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WHAT COMES AFTER: THE *EXXON VALDEZ* OIL SPILL

Charlie Borah
WHAT COMES AFTER: THE EXXON VALDEZ OIL SPILL

In the early morning hours of March 24, 1989, the supertanker Exxon Valdez ran aground on Alaska’s Bligh Reef, gashing a hole in the supertanker that eventually dumped 10.8 million gallons of crude oil into Prince William Sound. The Exxon Valdez was carrying 53 million gallons of oil drilled from the fields of Prudhoe Bay, Alaska, in the North Slope Borough. The oil had been moved to the port city of Valdez via the decade old Trans-Alaska Pipeline, which spans 800 miles north to south and was en route to Long Beach, California. The spill was the largest oil spill in American history until the 2010 Deepwater Horizon spill in the Gulf of Mexico. The massive Exxon Valdez was just over two years old at the time of the spill, coming in at a whopping 301 meters long, 51 meters wide, and 26 meters deep with the ability to transport more than 62 million gallons of oil at a time.

The Exxon Valdez oil spill was preceded by centuries of industrialization and quests for the cheapest sources of energy available. To understand the history of oil and the world’s fight to get their hands on it, reference Daniel Yergin’s The Prize: The Epic Quest for Oil, Money & Power. For a scientific and economic perspective on the Exxon Valdez oil spill, John Keeble’s Out of the Channel: The Exxon Valdez Oil Spill in Prince William Sound is a truly indispensable
resource, and for a more personal look at the disaster one would be remiss to not consult Angela Day’s *Red Light to Starboard: Recalling the Exxon Valdez Disaster*. Art Davidson provides a thorough look at the spill in his book, *In the Wake of the Exxon Valdez: The Devastating Impact of the Alaska Oil Spill*. For more personal accounts of the spill, reference Stan Jones’ *The Spill: Personal Stories from the Exxon Valdez Disaster* and Riki Ott’s *Not One Drop: Betrayal and Courage in the Wake of the Exxon Valdez Oil Spill*. These books will provide the context of the spill, as well as wide ranging information on the response to the spill, as well as its impacts on Alaskans and the United States as a whole.

Though there was judicial and legislative action taken as a result of the *Exxon Valdez* oil spill, it was too narrow in scope to prevent future oil spills from happening and only prevented an exact repeat of the *Exxon Valdez* oil spill. The spill fouled Alaskan waters and destroyed a way of life for many Alaskan people, as well as providing a very real wake up call to those not aware of just how much oil was being pumped, transported, and used.

A study by researchers from Northwestern University and University of Wisconsin, Madison found that the nonstop media coverage that typically follows disasters such as the *Exxon Valdez* spill serve only to calm fears about the impact of the spill and do not catalyze action to create change. Writing about the *Exxon Valdez* and *Deepwater Horizon* oil spills, authors Ashlee Humpreys and Craig Thompson wrote that “We found that the national news

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media coverage of these two events helped to resolve many of the cultural anxieties that resulted, explaining what many environmental activists have labeled ‘oil spill amnesia.’”² In a summary of the study, Mary-Ann Twist wrote that:

The authors identified four distinct narratives in the news coverage that create what they term the disaster myth, or the act of directing consumer attention toward the company responsible for the disaster, and then providing a dramatic closure to the crisis. The narratives include: segregation (separating oil from nature), exception (the disaster was unforeseeable), punishment (how the responsible company is penalized), and restoration (describing how the damage will be undone).³

This exact phenomenon occurred after the Exxon Valdez oil spill, with the spill hitting the front page of the New York Times as soon as possible after the spill.⁴ Even though the spill happened at nearly three o’clock AM Eastern Time on March 25, the New York Times managed to run a story on the spill in its late edition that same day. Much ado was made about the removal of oil, from Saturday Night Live skits to Congressional hearings. The crash on Bligh Reef was framed as unavoidable, caused by America’s obsession with finding and utilizing as much oil as possible. The captain, Joseph Hazelwood, and his company, ExxonMobil, were brought to court in both criminal and civil cases. Finally, Congressional hearings were held and news laws were demanded in response to the spill, fulfilling all four tenets of oil spill response that Humphreys and Thompson concluded do not lead to meaningful change.

