



Summary of the Inaugural Meeting

August 22, 2012 • 9:00am – 3:30pm Central Time
Emerald Coast Convention Center, Fort Walton Beach, Florida

In the wake of the Deepwater Horizon oil spill, the Florida Legislature (under Section 496 of Chapter 2011-142, Laws of Florida) charged the Board of Trustees of the Internal Improvement Trust Fund (Board) with establishing the Commission on Oil Spill Response Coordination (Commission) to identify ways to ensure that the health and welfare of Florida's citizens and natural resources are best protected in the future from potential disasters. The Commission is required to prepare a report for review and approval by the Board which:

- Identifies potential changes to state and federal laws 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 laws and regulations which will improve protections for public health and safety, occupational health and safety, band 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; and
- Addresses other related issues as determined by the Commission.

On August 22, 2012 the inaugural meeting of the Commission was held at the Emerald Coast Convention Center in Fort Walton Beach, Florida. The goals of the meeting were as follows:

- Provide a brief history of the Oil Spill Response Commission, an overview of its charge, and establish the operating/communication structure.
- Identify initial ideas, potential recommendations, and sources of information for the supporting reports. These will be researched and evaluated for incorporation into the final report.
- Identify the focus of each supporting report, people to interview, and sources of available information that could be incorporated into the reports.

There will be five subsequent meetings of the Commission:

- September 12 and November 26 Meetings: Emerald Coast Convention Center, 1250 Miracle Strip Parkway S.E., Fort Walton Beach, FL 32548
- October 3, October 29, and December 7 Meetings: Walton County - South Annex Branch Office, 31 Coastal Centre Boulevard, Santa Rosa Beach, FL 32459

The meeting was attended by the following Commission members:

- Tom Beck, Florida Department of Economic Opportunity
- Alan Brock, Wakulla County Board of County Commissioners

- Jennifer Fitzwater, Executive Office of the Governor
- George Gainer, Bay County Board of County Commissioners (Chair)
- Dr. Kendra Goff, Florida Department of Health
- Bill Imfeld, Walton County Board of County Commissioners
- Gwen Keenan, Florida Department of Environmental Protection
- Russell Kent, Florida Office of the Attorney General
- Danny Kilcollins, Florida Division of Emergency Management
- Richard Knudsen, Florida Fish and Wildlife Conservation Commission
- Lane Lynchard, Santa Rosa County Board of County Commissioners
- Leslie Palmer, Florida Department of Agriculture and Consumer Services
- Dave Parisot, Okaloosa County Board of County Commissioners
- Joseph Parrish, Franklin County Board of County Commissioners
- Grover Robinson, Escambia County Board of County Commissioners
- Tami Torres, Florida Department of Financial Services
- Bill Williams, Gulf County Board of County Commissioners

The following members of the public attended the meeting:

- Doug Broxson, Florida House of Representatives
- Doug Darling, Florida Association of Counties
- Jason Desantis, NRC
- Carl Edmiston, US Coast Guard District Mobile
- Mike Exline, WFSC
- James Foster, EMR, Inc.
- William Foster, Florida Office of the Attorney General
- Don Gaetz, Florida Senator
- Mary Glomacki, Florida DOS/DHR
- Dan Heffner, Surfrider Foundation
- Jon Henneke, US Coast Guard District
- Garath Leonard, Florida Department of Environmental Protection
- Jacquee Markel, SWCC
- Amy Mixon, Ecology and Environment
- Anita Page, SWCC
- Kendra Parson, Florida Department of Environmental Protection
- Kirsti Satterstrom, The Florida Channel
- Woody Speed, Ecology and Environment
- Todd Sumner, NWFMI
- Chris Tanner, Florida Department of Financial Services
- Dino Villani, Okaloosa County
- Steve Waltz, US Coast Guard District Sector Mobile
- Doug White, Florida Department of Environmental Protection
- Keith Wilkins, Escambia County
- Forest Willis, US Coast Guard Seventh District

In addition, staff from the Commission's contractor group (Tetra Tech) in attendance included:

- Eric Dohner
- Michael Barnett
- Michael Bomar
- Dean Goodin
- Barry Tinning
- Amber Siegel
- Tim Vanderwalker

The meeting opened with a welcome from Commissioner Gwen Keenan of the Florida Department of Environmental Protection and a review of the charge of the Commission by Florida Senator Don Gaetz of Senate District 4 and author of SB 248, which created the Commission. Commissioner Dave Parisot of Okaloosa County welcomed all attendees to his county. Commissioner George Gainer was appointed by the Governor as Chairman of the Commission. Commissioner Gainer welcomed the Commission and noted the need to work together on common problems.

Procedural issues were discussed, and the Commission determined that it must appoint a Vice Chair, establish an official process for using proxies, establish a quorum number, and identify an official spokesperson for Commission business. A quorum of ten Commissioners, with five being county representatives, was proposed, along with an allowance for proxy representation if the absent Commissioner notifies the Chair in writing (i.e., email, letter) prior to the meeting.

