



Department of Fish and Game
Office of Spill Prevention and Response

OSPR Overview

The Office of Spill Prevention and Response (OSPR), a division of the California Department of Fish and Game (DFG), is the lead state agency charged with oil spill prevention, response, and natural resource restoration in California's marine environment. OSPR is also the lead state agency for off-highway inland spills.

As both a prevention and response organization, OSPR retains DFG's public trustee responsibilities for protecting the state's fish, wildlife and plants. The department is one of the few state agencies in the country in which major pollution response authority and public trustee authority for wildlife and habitat are combined. This ensures that prevention and contingency planning as well as preparedness and response will provide the best achievable protection for California's natural resources.

History

On March 24, 1989, the *Exxon Valdez* spilled approximately 11 million gallons of crude oil in Alaska. Less than a year later on Feb. 7, 1990, the *American Trader* spilled approximately 300,000 gallons of crude oil off Huntington Beach in southern California. These events inspired the California Legislature to enact legislation in 1990 called the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act. The act covers all aspects of marine oil spill prevention and response in California. It also established an administrator, appointed by the governor, who is given broad powers to implement the provisions of the act. The administrator must also be a chief deputy director of DFG. In 1991 the Office of Spill Prevention and Response (OSPR) opened, headed by the administrator.

Spill Response

When a significant spill occurs in California waters, OSPR utilizes the Incident Command System (ICS), a standardized structure for managing emergencies in California. Upon receiving notification of a major spill, OSPR deploys field response team staff consisting of wardens, environmental scientists, and oil spill prevention specialists to evaluate the spill and direct response efforts. In California, the unified command consists of the U.S. Coast Guard (the lead federal agency for marine spills) or the U.S. Environmental Protection Agency (lead federal agency for inland spills), OSPR and the responsible party (the spiller). Usually the OSPR warden assumes the role of state on-scene coordinator in the unified command. At the discretion of the U.S. Coast Guard or the U.S. Environmental Protection Agency's federal on-scene commander, other entities may be incorporated into the unified command.

Area Contingency Plans – Laws enacted as a result of the catastrophic oil spills of 1989 and 1990, required contingency planning for both state and federal governments. Area contingency plans define the roles of responding agencies and contain locally specific details to be used by spill responders in these areas. OSPR and the Coast Guard agreed to joint preparation of contingency plans through co-chairing the three Port Area Committees for Contingency Planning: San Francisco, Los Angeles/Long Beach, and San Diego. The planning process is open to all

stakeholders and involves representatives from over 50 agencies, including environmental groups, city and county planners, state agencies, the federal government, and industry. OSPR administers a state grant program to help local governments prepare and update response plans that are consistent with area plans.

Marine Safety Branch

The mission of OSPR's Marine Safety Branch is to protect California's natural resources by working with the marine industry, the public and other government agencies to develop and maintain best achievable prevention measures and response plans that are exercised, tested, and ready.

Vessel and Facility Contingency Plans – OSPR's prevention-oriented program includes effective oversight of the safe operation of marine vessels, terminals, facilities, and petroleum-product pipelines. OSPR requires all marine facilities and tank vessels carrying petroleum product as cargo, as well as all nontank vessels over 300 gross tons, to have California approved oil spill contingency plans. OSPR is responsible for the review and approval of these plans to ensure compliance. Federal and state statutes and regulations establish that industry is primarily responsible for oil spill response. If gaps or deficiencies are discovered in contingency plans during any review process, the plans will be remanded to the preparer for correction and re-submission.

Vessel Traffic Safety – OSPR and the Coast Guard evaluate vessel traffic routing and other safety measures, statewide, to reduce pollution incidents off the California coastline. To that end, OSPR has helped to fund and has brought online a Vessel Traffic Service system for Los Angeles and Long Beach Harbors and instituted a pilot Automated Information System (AIS) program in San Francisco Harbor.

Harbor Safety Plans – Additionally, OSPR has created and funded Harbor Safety Committees for the state's five busiest ports. OSPR staff assist these committees in developing harbor safety plans to reduce the risk of accidents near major harbor facilities.

Drills, Exercises and Training

Due to the success of OSPR's prevention efforts, there are fewer spills and, thus, fewer opportunities for responder to build and maintain proficiency. The need for readiness is addressed through OSPR's drills and exercises programs. These include the contingency plan holder drills and exercises program, which plans, participates in and monitors spill drills required by OSPR regulations for vessels and facilities on California's marine waters. In addition, OSPR conducts statutorily required unannounced drills for the rating of oil spill response organizations (OSROs) as well as unannounced drills on plan holders and announced internal drills focused on OSPR.