The response to the spill was a mixed bag, above average in some regards, such as the immediate response from ExxonMobil, and subpar in terms of communications and effective containment of the spill. ExxonMobil had been lauded in the weeks before the Exxon Valdez spill for their response to the Exxon Houston, which spilled oil off the coast of Hawaii and dumped hundreds of thousands of gallons into the Pacific, threatening the coast of Oahu. This spill paled in comparison to the Valdez. Frank Iarossi, the president of the Exxon Shipping Corporation was on his way to Alaska within hours of the spill and flew directly over the spill where he learned that in the first twelve hours since running aground the Valdez had spilled two hundred and fifty times more oil than had been spilled in Hawaii. Iarossi was a graduate of the Coast Guard Academy and had served for a decade and received master’s degrees in naval architecture and mechanical engineering in that time. Under Iarossi’s watch no major spills had occurred and Exxon’s eighteen tugs and nineteen tankers had mostly performed as desired.

Within days, ExxonMobil had accepted responsibility for the spill and promised to facilitate the cleanup. The New York Times reported that despite Exxon’s promise to accept full financial responsibility, Congress had previously established a fund to pay for damages from oil spills. The Trans-Alaska Authorization Act of 1973 permitted the construction of the Trans-Alaska Pipeline and established how any oil spills were to be paid for. Through a 5 cents per barrel fee on oil producers, Congress had created a fund to pay for $86 million worth of damages after the contribution of $14 million from the responsible party. The Trans-Alaska Authorization Act of 1973 also limited oil shippers’ responsibility to only $100 million.5

Blame for the *Exxon Valdez* spill was quickly assigned to Captain Joseph Hazelwood. Hazelwood had not been on deck at the time of the crash, and was reportedly drinking heavily, even though the *Valdez* was officially a dry ship. Just four days after the spill, the New York Times ran an article entitled “Captain Has History of Drinking and Driving.” Hazełwood was asleep in his bunk when the tanker ran aground on the Bligh Reef, despite the official Exxon manual stating that the captain must be on duty and on the bridge “whenever conditions present a potential threat to the vessel such as a passing in the vicinity of shoals, rocks, or other hazards presenting any threat to safe navigation.” The last communication before the spill was when Hazelwood requested permission from the Coast Guard to change lanes. The Coast Guard officer on duty allowed it and then vacated his desk and chatted with the officer set to relieve him at midnight. It was not until after the crash that Hazelwood, possibly slurring his words, radioed the Coast Guard and let them know exactly what had happened.

Despite the widely circulated rumors of Hazelwood’s inebriation, there was no concrete evidence of him being too drunk to operate the ship. A test ten hours after the grounding placed him at a blood alcohol content of 0.061 percent, slightly more than half of Alaska’s drunk driving limit of 0.1 percent. The Coast Guard had a limit of a 0.04 percent blood alcohol content, which Hazelwood’s purported 0.061 percent blood alcohol content exceeded. A toxicologist at Hazelwood’s eventual trial used a hotly contested method of retrograde extrapolation to posit that his blood alcohol content at the time of the grounding was 0.22 percent. This is seemingly implausible however, since a blood alcohol content that high

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typically kills the drinker. Hazelwood admitted to drinking two Moussy beers, a very low alcohol beer that was permitted on the Exxon Valdez. Two Moussy beers could not have produced a blood alcohol content of 0.061 percent, leaving exactly how intoxicated Hazelwood was up in the air permanently. The Coast Guard officer in charge of searching Hazelwood’s quarters admitted it was brief and less than thorough. Hazelwood received some praise for his maneuvering of the Valdez after the grounding.

This was not Hazelwood’s first incident involving drinking and the law. He had been arrested in 1984 for drunk driving on Long Island and subsequently enrolled in a rehabilitation program. Court records show that before his arrest for drunk driving he was questioned by police officers at his home where he “had a strong odor of alcoholic beverage on his breath, he was unsteady of his feet, and his speech was slurred.” Exxon handled Hazelwood’s arrest internally, suspending him for 90 days. Exxon records show that Hazelwood was an episodic and excessive drinker, resulting in “familial and vocational dysfunction” including pushing his two decade long marriage to the brink of divorce. Though sailors are not typically known as the most well behaved bunch, Hazelwood earned a reputation as the most rowdy of them, drinking heavily since his high school days and having little sense of when to stop.

