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- ◆ ***We wanted to send a brief “thanks”*** to all of the contractors that have responded to our WMD/NBC response capability survey that was sent out last week. If you haven’t responded as yet, please do so at your earliest convenience. As we have said, this compilation of this information is crucial to our success in working toward the inclusion of the private sector in homeland defense and consequence management initiatives.
- ◆ We also wanted to give special recognition to Lynn Garner and Garner Environmental Services, Inc. who sent out 41 letters to various congressional representatives highlighting the experience and ability of the private sector and the national value of such resources. ***Editor’s Note: Hey folks . . . where are the rest of you??***
- ◆ The Spills Advisory Group (“SAG”) met on November 1, 2001 at the API Headquarters in Washington, DC. SCAA representatives present included Doug O’Donovan (MSRC), John Parker (IMS), and Dan Sheehan. Highlights from the meeting include the following:
 - 1.) The U.S. Coast Guard reported that they are using the oil spill response structure for terrorism crisis management, and that they are re-thinking the Worst Case Discharge based upon potential terrorism scenarios. It was also noted that the National Strike Force Coordination Center and its Strike Teams are actively involved in Anthrax-related activities. They are activated through the National Contingency Plan and working for the U.S. Environmental Protection Agency. Other news of interest from the Coast Guard includes: (A.) With regard to Hazardous Substance Response Plans, one of the issues being considered is offering alternatives related to geographic coverage and time frames, particularly for barges that travel in remote waterways wherein response resources may not be readily available. (B.) A notice of proposed rulemaking for the Salvage and Marine Fire Fighting regulations is being drafted, and is scheduled to be published by the end of this year. A final regulation is expected in late 2002. (C.) The latest version of the Special Monitoring of Applied Response Technologies (“SMART”) protocols that provide a national standard to help facilitate the use of dispersants and in-situ burn technology can be found on-line at <http://response.restoration.noaa.gov/oilaid/SMART/SMART.html> (D.) To date, the Coast Guard has classified 135 OSRO’s, and over 1,439 resource sites have been verified. (E.) The Coast Guard has completed its Standard After-Action, Information, and Lessons Learned (CGSAILS) web-based software application. The Internet version has been turned over to the National Response Center as its Lessons Learned Bulletin Board, which is available on-line at www.cgsails.uscg.mil/nrcil. The Bulletin Board currently has 20 reports and 240 lessons learned. (F.) The theme of the IOSC 2003 is “Prevention, Preparedness, Response and Restoration – Perspectives for a Cleaner Environment”. The event will take place April 6-10, 2003 in Vancouver, British Columbia, Canada. (G.) Finally, the Coast Guard noted that there may be a delay of 4-6 weeks on regulatory projects.

- 2.) The Minerals Management Service ("MMS") has updated the Technology Assessment & Research Program ("TARP") section of its web site at www.mms.gov/tarphome. The MMS is presently reviewing white papers that were submitted for spill response research, with the concept of working on joint projects. They also noted that the U.S. Navy is evaluating equipment for recovering JP-4 and diesel oil.
- 3.) The U.S. Environmental Protection Agency reported that their On Scene Coordinators are actively engaged in response activities across the country, and that readiness training has been cancelled. The Agency is also assisting with the staffing of the Office of Homeland Defense. Other notes of interest:
(A.) The EPA is reviewing facility response plans following the September 11 attacks, and has issued a

safety advisory regarding site security to all oil facilities. (B.) The Freshwater Spills Symposium (the fresh water equivalent to the IOSC) will be held March 19-21, 2001 in Cleveland, Ohio.

- 4.) The National Oceanic and Atmospheric Administration ("NOAA") reported that they have updated information on GNOME and Boom/Skimmer modeling on their web site, and that they have completed the Environmental Sensitivity Mapping for southeast Alaska. They also noted that they would be conducting a year of field-testing on the "Selection Guide for Various Response to Oil Spills". The web site is <http://response.restoration.noaa.gov>
- 5.) The address for SUPSALV's web site is www.noscnet.org. SUPSALV also noted that they are providing environmental support to the efforts surrounding the salvage of the ESHIME MARU, which has been towed to shallow water for the retrieval of remains and environmental cleaning. SUPSALV is also evaluating a vacuum wand system to remove submerged oil by a single diver.
- 6.) The Marine Spill Response Corporation ("MSRC") has reported that they have purchased two 500' Elastec/American Marine water-cooled ISB Boom kits, and have stationed them in Galveston and Pascagoula. They also noted that they are continuing to relocate equipment from Port Hueneme to the Los Angeles/Long Beach area, and have indefinitely relocated the W.C. Park Responder from Everett, Washington to Port Angeles, Washington. The group has installed a portable dispersant storage tank and applicator on its OSRV's in the Gulf of Mexico, and future plans include similar installations on OSRV's positioned on the East/West Coasts and Hawaii.
- 7.) The next meeting of the SAG will be on February 21, 2002, in Washington, DC.

Our thanks to Doug O'Donovan and John Parker for their notes on the meeting!

- ◆ Sorbent Products Company ("SPC") recently announced the addition of a Mercury Regulator Kit to their line of products. It contains Mercury spill pads, gloves, booties, various plugs and screws to fit the pipelines, and a variety of bags and a drum liner to seal the mercury filled device for transport. For more information on this product or any other offered by SPC, contact Jill Kelly at 1-800-333-7672, send her e-mail to kellyj@sorbentproducts.com, or visit the company's web site at www.sorbentproducts.com
- ◆ This week, the San-Francisco based 9th Circuit Court of Appeals overturned the \$5 billion punitive damages award against ExxonMobil in the "Exxon Valdez" oil spill case, and ordered a district court to set a new, lower amount. The award had been upheld by both the district court, and last year, by the U.S. Supreme Court. While the Appeals court affirmed "reckless" behavior by both ExxonMobil and "Exxon Valdez" Captain Joseph Hazelwood in the case, it also said that the \$5 billion figure – awarded after the jury was explicitly instructed to exclude environmental damages from its overall damage assessment – was excessive in light of recent U.S. Supreme Court decisions governing punitive damage awards. The 17 to 1 ratio between punitive damages and actual damages in the award far exceeded the constitutionally acceptable ration of 4 to 1 suggested by the U.S. Supreme Court. (Sources: *Reuters* and *Maritime Items*)
- ◆ ***Work/Life/Health:*** Most employers are reluctant to provide negative information about a job applicant when they are called for a reference check because of the possibility of a defamation lawsuit. In order to get a better picture of the job applicant, try asking past employers about the candidate's strengths. If the list is short or vague, you'll have learned a lot without any risk of litigation. (Source: *The Manager's Intelligence Report*)
- ◆ ***Quote of the Week:*** "These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands it now, deserves the love and thanks of man and woman. Tyranny, like hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph. What we obtain too cheap, we esteem too lightly; it is dearness only that gives everything its value." – Thomas Paine (1737-1809), *The American Crisis*, no. 1 [December 23, 1776]