In addition to their day-to-day activities, all OSPR employees have specific and recognized spill response roles for which to prepare. The number and location of staff filling particular response functions are based on the projected needs of the organization in a significant spill response. OSPR develops qualification criteria for each response role and monitors staff progress in meeting these qualifications through drills, training and spill response experience.

Scientific Branch

OSPR's Scientific Branch manages the biological and chemical aspects of protecting and restoring the State's natural resources with regard to oil spills. Services provided by the program include biological expertise (especially as it pertains to wildlife and sensitive site protection during oil spill response), oil containment and cleanup technologies and strategies, laboratory analytical support, Geographic Information System (GIS) products, health and safety oversight, natural resource damage assessment and restoration, veterinary services and sponsorship of relevant research needs.

Field Response - There are two field response units, north and south, within the Scientific Branch. During response, the Scientific Branch's environmental scientists fill several positions within the Incident Command System, including environmental unit leader, shoreline cleanup assessment team (SCAT) coordinator, and wildlife branch director. In the field, the environmental scientists oversee the placement of protective strategies and conduct reconnaissance and SCAT surveys to identify the location and amount of oil. When not responding to spills, environmental scientists update sensitive site information and protection strategies for the State's Area Contingency Plan and participate in oil spill drills and exercises.

Health and Safety – When a significant spill occurs, OSPR's industrial hygienists oversee measures pertaining to responder health and safety, and OSHA compliance. Their actions include hazard identification, assessment and control, site safety and emergency response plan development, responder safety training, and providing advice to the command staff on health and safety concerns. Although OSPR health and safety personnel are not involved in public health risk determination, information they collect at a spill, such as air monitoring data, can be provided to the local city or county public health departments, which will determine whether the human population is endangered.

Natural Resource Damage Assessments – After a significant spill, a team that includes a toxicologist, natural resource economists, environmental scientists and legal counsel conducts a Natural Resource Damage Assessment (NRDA). The resource assessment team evaluates the injury to natural resources by spilled oil, identifies appropriate restoration projects, monitors results, and assures that damaged resources and uses are fully restored. After a spill response, team members meet with representatives of other state, federal and local agencies, as well as the public in the area, to consider not only natural resource damages, but also cultural and economic factors which may be affected by spill response, clean-up, and the damage assessment process. Following spill clean-up, the NRDA team helps formulate and seek public input regarding restoration plans.

Laboratories – OSPR has several research laboratories that help support its mission. The state-of-the-art Petroleum Chemistry Laboratory identifies the type and origin of oil in spill samples, a key component in investigation of oil spills and enforcement actions. The Aquatic Toxicology, Water Pollution Control, Marine Pollution Studies, and Moss Landing Marine laboratories, and Pesticides Investigations Unit are also part of OSPR's scientific community.

Wildlife Care and Rescue – OSPR oversees the Oiled Wildlife Care Network (OWCN), a statewide network of wildlife professionals and facilities that provides care and treatment of oil-affected wildlife throughout California. The OWCN currently has 25 participating member organizations that work cooperatively during spills, in exchange for being trained, equipped and

readied for assisting in emergencies. The OWCN also has 12 primary wildlife rescue facilities, including the nation's first permanent marine wildlife rescue and research center specifically designed to protect California's endangered sea otter population in Santa Cruz, as well as bird facilities at Humboldt State University (Arcata), SeaWorld (San Diego), San Pedro (Los Angeles), and Cordelia (Solano County). The Network is funded through interest from OSPR's Trust Fund and managed by the Wildlife Health Center at the University of California, Davis School of Veterinary Medicine.

Research – The Scientific Study and Evaluation Program (SSEP) provides a mechanism for investigating, evaluating, and improving applied Oil Spill Prevention and Response programs, best achievable technologies, and our knowledge of the adverse effects of oil spills in the marine environment. The program also supports scientific and technical research that will enhance the department's natural resource damage assessments, injury quantification, and restoration capabilities and knowledge base. This program has funded many projects since 2003 and is currently the primary marine oil spill research program in OSPR. Proposals for new projects are evaluated each year and contracts are awarded on a competitive basis and in compliance with State guidelines. More information including the guidelines for the program, reports from completed SSEP investigations, and current SSEP activities is available on-line at <http://www.dfg.ca.gov/ospr/about/science/ssep.html>.

GIS - Geographic Information System (GIS) technology is fully integrated into the OSPR's oil spill prevention and response programs. Initially used for biological resource assessment, GIS has proved to be an excellent data management and organizational tool for drills, exercises, contingency planning, natural resource damage assessment, and emergency response. During an oil spill response, large amounts of data are generated, much with a geospatial component. Satellite imagery, aerial photography, and Global Positioning System (GPS) based electronic field data collection may all be employed as part of a response. The inherent ability of a GIS to manage, import and display convergent data layers provides the unified command with a powerful decision making tool. GIS products are routinely used by OSPR to track the progress of the response, as part of the incident investigation.