Hazelwood and the entire cleanup of the spill were skewered by the public. Just three weeks after the spill, Saturday Night Live’s cold open satirized the cleanup efforts. A cleanup worker on the beach asks his supervisor “where do we put the otters,” to which his supervisor responds, “You know the procedure… There are four otter piles: oily dead otters, clean dead

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8 “Captain”
otters, oily live otters, and clean live otters. Got it?” Later in the sketch, the supervisor looks down at a patch of clean sand with oily footprints in it and exclaims, “Alright, who tracked oil through our clean patch?” A man in black behind the supervisor sheepishly raises his hand, and the other cleanup workers all rat him out, declaring “Hazelwood!” The supervisor continues, “Captain Hazelwood, you’re on pretty thin ice already,” eliciting a hearty laugh from the crowd. Saturday Night Live’s version of Captain Hazelwood explains, “Gosh I’m sorry sir, guess I did it again!” before taking a prolonged swig from a flask and announcing, “Live from New York, it’s Saturday Night!”

Months after the spill, Captain Hazelwood was on a flight from Anchorage to Seattle when he was heckled by passengers who took videos and pictures of him, and he was called “a real jerk” by one passenger.

Alaska was destined to become an oil haven. Throughout the 20th century oil had turned the wheels of world progress and domination, with Exxon being an offshoot of the notorious Rockefeller Standard Oil Trust. The 1928 Redline Agreement distributed the dissolving Ottoman Empire’s oil holdings amongst European countries and America. America’s conquest for oil continued with the Suez War and was briefly pushed back by the formation of the Organization of Petroleum Exporting Countries, which sought to turn the world order on its head and give economic power to oil rich countries such as Angola, Mexico, and various Middle Eastern states. As the Middle East became more volatile, oil companies could no longer straddle the line of national loyalties and thus began offshore exploration throughout the globe. When oil

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popped up in the frigid North Slope, Alaska’s fate was sealed as an oil first, everything else
second state.

Governor Steve Cowper knew this. Alaska’s government was eighty five percent funded by royalties from the oil industry. Alaskans paid no sales tax, no income tax, and were paid out annually from a “permanent fund” solely for living in the state. Cowper consulted with Dan Lawn, an environmental engineer who worked on the design and construction of the Valdez Marine Terminal before joining the Alaska Department of Environmental Conservation to work as a regulator. Lawn told Cowper that oil companies had not fulfilled their side of the deal with the State of Alaska and that state authorities had been too timid to shut down the pipeline or level sanctions if oil companies did not comply. Theoretically, Lawn had a point, but in practice that was suicide for anyone at the state office that wanted a political future.

Cowper was forced to do damage control, and in a press conference at the Valdez Civic Center stated that:

We don’t want anybody to think they have to hire a lawyer and go into federal court and sue the largest corporation in America. We want to put a system together that will allow you who are suffering damages—the fishermen and other people in this area—to bring to us a fairly simple set of proof of whatever you lose and we want you to be paid quickly and expeditiously.  

That promise fell short, as many fishermen never received a penny of compensation after the spill.

Prince William Sound is just east of Anchorage, a body of water full of narrow channels and straits created by the many rocky islands throughout its waters. In 1962, a massive 9.2 magnitude earthquake shook the Sound, destroying towns such as Valdez and Chenega. These

12 Day, 71.
towns were later rebuilt at higher, safer elevations. The many islands of the Sound are irregular and their coastlines jut in and out, with cliffs, rocky beaches, and coarse sand taking turns as the coastline. Knight Island’s rocky, jagged coastline has been carved by the rapid tides of the Sound and at one point in the middle of the island is less than a mile wide. Just a mile south of the point Knight Island is nearly nine miles across. The cold, clear waters of Prince William Sound lend themselves well to the abundance of life that proliferates in its waters and islands. Beneath the surface live various crustaceans, mollusks, fish, and aquatic mammals. Orcas and porpoises play in the deeper waters and dozens of animals live on the shore, including bears, wolverines, and sea and river otters. Massive glaciers calve and drop icebergs into the water, creating thunderous noise. On the night of the spill, reports of ice floating into the shipping channels delayed the Valdez by an hour. All of these plants, animals, natural areas were soon to be coated by the thick, black oil silently sliding through the water.

