery technologies (e.g., fast-water systems, viscous oil pumping systems, dispersants, in-situ burning, etc.) are not generally available and without requirements in place to require use of new response technologies, they will not be developed and deployed adequately. The most recent review of proposed increase in oil spill plan equipment capability limits (CAPs) conducted in accordance with 33 CFR 155 and 33 CFR 154 established a limited requirement for fast-water and dispersant capability and no requirements for in-situ burn, or other new technology capabilities. Without a requirement to have these technologies, there is little incentive for plan holders to invest in them and therefore, little incentive for technology companies to develop or refine these technologies further. This in turn limits the general availability of these technologies lengthening the time required to deploy them during a response.

5.4.5 TECHNOLOGY CAPABILITY

FOSCs need a mandatory protocol for evaluating and approving response technologies to determine what is best for a particular response and to turn away vendors with technologies not

approved by the protocol. Before a new technology or product can be used for a response it must be on the National Product Schedule as a precaution against further harming the environment. The NRT Alternative Response Tool Evaluation System protocol requires technology innovators to complete an application process, which is reviewed by the NRT who makes recommendations on the technology's potential use and effectiveness as a reference for the FOSC. Neither of these processes offers a robust test and evaluation of the technology's effectiveness or a firm requirement that a FOSC can use to turn away vendors with unknown products.

5.4.6 TRACKING OSRO READINESS

The FOSCs in Areas of Responsibility (AORs) other than those experiencing the SONS, may not be aware of what equipment has been transferred to the incident and therefore the ensuing decrease in response readiness in their AOR. Approval of vessel and facility response plans is based in part upon the availability of required response equipment and personnel to respond to a spill. Typically, the equipment and personnel required for these plans are provided through contracts with one or more Oil Spill Removal Organizations (OSROs). Most OSROs contract with multiple plan holders and often their equipment and/or personnel are contracted to support plan holders located outside their immediate region. When a discharge occurs and OSROs begin deploying equipment and personnel to the site in accordance with their contract, their ability to meet their commitments to other plan holders and therefore the validity of these plan holders response plans may be degraded. As response resources are deployed, there is no means for FOSCs in the source regions to monitor/evaluate the impact on readiness within their respective regions.

5.5 Planning

Emergency management involves the development of several kinds of plans: strategic plans that set the overall program course and direction; emergency operations/response plans that focus on the mechanisms for activating the organization and its assets during an actual operation; mitigation plans that focus on land use planning and the prevention and reduction of the impacts of hazards; and recovery plans that guide the organization through restoration of services, facilities, and functions following a disaster event.

5.5.1 SECURITY DURING RESPONSE

Current plans for responding to discharges or releases do not address security/protection for responders. Given the current threat of terrorism, it is very possible that a discharge or release may be intentional (environmental terrorism) and that the perpetrators may attempt to interfere with the response or attack responders to prolong the event and increase the damage.

5.5.2 Expedited Policy Resolution Process

Policy and regulatory authority shortfalls must be resolved quickly during a response. Responses to discharges and releases can create unique circumstances for which existing policy and/or regulatory authority are not sufficient. When this occurs, the FOSC and/or NIC require a process for quickly communicating the shortfall to the agency level and, as there is often more than one

stakeholder agency, a means for rapid interaction at the agency-level to achieve resolution.

5.5.3 VIP Visitors

A clear plan must be in place for coordinating the movement of and meeting the needs of VIPs visiting the response site. During a SONS, VIPs (e.g., elected officials, senior agency/industry executives, etc.) require on-site briefings and first-hand observations of the response. If not properly managed these VIP visits can have a negative impact on the response. Proper VIP management requires that a single source has responsibility; however, a SONS response may include several command centers (FOSCs, NIC).

5.6 Operations and Procedures

Development, coordination, and implementation of operational plans and procedures are fundamental to an effective disaster response and recovery. Standard operating procedures (SOPs) and checklists provide the detailed instructions that an organization needs to fulfill responsibilities assigned in the Emergency Operations Plan.

5.6.1 NIC Standard Operating Procedures

Without detailed standard operating procedures, the response community will not understand the NIC's roles and responsibilities. This creates the potential for a difficult transition when a NIC is designated. The NCP provides a very cursory description of the role and authorities of the NIC during a SONS. The USCG Commandant Instruction M3120.15 provides more guidance on the role and responsibilities of the NIC and the Coast Guard's concept of how the NIC staff should be organized. However, the details of how the NIC accomplishes its roles and responsibilities (e.g., maintain situational awareness, manage public information/outreach, manage critical resources, etc.) have not been established leaving a great deal of uncertainty and wariness within the response community.

5.7 Logistics and Facilities

This program element involves the identification, location, acquisition, distribution, and accounting for services, resources, materials, and facilities that are required to adequately support emergency management activities.

5.7.1 USCG Employment of MSRC

The USCG and Marine Spill Response Corporation (MSRC) have not been able to negotiate an agreement for MSRC to contract directly with the USCG for responding to a discharge. MSRC is a major oil spill removal contractor with a significant inventory of response capability. MSRC has established contracts with many facility and vessel response plan holders to provide response in the event of a spill by one of these plan holders. MSRC will not respond to support a non-contract plan holder during an actual spill response. MSRC is willing to contract directly with the USCG in such cases; however, the USCG and MSRC have not been able to negotiate such a contractual arrangement.

5.7.2 Aerial Observation Equipment

The Aerial Observation Equipment (AIREYE) system used by USCG aircraft to assist in the location of oil slicks has been removed from its inventory. FOSCs, particularly in the Gulf Coast, have relied on USCG AIREYE-equipped aircraft to assist in a response by locating and tracking the movement of spilled oil. These AIREYE-equipped aircraft were located in various spots around the country. The USCG's air surveillance support capability is now limited to a single detection system located at Elizabeth City, NC available only for responses to a SONS. The detection system has not been tested in its ability to locate oil on water or to provide timely/useful data to responders.

5.8 Exercise, Evaluation, and Corrective Action

A program of regularly scheduled exercises, designed for assessment and evaluation of emergency response plans and capabilities, is critical to a local, state, or federal emergency management program.

5.8.1 Multi-dimensional Scenarios

As complex as a SONS is, it still is still a single contingency and falls short of addressing the government's ability to provide necessary support under multiple federal plans. The standard exercise is planned around a core contingency while other "aggravating factors" are added to strain the system. This approach, although useful in learning what it takes to respond to a single contingency, may not be fully preparing the NRS for responding to more complex scenarios. The agencies that comprise the NRS should plan and exercise multi-dimensional scenarios that place an NCP response against other emergency needs. This is especially true considering the national focus on homeland security. The combination of varying plans in a single exercise (such as NCP, FRP, Mass rescue plans, security plans) is rarely exercised, yet the likelihood that more than one of these plans may be needed during a real incident is a reality. The lessons from complex incidents such as TWA 800, Egypt Air, the World Trade Center attack and numerous natural disasters have shown this to be the case time and again. In addition to better testing the government's response, multi-dimensional scenarios may provide a more efficient use of scarce personnel and resources.

5.9 Crisis Communication, Public Education, and Information (Information Management)

A wide variety of tools and methods are designated to develop, deliver, and reinforce critical information regarding an emergency or a disaster. The intended audience for this information varies and may include internal audiences as well as the general public. Effective crisis communication and public education and information are used before, during, and after an emergency or crisis.

5.9.1 Unified Message

During a response to a major discharge or SONS with multiple command levels, the management of public information becomes far more complex. It is critical that the involved parties provide a consistent, accurate accounting of the discharge and the actions being taken, including actions affecting sensitive environmental resources, energy supplies and the national economy. While providing a unified message has been fairly well achieved for spills with only a single UC, how this is accomplished when there are multiple UCs, additional layers of management (i.e., the NIC and the NRT) and a high level of political interest and involvement has not been established.

5.9.2 Internal Communication

During a SONS response, the number of command centers/interested senior officials increases dramatically and the need to ensure that situational information is disseminated accurately and timely without overburdening individual commands is crucial. Vertical communication links between the UCs, the RRT, the NIC, the NRT, etc. as well as horizontal communications between UCs, Agencies, etc. should be defined.

5.10 Finance and Administration

In addition to having sound financial and administrative procedures for daily operations, it is equally important to have procedures in place to ensure that fiscal decisions can be expedited and will be in accordance with established authority levels and accounting principles. These procedures should include establishing and defining the responsibilities for the program finance authority, program procurement procedures, payroll, and accounting systems to track and document costs.

5.10.1 Funding of a SONS

The cost of responding to a SONS can exceed the OSLTF's annual appropriation for incident response disrupting the response. The OSLTF is a billion dollar fund, but the majority is reserved for natural resource damage restoration and claims. The emergency response portion of the fund accounts for merely \$50 million. The cost of responding to a SONS could easily exceed this amount. Should this occur, the OSLTF would have to ask Congress for an emergency supplemental appropriation. If this supplemental cannot be enacted quickly, disruptions to the response may occur.

APPENDIX

1

LESSONS LEARNED REPORT

LAWS AND AUTHORITIES

The Laws and Authorities program element refers to the legal underpinning for disaster programs. These include federal, state, and local statutes, and any implementing regulations that establish legal authority for development and maintenance of the emergency management program and organization. They also define the emergency powers, authorities, and responsibilities of the chief executive official and the emergency management coordinator. These principles serve as the foundation for the emergency response and its activities.

