



February 14, 2014

Commander (DRM)
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Re: Comments from Lawrence Anthony Earth Organization (LAEO) on Proposed Revision of the 1989 Oil Dispersant Guidelines/Alaska Regional Response Team's (ARRT), Draft Revision to Annex F, Appendix I of the Unified Plan, entitled Alaska Regional Response Team Oil Dispersant Authorization Plan, dated September 25, 2013

Dear Commander Nunez and all ARRT Members,

As you know, Alaskan and Arctic waters are critical to sustaining complex ecosystems around the world, which in turn support all life dependent on the very organisms in earth's oceans that produce the air we all breathe.

The Environmental Protection Agency (EPA), National Oceanographic and Atmospheric Agency (NOAA), the Coast Guard and other responsible agencies have done very little to find a safer more effective replacement for toxic chemical dispersant use in our oceans. In fact, influenced by scientists and experts under the hire of major oil companies, the EPA, et al. have justified and defended the use of these chemical agents as an oil spill "cleanup" method for 25 years despite a large number of scientific studies showing that these chemicals kill and sicken ocean organisms critical to sustaining all life forms.

As of this writing, said agencies at HQ levels have repeatedly tried to push and maintain *Pre-authorization* status for the use of these toxic chemicals along every coastline in America -- the current push being in Alaskan and Arctic waters.

LAEO, along with the Change Oil Spill Response Global Alliance, a growing number of Native American Tribes, citizen's coalitions, government officials and public throughout the world have a **clear** position on chemical dispersants: **don't use them.**

That said, we also realize that when suggesting that something ***not be done***, there should also be an effective and viable solution or remedy put in its place as opposed to just saying '*no, we object*'.

There **is** technology in existence today that, if used to replace dispersants, would not only completely remediate an oil spill but restore ecosystems suffering from the long-term effects.

It appears the entire [National Response Team](#) (NRT) network has lost sight of the actual problem sought to be solved when there is an oil or hazardous material spill of which, chemical dispersants unequivocally do not solve.

So what is the exact problem to be solved when there is an oil or other hazardous substance spill?

Of greatest importance in oil spill response is how to rapidly reduce the associated toxins and their threat to sensitive ecosystems, sea life, sea mammals, fisheries and human health.

The problem with an oil spill is the fact that it contains approximately 50,000 compounds, many of which are toxic to living organisms.

How is this threat removed by the use of chemical dispersants that contain some of these same toxic compounds and which exacerbate the toxicity, not relieve it?

Inaccurate, outdated science is being used to legitimize chemical dispersant use and government Natural Resource Trustees are **focused on the wrong problem**--how to de-goo, dilute, sink and disperse the oil before it reaches shorelines and sensitive habitats rather than remove it completely from the environment.

This has resulted in permitting and advocating an environmentally destructive 'solution' that has been part of the National Contingency Plan and industry spill countermeasure plan tool kits for oil and hazardous spills for more than two decades.

Oil industry and shipping companies may benefit from the dispersing and sinking methods, but people and marine life do not!

The Alaska Regional Response Team (ARRT) plan for expanded preauthorization expresses in its revised Alaska Oil Dispersants Guidelines the following:

'there are many uncertainties regarding the efficacy [effectiveness] and toxicity of dispersant use'

Section 1.2 "Background" (para 2 & 3): *'Oil spill dispersants do not actually reduce the total amount of oil in the environment. Rather, they*

may change the inherent characteristics of the dispersed oil, thereby changing the oil's transport, fate, and potential effects'.

Hence, the fundamental question becomes: Why are the Environmental Protection Agency, Coast Guard and other federal officials pushing through a plan advocating the use of chemical dispersants as a tool when there are so many *uncertainties*?

There are ample scientific studies (post Exxon Valdez and now post BP oil spill in the Gulf of Mexico), which indicate the efficacy of chemical dispersants are, at best, questionable. From our extensive reviews, they represent a serious threat to ocean ecosystems and very high health risks to the smallest micro-organisms up through to mammals in the food web, and are now documented to bring grave risks and impacts to the health of human beings.

The Alaska Unified Plan must consist of known, effective measures for dealing with and removing oil or other hazardous spills across the diversified environmental regions of Alaska that do not damage fisheries, the resources or the people subsisting there and the public's health. ARRT's current plan would result in only a fraction of a toxic spill being cleaned up with long-term, devastating consequences.