The animals that live in the water and on the islands of Prince William Sound were devastated by the oil spill. Richard Newman, whose work documenting the oil spill earned a spot in the White House’s photo archives, described seeing a blacktailed deer trapped in the oil and a sea otter with its eyes scratched out, saying, “It tore up its own face. It scratched out its eyes because of the hydrocarbons. It died with its paws folded on its chest, where they stopped from the scratching. Another otter had chewed off a paw. There was a starfish, still alive, but half-eaten through by the crude.” Just days after the spill 16,000 dead birds had been recovered in addition to 700 otters, plus thousands of other animals spotted dead on the beaches throughout the Sound. It quickly became obvious that an accurate and complete count of the

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13 Keeble, 74
14 Keeble, 167
dead animals was impossible, as some animals sank and many aquatic animals died underwater, never to resurface. Dead animals floating in the oil slick were often imperceptible and appeared to just be a small, dark, round bump in the oil.

In the days after the grounding of the Valdez, two priorities came to the forefront. First, lightering, which is the removal of the oil still in the tanks, needed to occur. Second was cleaning up and containing the spill. Lightering was clearly the responsibility of Exxon and less than two weeks after the grounding Iarossi ordered the Valdez to be towed off of Bligh Reef and to Outside Bay, southwest of the reef and by Naked Island. The technical challenges were handled remarkably well by Exxon, as they were able to repair the ship and divert the Exxon Baton Rouge to come from the Port of Valdez. The lightering operation came to use two tankers and four tugs but was successful in removing the oil from the Valdez and avoiding capsizing the ship as its distribution of weight shifted and changed.

How to clean the spill and who should clean it was a much trickier problem. Four days after the grounding the oil occupied eighteen square miles and the four entities involved—the Coast Guard, state of Alaska, Alyeska, and Exxon—all disagreed on who should be responsible for the cleanup. The Alaskan government believed Alyeska was responsible for immediate action, as the state believed that Alyeska’s plan promised a response within two to five hours and the ultimate removal of fifty percent of the spilled oil. This, of course, did not happen as Alyeska took over fifteen hours to arrive on the scene, and when they did they were inadequately prepared. Alyeska’s spill containment equipment had been shoved into corners of storage facilities and buried under snow and in the first day following the spill no booms were on site. A paltry two skimmers were in operation, but those skimmers had nowhere to offload the oil they
collected. In the following, days Alyeska was similarly useless and ignored offers of help from fishermen in nearby Alaskan villages. Alyeska’s plan was to remove 100,000 barrels of oil from the Sound by the third day. They had barely recovered three percent of that. Furthermore, their goal of removing fifty percent was completely unreasonable, four to five times as much as the industry standard from other large spills and double the maximum under ideal conditions posited by experts. Iarossi believed that Alyeska’s ability to handle the spill was suspect and had arranged for the slick to be sprayed with dispersant. This plan ran into countless issues, including the fact that Iarossi did not have permission to spray as well as the fact that there was not enough dispersant or planes in Alaska to undertake Iarossi’s plan.

Dispersants were a quick, Band-Aid type fix to oil spills. Basically, dispersants break up the cohesiveness of the oil, breaking it into small droplets instead of the nasty slicks. These droplets then have an increased surface area, allowing the process of decomposition and bacterial consumption to occur faster than sans dispersant. These droplets then sink in the water, and therein lies the main attraction. Dispersants do not clean the water in the way that booms and skimmers do, but they make the surface look cleaner, and Exxon’s public relations suffered massively due to the pictures of animals coated in oil and the shiny black oil sitting on top of the water.