Title: AUTHORITY OVER PRIVATE RESPONSE RESOURCES
<p>Observation: Statutory authority for the NIC/FOSC needs to be clarified or developed regarding acquisition and reallocation of critical response resources that are privately owned or contracted.</p>
<p>Discussion: When a discharge poses a substantial threat to public health or welfare, the NCP charges the FOSC to direct all federal, state, or private response actions. If the Commandant of the Coast Guard classifies the discharge as a SONS and appoints a NIC, the NIC is responsible, per the NCP, for coordinating federal, state, local, and international resources at the national level.</p> <p>The NIC, guided by USCG policy, employs the ICS to fulfill that responsibility. The key USCG policy regarding ICS is Commandant Instruction M3120.15, which builds upon the mandates in the NCP and assigns the NIC additional responsibilities beyond coordinating response resources. Per the instruction, the NIC is responsible for the allocation of critical resources. Consequently, the NIC solicits stakeholder input via a UC to prioritize the placement of critical resources. The decision may include moving resources from one area of impact to another.</p> <p>In incidents involving multiple RPs, private response resources under contract to one RP may, for the greater public good, be more urgently needed for another effort beyond their contractual relationship. Since this may not be in the best interest of the RP, the NIC could encounter resistance or refusal to release the resources for concerns over liability. When this situation exists, the NIC has few options to direct the allocation of those resources.</p>

Lesson Learned:

When an RP is unwilling to release a response organization from a contractual agreement, the FOSC and the NIC lack the legal authority to direct response resources that conflict with contractual parties of the NIC or the response organization or no contractual agreement exists.

Recommendation:

Submit a legislative change proposal (LCP) to provide the FOSC and the NIC with the legal authority to direct competing response resources, which may include the assumption of the contract between the response contractor and the potential or actual RP.

Title: CAPTAIN OF THE PORT AUTHORITY**Observation:**

The Captains of the Port (COTP) does not have the authority to establish safety or security zones beyond 12 miles for the purpose of controlling entry into the contaminated area.

Discussion:

Under the Ports and Waterways Safety Act (33 USC 1231) USCG COTPs have the authority to establish safety and security zones out to 12 nautical miles. Under the Magnuson Act (50 USC 191) COTPs have similar authority, but only out to 3 nautical miles. In addition, COTPs can establish 500-meter safety zones around outer continental shelf facilities per the Outer Continental Shelf Lands Act (43 USC 1333).

During responses to discharges or releases it is often necessary for the COTP to establish safety or security zones around the discharge source and the slick to prevent vessels from interfering with response operations and from passing through the slick thereby spreading the pollution. COTPs/FOSCs and the NIC must also be concerned that if a discharge or release is intentional, the safety of response personnel may be threatened. In such cases a security zone around the response operation would be required to protect responders. Discharges and releases from vessels and platforms can occur well offshore, beyond current COTP authority for establishing safety or security zones but still within the U.S. EEZ, consequently threatening public safety and our natural resources.

Lesson Learned:

Coast Guard authorities under the Magnuson Act and the Ports and Waterways Safety Act (PWSA) limit the USCG's ability to assure safety and security during responses to well inside the outer boundaries of the EEZ and limit its ability to fully protect U.S. interests during significant emergencies.

Recommendation:

The USCG should pursue LCPs to extend the jurisdiction of the Magnuson Act and the PWSA for the establishment of safety and security zones to include the entire U.S. EEZ.

Title: INCREASED LIABILITY FOR RESPONSIBLE PARTIES DUE TO NIC/FOSC ACTIONS
<p>Observation: During a response, the NIC or FOSC actions may increase the liabilities of an RP.</p>
<p>Discussion: Per CERCLA, OPA 90, and other associated statutes, RPs must minimize and mitigate damages caused by a discharge or release, are liable for these damages, and may face criminal charges in addition to civil action.</p> <p>During a response, the FOSC or NIC may make decisions, including the redirection of response resources, which may degrade an individual RP's response actions thereby increasing the damage for which the RP may be held liable. While the government may take the FOSC's or NIC's actions into account as a mitigating factor when making decisions on fines, penalties and pursuing criminal charges, there is no requirement to do so. Similarly, there is no guarantee that the courts and juries in a tort action will consider the FOSC's or NIC's actions and lessen the RP's liability accordingly.</p>
<p>Lesson Learned: There is no relief of responsible party liability from actions taken by the FOSC or NIC.</p>
<p>Recommendation: The USCG and the EPA under relevant legislation to recommend to the NRT a course of action or possible remedies should review liability schemes. Consideration should be given to providing relief to RPs for the decisions made by the NIC and/or the FOSC that may increase:</p> <ul style="list-style-type: none"> • Liability (tort, civil) for party forfeiting critical resources; • Potential risk of criminal liability due to critical resources being redirected; and • Develop a methodology to quantify the extent of impact due to the actions of the FOSC and/or NIC actions.

Title: JONES ACT
<p>Observation: During a response to a discharge or release, critical foreign flag resources may not be available in a timely manner due to Jones Act restrictions.</p>
<p>Discussion: The Jones Act (46 US Code Appendix 883) prohibits the transportation of cargo between U.S. ports on a foreign-flagged vessel. The purpose of this law is to protect the U.S. flagged vessels from foreign competition within the domestic trade routes. This law is enforced by U.S. Customs; however, the USCG inspects and enforces the provision relating to whether a vessel is foreign-owned or flagged, or exempted according to the Jones Act (such as Canadian vessels.) U.S. Customs may grant a waiver to this law for the purpose of national defense.</p>

During a discharge or release in U.S. waters the only vessel readily available to receive cargo from a stricken vessel may be foreign-flagged, which the FOSC can only use after requesting and obtaining a Jones Act waiver from U.S. Customs.

A waiver is requested via a letter from the COTP, as the FOSC, to the Commissioner of Customs, in consultation with MARAD. The waiver must indicate that the incident for which a foreign-flagged vessel is needed poses a threat to national defense. Although this characterization may be appropriate at times, generally speaking, a spill is not a matter of national defense. Consequently, the waiver process may cause a catastrophic delay in the timely delivery of a critical resource.

Lesson Learned:

The Jones Act may limit the timely deployment of suitable available vessels in support of incidents involving discharges or releases.

Recommendation:

USCG should negotiate with U.S. Customs and MARAD to expand its policy to include waivers for incidents involving discharges or releases.

Title: Limitation of Spill of National Significance Definition

Observation:

The language regarding SONS in the NCP applies only to oil discharges and appears only in the subpart on oil removal.

Discussion:

The authority for the EPA and the USCG to establish a higher level of management and support of oil discharges is contained in 40CFR300.323. That particular section only applies to oil discharges and therefore does not extend to hazardous substance releases.

Just as there is a need for a higher level of management and support for an oil discharge, there is a need for a SONS-like organization to manage a major hazardous substance release. Regardless of what is spilled, in nationally significant cases a higher level of organization is needed to address the issues that could detract from the OSC's ability to remain focused on removal activities. Moreover, an incident that impacts more than one OSC prompts the need for a single strategic decision-making organization to allocate resources where most needed. Issues such as communicating with affected parties and coordinating resources at the national level are not exclusive to oil. The likelihood of a hazardous substance release capturing national attention is high given the focus of the public on weapons of mass destruction and terrorism. Expanding the definition of SONS to include hazardous substance releases better positions the NRS to apply a consistent response protocol to all nationally significant incidents.

Lesson Learned:

There is a lack of regulatory consistency for managing nationally significant hazmat releases and oil discharges.

Recommendation:

The NRT should expand the definition of a SONS, in the NCP, to include hazardous substance and pollutant or contaminant releases.

Title: Confidentiality of Proprietary Information**Observation:**

The potential exists for the unauthorized release of proprietary information during a response to a release or discharge.

Discussion:

The FOSC may need proprietary information, such as the facility design or product formulations, to effectively manage a response to a release or discharge. For an incident of national significance, interest from a wide variety of stakeholders make communication of key information a major task. This information, which may be included in the response documentation, must be appropriately safeguarded to protect the interests of all parties.

Lesson Learned:

Guidelines are needed for how to identify and protect proprietary information from unauthorized release during emergency response activities.

Recommendation:

The NRT should develop guidelines to assist FOSCs to prevent proprietary information from being released while communicating with stakeholders during a response and through Freedom of Information Act request following a response.

Title: National Unified Command**Observation:**

Unified command is an effective way for the NIC to incorporate key stakeholder input to response strategies.

Discussion:

Just as there is value in establishing UC at the field level, there is equal value in establishing one at the NIC level. Many of the decisions made by the NIC rely upon the authorities and input from key stakeholders. Therefore, key stakeholders' representatives assigned to the NUC should have the authority to commit resources and to influence strategic decisions/priorities.

Lesson Learned:

By including key stakeholders in the NUC, the decisions will be made more efficiently and effectively.

Recommendation:

The USCG should establish a NUC as a best practice to support a NIC and key stakeholders.

DIRECTION, CONTROL, AND COORDINATION

During the pre- and post-incident phases of emergency responses, direction, control, and coordination allow officials to analyze the situation and decide how to quickly and effectively respond, direct and coordinate response forces, coordinate with other jurisdictions, and use available resources efficiently and effectively.

Title: NIC ROLES AND RESPONSIBILITIES

Observation:

The organizational relationship between the NIC and the other entities within the NRS is not clear.