Enforcement Branch

OSPR enforces the laws designed to prevent spills, dispatches units to respond to spills, and investigates spills. The Enforcement Branch is staffed by DFG wardens, who are sworn peace officers with the authority to enforce both civil and criminal statutes contained in the act. Law enforcement is a traditional aspect of the Department of Fish and Game, which has had state pollution prevention and response laws in place since the 1870s. Wardens conduct spill investigations, and gather and prepare evidence that is an essential element of any successful court case. The Enforcement Branch also works with the Marine Safety Branch to develop the drills and exercises program. During spill response, the state on-scene commander is typically a warden.

Legal Unit

The attorneys in OSPR's Legal Unit provide confidential advice to the administrator regarding all legal affairs, including natural resource damage assessments, statutory interpretation, litigation, and administrative civil penalties. They also coordinate with the State Attorney General's Office and county district attorneys to enforce civil and criminal statutes.

Regulations staff take legislative mandates and translate them into workable regulations. All new regulations are subject to public input, which the staff collects at public hearings as well as by mail. During spill response, regulations staff serve as liaison officers, providing information to local elected officials and representatives of the areas affected by the spill. At large spills, they organize a multi-agency committee made up of representatives of all local agencies concerned with the spill.

Finance and Administration

OSPR has two main funds – the Oil Spill Response Trust Fund and the Oil Spill Prevention and Administration Fund.

The Oil Spill Response Trust Fund – OSRTF supports spill response activities as well as provides funding for a network of oiled wildlife care facilities along the California coast. By law, response costs are recovered from parties responsible for spills and deposited back in the fund. At the inception of the program, reserves of this fund were created through the collection of a 25-cents-per-barrel fee on petroleum products received at California marine terminals from a point of origin outside of California. The fund capped at \$50 million after only a few months of fee collection and the fee was discontinued and has never been re-imposed.

Oil Spill Prevention and Administration Fund – OSPAF is funded by a fee of 5 cents per barrel (42 gallons) on crude oil received at a marine terminal from within or outside the state and petroleum products received at a marine terminal from outside the state. This fund supports the day-to-day operation of the program, primarily spill prevention and preparedness activities.

Financial Responsibility – OSPR is responsible for ensuring that vessel and facility owner/operators have adequate financial resources to pay cleanup and damage costs arising from an oil spill. To do this OSPR require them to submit a current Certificate of Financial Responsibility (COFR) showing evidence of adequate coverage.

Cost Recovery – OSPR is also mandated to seek reimbursement of all costs incurred in responding to spill incidents. This includes response, containment, cleanup, and natural resource damage assessment activities. There are several methods of cost recovery which include: 1) submitting costs along with legal actions; 2) submitting costs directly to the responsible party; and 3) submitting a claim to the Federal Oil Spill Liability Trust Fund if no responsible party exists or is unable to pay.

Committees

Area Committees for Contingency Planning – OSPR and the Coast Guard agreed to joint preparation of contingency plans through co-chairing the three Port Area Committees for Contingency Planning: San Francisco, Los Angeles/Long Beach, and San Diego. The planning process is open to all stakeholders and involves representatives from over 50 agencies, including environmental groups, city and county planners, state agencies, the federal government, and industry. OSPR administers a state grant program to help local governments prepare and update response plans that are consistent with area plans.

State Interagency Oil Spill Committee – Prevention responsibilities are shared with 22 agencies represented on the State Interagency Oil Spill Committee (SIOSC). The administrator chairs SIOSC and keeps member agencies informed through that committee. In very large spills, OSPR may request the assistance of responders from these agencies.

Harbor Safety Committee – Early in its existence, OSPR led the creation of Harbor Safety Committees in the state's five busiest ports: San Diego, the Los Angeles-Long Beach complex, Port Hueneme, San Francisco-San Pablo-Suisun Bays, and Humboldt Bay. These committees develop harbor safety plans to reduce the risk of accidents within or on approach to major harbor facilities.

The Oil Spill Technical Advisory Committee was established in the Lempert-Keene-Seastrand Act to provide public input and independent judgment of the actions of OSPR and the State Interagency Oil Spill Committee. The committee consists of 10 members – six appointed by the governor and four appointed by the state legislature. The committee reports biennially to the governor and legislature on its evaluation of oil spill response and preparedness programs.

For more information, visit the OSPR Web site at www.dfg.ca.gov/ospr