In the weeks and months that followed, the federal government drummed up responses and reactions to the spill. At the Department of Fish and Wildlife, an otter population study was wounded by the spill as the department struggled through bureaucratic bottlenecks to survey the otters of the Sound, as Prince William Sound was home to the most genetic diversity of otters anywhere in the world. Also halted, at least for the time being, was legislation with plans to
allow limited oil drilling in the Arctic National Wildlife Refuge. It had passed committee in the Senate and was expected to be supported by Congress. President George Herbert Walker Bush continued to support and advocate for the bill, but few in Congress were now willing to stick their neck out. The United States government passed the Oil Pollution Act of 1990 in response to the spill. The act sought to avoid more oil spills by creating parameters for timely removal of oil and assigning liability for the cost of cleanup and damages. As a result of the Oil Pollution Act, mariners were required to have a “Certificate of Financial Responsibility” which ensured they were able and willing to pay for any costs incurred in the case of an oil spill. Also required was for companies to ship oil in double hulled ships, though many companies, including Exxon and Texaco, put off the implementation of double hulled ships. The Oil Pollution Act also led to the withdrawal of several proposals for increased oil exploration throughout American lands and waters.

In Alaska, Governor Cowper made small changes. He required that two tugboats escort every tanker through Prince William Sound from Valdez. In the 1990s the tugboats were replaced with a single Escort Response Vehicle, responsible for monitoring and escorting the tankers on their journey through the Sound.

Economically the spill had wide ranging impacts. The Chugach Alaska Corporation, one of thirteen Alaska Native Corporations created by Congress to administer Alaskan lands, filed for Chapter 11 bankruptcy after a massive die off of clams, herrings, and seals, through the corporation eventually recovered. Recreational sport fishing, commercial fishing, and tourism all took hits. Furthermore, many people involved in the cleanup reportedly suffered chronic illnesses as a result of their constant exposure to oil and its fumes. An Anchorage lawyer found
these claims to be mostly true, though Exxon countered that “there is no evidence suggesting that either cleanup workers or the residents of the communities affected by the Valdez spill have had any adverse health effects as a result of the spill or its cleanup.”

The spill triggered a litany of lawsuits against ExxonMobil, some of which lasted into the 21st century. In 2008, the Alaska Supreme Court’s final ruling on punitive damages in the wake of the spill was that ExxonMobil had to pay $500 million to the thousands of fishermen and others involved in the class action suit. An original ruling by a lower court had granted $2.5 billion dollars, but the Supreme Court overturned that. The Supreme Court’s ruling granted approximately $15,000 to those in the class action suit, which lawyer David Frederick referred to as “a pittance.” The court cases were endlessly complex. In the case of Chenega Corp. v. Exxon Corp. Justice Bryner wrote that a lower court had awarded various native Alaskan corporations almost $6 million dollars. This had been prompted by the corporations filing suit after the spill, claiming damage to their real estate as well as intangibles such as archaeological sites and artifacts. The Oil Pollution Act of 1990 granted Alaskan native corporations the right to seek reparations for damages caused by the spill on land that the tribes claimed but had not been granted to them by the Alaska Native Claims Settlement Act. The corporations in the meantime received payments from the Trans–Alaska Pipeline Liability Fund and a settlement with Alyeska, resulting in the jury deciding that Exxon need not pay the corporations, resulting in the corporations appealing. The Supreme Court affirmed the ruling, resulting that Exxon did not owe the Chenega Corporation any money after the case.

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15 “Critics call Valdez cleanup a warning for Gulf workers,” CNN, (July 8, 2010)
16 Langfitt, Frank, “Supreme Court Cuts Exxon Valdez Oil Spill Damages.” National Public Radio, (June 2008)
17 Chenega Corp. v. Exxon Corp., Supreme Court of Alaska. (November 22, 1999)
Court cases did not just involve the physical damages of the spill. In the case of Kodiak Island Borough v. Exxon Corp., the Kodiak Island Borough, with the City of Seward, City of Cordova, City of Old Harbor, City of Ouzinkie, City of Port Lions, and the City of Larsen Bay sued Exxon for costs related to the municipal services that had been diverted during the management of the spill. Exxon had used many public buildings as centers for the cleanup efforts and extra police, fire, and medical personnel were required. In the State of Alaska’s penal code, AS 46.03.822(a) established that the owner of a hazardous substance that is accidentally released is responsible for the containment costs incurred by any cities that handle the efforts. A lower court had found that Exxon was not liable for those costs, and the Alaska Supreme Court reversed the ruling, assigning complete responsibility to Exxon.¹⁸