Commissioners were advised that five informational sub-reports will be drafted by Tetra Tech to address each task of the final report. Outlines of the first four reports were presented and discussed. Informational interviews will be an integral part of the report writing process – Federal, State, and Local agencies as well as Industry representatives and impacted parties are slated for possible interviews. The following organizations and groups were identified for possible informational interviews:

- Bureau of Ocean Energy Management (BOEM) and the Bureau of Safety and Environmental Enforcement (BSEE) for information on offshore regulations and communication with the industry.
- Florida Department of Health.
- Florida Institute of Oceanography for information related to the Memorandum of Understanding (MOU) with the United States Coast Guard (USCG) District 7 to aid in incident response.
- USCG Incident Management Liaisons.
- Scientific and Academic Communities.

Part of the report writing process includes an evaluation of current legislation. In addition to the legislation previously identified for review are the following documents, as suggested by the Commission:

- National Association of Counties (NACo) Resolutions and Legislation.
- 40 CFR 300 which provides an outline of stakeholders/defines US Environmental Protection Agency (US EPA) and USCG involvement.
- Florida Statute Chapter 381, Section 00315, which addresses Public Health Emergencies and Advisors.
- Robert T. Stafford Disaster Relief and Emergency Assistance Act, PL 100-707.
- USCG Recommendation Policy.
- National Contingency Plan (NCP).
- Local (County) Area Contingency Plans (ACP).

During the facilitated discussion, the Commission noted that some clarifications were needed for the oil spill clean-up process:

- There needs to be a definition – and possibly a revision – of oil spill response roles and responsibilities in legislation to allow effective communication and action from the top down or from the bottom up.
- The legislation needs to clarify and expedite reimbursement policies – this was a key factor in response time lag during the DWH event. Counties did not know if they would get reimbursed and not all could afford to extend their reserve during hurricane season.

Several Commissioners said that teamwork is a very important component of the response process. Commission members noted that it was important to coordinate efforts with the other Gulf States and to use legislation or response strategies that have proved effective in other circumstances (e.g., hurricanes) to assist in responding to the need for improving oil spill response procedures. NACo was identified as a partner in this effort, as an informational resource and for its ongoing work to explore the lessons learned from the DWH response effort. Federal and State partners will play a key role in this process as well, and input from industry representatives is also an important component.

Changes to the general communication strategy between Federal, State, and local agencies were discussed. Communication deficiencies prevented information from passing to the parties that needed it. In some cases this hindered spill response and clean-up processes. Critical information that was needed included:

- Pre-incident education was needed for local officials. Many officials were unfamiliar with the processes required by this type of occurrence.
- Information flow from the Incident Command center to county responders was poor or nonexistent. Much information went into the Incident Command Center as per requirements but very little was disseminated to the local officials and responders.
- Information on monitoring and movement of the oil. Local agencies needed to know where it was and where it was going in order to effectively prepare for it and attempt to prevent as much damage as possible. Difficulties also arose because communication between air, water surface, and land monitoring units was difficult. Radio frequencies were different and the units could not communicate with each other directly. This geographic location information was vital for local areas waiting to respond but often did not make it to the people who needed it.
- Scientific, technical, and engineering information was needed for the protection and restoration processes, but came late in many cases.
- Public health information was unavailable or late. It did not pass to the county level swiftly enough – although it did eventually reach county health departments. Many citizens wanted to know if the beaches were clean and if fish and shellfish were safe to eat, but this information was not available early in the response period. In some cases the news media filled information gaps with incorrect reports. Public health departments bore the brunt of the confusion created by misinformation.
- Communication with the oil industry was lacking. Industry restoration efforts were not communicated with local governments prior to implementation.

One of the key recommendations identified for enhancing the communications strategy is to more clearly define the legislative response framework and operational structure. The following strategies were suggested to assist in enhancing communication between all involved parties:

- Initiate training for local governmental staff on oil spill response laws and regulations and implementation. This course can be implemented through NACo or as a part of the joint FEMA/USCG class. The ACPs should be discussed during this training and the importance of evaluating – and updating – the ACPs should be stressed to new government officials.
- Unified Command is designated as the main entity for response, but the branch Command Posts in local areas that were established during the end of the event were very helpful and should be a part of early efforts during the next event. It is imperative that the staffing meet the information needs – technical experts need to be on hand to answer questions and assist in response efforts.
- There is absolutely a need for a federal Unified Command, but the branches must have autonomy in planning, implementing, and communicating for specific tactical decisions within their specific jurisdictions. Effective communication between the Unified Command and Branch Commands will assist with this.
- Possibly redefine “Unified Command” as a resource/research command function, and not an operational (i.e., field activities) command. The emergence of the branch structure facilitated better tactical decision-making and operational response. Separating resource command from operation/tactical command keeps resource command centralized and unified.
- Review where the information bottlenecks were and define the communication responsibilities to ensure timely responses.
- There needs to be a Florida-centric scientific vetting process for all reports regarding public health information, beach closings, and response updates. This information needs to go to local county governments and to the news media to ensure accurate reporting to the public and quick response to oil movement.
- The monitoring and reporting of the geographical location of the oil needs to be coordinated more efficiently. There needs to be a plan for getting aerial imaging, surface monitoring, and land monitoring information coordinated, vetted, and passed to local governments for response efforts. This information can be managed by the Unified Command but needs to be structured to include information from localities and other sources, and be amenable to rapid vetting so that response actions can be approved. Federal, State, and local levels need to work together efficiently through the operational structure.