Discussion:

During a SONS, the NCP tasks the NIC to “assume the duties of the OSC” in public communication and coordinating resources at the national level. The NIC is further charged under the NCP to involve the NRT and the RRT in this strategic coordination. In addition, according to the Coast Guard Incident Command System Implementation Plan (Commandant Instruction M3120.15) the NIC is required to:

- Set overall objectives
- Establish overall priorities
- Allocate critical resources
- Ensure the incident(s) are properly managed
- Ensure on-scene objectives are met
- Provide public affairs support to the FOSC
- Communicate at the commensurate level with affected parties, and
- Coordinate acquisition of off-incident and/or out-of-area resources.

During SONS Gulf 2002 the NIC established a philosophy of “first do no harm” by seeking only to fill gaps in response management, not duplicating or attempting to usurp roles and responsibilities already vested in other entities (e.g., NRT, RRT, FOSC). In particular, it was recognized that close coordination with the Incident Specific RRT was required and that co-location of the NIC and Incident Specific RRT, with perhaps the Chair sitting on the NIC’s UC, would enhance this coordination. However, the tone established and the effectiveness of the relationships discussed are dependent upon the personality of the NIC assigned, absent a clarification and amelioration of existing policy guidance.

Lesson Learned:

The roles and responsibilities of the NIC need to be clarified as related to the: (1) NRT, (2) RRT, and (3) FOSC and UC.

Recommendation:

The NRT should expand the NCP to clarify the roles and responsibilities and organizational relationships of the NIC.

Title: DECISION-MAKING TOOL

Observation: A standard methodology for the NIC to make and explain critical decisions, particularly those involving resource trade-offs, does not exist.

Discussion:

The NIC's responsibilities, as set forth in the Commandant Instruction M3120.15, include establishing overall objectives and priorities. Meeting this responsibility could be facilitated by creation of a "job aid" to help the NIC identify and consider the range of political, economic, environmental, public safety and other issues that must be balanced during a SONS. In defining strategies and making critical decisions, such a job aid based upon risk management should include how to incorporate and resolve conflicting priorities among different governmental levels, agencies, and other stakeholders. It should also address use of output from the tool in making or communicating decisions from the NIC to the agency level.

A decision-making tool concept developed during the SONS exercise encouraged consensus building.

Lesson Learned:

A decision-making tool facilitates consensus building in resolving complex issues.

Recommendation:

The USCG should develop a risk-based decision making tool for establishing strategic objectives and priorities. The decision making tool, once established, should be incorporated in current NIC doctrine. The USCG should also develop guidance or other doctrine on determining when decisions on priorities need to be made or validated at the agency level, and how output from the tool could be used in making or communicating these decisions when that is necessary.

Title: Response Readiness

Observation:

Resource demands for homeland security may compete with other response requirements to releases and discharges.

Discussion:

Increased security in U.S. ports and waterways following September 11th prompted the demand for additional resources, such as boats and their crews. Some of these resources, especially response management personnel, are commonly used for response to releases and discharges. This conflicting demand for resources has not been reconciled in contingency plans.

Lesson Learned:

During a response there may be competing demands for resources between pollution response and homeland security.

Recommendation:

Public and private plan holders need to assess the overall impacts on spill response readiness caused by the changes due to homeland security and incorporate into appropriate contingency plans.

Title: Role of the NIC when the FRP is Activated

Observation:

Activation of the FRP further complicates the role of the NIC.

Discussion:

A SONS may trigger the impacted states to request a Presidential Declaration for a major disaster or emergency under the Robert T. Stafford Disaster Assistance And Emergency Relief Act. If the declaration is made and the FRP is activated, a FEMA FCO is appointed to coordinate consequence management. Per the FRP, ESF #10 is assigned the responsibility to mitigate the impacts of hazardous materials, including oil, to public health and welfare using existing organizations and authorities under the NCP.

In accordance with the FRP, the regional ESF #10 chair will be the RRT co-chair from the cognizant agency (EPA or USCG). The ESF #10 chair is responsible for providing support to the FOSC and is a liaison of the FOSC to the FCO.

Lesson Learned:

Coast Guard Instruction (M3120.15) states that the NIC can coordinate directly with the FEMA Regional Operations Center or through ESF #10 and that the NIC will have the responsibility for overall strategic management of Coast Guard assets in support of the FCO. However, this relationship between the NIC, the FCO, and the ESF #10 regional chair is not discussed or described in either the NCP or the FRP.

Recommendation:

The NRT should work with FEMA to define the relationship between the NIC, the FCO and the ESF #10 regional chair.

Title: Coordination with Department of Defense in a Response

Observation:

While the use of the Navy's SUPSALV resources in combating a discharge is fairly well established, the process for obtaining other DOD resources is less clear.

Discussion:

The DOD actively participates in emergency response under both the National Contingency Plan and the FRP offering a plethora of resources and capabilities to assist civil authorities. However,

the process for obtaining DOD assistance differs depending upon which plan it is intended to support. For example, DOD assets are requested by the FCO through the Director of Military Services (DOMS), while DOD assets under the NCP are obtained by the RRT through DOMS. Neither of these processes appears to be sufficiently developed to allow for the rapid request, approval and deployment of DOD assets.

Lesson Learned:

A clear, rapid process for requesting DOD assistance during a response to a discharge is needed.

Recommendation:

NRT establish a process for obtaining DOD response assistance and publish guidance describing the process for SONS and non-SONS events. Such guidance should seek to establish a consistent process regardless of which federal plan is implemented during a response.

Title: American Indian Representation

Observation:

How is the American Indian reservation going to be impacted by a SONS? How are American Indians represented on the NIC?

Discussion:

The RRT VI DOI representative indicated that if Indian interests were affected, the DOI representative to the NIC would contact BIA, who would get USCG in touch with the appropriate tribe/personnel. USCG would then be responsible for direct consultation with the tribe(s), as required by Presidential Memorandum of April 29, 1994, concerning government-to-government relations with the Native American Tribal Governments, as well as other federal laws.

Lesson Learned:

A mechanism is lacking for ensuring appropriate participation in the NIC from Indian tribes that may be affected by a SONS.

Recommendation:

USCG and EPA should proactively reach out to the American Indian tribe(s) by effectuating government-to-government consultation, to ensure the tribes have the opportunity to participate in NCP preparedness and response activities that may affect their tribal resources.

HAZARD MANAGEMENT

The intent of hazard management programs is to target resources and prioritize mitigation activities to lessen the effects of disasters on citizens, communities, businesses, and industries.

Title: Developing Stronger Relationships with Local Responders
Observation: While USCG FOSCs have developed excellent relationships with state and local oil spill responders, the same cannot be said for state and local HAZMAT responders.
Discussion: Strong relationships between federal, state and local responders are critical to a well-coordinated response to a discharge or a release. For oil discharges, USCG FOSCs, through the Area Committees, have developed excellent relationships with state and local oil spill responders. However, in many states, the agencies responsible for responding to HAZMAT releases are different from those responsible for oil discharges and these HAZMAT response agencies (e.g., Fire Chiefs, Police, LEPCs, etc.) are not active on the Area Committees.
Lesson Learned: Well-coordinated responses to HAZMAT incidents in the coastal zone require USCG FOSCs to have pre-established working relationships with state and local HAZMAT planners and responders.
Recommendation: USCG HQ (G-MOR) should develop policy directing USCG FOSCs to build close working relationships with state and local HAZMAT responders and to work out in advance how they will coordinate a response to a HAZMAT release.

RESOURCE MANAGEMENT

Resource management involves the systematic development of methodologies for the prompt and effective identification, acquisition, distribution, accounting, and use of personnel and major items of equipment for essential emergency functions.

Title: DISPERSANTS
Observation: Dispersant delivery platforms are not generally available in sufficient quantities to deal with a catastrophic discharge.
Discussion: Use of dispersants has been fully considered and endorsed nationwide for certain spill situations, and agreements to accommodate its expeditious use are in place in every region of the country. This pre-approval is important, as dispersants are most effective when applied to an oil slick shortly after the spill occurs. One of the most effective methods for applying dispersants to a spill is aerial spraying. Given the limited availability of private dispersant delivery systems, governmental or public aircraft are still viable delivery platforms. The limited ownership and location of delivery platforms is an obstacle to effective nationwide employment of this important technology. One problem is that these delivery platforms are expensive, beyond the means of many small facility and vessel owners. The availability of public delivery platforms to augment private capabilities would allow for wider distribution of dispersant use capability and could significantly improve the nation's response posture.
Lesson Learned: A limited availability of dispersant delivery aircraft negatively impacts the response. In addition, publicly owned aircraft capable of dispersant delivery are already at capacity with other missions.
Recommendation: The NRT should work with the USCG, DOD and other federal agencies that own aerial platforms capable of dispersant delivery to encourage an increase in the role and availability of these platforms for response planning and operations and establish a protocol for their use.

Title: RESEARCH AND DEVELOPMENT
Observation: Agency budget caps have inhibited use of OSLTF funds for R&D of new response technologies.
Discussion: Agency budget caps and prohibitive policies/regulations have inhibited RDT&E of response technologies. OPA 90 authorized member agencies to use the OSLTF to fund spill related

RDT&E. Unfortunately, use of these funds is applied against an agency's budget cap, requiring the agency to offset the OSLTF amount from their regular budget. Very few agencies can afford to decrease their regular budget to pay for oil spill related RDT&E. The lack of public and private investment in R&D has also diminished interest at research institutions, degrading our national ability to conduct oil spill related research.

Lesson Learned:

Continued existence of gaps in response technology will continue to be costly in terms of environmental and economic damage.

Recommendation:

The NPFC should pursue a LCP to allocate funds on R&D such that they do not impact agencies budget caps.

