

## HSPI Commentary Series

### CRITICAL LESSONS FROM THE FEDERAL RESPONSE TO THE GULF OIL SPILL

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From July 30 to August 2, the authors of this report visited the Gulf Coast to better understand the federal response to the oil spill. This trip revealed several lessons that, if learned, would dramatically improve the federal government's ability to respond to future Spills of National Significance.

#### **Politics and a Proposal for a Unified Response**

One of the primary challenges federal officials faced during the Gulf disaster was not operational but political. To address the challenges that local, state, and federal officials faced, the Oil Pollution Act (and associated plans) should be amended to conform to the predominant disaster response policy, the Robert T. Stafford Act (and its associated plan, the National Response Framework). Doing so would empower governors and provide intergovernmental synchronization, which was lacking in the current response.

**The Role of Senior Administration Officials.** The Obama Administration could have chosen Homeland Security Secretary Janet Napolitano to play a more active role but has instead given her a less direct (and less public) role.<sup>1</sup>

Though the Oil Pollution Act was cited as the reason there was not a senior member of the Obama Administration playing a more visible role, there is nothing in the act that precludes Napolitano from becoming the principal federal official responsible for domestic incident management role as prescribed by Homeland Security Presidential Directive-5 and the National Response Framework.

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<sup>1</sup> See also R. David Paulison and Daniel Kaniewski, "The Gulf Oil Disaster: Three Steps to Federal Leadership," Homeland Security Policy Institute, July 7, 2010, at [http://www.gwumc.edu/hspi/policy/commentary14\\_OilSpill.cfm](http://www.gwumc.edu/hspi/policy/commentary14_OilSpill.cfm); Rory Cooper, "Live from the Gulf: Obama's Oil Spill To-Do List," The Foundry, July 7, 2010, at <http://blog.heritage.org/2010/07/07/live-update-from-louisiana-obamas-oil-spill-to-do-list/>.

Consistent with this report's recommendation to make oil spill responses consistent with responses to all types of disasters, the Secretary of Homeland Security should always play a significant and visible role during disasters.

**Competing Interests.** Each state and locality had different primary concerns regarding the spill. For example, for Florida it was tourism; for Louisiana it was the fishing industry and the environment. And competing state priorities, as well as competition between states for resources, put the Coast Guard in the middle of intergovernmental disputes.

During Hurricane Katrina, the state-to-state aid program, the Emergency Management Assistance Compact, was one of the few success stories, as nearly every state in the country provided aid to the Gulf states. However, under the present scenario, each Gulf state was competing against the other for resources. This scenario demonstrated how states compete for limited resources. The implications are instructive for any other disaster where resources are finite (e.g., there was not enough boom to meet all requests at the peak of the response).

**Federal Liaisons.** When the Coast Guard saw that because of the scope of the disaster, the coordination with the governors and local officials needed to be enhanced, they devised a plan to deploy Coast Guard liaison officers embedded with elected officials. Ultimately 34 Coast Guard officers were deployed to locations around the Gulf Coast to be available 24/7 to the elected officials.



The authors board a US Coast Guard helicopter in New Orleans with the Federal On Scene Coordinator

In most cases this worked very well; in a handful of instances the elected officials preferred to bring their issues to the media rather than work through this system. Regardless, the Coast Guard deserves praise for creating this system on the fly and quickly implementing it during the disaster.

**Offshore Drilling.** The drilling moratorium makes no sense. During their visit to the Gulf, the authors of this report could not find anybody to defend it. All the moratorium has accomplished is a double smack-down on the economies of the region.

The statistical likelihood of another well rupturing is infinitesimal. If against all odds something did happen now, the Coast Guard and the drilling industry have just finished a Ph.D. in oil response and have never had more capacity and expertise to deal with such a disaster.

**Hurricane Planning and Policy.** The federal agencies developed an operational plan for a Gulf hurricane, which was implemented during Tropical Storm Bonnie. However, oil washing ashore during a hurricane would pose a more vexing challenge.

During Hurricane Katrina, determining whether the damage was caused by wind or water—and thus whether insurance would pay for the damage—was a significant issue of contention. In the case of a Gulf hurricane that sweeps up oil-laden water, the “wind versus water” damage issue becomes significantly more challenging because it could be a “wind versus water versus oil” equation, where each scenario could mean a different payer.

**Private Sector Innovation and Snake Oil.**

Public officials described how a broad array of technological “solutions” to clean the oil, prevent its spread, or support operations were provided by the private sector. Many of these private sector innovations—such as a boom-washing machine and a press that squeezed oil from absorbent boom—were valuable additions to the response.



The boomwashing machine operating in St. Bernard Parish

However, there was also a barrage of dubious technological “miracles” that sapped valuable time from experts who had to test the equipment even though its merits were questionable. Some of these contraptions were purchased by BP, largely due to political pressure, not operational capability.

**Demobilization.** The Federal On-Scene Coordinator developed a six-stage transition plan that described demobilization actions that would occur as the disaster abated. Following the capping of the wellhead, the response ratcheted down as prescribed in the transition plan. Though the government and BP will inevitably be criticized for pulling out of the region, that the plan was developed and shared with stakeholders should help allay concerns.

## Recommendations

The federal government should integrate the lessons learned from the Gulf spill response to ensure that it retains the capacity and skill to respond to Spills of National Significance over the long term. Specifically, the federal government should:

- **Bolster the resources of the U.S. Coast Guard**—including the National Strike Team assets that respond to spills, the service’s ship and aviation fleet, and the size and training of the Coast Guard reserve, which were taxed to support operations.
- **Synchronize federal response efforts.** Responses to Spills of National Significance should be managed under the National Response Framework. The Oil Pollution Act of 1990 should be amended to make oil spill responses consistent with the Robert T. Stafford Act’s intergovernmental approach.

## Lessons Learned

By learning from both the mistakes and successes of the current Gulf spill, the federal government will dramatically increase the effectiveness of its future responses to Spills of National Significance.

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