The public was outraged by the oil spill, especially those closest to it. Captain Joseph Hazelwood’s trial was held in Anchorage, despite his defense’s claims that it was impossible to have a fair and impartial jury there. Said Anchorage Superior Court Judge Karl Johnstone, “If Oliver North can get a fair trial, I’m sure Captain Hazelwood can get a fair trial, too,” proving that even a judge was not immune to bias as he compared Hazelwood to a man who aided in the sale of weapons to Iran during the Reagan administration.¹⁹ The prosecutors had agreed earlier that it was unreasonable to hold the trial in Valdez, and the defense had lobbied to hold the trial in Fairbanks, in Interior Alaska. During the trial, Hazelwood’s sobriety onboard the Exxon Valdez was yet again called into question. The tanker’s pilot, William Murphy, testified that Hazelwood was not impaired in any way. Murphy also testified that “the captain’s speech had

¹⁸ Kodiak Island Borough v. Exxon Corp., Supreme Court of Alaska. (November 22, 1999)
not been slurred,” and “responded negatively when asked if the captain’s movements had
changed, if his eyes had been watery and if he had undergone a mood change from that
afternoon.” Hazelwood was later cleared of the felony charge against him, second-degree
criminal mischief, as well as operating a vessel while intoxicated and reckless endangerment,
both misdemeanors. He was convicted of a misdemeanor charge of negligent discharge of oil.
Despite earlier worries of an unfair trial, Hazelwood had no such issues, as one juror, Jeff Sage,
shook his hand after the trial and told him “I’m glad to see justice was done, Mr. Hazelwood.”
He was sentenced to 1,000 hours of community service and fined $50,000.

The United States government was also very invested in the oil spill, as it pitted the
country’s capitalistic ideals against its appreciation and protection of natural beauty. The House
of Representatives held a hearing on the effect of the oil spill on Prince William Sound. The
hearing included testimony from many powerful and knowledgeable people, including the
Secretary of Commerce, the Regional Forester of the United States Department of Agriculture, a
representative from the Department of the Interior, the President of the Alyeska Pipeline Service
Company, and many others. Alaska’s sole representative in the House of Representatives, Don
Young, testified before the committee. He stated that money should be invested to help Alaskan
communities recover from the oil spill and also to manage other tanks of oil that sat in Alaska
and were liable to spill into the Sound. However, in his prepared statement Representative

22 U.S. House of Representatives, Committee on Merchant Marine and Fisheries, The Ecological
Changes in Prince William Sound after the Exxon Valdez Oil Spill and the Use of Fines
Imposed: Hearing before the Committee on Merchant Marine and Fisheries. 103rd Cong., 1st
Sess., (March 24, 1993)
Young downplayed the effects of the spill, saying that “not a single life was lost during the accident,” “the herring and salmon have returned,” and that “the otter population in my State is as large as ever.”

Representative Young complimented the chairman of the Committee on Merchant Marine and Fisheries on having a bipartisan committee, yet partisanship revealed itself in the statement of Representative Elizabeth Furse of Oregon. While Representative Young, a Republican, had stated that the populations of Alaskan animals had been restored to their pre-spill numbers in just four years, Representative Furse, a Democrat, said that she was “interested in learning how funds are being spent to restore each of the various damaged resources, including marine mammals, fish, and seabirds.”

Curt Weldon, a representative from Pennsylvania, had close knowledge of the oil spill, as he had visited the site shortly after the spill occurred. He stated in a prepared statement that “while efforts have been made to improve response procedures in the event of another oil spill, one has to wonder if they are adequate enough.”

Admiral John William Kime, Commandant of the United States Coast Guard, testified that enacting the Oil Pollution Act of 1990 represented a significant portion of the Coast Guard’s work in 1993. He lauded the Oil Pollution Act for establishing the National Pollution Funds Center, which handled claims stemming from oil spills. The National Pollution Funds Center also provided money up front to states so that they could get ahead of oil spills and not have to wait on funding before beginning clean up efforts. He also announced that the Coast Guard had

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23 *The Ecological Changes*, 16
24 *The Ecological Changes*, 15
25 *The Ecological Changes*, 16
26 *The Ecological Changes*, 17
established an Atlantic “strike team” in order to be able to respond quickly to any oil spill, giving the Coast Guard a total of three “strike teams.” The Coast Guard also established worldwide dates to phase out single hulled ships and replace them with double hulled ships, which were less susceptible to oil spills. The Coast Guard also completed a Port-Needs Study on 23 different ports and appropriated funds during the 1993 Coast Guard Appropriations Subcommittee meetings, which were put to use renovating ports.

