

FLORIDA
Commission on
Oil Spill Response Coordination

FLORIDA COMMISSION ON OIL SPILL RESPONSE COORDINATION

MEETING #5


*Santa Rosa
Beach, FL*

December
7, 2012



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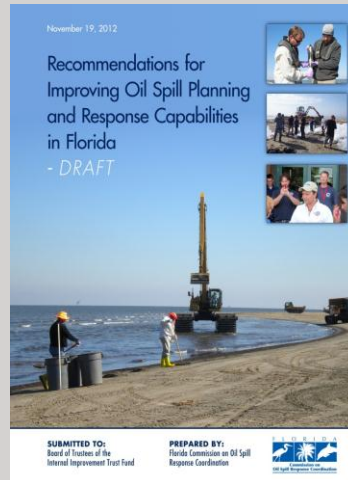
WELCOME, INTRODUCTIONS, AND OPENING REMARKS



REPORT OF THE COMMISSION:



- Requirements contained in Florida Statutes, Section 496, Ch. 2012-119
- Commission “shall prepare a report for review and approval by the Board of Trustees of the Internal Improvement Trust Fund”
- The report is due January 1, 2013
 - Tetra Tech to complete deliverables in December
 - The Board of Trustees “shall deliver the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Secretary of Environmental Protection, and the executive director of the Department of Economic Opportunity by January 1, 2013”



THE COMMISSION IS REQUIRED TO PREPARE A REPORT WHICH:




- Identifies potential changes to state/federal law and regulations which will improve the oversight and monitoring of offshore drilling activities and increase response capabilities to offshore oil spills.
- Identifies potential changes to state/federal law & regulations which will improve protections for public health and safety, occupational health and safety, and the environment and natural resources.
- Evaluates the merits of the establishment of a federal Gulf-wide disaster relief fund.
- Evaluates the need for a unified and uniform advocacy process for damage claims.
- Evaluates the need for changes to interstate coordination agreements in order to reduce the potential for damage claims and lawsuits.
- Addresses any other related issues as determined by the Commission.

**DISCUSSION AND
REVISION OF DRAFT
RECOMMENDATIONS**



RECOMMENDATIONS



1. Several Florida state agencies currently monitor oil drilling and well production activities from different perspectives and have mechanisms in place to alert state and local officials if a spill occurs. Current Florida laws, regulations, and agency practices regarding offshore drilling, oversight, and monitoring appear to be adequate and do not require any changes at this time.



RECOMMENDATIONS

2. United States Coast Guard (“USCG”) Districts 7 and 8 should be encouraged to: (a) achieve general consistency in their general oil spill preparations as well as their Spills of National Significance (“SONS”) policies, procedures, and protocols regarding Florida oil spill contingency plans, preparedness activities (*e.g.*, drills and exercises), incident command system deployment and operation, communication methods, and requirements for data collection, activity reporting, and response activity reimbursement and other forms; and (b) convene triennial conferences on SONS planning, preparedness, and response for the Gulf Coast and Caribbean regions.



RECOMMENDATIONS

3. State and local emergency preparedness and management responsibilities should require active participation by Florida agencies, counties, and elected officials in USCG Area Contingency Plan development and biennial drills and exercises.



RECOMMENDATIONS

4. Regional and Area Contingency Plans should be amended to ensure better organization, deployment, and management protocols for the Vessels of Opportunity program and relevant Oil Spill Response Organizations, emphasizing the importance of air surveillance and monitoring, preference in hiring and contracting local resources, and the value of local knowledge and experience in assessing tidal impacts and flow patterns in predicting the movement of spilled oil.



RECOMMENDATIONS

5. State Initial state and local responses to oil spills threatening Florida's coast line (*e.g.*, boom acquisition and placement, assembling and training cleanup personnel) should be improved through better area contingency planning along with preparedness activities.



