



## Communities on the Horizon

<http://www.communitiesonthehorizon.org>

### Gulf Leak Response List

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#### **Marsh Monitoring, Cleanup, & Restoration**

##### √ **Oyster or Mussel Watch**

Start up baseline monitoring programs in impacted areas to map extent of subsurface dissolved oil, which poses threat to eggs, larvae, embryos, juvenile life forms and adults sea life

Background: From Sound Truth and Corporate Myths (by Riki Ott): NOAA study: 380 caged mussels deployed at 22 stations in the Sound and 16 locations outside the Sound at depths from three to eighty feet. NOAA collected the mussels once a month from May through August, restocked the cages with fresh mussels, and reset them at the various depths. They continued this study through 1991. (Short, J.W. and P.M. Harris. 1996. Petroleum hydrocarbons in caged mussels deployed in Prince William Sound after the *Exxon Valdez* oil spill. Pages 29-39 in Rice, S. D., R. B. Spies, D. A. Wolfe, and B. A. Wright (eds). Proceedings of the *Exxon Valdez* Oil Spill Symposium. American Fisheries Society Symposium 18. American Fisheries Society, Bethesda, Maryland.)

Comments: This could be a good use of volunteers or networked NGOs with capacity to organize and sustain sampling program and coordinate sending samples to labs for analysis. This would be good citizen-state-federal partnership program.

##### √ **Shoreline Cleanup Assessment Teams**

Start up baseline monitoring programs in impacted areas to map extent of surface oil on beaches.

Background: Oil companies and service providers have developed procedures for shoreline assessment. In a best case scenario, representatives of public organizations such as Global Green or the waterkeeper network are included in the teams along with the usual government officials and industry officials. SCAT teams were used in Alaska with citizen participation – until Exxon and the US Coast Guard excluded citizens, a very unpopular move.

Comments: This could be a good use of volunteers or networked NGOs. Including citizens at this level builds public confidence and trust. Conversely, NOT including citizens only makes people suspicious of the program and the information.

##### √ **Marsh Cleanup: Do No More Harm**

Oiled states should issue emergency orders banning use of chemical dispersants (and bioremediation or other products with carrier solvents) from use in nearshore and marsh habitats.

Background: Oil dispersants contain solvents that dissolve and disperse crude oil. This means oil dispersants are inherently toxic to sea life; it's just a matter of concentration, duration of

exposure, and life form that is exposed (young life forms like eggs and embryos are more sensitive than adults). Oil dispersants are designed for use in open ocean where the toxic impact of the dispersant and the dispersed oil can be rapidly diluted. These chemical products should NOT be used in nearshore or marsh habitats. Prior to the Exxon Valdez spill, the state-feds-industry-and citizens had established a voluntary protocol for dispersant use. Zone 1, open ocean, dispersants could be used. Zone 2, open ocean, conditional approval dependent upon season and what life forms are in water column. Zone 3, nearshore and beaches, dispersants banned. When the on-the-water response failed, Exxon moved ashore with dispersants, sometimes called by other names like “bioremediation,” with deadly results for cleanup workers (documented in Sound Truth). If the product has a solvent in it, it is a dispersant no matter what it is otherwise called.

#### √ **Marsh Cleanup: Bayou-degradable and nonintrusive methods**

Coordinate efforts to produce and obtain hair mats and hair booms (hair cleanup products vs. chemical products). Establish Mycelium Response Teams in communities to help with recycling and composting hair cleanup products.

Background: Synthetic boom and absorbent material will need to be cleaned (with solvents, boom only) and/or discarded in landfills or burned in incinerators. All choices create secondary pollution problems. A better option may be to use hair cleanup products ([www.matteroftrust.org](http://www.matteroftrust.org); Lisa Gautier) to soak up oil in marshes and in nearshore areas. Contaminated hair mats/booms can likely be inoculated with fungi spores (mycoremediation), which produce oyster mushrooms that break down the oil and hair products ([www.fungiperfecti.com](http://www.fungiperfecti.com); Paul Stamets).

#### **Protection of Public Health & Worker Safety**

##### √ **Oil pollution advisories**

Oiled states should establish an oil pollution advisory system to warn recreational users of potential pollution hazards. The system could adopt the National Forest System of fire risk warning from low to high and be posted as signage on all public beaches.

Background: People should be advised to use common sense. Swimming in oily water is not a good idea. Oil cannot be simply washed off with soap and water. Possible nontoxic remedies for removing oil from skin include vegetable oil (like dissolves like) and then soap and water wash.

##### √ **Public health advisories**

Oiled states should work with local hospitals and other public health facilities to have teams of environmental medicine doctors treat or see people with symptoms of overexposure to crude oil.

Background: Such symptoms include: respiratory problems, dizziness, nausea, headaches, and even cold and flu-like symptoms. Such symptoms were called the “Valdez Crud” in 1989 during the Exxon Valdez cleanup when in all likelihood the symptoms were indications of chemical poisoning as has been proven in subsequent studies on the 2002 *Prestige* oil spill in Spain and the 2007 *Hebei Spirit* oil spill in South Korea.

