

Gulf of Mexico disaster is an error not an accident

Birds I View

Bill Montevecchi



December 4, 2004 - St. Brides - one of the hundreds of oiled seabirds that came ashore soon after the Terra Nova spill in late November.
(photo: Carol Ann Coffey)

The long and potentially lasting reach of the Deepwater Horizon oil blowout in the Gulf of Mexico struck me vividly when the first image of an oiled bird was a gannet from eastern Canada. As the oil continues to gush into the Gulf of Mexico, there is a critical need to investigate the causes of the disaster to determine what preventative measures might be taken with respect to ongoing offshore oil production and drilling activity in our province.

Misperceptions

Owing to our terrestrial lifestyle, there is general misperception that the environmental impacts of oil are only of concern when they hit the shores. What we don't see does not bother us nearly as much as what we experience firsthand.

Indeed when there are spills offshore, the first information about oiled birds is usually that there are none. Yet in fact these statements are made in the absence of adequate evidence and more critically an inadequate search for evidence.

So the complacency that out-of sight – out-of mind attitudes can generate must be challenged if we are going to get serious about environmental protection.

Misinformation

Perhaps the greatest misinformation about the oil blow out in the Gulf of Mexico is that it was accident. It was not. It was an engineering error.

There is only one time when a blowout preventer is supposed to work. That is, when there is a blowout. The blowout preventer failed. Subsequently, the secondary backup system employing a remotely operated vehicle also failed. Engineering failures are not accidents.

It is precisely because there will always be a high level of uncertainty in these complex engineering systems that precautionary systems with exacting tolerances are needed. Without these, there can be little credibility given to the industry and governmental assurances, such as those given by British Petroleum with respect to the operation and risks associated with the Deepwater Horizon drill-rig in the Gulf of Mexico.

Prime Minister Harper, Premier Williams, Minister Dunderdale and the Canada Newfoundland Labrador Offshore Petroleum Board (CNLOPB) have given the go-head for the drilling of deepest offshore well in Canadian history. The drill site at the Orphan Basin is a kilometer deeper than that of the gushing Deepwater Horizon. The Orphan Basin site is located 430 km northeast of Newfoundland in the frigid waters of iceberg alley in the stormy North Atlantic, a sharp contrast to the warm and comparatively benign waters of the Gulf of Mexico.

On what basis, do these politicians make their assurances of low environmental risk and safety? Are their assurances any different from those offered for the drilling in the Gulf of Mexico? Why has President Obama put a moratorium on offshore drilling in the U.S. until there is a clear understanding of what went wrong at the Deepwater Horizon? Surely the pressure in the US is as great if not greater than that in Canada to develop offshore oil fields.

Now is a critical time, for a time out. We at least wait for an assessment of the causes of the gushing blowout in the Gulf. Why are Canada and Newfoundland charging ahead with business as usual? As Premier Williams has said before, the oil isn't going anywhere.

A failure of environmental regulation

From day 1, before Hibernia came into production, it has been clear that a protocol involving independent observers on oil platforms was a necessity. Credible assessment requires independent observers on platforms, not oil company observers with conflicted interests and limited mandates.

The unreliability of such self-reporting procedures was presented in a report for the Canadian Association of Petroleum Producers (CAPP) in 1999. They never acted on it.

In a 2004-05 report about offshore surveys for the Energy Board of Canada, inadequacies in environmental monitoring programs were emphasized. Again, the need for independent rather than industry observers in the oil patch was recommended.

During the research for this report, my research associate surveyed seabirds from support vessels that traveled to and from the offshore platforms. She reported oiled birds and oil on the water at the Hibernia platform. She also received correspondences from ranking vessel personnel. Here is a sample. "Frankly, there has been more than just a few incidents when oily seabirds perch on standby boats at the Hibernia platform. This concerns me, and many others, but we are really not at liberty to raise much of a ruckus about it because of job security issues. ... Some "spin doctor" in the Hibernia organization insists that the only birds that have been found out here are one or two which were contaminated by the bilge water or oily ballast water of passing ships. This is nothing but B.S. ... many mariners share the concerns of oil pollution. Personally, I am upset that the oil producers on the Grand Banks seem to be able to ignore their polluting activities while professing to be taking constant care to prevent such occurrences."

Also during the course of this research, I sent emails on 7 March 2002, 23 April 2002 and 4 March 2003 detailing environmental concerns to the Manager of Environmental Affairs of the Canada Newfoundland Offshore Petroleum Board. These emails went unanswered. No effective action was taken with respect to any of these communications.

When our report was submitted, it was poorly received by oil company environmental consultants. The CNOPB Manager of Environment Affairs made numerous extraordinary requests to remove email documentations of concerns and requests for corrective actions from the report. They were not removed and the concerns were highlighted in the final report.

It is useful to note that the reports prepared for CAPP and for the Energy Board of Canada were submitted well before the Terra Nova spill of 2004 that was inadequately responded to by regulatory agencies and the Sea Rose oil spill of 2008 that was not responded to at all.

Assessing the case

As a member of the Coast Guard (later Transport Canada) Regional Advisory Committee (RAC) on Preparedness for Large Oil Spills, it was clear that the surveillance flights over the Hibernia platform were detecting slicks on the water. The Hibernia response was that this was not oil but rather drilling fluids or produced water. Surveillance flights were shifted from a search for oil slicks to a search for oil slicks in shipping lanes with little attention to slicks at offshore platforms.

Why would an environmental regulator approve of or accept such a shift in surveillance?

This contention is open to validation or refutation. For the sake of resolution, transparency and accountability, the CNLOPB should compile and release the data on surveillance flights in eastern Canada on an annual basis between 1999 and 2010, showing the number of flights, the numbers of those that flew over platforms, and the number of detections and locations of slicks.

This information is essential for a comprehensive evaluation of the regulatory activities of the CNLOPB. It is critical that these data be analyzed in an independent review.

Fixing the problem

The structure of the CNLOPB is dominated by oil companies with a primary if not sole focus on development. As such, the CNLOPB is an inadequate and inappropriate regulatory body to protect the ocean environment in eastern Canada. There is urgent need for independence from the hydrocarbon industry as recommended by the Terra Nova Offshore Review Panel that was chaired by Leslie Harris and championed by Jon Lien.

We have been fortunate to have had Premier Williams so successfully challenge the Atlantic Accord Agreement to obtain appropriate revenues for Newfoundland and Labrador from the federal government. If only he had the same interest, commitment and determination for environmental issues, we could be so much better assured of more adequate protection of the marine environment.

When Premier Williams, Yvonne Jones and Lorraine Michael so rightly pointed out and agreed about the need for an independent assessment of offshore environmental protection and safety, there was opportunity to take a giant corrective step. Yet tellingly, the Premier appointed a hydrocarbon developer to do the independent review. By not at least balancing this appointment with an environmental scientist and a fisher, the Premier is dangerously reinforcing the problems at hand rather than acting to solve them.

Environmental protection and offshore safety

Lastly, because working offshore is indeed a very risky business for those who work there, I can only reaffirm that better environmental protection means better safety standards in the light of transparency and accountability. To accept the clouded and ineffective environmental regulations that currently exist is to accept a level of complacency that is truly life-threatening.

We know better. We have to act better.