



DRAFT List of Recommendations

Regarding the Deepwater Horizon Oil Spill Response in Florida

December 6, 2012

NOTE: This list of DRAFT recommendations was developed for the Florida Commission on Oil Spill Response Coordination with contractor support. Topics and issues regarding the recommendations which follow were reviewed and discussed by the Commission at its October 3rd meeting, and later revised to reflect those discussions and information provided at the October 29 meeting.

The recommendations below have not been fully reviewed or vetted by the Commission, and are presented for information purposes only. The recommendations are organized in accordance with the requirements of the legislation that established the Commission, which stipulated that the Commission submit a report which:

- *Identifies potential changes to state and 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 and federal law and 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.*

Complete List of Draft Recommendations for Improving Oil Spill Planning and Response Capabilities in Florida

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.
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.
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.
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.
5. 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.
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.
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.

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.
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.
10. Florida should consider providing further guidance on the use (if any) of dispersants in state waters.
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.
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.
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.
14. Florida should support the development of an oil spill mutual aid framework that incorporates emergency and environmental agencies and resources.
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.