##### √ **Seafood sampling programs**

Oiled states should establish seafood-monitoring programs to ensure commercial catch is free of

oil/dispersant contamination.

√ **Conduct Peer Listening Circles**

Oiled states should take immediate steps to train people to facilitate peer listening circles to mitigate social and individual disaster trauma.

√ **Increase protection for spill responders**

Oiled states should ask Congress to remove the exemption for reporting colds and flu under the OSHA regulations 20 CFR Part 1904.5(b)(2)(viii).

Background: OSHA regulations for Hazardous Waste Cleanups including oil spills include a description of exemptions to reporting work-related injuries and illnesses. Subsection (29 CFR 1904.5(b)(2) states: “Exclude from record keeping those injuries/illnesses that do not provide information useful to the identification of occupational injuries and illnesses and thus would skew natural injury/illness data.” The list of exemptions, number (viii), states: “Colds and flu will not be considered work-related.” The problem is that symptoms of work-related chemical induced illnesses mimic colds and flu. Therefore, this regulation exempts the very illnesses that OSHA purports to protect workers from. During the Exxon Valdez spill, Exxon used this loophole (exemption) to exempt 6,722 cases of upper respiratory “illnesses” as colds and flu – instead of conducting long-term health monitoring and treating workers for possible overexposure to crude oil from cleanup work as is required under OSHA.

**Liability and Lawsuits**

√ **Compensation for short-term damages**

Oiled states should ask BP to set up a damage claims system to compensate fishermen immediately for lost income from fishery closures. This claims program should be established in conjunction with private attorneys who will be representing claimants to ensure that the early claims payments do not disqualify fishermen from filing other claims. Fishermen should not sign any papers or accept any funds without consulting their personal lawyers.

√ **Compensation for long-term damages**

Oiled states should initiate a joint letter from all 50 Attorneys General to support reopening the Oil Pollution Act of 1990 to increase the cap on liability from \$75 million to \$10 *billion minimum* – or remove the cap entirely – retro to the BP Gulf disaster.

Background: Aggressive creative steps must be taken to ensure adequate compensation for long-term harm; the federal laws and legal system are an uneven playing field that advantage the spiller. The *Exxon Valdez* case eventually paid a total of about \$1.5 billion to injured plaintiffs – this was about 7–10 percent of actual losses in Prince William Sound. The herring population has still not recovered; herring fisheries are closed *indefinitely* pending stock recovery. This means fishermen are still incurring losses from a spill that happened 21 years ago. In some cases, the individual share was not enough to pay for bankruptcy proceedings.

√ **Encourage litigating parties to settle**

Oiled states should get support from all states and Obama Administration (already on record to

have BP pay for spill damages) to withhold future contracts with BP until BP negotiates settlement with injured parties – instead of litigating.

Background: Sociology studies on *Exxon Valdez* disaster found spill-related litigation created secondary disaster trauma equal to the initial disaster and that the litigation trauma remained high for the duration of the litigation – 20 years. ([www.drpicou.com](http://www.drpicou.com)) And the legal system is incapable of holding large corporations accountable for the full monetary damages from industrial accidents. \$5 billion and even \$10 billion is chump change for BP. Forcing BP to settle would allow everyone to get on with their lives, including BP.

√ **Countering industry public relations (to minimize liability)**

Oiled states will need to counter industry public relations.

Background: The net effect of gag orders on state and federal officials and scientists is that the only source of information to media and the public on the spill and spill impacts will be from industry, which is not bound by the gag orders. The state and federal governments will need a system for countering industry propaganda – or the public’s understanding will eventually skew to industry’s perspective of minimal harm and rapid recovery as was the case with the *Exxon Valdez*. Exxon even produced a video, “Scientists and the Alaska Oil Spill,” that it disseminated widely to high schools across the United States.

**Future Spill Prevention & Response**

√ **Establish a Gulf Regional Citizens Advisory Council**

Oiled states should ask Congress to establish a Gulf RCAC under the Oil Pollution Act and modeled after the Prince William Sound RCAC ([www.pwsrcac.org](http://www.pwsrcac.org)).

**Additional Resources**

- √ Alaska Resource Library and Information Services: [www.arlis.org](http://www.arlis.org)  
Contains listings for NOAA/NMFS Auke Bay Lab, EVOS Trustee Council and more
- √ American Fisheries Society, Proceedings of the Exxon Valdez Oil Spill Symposium: [www.afsbooks.org/x54018xm](http://www.afsbooks.org/x54018xm)
- √ Peterson, C.H., S. D. Rice, J. W. Short, D. Esler, J. L. Bodkin, B.E. Ballachey, and D. B. Irons. 2003. Long-term ecosystem response to the Exxon Valdez Oil Spill. *Science* 302:2082–2086.
- √ *Sound Truth and Corporate Myths* (by Riki Ott), available for cost of shipping ONLY by case (20 books) or pallet (800 books): [www.rikiott.com](http://www.rikiott.com) Biological impact to people and ecosystem.
- √ *Not One Drop* (by Riki Ott): available through Chelsea Green. Sociological impact of disaster trauma.
- √ *Black Wave: The Legacy of the Exxon Valdez Oil Spill*: available through Chelsea Green. Story framed on 20-year litigation.