Title: *IN SITU* RESEARCH AND DEVELOPMENT

Observation:

The ability to conduct response technology R&D in actual spill environments is extremely limited.

Discussion:

Various agency policies and regulations prohibit the controlled discharge of oil in the environment to test response technologies. This limits test and evaluation to a few less than ideal options. First, testing in simulation tanks that have inherent artificialities and degrade evaluation of effectiveness. Second, testing at so-called “spills of opportunity” where it is difficult to establish the measures and controls necessary for accurate evaluation and to avoid interfering with the response. Finally, at controlled discharges in other countries where testing criteria differ from U.S. standards.

Lesson Learned:

Without *in situ* testing and evaluation, the true capabilities and impacts of response technologies cannot be fully understood.

Recommendation:

The NRT should work with those agencies whose policies prevent the use of controlled spills for R&D to change their prohibitions. In addition, the NRT should develop an effective protocol for conducting *in situ* R&D on oil spill response technology during actual spills.

Title: TECHNOLOGY AVAILABILITY

Observation:

Improved mechanical and non-mechanical recovery technologies (e.g., fast-water systems, viscous oil pumping systems, dispersants, in-situ burning, etc.) are not generally available.

Discussion:

The most recent review of proposed increase in oil spill plan equipment CAPS conducted in accordance with 33 CFR 155 and 33 CFR 154 established a limited requirement for fast-water and dispersant capability and no requirements for in-situ burn, or other new technology capabilities. Without a requirement to have these technologies, there is little incentive for plan holders to invest in them and therefore, little incentive for technology companies to develop or refine further these technologies. This in turn limits the general availability of these technologies lengthening the time required to deploy them during a response.

Lesson Learned:

Without requirements in place to require use of new response technologies they will not be developed and deployed adequately.

Recommendation:

The USCG and EPA should apply the CAPS process more aggressively to require the use of proven new response technologies and to encourage the development of emerging, promising response technologies.

Title: TECHNOLOGY CAPABILITY

Observation:

During responses, the FOSC is often bombarded with vendors and elected officials seeking to have new, unknown technologies used in the response.

Discussion:

Before a new technology or product can be used for a response it must be on the National Product Schedule as a precaution against further harming the environment. The NRT ARTES protocol requires technology innovators to complete an application process, which is reviewed by the NRT who makes recommendations on the technology's potential use and effectiveness as a reference for the FOSC. Neither of these processes offers a robust test and evaluation of the technology's effectiveness or a firm requirement that a FOSC can use to turn away vendors with unknown products.

Lesson Learned:

FOSCs need a mandatory protocol for evaluating and approving response technologies to determine what is best for a particular response and to turn away vendors with technologies not approved by the protocol.

Recommendation:

NRT work with ASTM and/or similarly recognized professional organizations to develop a mandatory protocol for a thorough independent test and evaluation of response technologies using national/international test standards before allowing their use on a discharge or release. Products tested would either be disapproved, approved for use or for further field-testing during responses.

Title: TRACKING OSRO READINESS**Observation:**

The FOSCs in AORs other than those experiencing the SONS, may not be aware of what equipment has been transferred to the incident and therefore the ensuing decrease in response readiness in their AOR

Discussion:

Approval of vessel and facility response plans is based in part upon the availability of required response equipment and personnel to respond to a spill. Typically, the equipment and personnel required for these plans are provided through contracts with one or more OSROs. Most OSROs contract with multiple plan holders and often their equipment and/or personnel are contracted to support plan holders located outside their immediate region. When a discharge occurs and OSROs begin deploying equipment and personnel to the site in accordance with their contract, their ability to meet their commitments to other plan holders and therefore the validity of these plan holders response plans may be degraded. As response resources are deployed, there is no means for FOSCs in the source regions to monitor/evaluate the impact on readiness within their respective regions.

Lesson Learned:

There is no near real time mechanism in place to assist FOSCs in monitoring the status of OSROs providing equipment to combat a spill.

Recommendation:

The USCG and EPA should introduce new rules requiring plan holders to report changes in readiness status due to changes in the availability of owned or contracted response resources to their cognizant FOSC.

PLANNING

Emergency management involves the development of several kinds of plans: strategic plans that set the overall program course and direction; emergency operations/response plans that focus on the mechanisms for activating the organization and its assets during an actual operation; mitigation plans that focus on land use planning and the prevention and reduction of the impacts of hazards; and recovery plans that guide the organization through restoration of services, facilities, and functions following a disaster event.

Title: SECURITY DURING RESPONSE
Observation: Current plans for responding to discharges or releases do not address security/protection for responders.
Discussion: Given the current threat of terrorism, it is very possible that a discharge or release may be intentional (environmental terrorism) and that the perpetrators may attempt to interfere with the response or attack responders to prolong the event and increase the damage.
Lesson Learned: Adequate plans/allowance for the protection of responders in the case of an intentional discharge or release are lacking.
Recommendation: The NRT should develop guidelines for responder security/protection to be included in Area Contingency Plans.

Title: Expedited Policy Resolution Process
Observation: No rapid process for resolving gaps in federal policy and/or authority exists.
Discussion: Responses to discharges and releases can create unique circumstances for which existing policy and/or regulatory authority are not sufficient. When this occurs, the FOSC and/or NIC require a process for quickly communicating the shortfall to the agency level and, as there is often more than one stakeholder agency, a means for rapid agency-level resolution is also required.
Lesson Learned: Policy and regulatory authority shortfalls must be resolved quickly during a response.

Recommendation:

The NRT should work with its member agencies to establish a process for agency-level decision makers to be brought together quickly in person or virtually to address and resolve policy and regulatory shortfalls identified by the NIC or FOSC via the NIC. Once established, this process should be described to the RRTs and Area Committees.

Title: VIP Visitors**Observation:**

No plan was in place assigning responsibility for handling VIPs.

Discussion:

During a SONS, VIPs (e.g., elected officials, senior agency/industry executives, etc.) require on-site briefings and first observations of the response. If not properly managed these VIP visits can have a negative impact on the response. Proper VIP management requires that a single source has responsibility; however, a SONS response may include several command centers (FOSCs, NIC).

Lesson Learned:

A clear plan must be in place for coordinating the movement of and meeting the needs of VIPs visiting the response site.

Recommendation:

The NIC SOP should include a plan for managing VIP visits.

OPERATIONS AND PROCEDURES

Development, coordination, and implementation of operational plans and procedures are fundamental to an effective disaster response and recovery. SOPs and checklists provide the detailed instructions that an organization needs to fulfill responsibilities assigned in the Emergency Operations Plan.

Title: NIC Concept of Operations
Observation: The role of the NIC and how the NIC will operate is not specified.
Discussion: The NCP provides a very cursory description of the role and authorities of the NIC during a SONS. The USCG Commandant Instruction M3120.15 provides more guidance on the role and responsibilities of the NIC the USCG's concept of how the NIC staff should be organized. However, the details of how the NIC accomplishes its roles and responsibilities (e.g., maintain situational awareness, manage public information/outreach, manage critical resources, etc.) have not been established leaving a great deal of uncertainty and wariness within the response community.
Lesson Learned: Without detailed standard operating procedures the response community creating the potential for a difficult transition when a NIC is designated cannot understand the role and responsibilities of the NIC.
Recommendation: The USCG should incorporate specifics on how a NIC should manage the strategic oversight of a SONS response into a SOP manual.

LOGISTICS AND FACILITIES

This program element involves the identification, location, acquisition, distribution, and accounting for services, resources, materials, and facilities that are required to adequately support emergency management activities.

Title: USCG Employment of MSRC

Observation:

The USCG and MSRC have not been able to negotiate an agreement for MSRC to contract directly with the USCG for responding to a discharge.

Discussion:

MSRC is a major oil spill removal contractor with a significant inventory of response capability. MSRC has established contracts with many facility and vessel response plan holders to provide response in the event of a spill by one of these plan holders. MSRC will not respond to support a non-contract plan holder during an actual spill response. MSRC is willing to contract directly with the USCG in such cases; however, the USCG and MSRC have not been able to negotiate such a contractual arrangement.

Lesson Learned:

A solution must be found to have MSRCs respond to a discharge caused by a plan holder with whom they do not have a prior arrangement.

Recommendation:

The USCG and MSRC should renew their efforts to reach a mutual agreement.

Title: Aerial Observation Equipment

Observation:

The AIREYE system used by USCG aircraft to assist in the location of oil slicks has been removed from its inventory.

Discussion:

FOSCs, particularly in the Gulf Coast, have relied on USCG AIREYE-equipped aircraft to assist in a response by locating and tracking the movement of spilled oil covering a large area. These AIREYE-equipped aircraft were located in various spots around the country. The USCG has removed the AIREYE system from its inventory. The USCG's air surveillance support capability is now limited to a single detection system located at Elizabeth City, NC available only for responses to a SONS. The detection system has not been tested in its ability to locate oil on water.

Lesson Learned:

The availability of airborne oil slick tracking may not be as available as it has been in the past.

Recommendation:

The USCG should conduct testing of its new airborne detection system to determine its ability to locate and track oil on the water in a variety of conditions (day, night, fog, etc.). The USCG should also reassess the impact on response effectiveness that the change from multiple AIREYE-equipped aircraft to a single detection aircraft has caused.

EXERCISE, EVALUATION, AND CORRECTIVE ACTION

A program of regularly scheduled exercises, designed for assessment and evaluation of emergency response plans and capabilities, is critical to a local, state, or federal emergency management program.

