

SENATE BILL REPORT

EHB 1517

AS OF MARCH 26, 1991

Brief Description: Ratifying the Pacific Ocean Resources Compact.

SPONSORS: Representatives Phillips, Horn, Rust, Basich, Jacobsen, D. Sommers, Brekke, Van Luven, Valle, Sprenkle, G. Fisher, R. King and Wang.

HOUSE COMMITTEE ON ENVIRONMENTAL AFFAIRS

HOUSE COMMITTEE ON APPROPRIATIONS

SENATE COMMITTEE ON ENVIRONMENT & NATURAL RESOURCES

Staff: Gary Wilburn (786-7453)

Hearing Dates: March 28, 1991

BACKGROUND:

Following the Nestucca oil spill off the coast of Washington in December, 1988, Washington State and the province of British Columbia established the British Columbia/Washington Task Force on Oil Spills. Soon thereafter the Exxon Valdez spill occurred, and the task force membership was expanded to include Alaska, Oregon and California. The task force was charged with investigating ways and means of preventing oil spills, to review existing response procedures, to assess mechanisms for handling compensation claims, and to develop a coordinated contingency plan for prevention of and response to future spills.

The final report of the task force was issued in October, 1990, and contained several recommendations made jointly by the participating states and British Columbia. One major finding was that the task force should continue to promote coordination of west coast oil spill prevention and response efforts. It recommended that the task force work with the Western Legislative Conference to develop an interstate compact to make binding agreements concerning spill prevention and cleanup measures on the west coast.

The report noted that compacts are a mechanism to support and promote objectives with federal weight on regional levels. They can gain consistency among west coast state spill programs and requirements. They also allow extension of state jurisdiction over geographic areas and over subjects which otherwise are exclusively exercised by the federal government, such as coastal waters to the limits of the 200-mile exclusive economic zone. All interstate compacts require the consent of the United States Congress.

In 1990 the Congress enacted comprehensive oil spill prevention and response legislation, which further extends federal activities on subjects such as oil tanker hull construction, financial responsibility requirements, vessel traffic service systems, vessel manning and work shifts, navigation safety standards, and penalties. These additional federal initiatives provide additional impetus to states seeking legal mechanisms, such as an interstate compact, to ensure that their state spill prevention and response programs may continue to operate in conjunction with federal programs.

Coordinated by the Western Legislative Conference, legislation to enact a Pacific Ocean Resources Compact has been introduced in the legislatures of Washington, Oregon, California, Hawaii and Alaska.

SUMMARY:

The Pacific Ocean Resources Compact is adopted.

The compact may be joined by the states of Oregon, Alaska, California, and Washington and the Province of British Columbia. The compact is intended to assist in the promotion of interstate commerce, to provide authority to the states to regulate activities that currently are the responsibility of the federal government, to give the states authority to direct some of the activities of federal agencies, and to allow the west coast states to join with British Columbia to have more control over issues of mutual concern related to the transportation of oil.

The compact establishes the Pacific Ocean Resources Compact Authority to implement the intent of the compact. The authority has the power to establish uniform safety standards for vessel routes, crews, and equipment. It will also establish a network of response plans of the states, the federal government, and private parties.

The authority has the power to establish requirements for vessel contingency plans within the compact zone. These requirements must be as stringent as the requirements of the Federal Oil Pollution Act of 1990. The authority shall work with the individual states to achieve as much consistency as possible with the individual state requirements.

The authority shall serve as a forum for public participation, interaction with the federal government, and an information clearinghouse on spill response activities. The authority may also establish a schedule of civil penalties for violations of the compact rules.

Each party to the compact has three representatives on the compact organization, however each party has one vote. A majority of the parties must approve any action or decision.

Each party to the compact is responsible for a share of the expenses of the compact. The amount is determined based on the relative proportion of a party's gross state product to

the gross state product of all of the parties. A party is obligated for a minimum of 10 percent and a maximum of 50 percent of the compact budget.

Appropriation: none

Revenue: none

Fiscal Note: none requested