The Oil Pollution Act of 1990 was in direct response to the Exxon Valdez oil spill and it was supported by nearly all of Congress, as it had passed the Senate 99-0. The Oil Pollution Act of 1990 strengthened the Environmental Protection Agency’s ability to respond to oil spills, in part by taxing oil to establish a fund that funded cleanups when the responsible party was not able to pay for it. The Environmental Protection Agency also required detailed plans for their response to an oil spill in the event that one did occur. The Environmental Protection Agency also published guidelines for the above ground storage of oil, while the Coast Guard published guidelines for the storage of oil in oil tankers. One negative impact of the Oil Pollution Act of 1990 was that it disincentivized upgrading to higher quality ships for oil companies. As owners were held completely liable for oil spills, it did not make financial sense to upgrade as double hulled ships cost much more to maintain and operate. The scope of the act was fairly narrow, as it focused mainly on the Exxon Valdez without an eye to any other potential spills. In fact, a large amount of the act was spent preventing a repeat of the Exxon Valdez spill, especially in Title V, “Prince William Sound Provisions.”

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28 United States Congress. Senate and House of Representatives. Oil Pollution Act of 1990
Title V established that “The Secretary of Commerce shall provide for the establishment of a Prince William Sound Oil Spill Recovery Institute (hereinafter in this section referred to as the “Institute”) through the Prince William Sound Science and Technology Institute located in Cordova, Alaska.” The Institute was established in order identify and develop techniques to handle the cleanup and containment of oil spills in arctic and subarctic climes, as well as to study the impact the Exxon Valdez oil spill had on Prince William Sound and surrounding communities. Also provided for in the Oil Pollution Act of 1990 was the creation of the Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Act of 1990, which was created to involve citizens in the oversight of oil tankers and terminals, as well as to assure the upkeep of those. However, the Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Act of 1990 granted little power, as Section 5002(b)(2) established that “the function of these Programs shall be advisory only” and was limited to just the State of Alaska.

The Oil Pollution Act of 1990 was very unpopular with oil companies, which President George H.W. Bush acknowledged when he signed it into law. The oil industry complained that the Oil Pollution Act of 1990 was an impediment to free trade in American water due to its restrictions on international trade, but also the imposition of liability statutes. Some in the oil industry even threatened to boycott American ports if the Oil Pollution Act of 1990 was implemented, but those threats turned out to be empty after President Bush signed it into law on August 18, 1990. The enactment of the Oil Pollution Act led to a small drop in oil traffic into American ports, but nothing substantial. One positive aspect of the Oil Pollution Act of 1990 was that a consortium of oil shipping companies united to form the Marine Spill Response

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29 United States Congress. Senate and House of Representatives. *Oil Pollution Act of 1990*, 45
30 United States Congress. Senate and House of Representatives. *Oil Pollution Act of 1990*, 49
Corporation, a corporation dedicated to designing response plans to oil spills, as well as planning the remediation that the Oil Pollution Act of 1990 required after oil spills.

There is no neat and tidy conclusion to the story of the *Exxon Valdez* oil spill where the Alaskans are showered with money by ExxonMobil and all the otters are lovingly scrubbed clean of oil. Much of the oil remained in Prince William Sound, stuck underneath rocks, on beaches, and in countless other impossible to clean places. Frank Iarossi resigned shortly after the spill and slunk off to a life of anonymity. Captain Joseph Hazelwood returned to work after his trial ended, captaining boats very similar to the one he had allowed to crash in Prince William Sound’s blue waters. Alaskans were forced to reckon with the damage of the spill on their own as lawsuits spent decades in court. Many Alaskans were never compensated. Out of the spill came cries for change that in large part were not answered adequately. The United States government enacted the Oil Pollution Act of 1990, a narrow bill that did little to deal with the United States’ obsessive need for oil. Decades after the *Exxon Valdez* oil spill, the *Deepwater Horizon*, an offshore drilling rig, spewed oil in the Gulf of Mexico, overtaking the *Exxon Valdez* as the worst oil spill in American history in terms of total barrels spilled. Clearly, the response to the *Exxon Valdez* oil spill was not enough.
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