Title: Multi-dimensional Scenarios
<p>Observation: The issues faced by the NIC and other levels of the NRS would have been all-the-more challenging had the exercise scenario included other complicating factors such as mass casualty rescue.</p>
<p>Discussion: The standard exercise is planned around a core contingency while other “aggravating factors” are added to strain the system. This approach, although useful in learning what it takes to respond to a single contingency, may not be fully preparing the NRS for responding to more complex scenarios. The agencies that comprise the NRS should plan and exercise multi-dimensional scenarios that place an NCP response against other emergency needs. This is especially true considering the national focus on homeland security. The combination of varying plans in a single exercise (such as NCP, FRP, Mass rescue plans, security plans) is rarely exercised, yet the likelihood that more than one of these plans may be needed during a real incident is a reality. The lessons from complex incidents such as TWA 800, Egypt Air, the World Trade Center attack and numerous natural disasters have shown this to be the case time and again. In addition to better testing the government’s response, multi-dimensional scenarios may provide an more efficient use of scarce personnel and resources.</p>
<p>Lesson Learned: As complex as a SONS is, it still is still a single contingency and falls short of addressing the government’s ability to provide necessary support under multiple federal plans.</p>
<p>Recommendation: Training and exercises involving the NRS should be considered for a multi-dimensional scenario, such as a cruise liner, terrorism or natural disasters.</p>

CRISIS COMMUNICATION, PUBLIC EDUCATION, AND INFORMATION (INFORMATION MANAGEMENT)

A wide variety of tools and methods are designated to develop, deliver, and reinforce critical information regarding an emergency or a disaster. The intended audience for this information varies and may include internal audiences as well as the general public. Effective crisis communication and public education and information are used before, during, and after an emergency or crisis.

Title: Unified Message

Observation:

A process for ensuring that all parties (federal, state, industry) at all levels (port, NIC, NRT) involved in coordinating a response to a SONS provide consistent accurate information to the media, public and elected officials was not apparent. Also, with so many different stakeholders involved and the potential for a high level of public interest, having recognized subject matter experts participate in conveying a consistent message would be useful.

Discussion:

During a response it is critical that the involved parties provide a consistent, accurate accounting of the discharge and the actions being taken, including action affecting sensitive environmental resources, energy supplies and the national economy. While providing a unified message has been fairly well achieved for spills with only a single UC, how this is accomplished when there are multiple UCs, additional layers of management (i.e., the NIC and the NRT) and a high level of political interest and involvement has not been established.

Lesson Learned:

During a response to a major discharge or SONS with multiple command levels, the management and communication of information to the public and specific groups becomes far more complex.

Recommendation:

The USCG should review lessons learned regarding public affairs from previous major incidents and incorporate them into a comprehensive plan for managing and coordinating public information with a NIC SOP manual. The manual should address the possibility of spokespersons outside the USCG for specific issues with a high level of concern.

Title: Internal Communication

Observation:

Vertical communication links between the UCs, the RRT, the NIC, the NRT, etc. as well as horizontal communications between UCs, agencies, etc. should be defined.

Discussion:

During a SONS response, the number of command centers/interested senior officials increases dramatically and the need to ensure that situational information is disseminated accurately and timely without overburdening individual commands is crucial.

Lesson Learned:

During a SONS, the number of senior personnel and agencies requiring accurate and timely situation information increases dramatically and can overburden port-level responders if not properly managed.

Recommendation:

An internal communications process should be incorporated into the NIC SOP manual. In addition, the NRT should develop a protocol for communicating and sharing a common situational picture amongst the highest levels of federal agencies in Washington, D.C. The communications scheme should include an information-technology solution to widely communicate spill information from the NIC.

FINANCE AND ADMINISTRATION

In addition to having sound financial and administrative procedures for daily operations, it is equally important to have procedures in place to ensure that fiscal decisions can be expedited and will be in accordance with established authority levels and accounting principles. These procedures should include establishing and defining the responsibilities for the program finance authority, program procurement procedures, payroll, and accounting systems to track and document costs.

Title: Funding of a SONS
Observation: The cost of responding to a SONS can be expected to quickly use up the OSLTF's annual appropriation for spill response.
Discussion: The OSLTF is a billion dollar fund, but the majority is reserved for natural resource damage restoration and claims. The emergency response portion of the fund accounts for merely \$50 million. The cost of responding to a SONS could easily exceed this amount. Should this occur, the OSLTF would have to ask Congress for an emergency supplemental appropriation. If this supplemental cannot be enacted quickly, disruptions to the response may occur.
Lesson Learned: The cost of responding to a SONS can exceed the OSLTF's annual appropriation for incident response disrupting the response.
Recommendation: The NPFC should submit legislative change proposals asking Congress to consider raising the \$1 billion incident limit, increasing the emergency fund ceiling and making the principal fund larger and more sustainable.

APPENDIX

2

COMMITMENT FOR RESOLUTION OF 2002 SONS GULF NATIONAL ISSUES MEMORANDUMS

As a result of the national issues identified during the 2002 SONS Gulf exercises, VADM Allen signed a memorandum to Commandant (G-M) requesting a commitment for resolution of these issues. In response, RADM Pluta signed a memorandum agreeing to the commitment for resolution. These signed memorandums are included in this appendix.



16465

JUN 26 2002

MEMORANDUM

From: *Paul J. Pluta*
Paul J. Pluta, RADM
COMDT (G-M)

Reply to: G-MOR-2
Attn of: LCDR Hewett
7-2277

To: CG LANTAREA (A)

Subj: SPILL OF NATIONAL SIGNIFICANCE EXERCISE GULF OF MEXICO 2002

Ref: (a) Your memo 16465 of 13 May 02

1. I am in receipt of reference (a) and as VADM Allen correctly pointed out, the issues should be resolved if we are to continue to advance the Coast Guard's and National Response System's ability to manage a Spill of National Significance. I share the commitment to resolve these issues and will work closely with your staff and the National Response Team as we consider these recommendations. As VADM Allen has personally agreed to report on these items for both the Clean Gulf and International Oil Spill Conferences, I have provided a copy of this memorandum to him.

2. As we begin planning for the SONS 2004 exercise, we intend to incorporate the SONS Gulf 2002 lessons learned as part of our next exercise objectives.

#

Copy: COMDT (G-C)
COMDT (G-CCS)
Chair, NRT

U.S. Department
of Transportation

United States
Coast Guard



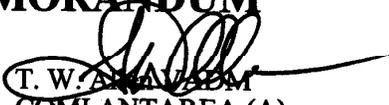
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16465

MAY 13 2002

MEMORANDUM

From: 
T. W. ANANIEV
COMLANTAREA (A)

Reply to
Attn of:

To: COMDT (G-M)
Chair, NRT

Subj: SPILL OF NATIONAL SIGNIFICANCE EXERCISE GULF OF MEXICO ~~2002~~

1. I request your immediate attention to the enclosed critical national issues identified during the Spill of National Significance Exercise in the Gulf of Mexico 2002 (SONS Gulf 02). Although many more issues were identified during the exercise, the enclosed issues require Coast Guard Headquarters or national interagency level action to resolve. The SONS Gulf 02 participants, using the Design and Issues Team from the exercise to coordinate the work, will resolve the remaining issues.

2. Please join me in a commitment to resolve or make significant progress on these issues by November 2002. I have agreed to personally report our progress at the Clean Gulf Conference to take place in November at Galveston, TX and to provide a follow-up report at the International Oil Spill Conference in April 2003 at Vancouver, BC. Our final goal should be to test our solutions to these issues during the next SONS exercise.

3. My point of contact is CDR Chris Doane. He can be reached at the address and phone number provided above.

#

Enclosures: (1) SONS Gulf 02 National Issues

Copy: COMDT (G-C)

MAY 30 2002

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APPENDIX

3

2002 SONS GULF EXERCISE AGENDA

Tuesday, 23 April 2002

1100-1300 Registration of Participants

Introduction

1300-1310 Welcome, VADM Allen (with introduction from CDR Doane)

1310-1320 Opening Remarks
(Introduction of Exercise, Administrative/ Logistical Details)

1315-1320 Exercise Objectives

1320-1325 Exercise Methodology and Rules

1325-1400 Participant Introductions

- Inner/outer circles—Name, title, organization, role in a SONS
- Observers—Name, title, organization

1400-1425 BREAK

Game Period One—NIC Activation

1425-1430 VNN

1430-1440 Port Incident Briefing #1—MSO Morgan City, TBD

1440-1450 Port Incident Briefing #2—MSO Lake Charles, TBD

1450-1500 Port Incident Briefing #3—MSO Port Arthur, TBD

1500-1515 SSC Briefing, Charlie Henry, NOAA

1515-1625 Special Topic Briefing: Dispersants, Jim Clark, ExxonMobil

1625-1640 Facilitated Discussion

- RRT stands up

1640-1645 Controller Briefing, MNG

- Realizing a SONS (i.e., political/media pressure)
- Activating a SONS
- Determining the criteria for a SONS

1645-1715 Facilitated Discussion

- NIC Activation

1715-1730 Closing Remarks and Adjournment

Wednesday, 24 April 2002

0730-0800 Check-in of Participants/Light Refreshments
0800-0810 Opening Remarks

Game Period Two—NIC Organization/ Concept of Operations

0810-0815 VNN
0815-0830 Control Briefing, MNG

- Review incidences
- Recognize the NIC/NUC
- Discuss NIC role in the NCP
- Discuss economic implications

