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Lessons not yet learned

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The US Coast Guard recently released its Incident Specific Preparedness Review (ISPR) of the service's response effort to the oil spill from the Deepwater Horizon incident. The ISPR was not an effort to determine the cause of the incident – there are any number of investigations examining that issue. It was not an effort to determine liability and compensation – again, others are poring over that in great detail. It was not an effort to reexamine the policy regarding offshore oil and gas exploration and extraction – an issue far outside of the Coast Guard's remit. Rather, the ISPR was limited to examining the implementation and effectiveness of the response to the Deepwater Horizon spill within the confines of the National Contingency Plan, as well as identifying key issues believed most important to assessing preparedness and evaluating the oil spill response and its intersection with the National Response Framework and Homeland Security Presidential Directive-5 (Management of Domestic Incidents). The Coast Guard has no authority to examine other government agencies, and it would be presumptuous to do so.

Outside reviewers, including myself, are not so limited.

The ISPR did an excellent job of reviewing, within its mandate, the effectiveness of the response to the Deepwater Horizon oil spill. It identified many instances where things were done well and some instances where there is room for improvement. Unfortunately, the media has focused on instances where there is room for improvement by the Coast Guard and largely ignored the many areas in which things went well. For example, the Incident Command System (ICS) "worked as intended" and the Unified Command structure, comprised primarily of the Coast Guard and the responsible party, was found to have worked exceedingly well, but you will find no mention of that in the press reports. In addition, the ISPR noted that "the response generally benefited from the ability of the Government and the private sector to rapidly assess and adapt to new or unusual contingencies and develop innovative solutions." It is a testament to the processes implemented under the Oil Pollution Act of 1990 (OPA 90) that no one is calling for major revision of the oil spill response program, but merely a series of course corrections.

The ISPR report, though, hints at deeper problems, which have also troubled me. These problems relate back to first principles – basic starting points, which, if not done right will prevent participants from successfully achieving their goals despite best efforts.

End the bureaucratic stove-piping

The major pre-existing problem that I perceived during the Deepwater Horizon oil spill response was the agency stove-piping. The Minerals Management Service (MMS), since reorganized as the Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE), established its own standards for oil spill response plans for offshore facilities and performed its own review of the submitted plans. We now know that both the standards and the review process were deeply flawed. There was (and still is) another flaw in the program. MMS before and BOEMRE now have little if any oil spill response capability. They rely on the Coast Guard to respond to oil spills from offshore facilities. The problem is that the Coast Guard was not provided an opportunity to review and comment on the response plans in advance. This failure to share is immensely unfair to the Coast Guard – the first responders. The problem is not unique to MMS/BOEMRE; it is systemic. The Coast Guard also does not see in advance the oil spill response plans for pipelines or for non-transportation-related onshore facilities, yet it is expected to promptly react when a spill occurs.

Develop for a unified response plan

Another significant problem that developed during the oil spill response was the disconnect between the federal agencies and many of the state and local government agencies. It appeared to many outside observers that the two groups were not speaking the same language. And it turns out that this perception was correct. Most federal agencies involved in the oil spill response were operating in accordance with the National Contingency Plan (NCP) and utilizing its Incident Command System (ICS). Many state and local agencies were operating under the Stafford Act and its National Response Framework (NRF). The NRF was never intended for use in oil spill response, but that is the milieu within which these agencies were accustomed to operate during crises and it is the one within which they expected to be working during this incident. It took an extended period of time for the two groups to recognize that they were using different playbooks, and in some cases the groups were never on the same page.

Insulate the responders from political issues

After the United Kingdom experienced an oil spill response effort that was hobbled by political issues, the government established the position of Secretary of State's Representative for Maritime Salvage and Intervention (SOSREP). The incumbent is tasked to oversee, to control, and, if necessary, to intervene and exercise ultimate command and control, acting in the overriding interest of the United Kingdom in salvage operations within UK waters involving vessels or fixed platforms where there is a significant risk of pollution. While the incumbent is appointed by and ultimately answers to government ministers, those ministers are not to be involved in operational decisions and the SOSREP has full authority in advance to take all necessary actions to abate the pollution threat. In the United States, a somewhat analogous level of independence is provided to the Director of the Federal Bureau of Investigation (FBI).

The Coast Guard is not perceived as a political entity. It answers, though, to political masters. This generally works well, but not always. The Deepwater Horizon incident was one of those cases where certain aspects were inhibited by political issues. First came the national attention garnered by the incident. The press immediately started hounding the White House for answers and for information. The White House perceived this event as a political issue and responded accordingly. Rather than referring all questions to the agency that was responsible for the response, it insisted on answering the inquiries directly. This required the Coast Guard to devote considerable effort to educating the White House about oil spill response in general and this oil spill response in particular. As expected, most things in the White House are seen through a political filter and the responses provided to the media were framed thusly. . In addition, response officials were often prevented from answering basic inquiries until those answers were cleared by political masters up the chain of command.

Once the oil spill response effort became politicized, it became vulnerable to political pressure. The Governor of Louisiana pushed for the building of berms off the coast of the state in a misguided effort to stop the oil slicks from coming ashore. The Coast Guard, the US Army Corps of Engineers, the Environmental Protection Agency, and others counseled against such an expensive and counter-productive effort. The Governor turned it into a political issue. As a result, the berms were built. The National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling examined this debacle in detail. The other part of the response effort that became heavily politicized was the placement of booms to fend off the oil slicks. The coast of the Gulf of Mexico is lengthy and there was not enough boom available to ring the entire shoreline. Therefore, it was important to place the boom in those locations deemed most vulnerable. Governors, mayors, and county/parish officials, though, demanded their “fair share” of boom. Dealing with the boom war consumed considerable time on the part of senior spill response officials

Conclusion

In summary, from an internal government aspect, the three most important changes that should be made to avoid problems that came to light during the Deepwater Horizon oil spill response are: (1) integrating the actual response agency (in most cases, the US Coast Guard) into the response planning effort and not limiting such planning to just the agency with primary regulatory responsibility over that particular industry; (2) getting everyone familiar with and utilizing the same unified plan for the response before the incident occurs; and (3) minimizing the political issues by insulating the individuals in charge of the response effort from political influences.

The ISPR and other after-action reviews have provided much guidance on specific areas for potential improvement – most of those recommendations are spot on and worthy of implementation. I suggest, though, that unless some overarching changes, such as those recommended above, are adopted, fixing the details will be of little moment during the next major oil spill.

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Page 4

May 2011

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