Recommendations for changes to Federal statutes and regulations were also discussed. This may include some changes or additions to the Oil Pollution Act of 1990 (OPA) supported by Florida and the affected areas. Key issues for future consideration included:

- Evaluate the Federal regulations and consider how they can be modified to bring the emergency management process for man-made disasters in line with the process for natural disasters (floods, hurricanes, etc.) – i.e., the legislative and operational infrastructure that works for natural disasters can work for man-made disasters. Florida has an established process for responding to natural disasters, and applying this process to man-made disasters would make response to future disasters more effective.
- A key piece of legislation is the Stafford Act. Key points of response structure could be applied to the OPA legislation or included as the operational platform in updated Area Contingency Plans. Effective strategies in Stafford include locally based responses, monitoring, mapping, and information sharing. The Stafford Act also contains pre-approved contracts for emergency response contractors for use during emergency situations which are reimbursable without additional approval.
- One key aspect that must be included in changes to legislation is that local governments need to have a seat in the discussion and planning on maintaining public safety. Local government is the most effective responder to local problems.

- It is possible that the only changes or additions are needed where OPA regulates the response to larger events, such as spills with multi-state impacts and/or drift from foreign nations (e.g., Cuba). The operational framework for these larger events is different than those for smaller events, and could be the focus of the final recommendations to the Board.
- The legislative structure should better define approved incident response strategies and reimbursement procedures. The communications strategy should be more clearly defined – possibly using the lessons learned from the DWH incident.
- The role of the Responsible Party in incidents should be considered. For example, for large multi-state events, it may be prudent to shift the Responsible Party’s role from directly authorizing response activity payments to providing technical, engineering, and other information. The \$75 million cap on damages may need to be revisited based on the scale of disasters such as DWH. If, in the case of another very large disaster, there is need to federalize an incident to facilitate response, the federal government should have a “hold harmless” clause to prevent lawsuits.
- Note that the USCG had both offshore and onshore operations in a single Command. Onshore and near-shore responders need their own Command center. Offshore operations involve the monitoring of oil and its movement. Near-shore operations involve planning for the protection of bays and inlets, whereas onshore operations work with cleanup efforts and public health issues.

The State response was discussed, and the Commission evaluated types of statutory, regulatory, and scientific/technical recommendations it could make on this level. Discussion included:

- Vetting of scientific information should come from a state-level academic peer review process that includes FL DEP involvement. Local information is needed quickly for public awareness and emergency response.
- Data needs for future events include:
 - Pre-defined testing methods for fish contamination and beach safety (developed during DWH).
 - Baseline data to compare with event-related data. This will help determine beach closings and contamination danger.
 - Need a way to assess immediate public health threats and long-term environmental issues. Make sure these coordinate with the communications process so that time-dependent information does not get lost.
- Better alignment of web-based response aids:
 - GATOR (Geospatial Assessment Tool for Operations and Response)
 - EMC
 - ERMAS (Environmental Response Management Application System)
- There needs to be clarification as to who will develop and implement policies, including beach closures and fish advisories.
- The State should work to facilitate access to technical experts (boom operators, etc.) and to supplies (booms, skimmers, materials). This was difficult at a county level during DWH.

The Commission also looked at the DWH incident from a local level and discussed recommendations for preparedness and coordination of future response efforts. These actions, combined with Federal and State involvement, would make the entire disaster response effort more efficient. Key issues included:

- The need for counties to communicate with USCG and revise and update their ACPs.
- Identification of the best personnel (environmental management, EMS, etc.) to attend the ACP meetings and review/update the plans. These parties must communicate the ACP process with the local governments and

keep officials informed of their progress. Draft versions must be submitted for comment and final approval from local government should be required to finalize the ACP.

- Better coordination and integration of ACPs among the Gulf coast counties should be explored. Integrating county ACPs into a Regional Contingency Plan for Florida coastal counties could leverage many benefits, such as institutionalizing the branch structure which proved successful during the DWH response, creating pre-approved procedures, developing pre-approved response activity contracts, and focusing response activities on the existing Emergency Management Centers.

The Commission received the following comments from the public:

Jacquee Markel, Citizen of Walton County, discussed the role of NGOs in the county, which were well-versed regarding Public Health issues. She also noted the need for more information for the local County Commissioners and better interaction with NGOs in the orientation and training sessions.

Dan Heffner of the Surfrider Foundation told the Commission of a report the Foundation released on all of its findings on the DWH incident, including testing results. Mr. Heffner provided a hard copy to the Commission and said he would forward a digital version to the group.

The meeting was adjourned by the Chair at 3:30 pm.