0835-0900 Caucus Groups (by organization)

- Discuss each organization's position

900-945 Facilitated Discussion: Caucus Feedback

0945-1000 Facilitated Discussion, VADM Allen

- NUC operations (how does it work, how is it managed)
- Priority of issues
- Authority of the NIC
- Information flow

1000-1030 Facilitated Discussion

- NIC Authority

1030-1040 BREAK

Game Period Three A—Setting Strategic Objectives

1040-1120 Facilitated Discussion: Conflicts driving decision making

- Environmental
- Economic
- Social
- Political
- Jones Act
- Security

1120-1130 Special Topic Briefing: Net Environmental Benefits, Jim Clark, ExxonMobil

- 1130-1230 Caucus Groups (Incident post groups-3, NIC staff, NUC/RRT/NRT)
- Incident posts (3): resource needs/justification, implications (environmental, economic, social, security, political, safety of workers/public)
 - NUC/RRT/NRT: relationship, priorities (VADM Allen)
 - NIC staff: operating guide outline (roles, information gathering, concerns)

1230-1330 LUNCH

Game Period Three B—Setting Strategic Objectives

- 1330-1415 Brief Outs (presentation slide copies to participants)
1415-1500 Facilitated Discussion
- NUC Objectives and Priorities
 - Authority to decide/ resource allocation
 - Liability
 - Waiver
 - Contracts

1500-1520 BREAK

Game Period Four—NIC Support to Ports

- 1520-1530 Special Topic Briefing: Media Relations, Asst NIC, Public Relations
1530-1540 Special Topic Briefing: Method for Tracking, Asst NIC, finance
1540-1550 Special Topic Briefing: Planning, Asst NIC, planning
1550-1600 Special Topic Briefing: NRT, CAPT Westerholm
1600-1630 Facilitated Discussion: Support for Ports

Game Period Five—NIC Exit Strategy

- 1630-1640 Control Briefing, MNG
- Ten days out
 - Two releases at steady state (no longer a national issue)
 - Platform continues to release oil
 - Criteria for SONS is greatly diminished
- 1640-1720 Facilitated Discussion
- Exit Strategy
- 1720-1745 Closing Remarks and Adjournment, LA/TX reps, USCG, RPs

Thursday, 25 April 2002

730-800 Check-in of Participants/Light Refreshments

0800-0810 Opening Remarks

Hotwash

0810-0840 Issues Team Briefing/Presentation of SOP, CDR Chris Doane

0840-0900 Discussion of Priority Issues

0900-0930 Develop Action Plan for Top Critical Issues

930-1000 Closing Remarks, LA/TX reps, USCG, RPs

1000-1020 BREAK

Special Session—NIC/Federal Response Plan

1020-1025 VNN

1025-1045 Special Topic Briefing: FRP, TBD

1045-1200 Facilitated Discussion: NIC's role in the FRP

1200-1300 Closing Remarks and Adjournment

APPENDIX

4

2002 SONS GULF EXECUTIVE SEMINAR AGENDA

Friday, 26 April 2002

Session One: Introductions and the National Response System

- 0930-1000 Commandant and principal CG attendees in Room 2509 for player brief
- 945-1000 Invited guests arrive and assemble in Room 2415
- 1000-1005 Commandant's Welcome
- Brief introduction
 - SONS background information and exercise concept
- 1005-1010 Secretary of Transportation's Remarks
- 1010-1012 Administrative and Logistical Details
- Fire exits, restrooms, cell phones, lunch
- 1012-1015 Seminar Objectives
- Familiarize agency heads and policy makers with the NRS and SONS
 - Explore best courses of action for current national response policy issues
 - Surface interagency coordination issues
- 1015-1030 Brief Introductions
- Name, title, organization, role in NRS
 - Introduce NRT members
- 1030-1035 Special Topic Briefing #1: NCP/NRS [Mr. Mark Mjones, EPA, Chairman, Response Committee of the NRT]
- 1035-1040 Special Topic Briefing #2: Industry Participation and Role, ExxonMobil Production Company [Joe Donnaway, Emergency Response Manager, ExxonMobil Production Company]
- 1030-1055 Facilitated Discussion
- Potential discussion topics include:
- National Contingency Plan
 - Government's Role

- Industry's Role
- Spill Of National Significance Structure (ICS Model)

Session Two: Incident Briefing and Communicating with the Public

- 1055-1100 VNN News Flash
- 1100-1130 Video Teleconference with NIC
- Briefing of Incidents, Implications, and Issues
 - Question and Answer
- 1130-1135 Special Topic Briefing #3: Communicating with the Public [CAPT Westerholm, Chief, Office of Response, USCG]
- 1135-1200 Facilitated Discussion
Potential discussion topics include:
- NIC's Media Role
 - Coordinating Media & Information in the National Capital Area
- 1200-1230 Working Lunch

Session Three: Long-Range Scenario Implications

- 1230-1235 Special Topic Briefing #4: Paying for the Spill [Jan Lane, Director, NPFC]
- 1235-1240 Special Topic Briefing #5: Long-range Forecast and Economic, Environmental, and Public Health Concerns, [Captain Roger Parsons, NOAA Office of Response and Restoration]
- 1240-1330 Facilitated Discussion
Potential discussion topics include:
- Solvency of the Oil Spill Liability Trust Fund
 - Government and Industry Cost Sharing
 - Liability and Claims Issues
 - Economic Impacts (Cost of fuel, port closures)
 - Environmental Impacts (Wetlands restoration, shore cleanups)
 - Political Impacts (President's energy policy)
 - Public Safety Impacts (Protection from HAZMAT spills)

Session Four: Intentional Versus Accidental Scenario and Conclusion

- 1330-1335 Special Topic Briefing #6: Additional Issues for a SONS caused by a WMD [CDR Steve Danielczyk, Chief, Response Division, USCG]

- 1335-1400 Facilitated Discussion
Potential discussion topics include:
- Weapons of Mass Destruction Scenario
 - Consequence Management Implications
 - National Incident Commander's Role under Federal Response Plan
 - Industry role
 - CONPLAN
- 1400-1420 Prioritization and Action Plans of Issues
- 1420-1430 Closing Comments [Commandant]
- 1430-1500 National Response Center Tour with National Response Team (optional)

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APPENDIX

5

EVALUATION FORM SUMMARY

The evaluation form was distributed with the Players' Exercise Handbook at the 2002 SONS Gulf Exercise. This section summarizes the 52 responses to the 2002 Spill of National Significance Gulf Exercise evaluation form and the National Strike Force evaluation form. Additional comments are included as written on the evaluation form. Results and comments will be used to improve the development and delivery of future exercises. Several comments reflect the misconception that this was an operational exercise. This year's SONS exercise was the first to have an issues-based exercise aimed to surface and capture a wide range of issues in a SONS event.

Participants were asked to rate the following statements using the following scale:

- 5 Strongly Agree with Statement**
- 4 Agree with Statement**
- 3 Neither Agree Nor Disagree with Statement**
- 2 Disagree with Statement**
- 1 Strongly Disagree with Statement**

	Strongly Agree				Strongly Disagree
Ability to Meet Exercise Objectives	5	4	3	2	1
The exercise helped define the roles, responsibilities, and authorities of the National Incident Command in a Spill of National Significance.	13%	54%	17%	16%	0%
The exercise helped evaluate and verify the National Incident Command standard operating procedures.	8 %	44%	36%	12%	0%

	Strongly Agree				Strongly Disagree
Exercise Scenario	5	4	3	2	1
The scenario provided realistic SONS issues.	27%	46%	23%	4%	0%
The scenario provided the right context for participants to discuss issues and processes.	22%	60%	10%	8%	0%
The scenario contained a sufficient level of detail.	17%	43%	30%	10%	0%
The scenario briefings provided sufficient level of detail to enable meaningful discussion.	22%	42%	24%	12%	0%

	Strongly Agree			Strongly Disagree	
Exercise Materials	5	4	3	2	1
The Players' Exercise Handbook contained sufficient level of detail to enable meaningful participation.	29%	50%	19%	2%	0%
It was useful to receive the Players' Exercise Handbook prior to the workshop in order to review issues and background information.	32%	38%	27%	3%	0%
The Players' Exercise Handbook is likely to be utilized after the workshop.	21%	23%	37%	19%	0%
The Situation Pamphlet contained sufficient level of detail to enable meaningful participation.	32%	44%	22%	2%	0%
The Situation Pamphlet presented information in a logical and understandable format.	29%	55%	16%	0%	0%

	Strongly Agree			Strongly Disagree	
Exercise Process	5	4	3	2	1
The tabletop exercise process enabled participants to identify and address relevant issues.	31%	49%	16%	4%	0%
The pace enabled players to discuss issues sufficiently.	10%	56%	16%	14%	4%
The use of a facilitator enhanced the workshop process.	48%	38%	14%	0%	0%
The hot wash on the third day was beneficial and productive.	21%	37%	23%	19%	0%
The outcomes from this exercise will help to drive corrective actions for the following year.	22%	38%	36%	4%	0%

	Strongly Agree			Strongly Disagree	
General Topics	5	4	3	2	1
The Issues Team provided an effective summary of the major issues discussed at the seminar.	31%	48%	19%	2%	0%
Exercise staff was professional.	65%	31%	4%	0%	0%
Exercise staff was well organized and helpful.	60%	35%	5%	0%	0%
Registration was a timely and efficient process.	53%	39%	6%	2%	0%

