

THE EPA'S HISTORY OF WILLIAM REILLY

✖ I was going to go clean the house and forget about the BP disaster for a few hours. But then I saw the EPA files on William Reilly, the Republican Obama appointed to co-chair his BP Disaster "Looking Forward" Commission.

From the EPA's institutional perspective, he sounds like a nice guy: a Republican conservationist of the sort that went the way of the NE Republican. Here's a fairly interesting policy piece from him.

But I wanted to highlight just a few parts of EPA's institutional history of Reilly for what they say about Obama and this commission.

First, there's the description of Reilly as a broker of compromise.

Reilly's proclivity for drawing people together will not just be directed outward, toward the regulated community: it can also be expected to bring new cohesion to the internal operations of EPA.

[snip]

Reilly's personal style—gentlemanly and soft-spoken—makes him the ideal mediator, effective at bridging differences even when antagonisms are intensely felt and there seems to be no common ground for agreement.

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In recent years, Reilly has scored successes with his efforts to secure dialogue and cooperation among frequently polarized business and environmental leaders. One such widely applauded breakthrough occurred in November 1988 when 25 previously warring

environmentalists, industrialists, and developers made a public commitment to a “no net loss” goal for U.S. wetlands, a resource heretofore subject to dangerously rapid depletion. These same people, so harmonious by late 1988, had scarcely been on speaking terms when Reilly first coaxed them to convene for a meeting in July 1987.

This is a guy with Obama’s instinct for the mushy middle, right there between corporations and environmentalists. 

Perhaps most telling, though, are the lessons in a report for President Poppy Bush on the Exxon Valdez spill completed under Reilly and then-Transportation Secretary Samuel Skinner’s guidance two months after the spill (that’s a picture of Reilly at the cleanup site—the picture above is Reilly at the Kuwait oil fires during Poppy Bush’s Saddam war). I expect he’ll write something similar for Obama’s commission six months from now.

▪ **Preparedness must be strengthened.** Exxon was not prepared for a spill of this magnitude—nor were Alyeska, the State of Alaska, or the federal government. It is clear that the planning for and response to the *Exxon Valdez* incident was unequal to the task. Contingency planning in the future needs to incorporate realistic worst-case scenarios and to include adequate equipment and personnel to handle major spills. Adequate training in the techniques

and limitations of oil spill removal is critical to the success of contingency planning. Organizational responsibilities must be clear, and personnel must be knowledgeable about their roles. Realistic exercises that fully test the response system must be undertaken regularly. The National Response Team is conducting a study of the adequacy of oil spill contingency plans throughout the country under the leadership of the Coast Guard.

- **Response capabilities must be enhanced to reduce environmental risk.** Oil spills—even small ones—are difficult to clean up. Oil recovery rates are low. Both public and private research are needed to improve cleanup technology. Research should focus on mechanical, chemical, and biological means of combating oil spills. Decision-making processes for determining what technology to use should be streamlined, and strategies for the protection of natural resources need to be rethought.

- **Some oil spills may be inevitable.** Oil is a vital resource that is inherently dangerous to use and transport. We therefore must balance environmental risks with the nation's energy requirements. The nation must recognize that there is no fail-safe prevention, preparedness, or response system. Technology and human organization can reduce the chance of accidents and mitigate their effects, but may not stop them from happening. This awareness makes it imperative that we work harder to establish environmental safeguards that reduce the risks associated with oil production and transportation. The infrequency of major oil spills in recent years contributed to the complacency that exacerbated the effect of the *Exxon Valdez* spill.
- **Legislation on liability and compensation is needed.** The *Exxon Valdez* incident has highlighted many problems associated with liability and compensation when an oil spill occurs. Comprehensive

U.S. oil spill liability and compensation legislation is necessary as soon as possible to address these concerns.

- **The United States should ratify the International Maritime Organization (IMO) 1984 Protocols.** Domestic legislation on compensation and liability is needed to implement two IMO protocols related to compensation and liability. The United States should ratify the 1984 Protocols to the 1969 Civil Liability and the 1971 Fund Conventions. Expeditious ratification is essential to ensure international agreement on responsibilities associated with oil spills around the world.
- **Federal planning for oil spills must be improved.** The National Contingency Plan (NCP) has helped to minimize environmental harm and health impacts from accidents. The NCP should, however, continue to be reviewed and improved in order to ensure that it activates the most effective response structure for releases or spills,

particularly of great magnitude. Moreover, to the assure expeditious and well-coordinated response actions, it is critical that top officials—local, state, and federal—fully understand and be prepared to implement the contingency plans that are in place.

- **Prevention is the first line of defense.** Avoidance of accidents remains the best way to assure the quality and health of our environment. We must continue to take steps to minimize the probability of oil spills.
- **Studies of the long-term environmental and health effects must be undertaken expeditiously and carefully.** Broad gauge and carefully structured environmental recovery efforts, including damage assessments, are critical to assure the eventual full restoration of Prince William Sound and other affected areas. [underline emphasis mine]

Again, I include this not because I think Reilly is a bad choice: Obama seems to have found one of the rare remaining Republicans who cares about the environment.

I raise it to point how little progress we've

made since the last unimaginable petroleum catastrophe. Do we really think the lessons that will come out of Obama's commission will be any different? Reilly told us 21 years ago we've got to have worst-case planning in place; yet BP grossly underestimated the potential worse case here (probably by design, given the environmental regulations involved). 21 years ago, Reilly told us we need to improve clean up technologies, yet we're still relying on the same kind of booms used in the Santa Barbara spill 40 years ago. We've twice failed already (Thanks Murkowski! Thanks Inhofe!) trying to fix the existing liability and compensation law to account for this kind of disaster—precisely the liability and compensation scheme put into place in response to the Valdez. And we're still talking a good game about prevention, but not putting the regulatory regime into place to make sure prevention happens.

In any case, Reilly will probably conclude the same thing he did the last time he advised a President about lessons learned in response to an oil disaster: "Some oil spills may be inevitable. Oil is a vital resource that is inherently dangerous to use and transport. We therefore must balance environmental risks with the nation's energy requirements." 21 years, and we never learned any of the lessons about prevention and clean-up technology. What makes anyone think we will do so in the next 21 years?