



OPA 90 Forum

USCG oil spill response process simplified

This guide is not intended to provide guidance for nor a detailed explanation of the process utilized when entities are involved in an oil spill response where the U.S. Coast Guard is in charge. Rather, it is an attempt to explain in a very basic manner the roles of the various parties.

When oil is spilled into waters of the United States (or when there is an imminent threat of such spill), the incident triggers the Oil Pollution Act of 1990 (OPA 90). That law directs that the Coast Guard, acting on behalf of the President, is in charge of the response. The role of the Coast Guard is to prevent the spill if possible. If spill prevention is not possible, then the Coast Guard coordinates efforts to minimize the discharge and to remove that discharge and mitigate the environmental damage.

Under OPA 90, the responsible party (generally the owner or operator of the vessel or facility from which the discharge emanated) is responsible for the response. That means the responsible party must provide the personnel and equipment to respond to the spill to the maximum feasible extent.

If the discharge involves state waters, then the state is involved so as to protect the state's interests. Governors in all the states have designated representatives to work with the Coast Guard in spill responses.

The Coast Guard has designated Federal On-Scene Coordinators (FOSCs) to provide overall leadership to the response effort. The FOOSC establishes a Unified Command (UC) to coordinate the many personnel and activities involved in the response process. The UC attempts to rule by consensus, but the FOOSC retains ultimate authority.

The spill response team operates within the National Incident Management System (NIMS) for managing the spill response effort. It uses the Incident Command System (ICS) planning and operational processes for a unified and effective response. Under the ICS, the UC oversees the response team. In addition, the FOOSC is responsible for keeping the Coast Guard chain-of-command informed and to coordinate efforts with other agencies (such as NOAA, EPA, and the U.S. Navy Supervisor of Ship Salvage) and third parties (such as environmental advocacy groups engaged in wildlife rescue, etc.). Finally, the FOOSC oversees outreach to public officials, the news media, and the public.

Efforts are made to staunch the discharge by removing as much oil as possible, confining the oil with booms, and protecting environmentally sensitive areas to the maximum feasible extent. To this end, environmental sensitivity maps have been

developed in advance to identify areas most in need of such protection. The UC also looks to local groups (environmental advocates, fishers, and residents) to provide input regarding such topics as migratory birds, aquatic life, and recreational areas needing further attention. The efforts of all these parties are coordinated through the UC.

Because these response efforts are expensive and because the responsible party is ultimately liable for those response costs, the Coast Guard has detailed accounting requirements so as to recover those costs.

In accordance with ICS, the Unified Command is organized into a number of teams involving planning, operations, logistics, finance, health & safety, and public affairs. The UC also relies on the advice of lawyers and environmental specialists from relevant federal agencies.

Below is a chart showing a standard ICS organization with all of the potential subdivisions, but not every subdivision is filled in every response, depending upon the needs and complexity of the incident.

