

Pacific States/British Columbia Oil Spill Task Force

Regulations and Guidelines for Dispersant Use in Task Force Jurisdictions



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Regulations and guidelines for dispersant use - 2015

	Dispersant ¹ use allowed (Y/N)?	Pre-authorization For use (Y/N)	Do states require plan-holder to have dispersants? (Y/N)	Regulations or guidelines in place for dispersant use (Provide excerpts, bullets, highlights from rules or guidelines. Link to source too)	Types of dispersants allowed	Conditions for use	Notes (links, etc.)
Alaska	Yes	No	No	Alaska Federal/State Preparedness Plan for Response to Oil & Hazardous Substance Discharges/Releases (Unified Plan); Annex F -- Chemical Countermeasures: Dispersants, Chemical Agents, And Other Spill Mitigating Substances, Devices Or Technology , Appendix I: Oil Dispersant Guidelines for Alaska (Alaska Regional Response Team, 2010)	COREXIT® EC9500A (formerly COREXIT 9500) ¹	Approval of Oil Spill Response Checklist by the Unified Command, EPA, and DOI ² Meet conditions outlined by the Alaska Regional Response team .	¹ Guidance also allows consideration of products listed in the EPA's National Contingency Plan Product Schedule (August 2015). ² Although not formally adopted, the tiered monitoring procedure outlined in Special Monitoring of Applied Response Technologies (USCG, NOAA, EPA, & CDC, 2006) is often utilized as guidance for <i>Oil Spill Response Checklist</i> approval stipulations
British Columbia	Yes – Legislation received Royal Assent (02/15) but Regulations may take up to 5 years.	Yes – will be achieved by completion of NEBA and place in contingency plan	This is proposed	The legislation only applies to the Off-shore petroleum Industry (platforms) and none exist on the west coast. Regulation is under review.	Two dispersants proposed. Corexit® EC9500A Corexit® EC9580A	Five Proposed Conditions (see notes)	1) Spill Treating Agent is listed in regulations; 2) the use of the STA is included in the operator's contingency plan; 3) in response to a spill, the relevant offshore board's Chief Conservation Officer determines that its use is likely to achieve a net environmental benefit in

¹ **Definition of dispersant:** A spill treating agent. This table addresses only chemical dispersants, not other types of ARTs/OSCAS.

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							the particular circumstances of the spill and approves the use of the STA; 4) the STA is used in accordance with conditions set out in regulations that will be developed within the next five years and any other conditions stipulated by the Chief Conservation Officer at the time of the spill; and 5) the Minister of the Environment is consulted at the time of a spill by the Chief Conservation Officer within the five-year transition period during which STA conditions of use regulations will be developed.
California	Yes, limited	No	CA does not require plan holders to have dispersants available.	Dispersant Plan used in CA is managed by RRT IX, part of Regional Contingency Plan: https://www.wildlife.ca.gov/OSPR/Preparedness/Fed-Region-Contingency-Plan <u>Areas considered for dispersant pre-approval:</u> <ul style="list-style-type: none"> Offshore marine waters 3-200 nm from any shoreline that are NOT within 1) National Marine Sanctuaries, or 2) 3 nm of 	All dispersants on NCP Product Schedule are legally available to FOSC to use. http://www2.epa.gov/emerge	RRT IX and/or CA policies: Dispersants not recommended on: - Waters < 60' deep - Spills of highly evaporative products such as diesel - Oil sheens	<u>CA OSCA licensing maintained by:</u> Ellen Faurot-Daniels, ellen.faurot-daniels@wildlife.ca.gov <u>CA ART Technical Specialist:</u> Ellen Faurot-Daniels

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				<p>the CA/Mexico border.</p> <ul style="list-style-type: none"> Pre-approval areas currently pending results of ESA Section 7 Opinions and CZMA Federal Consistency review. <p><u>Incident-Specific RRT IX approval required for:</u></p> <ul style="list-style-type: none"> All other waters (National Marine Sanctuaries, within 3 miles of Mexico border, within state marine waters 0-3 miles from any shoreline, in state inland waters). Subsea use Use at surface for more than 4 days Emergency Section 7 consultations under ESA would apply for all of the above Separate OSPR Administrator approval also needed for any dispersant use in state waters. This approval is in addition to OSPR role/vote on RRT. 	<p>ncy-response/national-contingency-plan-subpart-j</p> <p>RRT IX policy that only CA licensed dispersants be considered for use, even in federal waters outside of state waters.</p> <p>Current CA licensed dispersants: Corexit EC9527A, Corexit EC9500A,</p>	<ul style="list-style-type: none"> Calm water spills Spill volumes that can be recovered mechanically On or near shorelines Directly over marine mammals Within 1000' of birds Within 1 mile of anadromous streams On oils considered non-dispersible, or when oil has weathered too much When unsafe for operators If recommended monitoring (SMART, wildlife, seafood safety) not in place If oil not threatening sensitive nearshore resources <p>If the state and federal trustee agencies do not</p>	<p>CA RRT IX members:</p> <p>Yvonne Addassi (primary), yvonne.addassi@wildlife.ca.gov</p> <p>Ellen Faurot-Daniels (alternate)</p>

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					<p>Nokomis 3-AA, Nokomis 3 F4</p> <p>CA recommends that only dispersants that have also undergone ESA Section 7 review and Net Environmental Benefit Analyses be used, but this is not yet part of RRT IX policy.</p>	<p>agree there will be enough environmental benefits to outweigh the consequences.</p>	

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Hawaii	yes	yes	No	Hawaii Area Plan has Pre-approval Agreement and check-off list.	COREX 9500 (ALL WE HAVE)	General outside 60ft water depth	Hawaii Area Plan https://homeport.uscg.mil/mycg/portal/ep/programView.do?channelId=-17389&programId=12623&programPage=%2Fep%2Fprogram%2Feditorial.jsp&pageTypeId=16440&BV_SessionID=@@@1550702510.1441987564@@@&BV_EngineID=cccdadghekeliflcfngcfkmdfhfdfo.0 State owns ADDS and dispersant Coast Guard home page Sector Hawaii
Oregon	Yes, approval on a case by case basis	None	No	OAR 340-141-0140(21) if proposed, the plan must describe: <ul style="list-style-type: none"> • Type and toxicity of chemicals • Conditions under which the chemicals will be applied and in conformance with all applicable requirements including the NWACP • Methods of deployment 	Not specified	In case by case areas, concurrence of the EPA State and Tribal representatives to the RRT, and consultation with the DOI and DOC is needed for FOSC approval to use dispersants. SMART monitoring is required.	

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Washington	Yes, may be used in pre-designated area offshore. Washington has established pre-approval zones, case-by-case approval zones, and no use zones for the use of dispersants.	No. Policy on the use is contained in the area plan and not in regulation.	Not specified.	Regulations are authorized but none have been promulgated.	Not specified	In case by case areas, concurrence of the EPA State and Tribal representatives to the RRT, and consultation with the DOI and DOC is needed for FOSC approval to use dispersants. SMART monitoring is required.	Northwest Area Plan: http://www.rrt10nwac.com/Files/NWACP/2015/Chapter%204000.pdf