In Alaska where the people subsist off the land and waters in the Arctic, a healthy environment is crucial to the health of the native peoples and their children. The majority of the peoples of Alaska (including qualified scientists and professionals who have reviewed ARRT's plan—for example Prince William Sound Regional Citizen Advisory Council (PWSRCAC)¹) object to the use of chemical dispersants in their waters and have done so with ample scientific documentation going back to the 1989 Exxon Valdez spill, which, to this day, exhibits un-cleaned oil still contaminating the beaches and seabed. A form of Corexit was used during that response and was a colossal failure as it was in the 2010 Gulf BP spill. (See detailed information on the Alaska situation at: www.protectmarinelifenow.org under *Alaska Briefing* and facts on dispersants specifically related to Alaska at: <http://www.pwsrcac.org/programs/environmental-monitoring/dispersants/>)

Current ARRT activities amount to federal government interagency officials running a chemical dispersant public information and education campaign along with legally questionable Tribal government to government engagement practices using taxpayer dollars to ram through a predetermined decision to use Corexit/dispersants. This is being done regardless of citizens' strenuous objections to dispersant use and the known negative impacts to Alaska Native community's subsistence, commercial fisheries and the long-term risks posed to the ecological and human health of the region. The ARRT's public comment and Tribal consultation activities regarding this dispersant plan has been a public deception conveying only questionable *positive attributes* of dispersants while omitting any negative information on the subject. Further, when asked for a listing of what science the ARRT plan was based on regarding chemical dispersant efficacy in Alaskan waters, this information was not produced. The EPA and USCG's unreasonable and unshakable determination to use these chemicals has made many wonder if the people making these decisions are somehow being unduly influenced by

the oil and gas industry. This total lack of reason in the face of data and scientific fact that better technologies are available (as demonstrated in many other parts of the world that have banned dispersant use) is curious and raises important questions. U.S. Natural Resource Trustees have held this unwavering dispersant-position despite qualified, Alaska-specific, science-based reviews to the contrary, and despite clear evidence, during and after the Deepwater Horizon disaster in the Gulf of Mexico and Exxon Valdez, that these chemicals absolutely do have questionable efficacy with lethal effects on marine and human life.

All concerned U.S. Federal Government agencies and members of the ARRT would better serve the public if they employed current science and the best scientific solutions to oil spills in its spill response plans and engaged with all sectors to find and use better technology that does not put the arctic environment and resources, wildlife and people in danger.

If a spill is covered up by using chemical dispersants, there will be no necessity or will to invest in finding response methodology that will resolve the toxicity problems associated with oil or other chemical spills. We say:

THE NRT/ARRT MUST DISCONTINUE EFFORTS TO GAIN PRE-AUTHORIZATION FOR DISPERSANT AGENT USE IN ALASKAN/ARCTIC WATERS AND WITHDRAW PRE-AUTHORIZATION ALREADY PUT IN PLACE ALONG ALL U.S. COASTLINES.

We understand that suspension of pre authorization presents a problem wherein you will not have this *last resort remedy* in your spill response tool kit, but the solution for that is to step up measures for getting non-toxic spill response tools added to your spill arsenal. Many private sector organizations have been doing this work, so there are many existing resources at your disposal in the face of budget and funding issues you are having to contend with. LAEO is prepared to assist with such a project and PWSRCAC has considerable resources at its disposal along with other organizations.

RECOMMENDATIONS

The Lawrence Anthony Earth Organization along with the Change Oil Spill Response Global Alliance have been working to find better technology for addressing the toxicity and other problems oil spills cause. We have been distributing our educational materials and these recommendations to numerous groups and organizations with direct stakeholder interest in Alaska and our Oceans. Please consider implementing the following:

1. Suspending Chemical Dispersant *Pre-Authorization* Plans proposed by ARRT in Alaska with the public comment period deadline of 14 Feb, 2014. Extend public comment, Tribal Government Engagement and scientific review periods until such time that the contrary data and uncertainties in science and efficacy of chemical dispersants can be reconciled.

We recommend the set up of a task force consisting of the best and most qualified minds in science and technology associated with hazardous spills – those who have shown they can effectively clean up oil spills in the field - to find workable solutions to be incorporated into the NCP to solve the problems chemical dispersants do not solve. This would include liaison with the research efforts ongoing by the Arctic Council to devise Oil Spill Response Plans throughout the Circumpolar Arctic hemisphere. This would include qualified Tribal representation and Change Oil Spill Response Global Alliance experts.

