

117TH CONGRESS
2D SESSION

S. 4849

To require the Commandant of the Coast Guard to establish a process to update the vessel response plan program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14, 2022

Mr. MARKEY introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require the Commandant of the Coast Guard to establish a process to update the vessel response plan program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Oil Spill Response Re-
5 view Act of 2022”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Even a minor oil spill can cause significant
9 harm to individual organisms, entire populations,
10 and ecosystems.

1 (2) The impacts from certain oil spills can last
2 for years or even decades.

3 (3) The 2010 Deepwater Horizon oil spill in the
4 Gulf of Mexico released more than 100,000,000 gal-
5 lons of oil before it was contained 86 days later.

6 (4) The 1989 Exxon Valdez spill released about
7 11,000,000 gallons of oil, and cleanup efforts contin-
8 ued intermittently for 3 years.

9 (5) Since 2018, the Coast Guard has only
10 verified the accuracy of salvage and marine fire-
11 fighting information in 71 of over 3,000 submitted
12 VRPs.

13 (6) The National Response Center collects oil
14 spill incident data, but data are often initial,
15 unverified estimates.

16 **SEC. 3. DEFINITIONS.**

17 In this Act:

18 (1) **COMMANDANT.**—The term “Commandant”
19 means the Commandant of the Coast Guard.

20 (2) **ACP.**—The term “ACP” means an area
21 contingency plan.

22 (3) **VRP.**—The term “VRP” means a vessel re-
23 sponse plan.

1 **SEC. 4. INCREASING DATA COLLECTION AND**
2 **VERIFICATION TO UPDATE THE VRP PRO-**
3 **GRAM.**

4 (a) IN GENERAL.—The Commandant shall develop
5 and carry out a process to update its review of VRPs,
6 which are required to be submitted to the Coast Guard
7 under part 155 of title 33, Code of Federal Regulations,
8 by increasing the collection and improving the quality of
9 incident data on oil spill location and response capability.

10 (b) ACTIVITIES.—In developing and carrying out the
11 process required by subsection (a), the Commandant
12 shall—

13 (1) not less frequently than every 3 years,
14 verify the efficacy of—

15 (A) information submitted to the Com-
16 mandant pursuant to part 300 of title 40, Code
17 of Federal Regulations (or successor regula-
18 tions), through random selection and auditing
19 of all reported information from not less than
20 30 percent of—

21 (i) submitted VRPs;

22 (ii) area drills conducted pursuant to
23 section 311(j)(7) of the Federal Water Pol-
24 lution Control Act (33 U.S.C. 1321(j)(7));
25 and

1 (iii) responses to oil spill incidents
2 that require mobilization of contracted re-
3 sponse resources; and

4 (B) oil spill data stored in the Marine In-
5 formation for Safety and Law Enforcement
6 database and reported by on-scene coordinators
7 pursuant to section 300.300 of title 40, Code of
8 Federal Regulations (or any successor regula-
9 tion);

10 (2) not less frequently than annually, review,
11 and update as necessary—

12 (A) the information contained in the Coast
13 Guard Response Resource Inventory and other
14 tools used to document the availability and sta-
15 tus of oil spill response equipment so as to en-
16 sure that such information and tools remain
17 current and accurate; and

18 (B) processes for data submission to the
19 Response Resource Inventory to ensure that Oil
20 Spill Removal Organizations and other partici-
21 pating entities submit accurate and regularly
22 updated information;

23 (3) establish procedures for—

24 (A) incorporating oil spill incident data
25 from oil spill reports and VRP exercises into—

1 (i) VRPs, including alternative plan-
2 ning criteria review and approval proc-
3 esses; and

4 (ii) ACP development;

5 (B) mitigating the impact of military per-
6 sonnel rotations in Coast Guard field units on
7 knowledge and awareness of VRP requirements,
8 including knowledge relating to the evaluation
9 of proposed alternatives to national planning re-
10 quirements; and

11 (C) evaluating the consequences of report-
12 ing inaccurate data in VRPs submitted to the
13 Commandant pursuant to part 300 of title 40,
14 Code of Federal Regulations, and submitted for
15 storage in the Marine Information for Safety
16 and Law Enforcement database pursuant to
17 section 300.300 of that title (or any successor
18 regulation);