Percent of attendees that would recommend/attend workshop like this in the future: 98%

Percent of attendees that would be willing to participate in a planning group for a similar workshop: 71%

APPENDIX

6

2002 SONS EXECUTIVE SEMINAR PARTICIPANTS

Table A6-1 Principal Attendees

Last Name	First Name	Rank/Title	Organization
Adlam	Leslie	Legislative Director	Subcommittee on Coast Guard and Maritime Transportation
Burton	Rejane	Director	Mineral Management Service
Collins	Thomas	VADM, Vice Commandant	U.S. Coast Guard
Cross	Terry	RADM, Assistant Commandant for Operations	U.S. Coast Guard
Donnaway	Joe	Emergency Response Manager	ExxonMobil
Duncan	Robert	RADM, Chief Counsel	U.S. Coast Guard
Dunne	Thomas	Associate Assistant Administrator	Office of Solid Waste and Emergency Response, EPA
Easley	Dan	Legislative Assistant	House of Representatives (TX)
Engleman	Ellen	Administrator	Research and Special Programs Administration
Garratt	David	Acting Operations Officer	Readiness, Response and Recovery Directorate, FEMA
Grizzle	Jerry	MG, Commander, JTF-CS	U.S. Joint Task Force
Hawkins	Jamison	Deputy Assistant Administrator	National Ocean Service, NOAA
Horowitz	Robert	Director of Finance & Procurement	U.S. Coast Guard
Kearney	Chris	Deputy Assistant Secretary	Policy & International Affairs, Department of the Interior
Lane	Jan	Director	U.S. Coast Guard National Pollution Funds Center
Loy	Jim	ADM, Commandant	U.S. Coast Guard
Lunner	Chet	Assistant to the Secretary, Director	Public Affairs, Department of Transportation
Makris	Jim	Chairman	National Response Team
Mineta	Norman	Secretary	Department of Transportation

Papp		CAPT, Chief, Office of Congressional Affairs	U.S. Coast Guard
Peterman	David	RADM	Office of Homeland Security
Pluta	Paul	RADM, Assistant Commandant for Marine Safety, Security and Environmental Protection	U.S. Coast Guard
Raymond	Joe	USCG Fellow	Senate Commerce Committee
Rodrigues	George	Director of Cargo Security	Transportation Security Administration
Scheller	Nora	Government Affairs Representative	ExxonMobil
Sirois	Dennis	RADM, Director of Reserves and Training	U.S. Coast Guard
Stream	Gray	Legislative Assistant	House of Representatives (LA)
Viggo	Bertlesen	National Commodore	U.S. Coast Guard Auxiliary
Yoenst	Gerard	Director, International Affairs & Foreign Policy Advisor	U.S. Coast Guard

Table A6-2 Additional Attendees

Last Name	First Name	Rank/Title
Brown	Manson	CAPT, U.S. Coast Guard
Brusseau	Joseph	CAPT, U.S. Coast Guard
Capizzi	Derek	U.S. Coast Guard National Strike Force Coordination Center
Chapman	Kevin	Department of Transportation
Charme	Joni	CPT, USA - JTF-CS
Clard	Willard	MAJ, U.S. Air Force NORAD
Clark	David	Research and Special Programs Administration
Could	Greg	Mineral Management Service
Danielczyk	Steve	CDR, U.S. Coast Guard
Hartley	Scott	CAPT, U.S. Coast Guard National Strike Force Coordination Center
Hewett	Larry	LCDR, U.S. Coast Guard
Lechthaler	Brandon	LT, USCG - JTF-CS
Lerch	Bill	ExxonMobil
Moore	David	Mineral Management Service
Parsons	Roger	NOAA
Perry	Ray	CDR, U.S. Coast Guard

Polanco	Carlos	Subcommittee on Oceans, Atmosphere, and Fisheries
Shaw	Ed	Mineral Management Service
Thorman	Jan	Department of the Interior
Washington	Mark	U.S. Coast Guard
Wiltshire	Glenn	CAPT, U.S. Coast Guard
Wybenga	Frits	Research and Special Programs Administration

Table A6-3 National Response Team Attendees

Name	Organization
Al Abadir	U.S. Department of Labor/OSHA
Steven Baer	U.S. Department of Justice
Christina Barchers	PCCI for U.S. Department of Defense
CDR Wade Blake	U.S. Department of Commerce/NOAA
Ms. Deirdre Breithaupt	U.S. Department of Transportation/RSPA
Elaine Davies	U.S. Environmental Protection Agency
Jenny DeVeaux	ICF for U.S. Environmental Protection Agency
Bill Grawe	U.S. Coast Guard/NPFC
Bill Greer	U.S. Department of Energy
Jim Holler	U.S. Department of Human and Health Services
Gisele Lee	ICF for U.S. Environmental Protection Agency
David Lopez	U.S. Environmental Protection Agency
CAPT Bert Marsh	U.S. Department of Defense/Navy/SUPSALV
Mark Mjoness	U.S. Environmental Protection Agency
Joseph Mullins	U.S. Department of Interior
Susan Nogas	U.S. Environmental Protection Agency
LCDR Luke Reed	U.S. Coast Guard/NPFC
Israel Santiago	U.S. Department of Human and Health Services
Lester Smith	U.S. Department of Human and Health Services
Tom Smith	U.S. Federal Emergency Management Agency
Willie Taylor	U.S. Department of Interior
Blake Velde	U.S. Department of Agriculture
Bill Walker	U.S. Department of Defense/Navy/SUPSALV
CAPT Dave Westerholm	U.S. Coast Guard
CDR John Weber	U.S. Coast Guard
Richard Wessman	U.S. Nuclear Regulatory Commission
Mr. Robert Wright	U.S. Department of Transportation/RSPA

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APPENDIX

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2002 SONS GULF EXERCISE PARTICIPANTS

Last Name	First Name	Rank	Organization
Allen	Thad	VADM	U.S. Coast Guard
Armstrong	Chris	Mr.	ExxonMobil Production Company
Arnhart	Richard	Mr.	Texas General Land Office
Bailey	David	Mr.	ExxonMobil Production Company
Barker	Brad	Mr.	Airborne Support Inc.
Barker	Howard	Mr.	Airborne Support Inc.
Barnes	Charles	Mr.	Federal Emergency Management Agency
Barton	Ken	CDR	NOAA Hazmat
Black	Byron	LCDR	U.S. Coast Guard
Black	Brian	Mr.	U.S. Coast Guard
Blais	Dick	Mr.	Dynmcdermott
Boehm	William	Mr.	Stolt-Nielsen Transportation Group
Bowe	Gerald	CAPT	U.S. Coast Guard
Boyles	Tom	LT	U.S. Coast Guard
Braithwaite	Ellen	Ms.	ExxonMobil
Breaux	Pat	Mr.	LA Dept of Quality
Breeding	Darice	Ms.	Mineral Management Service
Brolin	John	Mr.	LA Oil Spill Coordinator's Office
Burgess	Chaning	LTJG	U.S. Coast Guard
Cain	Brian	Mr.	U.S. Fish & Wildlife
Carmichael	Jay	RADM	U.S. Coast Guard
Carr	Daniel	Mr.	Stolt-Nielsen Transportation Group
Cashman	Dennis	Mr.	U.S. Coast Guard
Casto	Roy	RADM	U.S. Coast Guard
Champion	Bruce	Mr.	LA Department of Health
Chaplin	John	Mr.	ExxonMobil Production Company
Clark	Jim	Mr.	ExxonMobil
Clark	Wayne	Mr.	ExxonMobil Production Company
Connors	Maureen	Ms.	U.S. Navy
Crickard	Mike	Mr.	U.S. Coast Guard
Danielczyk	Steve	CDR	U.S. Coast Guard

Last Name	First Name	Rank	Organization
Debuschere	Karolien	Ms.	LA Oil Spill Coordinator's Office
Demby	Benaye	Ms.	ExxonMobil Production Company
Demond	John	Mr.	LA Department of Environmental Quality
Dexter	Harvey	Mr.	U.S. Coast Guard
Diamond	Harry	Mr.	WQIS
Dickensheets	Tim	Mr.	Stolt-Nielsen Transportation Group
Dixon	Steve	Mr.	ExxonMobil Production Company
Doane	Chris	CDR	U.S. Coast Guard
Donnaway	Joseph	Mr.	ExxonMobil Production Company
Drieu	Michael	CDR	U.S. Coast Guard
Eastman	Tim	Mr.	U.S. Coast Guard
Eckert	Sherry	Ms.	Marasco Newton Group
Edmiston	Carl	Mr.	U.S. Coast Guard
Elliott	Jim	LT	U.S. Coast Guard
Ellis	Donnie	Mr.	ExxonMobil Production Company
El-Min	Faiq	PA2	U.S. Coast Guard
Ewing	JT	Mr.	Texas General Land Office
Fannaly	Marion	Mr.	U.S. Navy
Farlow	Matthew	Mr.	LOEP
Felts	Kirby	Ms.	Marasco Newton Group
Fisher	Bruce	LCDR	U.S. Coast Guard
Flennoy	Jason	LT	U.S. Coast Guard
Fletcher	Kim	Ms.	Marasco Newton Group
Fogle	James	LTJG	U.S. Coast Guard
Forehand	Robin	Mr.	National Strike Force Coordination Center Staff
Foresman	Lee	Mr.	U.S. Coast Guard
Francis	Diovane	Mr.	Panama Canal Authority
Frederick	Paul	Mr.	ExxonMobil
Frederick	Jamie	LTJG	U.S. Coast Guard
Gabrielsen	Kory	MCPO	U.S. Coast Guard
Gallagher	Mike	Mr.	ExxonMobil Production Company
Gallegos	Steve	Mr.	EMSI Inc.
Gamble	Jeff	CAPT	U.S. Coast Guard
Garrity	Steve	CAPT	U.S. Coast Guard
Gasteazoro	Gilberto	Mr.	Panama Canal Authority
Gazda	Charlie	Mr.	EPA Region 6
Gladney	DeMonica	Ms.	ExxonMobil
Gleason	Joe	LCDR	U.S. Coast Guard