RECOMMENDATIONS

6. USCG oil spill contingency plans, state spill plans, and other plans, should be amended to ensure support for—and participation in—coastal mapping and oil spill movement, monitoring, modeling, and spatial analysis coordinated by the Florida Fish and Wildlife Research Institute’s Center for Spatial Analysis (*e.g.*, Geospatial Assessment Tool for Operations and Response) and the federal Environmental Response Management Application.



RECOMMENDATIONS

7. USCG Regional and Area Contingency Plans and any incident or unified commands established to respond to SONS affecting Florida should be amended to include:
 - (a) placing a USCG representative and responsible party representative in Emergency Operations Centers at each level of government when a spill approaches state waters;
 - (b) consolidating public health and scientific research/information services at the incident command level to reduce redundancy and overlap; and
 - (c) incorporating local branches under the Incident Command System to ensure appropriate local involvement and integration into spill response and cleanup actions.



RECOMMENDATIONS

8. Congress should consider reviewing the Oil Pollution Act of 1990 (“OPA”) or other laws to ensure that: (a) incident command authorizations allow reimbursement for actions undertaken by state or local governments to protect their resources and restore damaged areas during SONS events if the actions are included in an Area Contingency Plan; and (b) the Oil Spill Liability Trust Fund is capable of addressing SONS where there is no financially viable responsible party for whatever reason.



RECOMMENDATIONS

9. Area Contingency Plans should improve identification, prioritization and protection of environmentally sensitive areas/habitats through the use of state or region-specific information, best available technologies, and application of sound science, engineering, and technical principles that consider water currents, tidal variations, and the effects of protective measures used in environmentally and economically sensitive areas.

RECOMMENDATIONS

10. Florida should consider providing further guidance on the use (if any) of dispersants in state waters.



RECOMMENDATIONS

11. In the event of a SONS affecting Florida, any civil and/or criminal settlement framework should provide full compensation for restoring the impacted ecological and economic conditions within the state.



RECOMMENDATIONS

12. The voluntary early restoration program should be reviewed to determine whether it can be streamlined and ultimately become part of the Natural Resource Damage Assessment process.



RECOMMENDATIONS

13. Future OPA claims processes should operate under a practical, equitable, reasonable, fair, efficient, consistent, and transparent framework that includes provisions for:
 - (a) proper staffing and office accessibility;
 - (b) identifying errors in processing;
 - (c) recommending claims processing improvements; and
 - (d) providing free legal assistance for those who cannot afford it.

RECOMMENDATIONS

14. Florida should support the development of an oil spill mutual aid framework that incorporates emergency and environmental agencies and resources.



RECOMMENDATIONS

15. Florida and other Gulf states should establish a common mechanism for access to multi-state resources through the Emergency Management Assistance Compact regardless of whether the incident response is handled through the National Contingency Plan process or National Response Framework process. Such a mechanism should seek to integrate state environmental agency resources into the arrangement and develop guidance for national and regional response teams, joint meeting and training materials, and integrated drills and exercises.



POTENTIAL RECOMMENDATION

In light of the recent DWH incident, Florida should petition the USFWS to allocate a portion of CIAP funds to its Gulf Coast counties. While Florida does not permit offshore oil drilling in its state waters, it has become clear that its coastal resources are vulnerable to the impacts of the industry taking place in nearby states.



RECAP AND APPROVAL OF REVISED FINAL REPORT RECOMMENDATIONS

Discussion



REPORT STATUS



Report Title	Draft Release Date	Comments Received Updates in Progress	Final Report
Report 1 – Analysis of current state and federal laws addressing oil spill planning and response.	9/28		
Report 2 – Analysis of the effectiveness of the use of the Incident Command System in the DWH incident.	10/5		
Report 3 – A study of the National Response Framework and National Contingency Plan during a major oil spill incident.	10/12		
Report 4 – Analysis of the adequacy of existing funding mechanisms for large oil spills.	11/2		
Report 5 – Analysis of other Gulf state laws and implementation related to spill planning and response.	11/7		
Report 6 – Summary of lessons learned from the DWH incident.	11/9		
Final Report	11/19		



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