19 (4) develop standard tools, job aids, and guid-
20 ance that—

21 (A) may be shared with vessel owners and
22 operators and Coast Guard field units to assist
23 with accurately calculating and measuring the
24 performance and viability of proposed alter-

1 natives against national planning criteria re-
2 quirements and coastal zone ACPs; and

3 (B) recognize regionally specific challenges;

4 (5) review subcontracts related to submitted
5 VRPs to ensure that all necessary equipment and re-
6 sponse resources are obligated to satisfy the VRP
7 planning requirements and respond to an oil spill, as
8 applicable;

9 (6) not less frequently than every 5 years, re-
10 view, and revise as necessary, Coast Guard planning,
11 preparedness, and oil spill response strategies based
12 on analyses of—

13 (A) incident data on oil spill location and
14 response capability;

15 (B) oil spill risk assessments;

16 (C) oil spill response effectiveness and the
17 effects of such response on the environment;
18 and

19 (D) oil spill response exercises conducted
20 pursuant to section 311(j)(7) of the Federal
21 Water Pollution Control Act (33 U.S.C.
22 1321(j)(7)); and

23 (7) collaborate with the heads of other Federal
24 agencies to increase Federal Government engage-
25 ment with State, local, and Tribal agencies and

1 stakeholders, including regulated entities, for the
 2 purpose of strengthening coordination and efficiency
 3 of oil spill responses.

4 (c) PUBLIC AVAILABILITY OF DATA.—Subject to sec-
 5 tion 552 of title 5, United States Code, the Commandant
 6 shall make available to the public the data described in
 7 subsection (b)(1).

8 (d) ANNUAL REPORT.—Not less frequently than an-
 9 nually, the Commandant shall submit to Congress a report
 10 on the status of ongoing and planned efforts to improve
 11 the policies, guidance, and processes of the VRP program,
 12 including actions of the Maritime Oil Spill Response Plan
 13 Advisory Group, based on feedback, public comment, and
 14 other engagement from the Coast Guard and maritime
 15 transportation industry stakeholders.

16 **SEC. 5. EXPENDITURE PURPOSES OF OIL SPILL LIABILITY**
 17 **TRUST FUND.**

18 Section 9509(c)(1) of title 26, United States Code,
 19 is amended—

20 (1) in subparagraph (E), by striking “and” at
 21 the end;

22 (2) in subparagraph (F), by striking the period
 23 at the end and inserting “, and”; and

24 (3) by adding at the end the following:

“(G) to increase support for marine pollution disaster planning, preparedness, and response strategies, including for—

“(i) incident data collection and verification and for regular updates to vessel response plans and area contingency plan review; and

“(ii) training and equipping residents of Tribal and remote communities with resources and information for effective planning, preparedness, and response.”.

SEC. 6. NATIONAL OIL SPILL RESPONSE STUDY.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study on Coast Guard and Environmental Protection Agency oversight of national, regional, and local area oil spill response frameworks.

(b) ELEMENTS.—The study required by subsection (a) shall include the following:

(1) An assessment of lessons learned with respect to oil spill responses based on research conducted as a result of the Deepwater Horizon oil spill in 2010 and other marine pollution disasters, which shall include an assessment of—

(A) oil spill response and prevention technologies; and

1 (B) methods and best practices for oil spill
2 mitigation and prevention.

3 (2) An analysis of major changes in national,
4 regional, and local area oil spill response frameworks
5 since 2010 for the purpose of assessing whether
6 such changes have improved oil spill responses.

7 (3) An analysis of available information on the
8 short-term and long-term effects of the use of chem-
9 ical dispersants and potential alternatives in oil spill
10 and marine pollution responses.

11 (4) Recommendations for legislative and regu-
12 latory action that would facilitate better implementa-
13 tion of best available technologies and methods for
14 effective oil spill response.

15 (c) REPORT.—

16 (1) IN GENERAL.—Not later than 1 year after
17 the date of the enactment of this Act, the Comp-
18 troller General shall submit to Congress a report on
19 the results of the study conducted under subsection
20 (a).

21 (2) PUBLIC AVAILABILITY.—The report sub-
22 mitted under paragraph (1) shall be made publicly
23 available on the internet website of the Comptroller
24 General.

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