Last Name	First Name	Rank	Organization
Glover	Nick	Mr.	BP Alaska
Goatcher	Buddy	Mr.	U.S. Fish & Wildlife
Graham	Bruce	LCDR	U.S. Coast Guard
Guidry	Roland	Mr.	LA Oil Spill Coordinator's Office
Hahn	Brad	Mr.	Alaska DEC
Hale	Bob	Mr.	Phillips Alaska
Hamilton	Derek	Mr.	LA Dept Natural Resources
Hanifen	Jim	Mr.	LA Dept Wildlife & Fish
Hansel	Arrid	TFC	State Police
Hartley	Scott	CAPT	U.S. Coast Guard
Hassett	John	Mr.	WQIS
Hayden	Raymond	Mr.	U.S. Coast Guard
Heeb	Michael	Mr.	NOAA Hazmat
Heikamp	AJ	Mr.	Marine Spill Response Corporation
Heisler	Mike	LCDR	U.S. Coast Guard
Hemphill	Kenneth	Mr.	LA Department of Health
Henderson	Harlen	Mr.	U.S. Coast Guard
Henry	Charlie	Mr.	NOAA
Hull	James	RADM	U.S. Coast Guard
Hunt	Michael	LCDR	U.S. Coast Guard
Hurst	Stephen	Mr.	US Dept of Transportation
Hutley	Tedd	LTJG	U.S. Coast Guard
Hutter	Doug		National Park Service
Irion	Karen	Ms.	LA Department of Health
Ives	Austin	LT	U.S. Coast Guard
Jackson	Shone	TFC	State Police
Jeandheur	George	COMO	US Coast Guard Auxiliary
Jensen	Peter	Mr.	ExxonMobil
Johnson	Jeff	LCDR	U.S. Coast Guard
Kahl	Robert	Mr.	Department of Energy
Kennedy	Robert	Mr.	LA Oil Spill Coordinator's Office
Kesler	Ed	LTjg	U.S. Coast Guard
Limos	Alex	LT	National Strike Force Coordination Center Staff
Lindeen	Larry	Mr.	ExxonMobil
Lombardi	Monica	LCDR	U.S. Coast Guard
Lynch	Pat	Mr.	Texas General Land Office
MacDonald	James	Mr.	EPA Region 7
Magnino	Natalie	LTjg	U.S. Coast Guard
Magoon	Ron	LCDR	U.S. Coast Guard

Last Name	First Name	Rank	Organization
Marquette	Tom	Mr.	PPS Inc
Martin	John	Mr.	EPA Region 6
Martin	Buzz	Mr.	Texas General Land Office
Martinez	Jorge	LT	U.S. Coast Guard
McCormick	Karen	Ms.	EPA
McDonald	Barbara	MSTC	U.S. Coast Guard
McNeely	Jess	Mr.	Royal Productions
McPherson	Brendan	LCDR	U.S. Coast Guard
Mellor	Larry	Mr.	U.S. Coast Guard
Merchant	Zeita	LTJG	U.S. Coast Guard
Merlin	William	Mr.	LA Oil Spill Coordinator's Office
Meyer	Raymond	Mr.	RMA
Meyers	Ray	M/T	State Police
Meyers	Robert	Mr.	RJM
Meyers	Scott	Mr.	RJM
Mills	Chuck	Mr.	EMSI Inc.
Monson	Linda	Ms.	ExxonMobil
Morris	Ron	CAPT	U.S. Coast Guard
Morris	Jim	CDR	NOAA Hazmat
Murphy	Jeff	PAC	U.S. Coast Guard
Naff	Mike	LT	NSFCC Staff
Nickle	Richard	Mr.	ATSDR
Nicolaus	Eric	CAPT	U.S. Coast Guard
Norman	Heather	MST3	U.S. Coast Guard
O'Donovan	Doug	Mr.	Marine Spill Response Corporation
Palustre	Sharon	Ms.	U.S. Coast Guard
Pena	Al	Mr.	ExxonMobil
Perkins	Richard	LT	U.S. Coast Guard
Pertuz	David	LCDR	U.S. Coast Guard
Piehler	Chris	Mr.	LA Department of Environmental Quality
Pollock	Greg	Mr.	Texas General Land Office
Pugh	Dave	LCDR	U.S. Coast Guard
Purdom	Wayne	Mr.	ExxonMobil
Rendon	Rich	CDR	U.S. Coast Guard
Richey	Sharon	CDR	U.S. Coast Guard
Rinelli	Bob	Mr.	U.S. Navy IMAT
Rivera	Robert	Mr.	Texas General Land Office
Rooke	Connie	LT	U.S. Coast Guard
Ryan	Dan	CAPT	U.S. Coast Guard

Last Name	First Name	Rank	Organization
Ryan	Dan	CAPT	U.S. Coast Guard
Sandlin	John	Mr.	ExxonMobil Production Company
Savoie	Linda	Mr.	LA DHS
Schrinner	John	CAPT	U.S. Coast Guard
Sejud	Joseph	Mr.	LA DHS
Sekavec	Glenn	Mr.	Dept of the Interior
Shaye	Mark	Mr.	Spill Control Association
Simmons	Robert	Mr.	Environmental Science Srv
Snyder	Chuck	Mr.	ExxonMobil
Speights	David	Mr.	EPA HQ
Spencer	Steve	Mr.	Dept of the Interior
Stanton	Ed	CDR	U.S. Coast Guard
Stein	Todd	BMC	U.S. Coast Guard
Stephens	Jackie	Ms.	U.S. Coast Guard
Stewart	Annemarie	LTJG	U.S. Coast Guard
Suffern	James	LTJG	U.S. Coast Guard
Swaye	Christina	Ms.	LA Oil Spill Coordinator's Office
Taylor	Tracy	Mr.	U.S. Navy IMAT
Theriot	Tom	Mr.	ExxonMobil
Thomas	Cari	CDR	U.S. Coast Guard
Thompson	Shaw	Mr.	Environmental Science Srv
Threadgill	Michael	Mr.	Morris Environmental
Thumm	Stephen	LT	NOAA
Tidemann	Arlen	Mr.	National Response Corp
Tomblin	Tommy	Mr.	ExxonMobil
Towns	Borris	LTJG	U.S. Coast Guard
Travis	Robert	Mr.	U.S. Coast Guard
Varley	James	Mr.	Stolt-Nielsen Transportation Group
Viator	Chris	Mr.	LA State Police
Westerholm	Dave	CAPT	U.S. Coast Guard
Wigton	Andrew	Mr.	ExxonMobil
Woestendiek	Linda	Ms.	Dept of the Interior
Wright	Rusty	Mr.	Minerals Management Service
Youngkin	Bradford	LTJG	U.S. Coast Guard
Zukowski	Chris	Mr.	Stolt-Nielsen Transportation Group

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APPENDIX

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ACRONYMS AND ABBREVIATIONS

ACP	Area Contingency Plan
AIREYE	Aerial Observation Equipment
AOR	Areas of Responsibility
ARTES	Alternative Response Tool Evaluation System
CAPS	Capability Limits
CERCLA	Comprehensive Environmental Response Compensation and Liability Act
CFR	Code of Federal Regulations
CG-SAILS	Coast Guard Standard After Action Information Lessons Learned System
COMDT	Commandant
CONPLAN	U.S. Government Interagency Domestic Terrorism Concept of Operations Plan
COTP	Captain of the Port
CWA	Clean Water Act
DOD	Department of Defense
DOI	Department of the Interior
DOMS	Director of Military Services
EEZ	Exclusive Economic Zone
EPA	Environmental Protection Agency
ESF	Emergency Support Function
FCO	Federal Coordinating Officer
FEMA	Federal Emergency Management Agency
FOSC	Federal On-Scene Coordinator
FRERP	Federal Radiological Emergency Response Plan
FRP	Federal Response Plan
G-MOR	Coast Guard Headquarters, Office of Response
HAZMAT	Hazardous Materials
HQ	Headquarters
IAP	Incident Action Plan
ICS	Incident Command System

LCP	Legislative Change Proposal
MARAD	Maritime Administration
MSO	Marine Safety Office
MSRC	Marine Spill Response Corporation
NCP	National Contingency Plan
NIC	National Incident Commander
NPFC	National Pollution Fund Center
NRS	National Response System
NRT	National Response Team
NUC	National Unified Command
OPA	Oil Pollution Act
OSLTF	Oil Spill Liability Trust Fund
OSRO	Oil Spill Removal Organization
PWSA	Ports and Waterways Safety Act
R&D	Research and Development
RDT&E	Research, Development, Training, and Exercise
RRT	Regional Response Team
RP	Responsible Party
SONS	Spill Of National Significance
SOP	Standard Operating Procedures
SSC	Scientific Support Coordinator
SUPSALV	Supervisor of Salvage
UC	Unified Command
USCG	United States Coast Guard
VNN	Virtual News Network

