

1 COMMITTEE: Environment
2 POLICY: Oil Spill Prevention, Response and Cleanup
3 TYPE OF POLICY: Existing
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5 On August 18, 1990 the Oil Pollution Act of 1990 was signed into law. NCSL strongly
6 supports this legislation which maintains a major role for states and does not preempt state
7 oil spill cleanup programs, taxing and enforcement authority, and response funds. NCSL
8 encourages the continuation of this policy during the considerations of future laws or
9 amendments regarding oil spill prevention, response and cleanup.
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11 NCSL supports the full implementation of all provisions of the Oil Pollution Act, particularly
12 provisions dealing with prevention under Title IV, Subtitle A and the development of the
13 national planning and response system. Prevention must be emphasized to assure the
14 avoidance of oil spills. In addition, a comprehensive, adequately funded planning and
15 response system must be implemented to assure the timely and effective containment and
16 clean-up of spills to minimize environmental damage.
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18 NCSL recommends the following:
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- 20 • Continued efforts toward full implementation of Title IV, Subtitle A of the Act dealing
21 with prevention including, but not limited to, staffing standards, vessel traffic service
22 systems, alcohol and drug policy, double hulls, equipping and inspection of vessels,
23 pilotage requirements, and provisions for navigational safety.
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- 25 • Adequate funding of the U.S. Coast Guard to assure full implementation of their
26 responsibility under the Act such as periodic inspections of vessels and
27 implementation of the national planning and response system, including, but not
28 limited to, contingency plans, response units and local area communities.
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- Full implementation of the preparation of response plans by tank vessels and onshore
31 and offshore facilities, and also of the requirement for bulk vessels to carry clean-up
32 equipment.
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- Full implementation of the research and development provisions of Title VII of the Act
34 including the Coast Guard's conduct of oil pollution minimization projects. To prevent
35 duplication, NCSL calls on the federal agencies with research funding to coordinate
36 research projects with the states.
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- Continued preservation of states' authority to impose additional liability or other
38 requirements with respect to oil spills and removal activities and to establish state oil
39 spill funds and penalties.
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- That safety and operational requirements for vessels apply, where appropriate, to
41 barges as well.
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- Support for the federal responder immunity standard as contained in the Oil Pollution
43 Act of 1990.
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- Clarification of jurisdiction of federal and state natural resources trustees in areas
45 pertaining to oil spill prevention, response and cleanup.
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- That the Federal Government streamline authorization of states' plans and to expedite
47 state action to prevent and clean up spilled oil during times of crisis.
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- The Federal liability limit for damages resulting from oil spills should be removed.
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