2. As part of a phase out of chemical dispersants in Alaskan Response Plans, adopt our proposal for *Standardized Criteria Assessment and Sustainable Oil Spill Cleanup Methodology Selection*. (on the web at: <http://protectmarinelifenow.org/identification>. Utilize this *Standardized Criteria* to properly assess your preauthorization plan for dispersants.
3. Thoroughly review the documentation originally submitted to you in May 2013 with specific attention to attached documents and the summary ([Overview-A New Look at Oil Spill Response](#), *An Analysis of the BP Macondo Spill Cleanup*) and the complete 44-page position paper addressing alternatives to dispersants -- *A Twenty-First Century Solution to Oil Spill Response*.
4. Enact authorization for the use of Bioremediation Agent Enzyme Additive Type in the Alaska Unified Plan as a fully-qualified, first response method that already meets all EPA efficacy requirements [listed as B53 on the NCP Product Schedule] which has passed extensive toxicity testing and assessment criteria. After examining existing science and documentation on its efficacy, we encourage commencing with field application pilot projects in Alaskan waters and sensitive environments under multiple conditions¹ This technology is in use in many other countries, it rapidly detoxifies hydrocarbon-based compounds, removes the spill completely and is safe for humans and the fisheries so critical to Tribal and Alaska's economy and subsistence.
5. Remedy Tribal engagement issues in Alaska between the RRT and Tribal Governments so as to ensure that Tribes whose peoples will be affected by dispersant use and spill response plans are heard and their opinion is factored into any decision made. We suggest the creation of a neutral Tribal Government Natural Resources Observer and Liaison Committee with voting members serving on the ARRT to observe and ensure every step of all planning and engagement processes by the ARRT and other government agencies concerned meet the legal requirements that Tribal sovereignty is entitled to receive.

¹ Note: re point 4 above, we submitted exact NRT required information for the assessment and pre-approval of the NCP named Enzyme Additive category of Bioremediation which **contains no microbes** and does not fall under the classification of a "polishing agent". EA type is distinctly different than the other NCP listed bioremediation categories. Further documentation will be provided upon request.

We believe that *Alaska Inter-Tribal Council* (AI-TC) in partnership with the *National Tribal Emergency Management Council* would be qualified to act in this capacity. These organizations could be tasked to form up area Tribal emergency management, preparedness and hazardous spill response teams in designated regions as well as form up a core team of science and technology specialists to provide expert consultation for the tribal regions that would be funded through the National Response Team. Tribal Liaisons with the Coast Guard and other Federal Agencies would work with the AI-TC Natural Resources Tribal Government Liaison Committee. The Committee would advise the ARRT on Tribal government matters, help form Tribal area response teams (counterparts of the ARRT), provide research and educational support, information exchange and communications support with/for Tribal Governments to ensure response measures are adequate and fully in place and prepared.

6. And lastly, we respectfully request Region 10/ARRT and the NRT to better invest time and resources into finding effective solutions for:
 - Effectively addressing the threat of a major oil spill or chemical accident. The lessons learned from the BP spill have resulted in absolutely no *significant* change in chemical agent plans as part of the U.S. NCP (virtually the same response plan as used on the Exxon Valdez spill decades ago). Current regulatory reviews are way off target—although officials claim much is being done, it amounts to the same old decisions over and over to the detriment of the American people, and the environment. For example if there were a significant spill by tanker vessels or drilling in Arctic waters, this would be an international nightmare to deal with due to the unique *ice* and oceanographic conditions, in addition to the fact that the Arctic is where many fish species and bird species reproduce. Such a spill would crash our fisheries and bring economic devastation to Alaska. There are no spill plans in place that would prevent the catastrophic consequences of a major spill in the Arctic; nor, for that matter, are we prepared for another major spill in the Gulf of Mexico.
 - The devastating effects of existing toxic waste spills that are not being effectively addressed throughout the United States. This includes toxic waste from abandoned Military bases in Alaska.
 - Holding industry to higher standards in spill countermeasure plans. Their current plans remediate less than 25% of any hazardous spill – which is an unacceptable plan. Federal agencies need to stop approving and endorsing such plans!

Respectfully Submitted,

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ⁱ Prince William Sound Regional Citizens Advisory Council-their website, data base contains considerable science and oil spill response experts review of the ARRT plan and in general dispersant use in Alaska.